



September 1995 Special Session

**ASSEMBLY AMENDMENT 20,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

September 27, 1995 – Offered by Representative WOOD.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 8: before that line insert:

3 **“SECTION 1b.** 5.58 (2) (b) of the statutes is amended to read:

4 5.58 (2) (b) The candidates for the offices shall be designated on the ballot
5 ballots as follows: “For State Superintendent”, “For Justice of the Supreme Court”,
6 “For Member of the (name of district) Professional Baseball Park District Board,
7 Seat Number”, “For Court of Appeals Judge”, “For Circuit Judge Br.”, and
8 others as the situation requires.

9 **SECTION 1c.** 5.58 (2s) of the statutes is created to read:

10 5.58 (2s) PROFESSIONAL BASEBALL PARK DISTRICT BOARD. When required, there
11 shall be a separate ballot for member of the professional baseball park district board
12 in each professional baseball park district. Arrangement of the names on the ballot
13 shall be determined by the elections board under s. 5.60. The ballot shall be titled
14 “Official Primary Ballot for (name of district) Professional Baseball Park District
15 Board”.

1 **SECTION 1d.** 5.58 (3) of the statutes is amended to read:

2 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent;
3 for any judicial office;₂ for any elected seat on a metropolitan sewerage commission
4 or town sanitary district commission;₂ for any elected seat on a professional baseball
5 park district board; in counties having a population of 500,000 or more only 2
6 candidates for member of the board of supervisors within each district;₂ in counties
7 having a population of less than 500,000 only 2 candidates for each member of the
8 county board of supervisors from each district or numbered seat or only 4 candidates
9 for each 2 members of the county board of supervisors from each district whenever
10 2 supervisors are elected to unnumbered seats from the same district;₂ in 1st class
11 cities only 2 candidates for any at-large seat and only 2 candidates from any election
12 district to be elected to the board of school directors;₂ in school districts electing school
13 board members to numbered seats, or pursuant to an apportionment plan or district
14 representation plan, only 2 school board candidates for each numbered seat or within
15 each district;₂ and twice as many candidates as are to be elected members of other
16 school boards or other elective officers receiving the highest number of votes at the
17 primary shall be nominees for the office at the spring election. Only their names
18 shall appear on the official spring ballot.

19 **SECTION 1e.** 5.60 (4s) of the statutes is created to read:

20 5.60 (4s) PROFESSIONAL BASEBALL PARK DISTRICT. There shall be a separate ballot
21 giving the names of the candidates for the professional baseball park district board
22 when so required. The elections board shall determine the official ballot
23 arrangement for professional baseball park district board candidates by using the
24 same method as that used under sub. (1) (b).

25 **SECTION 1f.** 7.60 (4) (a) and (5) of the statutes are amended to read:

1 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
2 showing the numbers of votes cast for the offices of president and vice president; state
3 officials; U.S. senators and representatives in congress; state legislators; justice;
4 court of appeals judge; members of the professional baseball park district boards;
5 circuit judges; district attorneys; municipal judges, if they are elected under s. 755.01
6 (4); and metropolitan sewerage commissioners, if the commissioners are elected
7 under s. 66.23 (11) (am). For partisan candidates, the statements shall include the
8 political party or principle designation, if any, next to the name of each candidate.
9 The board of canvassers shall also prepare a statement showing the results of any
10 county, technical college district or statewide referendum. Each statement shall
11 state the total number of votes cast in the county for each office; the names of all
12 persons for whom the votes were cast, as returned; the number of votes cast for each
13 person; and the number of votes cast for and against any question submitted at a
14 referendum. The board of canvassers shall use one copy of the statement to report
15 to the elections board or professional baseball park or technical college district board
16 and shall file the other statement in the office of the county clerk or board of election
17 commissioners.

18 (5) REPORTING. Immediately following the canvass the county clerk shall
19 deliver or send to the elections board, by 1st class mail, a certified copy of each
20 statement of the county board of canvassers for president and vice president; state
21 officials; senators and representatives in congress; state legislators; justice; court of
22 appeals judge; professional baseball park district board member; circuit judge;
23 district attorney; municipal judge, if elected under s. 755.01 (4); and metropolitan
24 sewerage commissioners commissioner, if the commissioners are elected under s.
25 66.23 (11) (am). The statement shall record the returns for each office or referendum

1 by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case
2 the statement shall record the returns for each group of combined wards. Following
3 primaries the county clerk shall enclose on blanks prescribed by the elections board
4 the names, party or principle designation, if any, and number of votes received by
5 each candidate recorded in the same manner. The county clerk shall deliver or
6 transmit the certified statement to the elections board no later than 7 days after each
7 primary and no later than 10 days after any other election. The board of canvassers
8 shall deliver or transmit a certified copy of each statement for any technical college
9 district referendum to the secretary of the technical college district board . If the
10 board of canvassers becomes aware of a material mistake in the canvass of an
11 election for state or national office or a statewide or technical college district
12 referendum prior to the close of business on the day the elections board receives
13 returns from the last county board of canvassers with respect to that canvass, the
14 board of canvassers may petition the elections board to reopen and correct the
15 canvass. The elections board shall direct the canvass to be reopened and corrected
16 if it determines that the public interest so requires. If the elections board directs the
17 canvass to be reopened, the board of canvassers shall reconvene and transmit a
18 certified corrected copy of the canvass statement to the elections board or secretary
19 of the professional baseball park or technical college district board.

20 **SECTION 1g.** 7.70 (3) (d) of the statutes is amended to read:

21 7.70 (3) (d) When the certified statements and returns are received, the board
22 of state canvassers shall proceed to examine and make a statement of the total
23 number of votes cast at any election for the offices involved in the election for
24 president and vice president; a statement for each of the offices of governor,
25 lieutenant governor, if a primary, and a joint statement for the offices of governor and

1 lieutenant governor, if a general election; a statement for each of the offices of
2 secretary of state, state treasurer, attorney general, and state superintendent; for
3 U.S. senator; representative in congress for each congressional district; the state
4 legislature; justice; court of appeals judge; professional baseball park district board
5 member; circuit judge; district attorney; municipal judge, if he or she is elected under
6 s. 755.01 (4); metropolitan sewerage commission, if the commissioners are elected
7 under s. 66.23 (11) (am); and for any referenda questions submitted by the
8 legislature.

9 **SECTION 1h.** 7.70 (6) of the statutes is created to read:

10 **7.70 (6) PROFESSIONAL BASEBALL PARK DISTRICT BOARD MEMBERS; DETERMINATIONS.**

11 The elections board shall cause a copy of the certified determination of the board of
12 state canvassers for the election of each member of any professional baseball park
13 district board to be transmitted to the secretary of that district board.

14 **SECTION 1i.** 8.10 (3) (as) of the statutes is created to read:

15 **8.10 (3) (as)** For any seat as a member of a professional baseball park district
16 board, not less than 200 nor more than 400 electors.

17 **SECTION 1j.** 8.11 (6) of the statutes is created to read:

18 **8.11 (6) PROFESSIONAL BASEBALL PARK DISTRICT BOARD MEMBERS.** A primary shall
19 be held in an election for members of any seat on a professional baseball park district
20 board whenever there are more than 2 candidates for any numbered seat on the
21 district board.

22 **SECTION 1k.** 8.50 (intro.) of the statutes is amended to read:

23 **8.50 Special elections.** (intro.) Unless otherwise provided, this section
24 applies to filling vacancies in the U.S. senate and house of representatives, executive
25 state offices except the offices of governor, lieutenant governor and, district attorney

1 and member of a professional baseball park district board, judicial and legislative
2 state offices, county offices and the offices of municipal judge and member of the
3 board of school directors in school districts organized under ch. 119. State legislative
4 offices may be filled in anticipation of the occurrence of a vacancy whenever
5 authorized in sub. (4) (e). No special election may be held after February 1 preceding
6 the spring election unless it is held on the same day as the spring election, nor after
7 September 1 preceding the general election unless it is held on the same day as the
8 general election, until the day after that election. If the special election is held on
9 the day of the general election, the primary for the special election, if any, shall be
10 held on the day of the September primary. If the special election is held on the day
11 of the spring election, the primary for the special election, if any, shall be held on the
12 day of the spring primary.

13 **SECTION 1L.** 9.10 (1) (a) and (2) (b) of the statutes are amended to read:

14 9.10 (1) (a) The qualified electors of the state, of any county, city, village, town,
15 of any congressional, legislative, judicial, professional baseball park or school
16 district, or of any prosecutorial unit may petition for the recall of any incumbent
17 elective official by filing a petition with the same official or agency with whom
18 nomination papers or declarations of candidacy for the office are filed demanding the
19 recall of the officeholder.

20 (2) (b) A recall petition for a city, village, town, professional baseball park
21 district or school district office shall contain a statement of a reason for the recall
22 which is related to the official responsibilities of the official for whom removal is
23 sought.

24 **SECTION 1m.** 9.10 (3) (a) of the statutes is amended to read:

1 9.10 (3) (a) This subsection applies to the recall of all elective officials other
2 than city, village, town, professional baseball park district and school district
3 officials. City, village, town, professional baseball park district and school district
4 officials are recalled under sub. (4).

5 **SECTION 1n.** 9.10 (4) (a) and (d) and (7) of the statutes are amended to read:

6 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
7 professional baseball park district or school district official, is offered for filing, the
8 officer against whom the petition is filed may file a written challenge with the
9 ~~municipal clerk or board of election commissioners or school district clerk~~ official or
10 agency with whom it is filed, specifying any alleged insufficiency. If a challenge is
11 filed, the petitioner may file a written rebuttal to the challenge with the ~~clerk or~~
12 ~~board of election commissioners~~ official or agency within 5 days after the challenge
13 is filed. If a rebuttal is filed, the officer against whom the petition is filed may file
14 a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is
15 filed. Within 14 days after the expiration of the time allowed for filing a reply to a
16 rebuttal, the ~~clerk or board of election commissioners~~ official or agency shall file the
17 certificate or an amended certificate. Within 31 days after the petition is offered for
18 filing, the ~~clerk or board of election commissioners~~ official or agency shall determine
19 by careful examination of the face of the petition whether the petition is sufficient
20 and shall so state in a certificate attached to the petition. If the petition is found to
21 be insufficient, the certificate shall state the particulars creating the insufficiency.
22 The petition may be amended to correct any insufficiency within 5 days following the
23 affixing of the original certificate. Within 2 days after the offering of the amended
24 petition for filing, the ~~clerk or board of election commissioners~~ official or agency shall
25 again carefully examine the face of the petition to determine sufficiency and shall

1 attach to the petition a certificate stating the findings. Immediately upon finding an
2 original or amended petition sufficient, except in cities over 500,000 population and
3 professional baseball park districts, the ~~municipal clerk or school district clerk~~
4 official shall transmit the petition to the governing body or to the school board.
5 Immediately upon finding an original or amended petition sufficient, in cities over
6 500,000 population, the board of election commissioners shall file the petition in its
7 office. Immediately upon finding an original or amended petition sufficient, in
8 professional baseball park districts, the elections board shall file the petition in its
9 office.

10 (d) The governing body, school board ~~or~~, board of election commissioners or
11 elections board, upon receiving the certificate, shall call an election on the Tuesday
12 of the 6th week commencing after the date of the certificate. If Tuesday is a legal
13 holiday, the recall election shall be held on the first day after Tuesday which is not
14 a legal holiday.

15 (7) PURPOSE. The purpose of this section is to facilitate the operation of article
16 XIII, section 12, of the constitution and to extend the same rights to electors of cities,
17 villages, towns, professional baseball park districts and school districts.

18 **SECTION 1no.** 11.26 (1) (c) and (2) (c) of the statutes are amended to read:

19 11.26 (1) (c) Candidates for representative to the assembly or member of a
20 professional baseball park district board, \$500.

21 (2) (c) Candidates for representative to the assembly or member of a
22 professional baseball park district board, \$500.

23 **SECTION 1p.** 11.31 (1) (f) and (g) (intro.) of the statutes are amended to read:

1 11.31 (1) (f) Candidates for representative to the assembly or member of a
2 professional baseball park district board, \$17,250 total in the primary and election,
3 with disbursements not exceeding \$10,775 for either the primary or the election.

4 (g) (intro.) In any jurisdiction or district, other than a professional baseball
5 park district or judicial district or circuit, with a population of 500,000 or more
6 according to the most recent federal census covering the entire jurisdiction or
7 district.”.

8 **2.** Page 5, line 12: after that line insert:

9 “**SECTION 6w.** 17.01 (10m) of the statutes is created to read:

10 17.01 (10m) By a member of a professional baseball park district board, to the
11 secretary of the district board.

12 **SECTION 6x.** 17.27 (3) of the statutes is repealed and recreated to read:

13 17.27 (3) PROFESSIONAL BASEBALL PARK DISTRICT BOARD. Except as provided in
14 s. 9.10, a vacancy in the membership of a professional baseball park district board
15 may be filled by temporary appointment of the remaining members of the district
16 board. The temporary appointee shall serve until a successor is elected and qualifies.
17 If the vacancy occurs in any year after the first Tuesday in April and on or before
18 December 1, the vacancy shall be filled for the residue of the unexpired term, if any,
19 at the succeeding spring election. If the vacancy occurs in any year after December
20 1 or on or before the first Tuesday in April, the vacancy shall be filled for the residue
21 of the unexpired term, if any, at the 2nd succeeding spring election.”.

22 **3.** Page 24, line 1: delete lines 1 to 3 and substitute:

23 “(a) Five persons appointed by the governor, one of whom resides within each
24 of the counties that are”.

1 **4.** Page 24, line 8: delete the material beginning with that line and ending with
2 page 25, line 21.

3 **5.** Page 25, line 22: delete “appointing authorities” and substitute “governor”.

4 **6.** Page 25, line 23: substitute “2” for “3”.

5 **7.** Page 25, line 24: substitute “3” for “4”.

6 **8.** Page 26, line 6: delete “appointing authority” and substitute “governor”.

7 **9.** Page 26, line 7: delete the material beginning with “appointing” and ending
8 with “vacant” in line 8 and substitute “governor”.

9 **10.** Page 26, line 10: delete “All of the appointing authorities” and substitute
10 “The governor”.

11 **11.** Page 26, line 11: after that line insert:

12 “(b) Eight persons elected at large from numbered seats by the electors of the
13 district to terms of 4 years expiring on July 1. Of the members who are initially
14 elected to serve on a district board under this paragraph after creation of a district,
15 those elected to seats numbered 1, 2, 3 and 4 shall serve for terms expiring on July
16 1 of the 2nd year beginning after creation of the district. Of the members who are
17 initially elected to serve on a district board under this paragraph after creation of a
18 district, those elected to seats numbered 5, 6, 7 and 8 shall serve for terms expiring
19 on July 1 of the 4th year beginning after creation of the district.”.

20

(END)