



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2839/1
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**ASSEMBLY AMENDMENT 17,
TO 2011 SENATE BILL 275**

March 15, 2012 – Offered by Representative MASON.

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 1, line 5: delete the material beginning with that line and ending with
4 page 6, line 20, including the material inserted by senate amendment 1, and
5 substitute “technical college district boards, providing an exemption from and
6 extending the time limit for emergency rule procedures, and granting rule-making
7 authority.

8 **SECTION 1.** 5.02 (3), (5) and (23) of the statutes are amended to read:

9 5.02 **(3)** “Educational officer” means the state superintendent, a member of a
10 technical college district board, and a school board members member.

11 **(5)** “General election” means the election held in even-numbered years on the
12 Tuesday after the first Monday in November to elect United States senators,
13 representatives in congress, presidential electors, state senators, representatives to

1 the assembly, district attorneys, state officers other than the state superintendent,
2 members of the technical college district boards, and judicial officers, and county
3 officers other than supervisors and county executives.

4 (23) "State office" means the offices of governor, lieutenant governor, secretary
5 of state, state treasurer, attorney general, state superintendent, justice of the
6 supreme court, court of appeals judge, circuit court judge, state senator, state
7 representative to the assembly ~~and~~, district attorney, and member of a technical
8 college district board.

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

10 5.58 (2s) TECHNICAL COLLEGE DISTRICT BOARD. In those years when a primary
11 is scheduled, there shall be a separate ballot for member of the technical college
12 district board. Arrangement of the names on the ballot shall be determined by the
13 government accountability board under s. 5.60 (1) (b). The ballot shall be titled
14 "Official Primary Ballot for (name of district) Technical College District Board."

15 SECTION 3. 5.58 (3) of the statutes, as affected by 2011 Wisconsin Act 62, is
16 amended to read:

17 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
18 for any judicial office, for any elected seat on a metropolitan sewerage commission
19 or town sanitary district commission, for member of a technical college district board
20 from any election district, in counties having a population of 750,000 or more, only
21 2 candidates for the office of comptroller, in counties having a population of 500,000
22 or more only 2 candidates for member of the board of supervisors within each district,
23 in counties having a population of less than 500,000 only 2 candidates for each
24 member of the county board of supervisors from each district or numbered seat or
25 only 4 candidates for each 2 members of the county board of supervisors from each

1 district whenever 2 supervisors are elected to unnumbered seats from the same
2 district, in 1st class cities only 2 candidates for any at-large seat and only 2
3 candidates from any election district to be elected to the board of school directors, in
4 school districts electing school board members to numbered seats, or pursuant to an
5 apportionment plan or district representation plan, only 2 school board candidates
6 for each numbered seat or within each district, and twice as many candidates as are
7 to be elected members of other school boards or other elective officers receiving the
8 highest number of votes at the primary shall be nominees for the office at the spring
9 election. Only their names shall appear on the official spring ballot.

10 **SECTION 3m.** 5.60 (1) (title) of the statutes as affected by 2011 Wisconsin Act
11 62, is amended to read:

12 5.60 (1) (title) ~~STATE SUPERINTENDENT~~ NONPARTISAN STATE OFFICERS; JUDICIARY;
13 COUNTY EXECUTIVE; COUNTY COMPTROLLER; AND COUNTY ~~SUPERVISORS~~ SUPERVISOR.

14 **SECTION 4.** 5.60 (1) (am) of the statutes is created to read:

15 5.60 (1) (am) In those years when an election is scheduled, there shall be a
16 separate ballot for each member of the technical college district board. The
17 government accountability board shall determine the official ballot arrangement for
18 technical college district board candidates by using the same method as that used
19 under par. (b).

20 **SECTION 5.** 5.60 (1) (b) of the statutes is amended to read:

21 5.60 (1) (b) The board shall certify the candidates' names and designate the
22 official ballot arrangement for candidates for state superintendent, justice, court of
23 appeals judge, circuit judge, member of a technical college district board, and, if
24 commissioners are elected under s. 200.09 (11) (am), the metropolitan sewerage
25 commission. The arrangement of names of all candidates on the ballot whose

1 nomination papers are filed with the board shall be determined by the board by the
2 drawing of lots not later than the 2nd Tuesday in January, or the next day if the first
3 Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all
4 candidates for that office shall be held by or under the supervision of the board not
5 later than the 3rd day following the completion of the primary canvass to determine
6 the arrangement of candidates on the election ballot.

7 **SECTION 6.** 7.60 (4) (a) of the statutes is amended to read:

8 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
9 showing the numbers of votes cast for the offices of president and vice president; state
10 officials; U.S. senators and representatives in congress; state legislators; justice;
11 court of appeals judge; circuit judges; members of the technical college district
12 boards; district attorneys; and metropolitan sewerage commissioners, if the
13 commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected
14 under s. 755.01 (4) serves a municipality that is located partially within the county
15 and candidates for that judgeship file nomination papers in another county, the
16 board of canvassers shall prepare a duplicate statement showing the numbers of
17 votes cast for that judgeship in that county for transmittal to the other county. For
18 partisan candidates, the statements shall include the political party or principle
19 designation, if any, next to the name of each candidate. The board of canvassers shall
20 also prepare a statement showing the results of any county, technical college district,
21 or statewide referendum. Each statement shall state the total number of votes cast
22 in the county for each office; the names of all persons for whom the votes were cast,
23 as returned; the number of votes cast for each person; and the number of votes cast
24 for and against any question submitted at a referendum. The board of canvassers
25 shall use one copy of each duplicate statement to report to the government

1 accountability board, technical college district board, or board of canvassers of any
2 other county and shall file the other statement in the office of the county clerk or
3 board of election commissioners.

4 **SECTION 7.** 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Act 115,
5 is amended to read:

6 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
7 or transmit to the government accountability board a certified copy of each statement
8 of the county board of canvassers for president and vice president, state officials,
9 senators and representatives in congress, state legislators, justice, court of appeals
10 judge, circuit judge, members of the technical college district boards, district
11 attorney, and metropolitan sewerage commissioners, if the commissioners are
12 elected under s. 200.09 (11) (am). The statement shall record the returns for each
13 office or referendum by ward, unless combined returns are authorized under s. 5.15
14 (6) (b) in which case the statement shall record the returns for each group of
15 combined wards. Following primaries the county clerk shall enclose on forms
16 prescribed by the government accountability board the names, party or principle
17 designation, if any, and number of votes received by each candidate recorded in the
18 same manner. The county clerk shall deliver or transmit the certified statement to
19 the government accountability board no later than 9 days after each primary except
20 the partisan primary, no later than 10 days after the partisan primary and any other
21 election except the general election, and no later than 14 days after the general
22 election. The board of canvassers shall deliver or transmit a certified copy of each
23 statement for any technical college district referendum to the secretary of the
24 technical college district board.

25 **SECTION 7m.** 7.70 (3) (d) of the statutes is amended to read:

1 7.70 (3) (d) When the certified statements and returns are received, the
2 chairperson of the board or the chairperson's designee shall proceed to examine and
3 make a statement of the total number of votes cast at any election for the offices
4 involved in the election for president and vice president; a statement for each of the
5 offices of governor, lieutenant governor, if a primary, and a joint statement for the
6 offices of governor and lieutenant governor, if a general election; a statement for each
7 of the offices of secretary of state, state treasurer, attorney general, and state
8 superintendent; for U.S. senator; representative in congress for each congressional
9 district; the state legislature; justice; court of appeals judge; circuit judge; technical
10 college district board member; district attorney; metropolitan sewerage commission,
11 if the commissioners are elected under s. 200.09 (11) (am); and for any referenda
12 questions submitted by the legislature.

13 **SECTION 8.** 7.70 (6) of the statutes is created to read:

14 7.70 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS; DETERMINATIONS. The
15 government accountability board shall transmit to the secretary of the technical
16 college district board a copy of the certified determination of the chairperson of the
17 government accountability board or his or her designee for the election of each
18 member of the district board.

19 **SECTION 9.** 8.10 (3) (ae) of the statutes is created to read:

20 8.10 (3) (ae) For the office of member of the technical college district board from
21 any election district, not less than 200 nor more than 400 electors.

22 **SECTION 10.** 8.11 (6) of the statutes is created to read:

23 8.11 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. A primary shall be held
24 in an election for any seat on a technical college district board whenever there are
25 more than 2 candidates in any election district.

1 **SECTION 11.** 9.10 (1) (a) of the statutes is amended to read:

2 9.10 (1) (a) The qualified electors of the state, of any county, city, village, or
3 town, of any congressional, legislative, judicial, technical college, town sanitary, or
4 school district, or of any prosecutorial unit may petition for the recall of any
5 incumbent elective official by filing a petition with the same official or agency with
6 whom nomination papers or declarations of candidacy for the office are filed
7 demanding the recall of the officeholder.

8 **SECTION 12.** 9.10 (2) (b) of the statutes is amended to read:

9 9.10 (2) (b) A recall petition for a city, village, town, technical college district,
10 town sanitary district, or school district office shall contain a statement of a reason
11 for the recall which is related to the official responsibilities of the official for whom
12 removal is sought.

13 **SECTION 13.** 9.10 (2) (d) of the statutes is amended to read:

14 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
15 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
16 filing officer with whom the petition is filed. The petitioner shall append to the
17 registration a statement indicating his or her intent to circulate a recall petition, the
18 name of the officer for whom recall is sought and, in the case of a petition for the recall
19 of a city, village, town, technical college district, town sanitary district, or school
20 district officer, a statement of a reason for the recall which is related to the official
21 responsibilities of the official for whom removal is sought. No petitioner may
22 circulate a petition for the recall of an officer prior to completing registration. The
23 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.
24 on the 60th day commencing after registration. After the recall petition has been

1 offered for filing, no name may be added or removed. No signature may be counted
2 unless the date of the signature is within the period provided in this paragraph.

3 **SECTION 14.** 9.10 (3) (a) of the statutes is amended to read:

4 9.10 (3) (a) This subsection applies to the recall of all elective officials other
5 than city, village, town, technical college district, town sanitary district, and school
6 district officials. City, village, town, technical college district, town sanitary district,
7 and school district officials are recalled under sub. (4).

8 **SECTION 15.** 9.10 (4) (title) of the statutes is amended to read:

9 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, TECHNICAL COLLEGE
10 DISTRICT AND SCHOOL DISTRICT OFFICES.

11 **SECTION 16.** 9.10 (4) (a) of the statutes is amended to read:

12 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
13 technical college district, town sanitary district, or school district official, is offered
14 for filing, the officer against whom the petition is filed may file a written challenge
15 with the municipal clerk or board of election commissioners or school district clerk
16 official or agency with whom it is filed, specifying any alleged insufficiency. If a
17 challenge is filed, the petitioner may file a written rebuttal to the challenge with the
18 clerk or board of election commissioners official or agency within 5 days after the
19 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed
20 may file a reply to any new matter raised in the rebuttal within 2 days after the
21 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
22 reply to a rebuttal, the clerk or board of election commissioners official or agency
23 shall file the certificate or an amended certificate. Within 31 days after the petition
24 is offered for filing, the clerk or board of election commissioners official or agency
25 shall determine by careful examination of the face of the petition whether the

1 petition is sufficient and shall so state in a certificate attached to the petition. If the
2 petition is found to be insufficient, the certificate shall state the particulars creating
3 the insufficiency. The petition may be amended to correct any insufficiency within
4 5 days following the affixing of the original certificate. Within 2 days after the
5 offering of the amended petition for filing, the ~~clerk or board of election~~
6 ~~commissioners~~ official or agency shall again carefully examine the face of the petition
7 to determine sufficiency and shall attach to the petition a certificate stating the
8 findings. Immediately upon finding an original or amended petition sufficient,
9 except in cities over 500,000 population and in technical college districts, the
10 ~~municipal clerk or school district clerk~~ official shall transmit the petition to the
11 governing body or to the school board. Immediately upon finding an original or
12 amended petition sufficient, in cities over 500,000 population, the board of election
13 commissioners shall file the petition in its office. Immediately upon finding an
14 original or amended petition sufficient, in technical college districts, the government
15 accountability board shall file the petition in its office.

16 **SECTION 17.** 9.10 (4) (d) of the statutes is amended to read:

17 9.10 (4) (d) Promptly upon receipt of a certificate under par. (a), the governing
18 body, school board, ~~or board of election commissioners, or government accountability~~
19 ~~board~~ shall call a recall election. The recall election shall be held on the Tuesday of
20 the 6th week commencing after the date on which the certificate is filed, except that
21 if Tuesday is a legal holiday the recall election shall be held on the first day after
22 Tuesday which is not a legal holiday.

23 **SECTION 18.** 9.10 (7) of the statutes is amended to read:

24 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
25 article XIII, section 12, of the constitution and to extend the same rights to electors

1 of cities, villages, towns, technical college districts, town sanitary districts, and
2 school districts.

3 **SECTION 19.** 11.26 (1) (c) of the statutes is amended to read:

4 11.26 (1) (c) Candidates for representative to the assembly or member of a
5 technical college district board, \$500.

6 **SECTION 20.** 11.26 (2) (c) of the statutes is amended to read:

7 11.26 (2) (c) Candidates for representative to the assembly or member of a
8 technical college district board, \$500.

9 **SECTION 21.** 11.31 (1) (f) of the statutes is amended to read:

10 11.31 (1) (f) Candidates for representative to the assembly or member of a
11 technical college district board, \$17,250 total in the primary and election, with
12 disbursements not exceeding \$10,775 for either the primary or the election.

13 **SECTION 22.** 11.31 (1) (g) (intro.) of the statutes is amended to read:

14 11.31 (1) (g) (intro.) In any jurisdiction or district, other than a technical college
15 district or judicial district or circuit, with a population of 500,000 or more according
16 to the most recent federal census covering the entire jurisdiction or district:

17 **SECTION 23.** 17.01 (10m) of the statutes is created to read:

18 17.01 (10m) By a member of a technical college district board, to the secretary
19 of the district board.

20 **SECTION 24.** 17.02 (2) of the statutes is created to read:

21 17.02 (2) TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation of a member
22 of a technical college district board, by the secretary of the district board to the
23 government accountability board.

24 **SECTION 25.** 17.17 (2) of the statutes is created to read:

1 17.17 (2) TECHNICAL COLLEGE DISTRICT BOARD. In the office of member of a
2 technical college district board, by the secretary of the district board to the
3 government accountability board.

4 **SECTION 26.** 17.27 (3) of the statutes is repealed and recreated to read:

5 17.27 (3) TECHNICAL COLLEGE DISTRICT BOARD. Except as provided in s. 9.10, a
6 vacancy in the office of member of a technical college district board may be filled by
7 temporary appointment of the remaining members of the district board. The
8 temporary appointee shall serve until a successor is elected and qualifies. If the
9 vacancy occurs in any year after the first Tuesday in April and on or before December
10 1, the vacancy shall be filled for the residue of the unexpired term, if any, at the
11 succeeding spring election. If the vacancy occurs in any year after December 1 or on
12 or before the first Tuesday in April, the vacancy shall be filled for the residue of the
13 unexpired term, if any, at the 2nd succeeding spring election.

14 **SECTION 27.** 38.04 (15) of the statutes is repealed.

15 **SECTION 28.** 38.06 (6) of the statutes is created to read:

16 38.06 (6) Promptly upon issuance of a reorganization order by the board, the
17 director of the board shall transmit a copy of the order to the government
18 accountability board.

19 **SECTION 29.** 38.08 (1) (a) of the statutes is repealed and recreated to read:

20 38.08 (1) (a) A district board shall administer the district and shall be composed
21 of 9 members who are residents of the district. The members shall be elected to
22 represent numbered election districts within each technical college district by the
23 electors of each election district at the spring election. Each member of the district
24 board shall be an elector of the numbered election district within the technical college
25 district for which he or she seeks office.

1 **SECTION 30.** 38.08 (1) (b) of the statutes is amended to read:

2 38.08 (1) (b) District board members shall take office on July 1 and shall serve
3 staggered ~~3-year~~ 4-year terms.

4 **SECTION 31.** 38.08 (1) (c) of the statutes is created to read:

5 38.08 (1) (c) Promptly upon receipt of the determinations from the government
6 accountability board under s. 7.70 (6) and upon appointment of any person to fill a
7 temporary vacancy on the district board, the secretary of the district board shall send
8 written notification of the name and address of each member and expiration date of
9 each member's term to the director of the technical college system board.

10 **SECTION 32.** 38.08 (1g), (2) and (2m) of the statutes are repealed.

11 **SECTION 33.** 38.08 (6) of the statutes is created to read:

12 38.08 (6) (a) Within 90 days after the population count by block, established
13 in the decennial federal census of population, and maps showing the location and
14 numbering of census blocks become available in printed form from the federal
15 government or are published for distribution by an agency of this state or within 90
16 days after alteration of the boundaries of an existing district, the district board of
17 each existing district shall apportion and prescribe the boundaries of 9 numbered
18 election districts within the district, to be as nearly equal in population as possible.
19 Within 90 days after the creation of any new district, the technical college system
20 board shall similarly apportion and prescribe the boundaries of 9 numbered election
21 districts within that district. Alterations in election districts resulting from
22 boundary changes to existing districts may be made only to the extent required to
23 facilitate the change. Insofar as possible, each election district shall be compact and
24 observe the community of interest of existing neighborhoods. A detailed map and
25 description of each election district prescribed by a district board shall be prepared

1 and transmitted by the district board to the director of the technical college system
2 board.

3 (b) All proposed district boundaries prescribed by a district board under par.
4 (a) shall become effective only upon their approval by the technical college system
5 board. If the technical college system board disapproves the proposed boundaries,
6 the district board shall submit a revised districting plan for approval of the technical
7 college system board. Upon approval of the election district boundaries within any
8 district, the technical college system board shall promulgate the boundaries
9 established under par. (a) as a rule under ch. 227. The boundaries shall become
10 effective on the effective date of the rule.

11 **SECTION 34.** 38.10 of the statutes is repealed.

12 **SECTION 35. Nonstatutory provisions.**

13 (1) INITIAL ELECTION OF DISTRICT BOARDS. Notwithstanding section 38.08 (6) of
14 the statutes, as created by this act, within 60 days after the effective date of this
15 subsection, the appointment committee of each technical college district shall adopt
16 and transmit to the secretary of each technical college district board and the director
17 of the technical college system board an initial districting plan for election districts
18 as required by section 38.08 (6) of the statutes, as created by this act. The technical
19 college system board shall review and determine its approval or disapproval of each
20 plan as promptly as possible. If a plan is rejected, the appointment committee shall
21 submit a new plan for approval. Notwithstanding section 227.24 (1) (a), (2) (b), and
22 (3) of the statutes, the technical college system board may promulgate the plan as an
23 emergency rule under section 227.24 of the statutes without providing evidence that
24 promulgating a rule under this subsection as an emergency rule is necessary for the
25 preservation of the public peace, health, safety, or welfare, and is not required to

1 provide a finding of emergency for a rule promulgated under this subsection.
2 Notwithstanding section 227.24 (1) (c) of the statutes, an emergency rule
3 promulgated under this subsection applies until a rule replacing that rule takes
4 effect or until the actions specified in section 227.24 (1) (d) of the statutes occur,
5 whichever is sooner. Notwithstanding section 227.19 (4) to (6) of the statutes, the
6 rule replacing a valid emergency rule adopted under this subsection may not contain
7 any substantive change from the emergency rule. Notwithstanding sections 227.135
8 (2) and (4) and 227.24 (1) (e) 1d. and 1g. of the statutes, a proposed emergency rule
9 promulgated under this subsection and the statement of the scope of the proposed
10 emergency rule are not subject to approval of the governor.

11 (2) TRANSITIONAL TERMS. Notwithstanding chapter 269, laws of 1981, section 22,
12 and section 38.08 (1) (b) of the statutes, as affected by this act, the members of each
13 technical college district board who hold office on the effective date of this subsection
14 shall cease to hold office on July 1, 2013. At the 2013 spring election, 9 members shall
15 be elected to each technical college district board for terms commencing on July 1,
16 2013. Notwithstanding section 38.08 (1) (b) of the statutes, as affected by this act,
17 the persons elected to represent election districts numbered 1 and 2 at that election
18 shall serve for terms of one year, the persons elected to represent election districts
19 numbered 3 and 4 at that election shall serve for terms of 2 years, the persons elected
20 to represent election districts numbered 5 and 6 at that election shall serve for terms
21 of 3 years, and the persons elected to represent election districts numbered 7, 8, and
22 9 at that election shall serve for terms of 4 years.

23 (3) VACANCIES. Notwithstanding section 38.10, 2009 stats., the appointment
24 committee of each technical college district shall not make any appointment to a

1 technical college district board for the purpose of filling a vacancy resulting from
2 expiration of a term of office after the effective date of this subsection.

3 **SECTION 36. Effective dates.** This act takes effect on August 1, 2012, except
4 as follows:

5 (1) The treatment of sections 17.01 (10m), 17.02 (2), 17.17 (2), 17.27 (3), 38.04
6 (15), 38.08 (1) (a), (b), and (c), (1g), (2), and (2m), 38.08 (6), and 38.10 of the statutes
7 takes effect on July 1, 2013.”.

8 (END)