



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa3005/1
JTK:wlj:rs

**ASSEMBLY AMENDMENT 38,
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 “Milwaukee area technical college district board” and
4 substitute “the Madison area technical college district board, providing an
5 exemption from and extending the time limit for emergency rule procedures, and
6 granting rule-making authority”.

7 **2.** Page 1, line 6: delete the material beginning with that line and ending with
8 page 6, line 20, including the material inserted by senate amendment 1, and
9 substitute:

10 “**SECTION 1.** 5.02 (3), (21) and (23) of the statutes are amended to read:

11 5.02 (3) “Educational officer” means the state superintendent, a member of the
12 Madison area technical college district board, and a school board members member.

1 **(21)** “Spring election” means the election held on the first Tuesday in April to
2 elect judicial officers, educational and officers other than Madison area technical
3 college district board members, municipal officers, nonpartisan county officers and
4 sewerage commissioners and to express preferences for the person to be the
5 presidential candidate for each party in a year in which electors for president and
6 vice president are to be elected.

7 **(23)** “State office” means the offices of governor, lieutenant governor, secretary
8 of state, state treasurer, attorney general, state superintendent, justice of the
9 supreme court, court of appeals judge, circuit court judge, state senator, state
10 representative to the assembly and, district attorney, and member of the Madison
11 area technical college district board.

12 **SECTION 2.** 5.62 (2m) of the statutes is created to read:

13 **5.62 (2m)** MADISON AREA TECHNICAL COLLEGE DISTRICT BOARD. In those years
14 when a primary is scheduled, there shall be a separate ballot for member of the
15 Madison area technical college district board. Arrangement of the names on the
16 ballot shall be determined by the government accountability board in the same
17 manner as provided under s. 5.60 (1) (b). The ballot shall be titled “Official Primary
18 Ballot for Madison area Technical College District Board.”

19 **SECTION 3m.** 5.64 (1) (title) of the statutes is repealed and recreated to read:

20 **5.64 (1)** (title) OFFICIAL BALLOT FOR PARTISAN OFFICES.

21 **SECTION 4.** 5.64 (1m) of the statutes is created to read:

22 **5.64 (1m)** MADISON AREA TECHNICAL COLLEGE DISTRICT BOARD. In those years
23 when an election is scheduled, there shall be a separate ballot for each member of the
24 Madison area technical college district board. The government accountability board

1 shall determine the official ballot arrangement for Madison area technical college
2 district board candidates by using the same method as that used under 5.60 (1) (b).

3 (b) Only the 2 candidates for election to the Madison area technical college
4 district board receiving the highest numbers of votes within each election district at
5 the primary election shall be nominees for their respective offices at the general
6 election. Only their names shall appear on the official general 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 Madison area technical college
12 district 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 Madison area technical college district board,
11 district attorney, and metropolitan sewerage commissioners, if the commissioners
12 are 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; Madison
10 area technical college district board member; district attorney; metropolitan
11 sewerage commission, if the commissioners are elected under s. 200.09 (11) (am); and
12 for any referenda questions submitted by the legislature.

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

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

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

20 8.11 (6) MADISON AREA TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. A primary
21 shall be held in an election for any seat on Madison area technical college district
22 board whenever there are more than 2 candidates in any election district.

23 **SECTION 10e.** 8.15 (5) (a) of the statutes is amended to read:

24 8.15 (5) (a) ~~Each~~ Except as provided in par. (am), each nomination paper shall
25 have substantially the following words printed at the top:

1 I, the undersigned, request that the name of (insert candidate's last name plus
2 first name, nickname or initial, and middle name, former legal surname, nickname
3 or middle initial or initials if desired, but no other abbreviations or titles) residing
4 at (insert candidate's street address) be placed on the ballot at the (general or special)
5 election to be held on (date of election) as a candidate representing the (name of
6 party) so that voters will have the opportunity to vote for (him or her) for the office
7 of (name of office). I am eligible to vote in (name of jurisdiction or district in which
8 candidate seeks office). I have not signed the nomination paper of any other
9 candidate for the same office at this election.

10 **SECTION 10g.** 8.15 (5) (am) of the statutes is created to read:

11 8.15 (5) (am) For the office of member of the Madison area technical college
12 district board, the nomination paper format under s. 8.10 (2) (b) shall apply except
13 that reference to the general election shall be inserted.

14 **SECTION 10m.** 8.15 (6) (ds) of the statutes is created to read:

15 8.15 (6) (ds) For the office of member of the Madison area technical college
16 district board from any election district, not less than 200 nor more than 400 electors.

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

18 9.10 (1) (a) The qualified electors of the state, of any county, city, village, or
19 town, of any congressional, legislative, judicial, Madison area technical college, town
20 sanitary, or school district, or of any prosecutorial unit may petition for the recall of
21 any incumbent elective official by filing a petition with the same official or agency
22 with whom nomination papers or declarations of candidacy for the office are filed
23 demanding the recall of the officeholder.

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

1 9.10 (2) (b) A recall petition for a city, village, town, Madison area technical
2 college district, town sanitary district, or school district office shall contain a
3 statement of a reason for the recall which is related to the official responsibilities of
4 the official for whom removal is sought.

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

6 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
7 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
8 filing officer with whom the petition is filed. The petitioner shall append to the
9 registration a statement indicating his or her intent to circulate a recall petition, the
10 name of the officer for whom recall is sought and, in the case of a petition for the recall
11 of a city, village, town, Madison area technical college district, town sanitary district,
12 or school district officer, a statement of a reason for the recall which is related to the
13 official responsibilities of the official for whom removal is sought. No petitioner may
14 circulate a petition for the recall of an officer prior to completing registration. The
15 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.
16 on the 60th day commencing after registration. After the recall petition has been
17 offered for filing, no name may be added or removed. No signature may be counted
18 unless the date of the signature is within the period provided in this paragraph.

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

20 9.10 (3) (a) This subsection applies to the recall of all elective officials other
21 than city, village, town, Madison area technical college district, town sanitary
22 district, and school district officials. City, village, town, Madison area technical
23 college district, town sanitary district, and school district officials are recalled under
24 sub. (4).

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

1 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, MADISON AREA
2 TECHNICAL COLLEGE DISTRICT, AND SCHOOL DISTRICT OFFICES.

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

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

1 except in cities over 500,000 population and in the Madison area technical college
2 district, the ~~municipal clerk or school district clerk~~ official shall transmit the petition
3 to the governing body or to the school board. Immediately upon finding an original
4 or amended petition sufficient, in cities over 500,000 population, the board of election
5 commissioners shall file the petition in its office. Immediately upon finding an
6 original or amended petition sufficient, in the Madison area technical college district,
7 the government accountability board shall file the petition in its office.

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

9 9.10 (4) (d) Promptly upon receipt of a certificate under par. (a), the governing
10 body, school board, ~~or~~ board of election commissioners, or government accountability
11 board shall call a recall election. The recall election shall be held on the Tuesday of
12 the 6th week commencing after the date on which the certificate is filed, except that
13 if Tuesday is a legal holiday the recall election shall be held on the first day after
14 Tuesday which is not a legal holiday.

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

16 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
17 article XIII, section 12, of the constitution and to extend the same rights to electors
18 of cities, villages, towns, the Madison area technical college district, town sanitary
19 districts, and school districts.

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

21 11.26 (1) (c) Candidates for representative to the assembly or member of the
22 Madison area technical college district board, \$500.

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

24 11.26 (2) (c) Candidates for representative to the assembly or member of the
25 Madison area technical college district board, \$500.

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

2 11.31 (1) (f) Candidates for representative to the assembly or member of the
3 Madison area technical college district board, \$17,250 total in the primary and
4 election, with disbursements not exceeding \$10,775 for either the primary or the
5 election.

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

7 11.31 (1) (g) (intro.) In any jurisdiction or district, other than the Madison area
8 technical college district or a judicial district or circuit, with a population of 500,000
9 or more according to the most recent federal census covering the entire jurisdiction
10 or district:

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

12 17.01 (10m) By a member of the Madison area technical college district board,
13 to the secretary of the district board.

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

15 17.02 (2) MADISON AREA TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation
16 of a member of the Madison area technical college district board, by the secretary of
17 the district board to the government accountability board.

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

19 17.17 (2) MADISON AREA TECHNICAL COLLEGE DISTRICT BOARD. In the office of
20 member of the Madison area technical college district board, by the secretary of the
21 district board to the government accountability board.

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

23 17.27 (3) MADISON AREA TECHNICAL COLLEGE DISTRICT BOARD. Except as provided
24 in s. 9.10, a vacancy in the office of member of the Madison area technical college
25 district board may be filled by temporary appointment of the remaining members of

1 the district board. The temporary appointee shall serve until a successor is elected
2 and qualifies. If the vacancy occurs in any year after the Tuesday after the first
3 Monday in November, and on or before April 15, the vacancy shall be filled for the
4 residue of the unexpired term, if any, at the succeeding general election. If the
5 vacancy occurs in any year after April 15 or on or before the Tuesday after the first
6 Monday in November, the vacancy shall be filled for the residue of the unexpired
7 term, if any, at the 2nd succeeding general election.

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

9 38.06 (6) Promptly upon issuance of a reorganization order for the Madison
10 area district by the board, the director of the board shall transmit a copy of the order
11 to the government accountability board.

12 **SECTION 28m.** 38.08 (1) (a) 1. of the statutes is amended to read:

13 38.08 (1) (a) 1. ~~A~~ Except as provided in subd. 1m, a district board shall
14 administer the district and shall be composed of 9 members who are residents of the
15 district, including 2 employers, 2 employees, 3 additional members, a school district
16 administrator, as defined under s. 115.001 (8), and one elected official who holds a
17 state or local office, as defined in s. 5.02. The board shall by rule define “employer”
18 and “employee” for the purpose of this subdivision.

19 **SECTION 29.** 38.08 (1) (a) 1m. of the statutes is created to read:

20 38.08 (1) (a) 1m. The members of the Madison area district board shall be
21 elected to represent numbered election districts within the Madison area technical
22 college district by the electors of each election district on a nonpartisan ballot at the
23 general election. Each member of the district board shall be an elector of the
24 numbered election district within the technical college district for which he or she
25 seeks office.

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

2 38.08 (1) (b) Except as provided in par. (c), district board members shall take
3 office on July 1 and shall serve staggered 3-year terms.

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

5 38.08 (1) (c) District board members in the Madison area district shall serve
6 4-year terms and shall take office on the first Monday in January following their
7 election. Promptly upon receipt of the determinations from the government
8 accountability board under s. 7.70 (6) and upon appointment of any person to fill a
9 temporary vacancy on the Madison area district board, the secretary of the district
10 board shall send written notification of the name and address of each member and
11 expiration date of each member's term to the director of the technical college system
12 board.

13 **SECTION 31e.** 38.08 (1g) of the statutes is repealed.

14 **SECTION 31j.** 38.08 (2) and (2m) of the statutes are amended to read:

15 38.08 (2) Members of a district board other than the Madison area technical
16 college district board shall serve until their successors are appointed and qualified.
17 A vacancy shall be filled for any unexpired term of more than 90 days in the manner
18 provided for the making of original appointments in s. 38.10, except that if a vacancy
19 occurs within 120 days preceding a spring election, the vacancy need not be filled
20 until 60 days after the spring election, in the manner provided in s. 38.10.

21 **(2m)** Any member of a district board other than the Madison area technical
22 college district board serving as an elected official under sub. (1) (a) 1. shall cease to
23 be a member upon vacating his or her office as an elected official.

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

1 38.08 (6) (a) Within 90 days after the population count by block, established
2 in the decennial federal census of population, and maps showing the location and
3 numbering of census blocks become available in printed form from the federal
4 government or are published for distribution by an agency of this state or within 90
5 days after alteration of the boundaries of an existing district, the district board of the
6 Madison area district shall apportion and prescribe the boundaries of 9 numbered
7 election districts within the district, to be as nearly equal in population as possible.
8 Alterations in election districts resulting from boundary changes to the existing
9 district may be made only to the extent required to facilitate the change. Insofar as
10 possible, each election district shall be compact and observe the community of
11 interest of existing neighborhoods. A detailed map and description of each election
12 district prescribed by the district board shall be prepared and transmitted by the
13 district board to the director of the technical college system board.

14 (b) All proposed district boundaries prescribed by the Madison area district
15 board under par. (a) shall become effective only upon their approval by the technical
16 college system board. If the technical college system board disapproves the proposed
17 boundaries, the district board shall submit a revised districting plan for approval of
18 the technical college system board. Upon approval of the election district boundaries
19 within any district, the technical college system board shall promulgate the
20 boundaries established under par. (a) as a rule under ch. 227. The boundaries shall
21 become effective on the effective date of the rule.

22 **SECTION 34m.** 38.10 (1) (intro.) of the statutes is amended to read:

23 38.10 (1) (intro.) District board members in districts other than the Madison
24 area technical college district shall be appointed by an appointment committee
25 constituted as follows:

1 **SECTION 35. Nonstatutory provisions.**

2 (1) INITIAL ELECTION OF MADISON AREA TECHNICAL COLLEGE DISTRICT BOARD.

3 Notwithstanding section 29, of the statutes, as created by this act, within 60 days
4 after the effective date of this subsection, the appointment committee of the Madison
5 area technical college district shall adopt and transmit to the secretary of the
6 technical college district board and the director of the technical college system board
7 an initial districting plan for election districts as required by section 38.08 (6) of the
8 statutes, as created by this act. The technical college system board shall review and
9 determine its approval or disapproval of each plan as promptly as possible. If the
10 plan is rejected, the appointment committee shall submit a new plan for approval.
11 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the technical
12 college system board may promulgate the plan as an emergency rule under section
13 227.24 of the statutes without providing evidence that promulgating a rule under
14 this subsection as an emergency rule is necessary for the preservation of the public
15 peace, health, safety, or welfare, and is not required to provide a finding of emergency
16 for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c)
17 of the statutes, an emergency rule promulgated under this subsection applies until
18 a rule replacing that rule takes effect or until the actions specified in section 227.24
19 (1) (d) of the statutes occur, whichever is sooner. Notwithstanding section 227.19 (4)
20 to (6) of the statutes, the rule replacing a valid emergency rule adopted under this
21 subsection may not contain any substantive change from the emergency rule.
22 Notwithstanding sections 227.135 (2) and (4) and 227.24 (1) (e) 1d. and 1g. of the
23 statutes, a proposed emergency rule promulgated under this subsection and the
24 statement of the scope of the proposed emergency rule are not subject to approval of
25 the governor.

1 (2) TRANSITIONAL TERMS. Notwithstanding chapter 269, laws of 1981, section 22,
2 and section 38.08 (1) (b) of the statutes, as affected by this act, the members of the
3 Madison area technical college district board who hold office on the effective date of
4 this subsection shall cease to hold office on January 7, 2013. At the 2012 general
5 election, 9 members shall be elected to the technical college district board for terms
6 commencing on January 7, 2013. Notwithstanding section 38.08 (1) (c) of the
7 statutes, as created by this act, the persons elected to represent election districts
8 numbered 1 and 2 at that election shall serve for terms of one year, the persons
9 elected to represent election districts numbered 3 and 4 at that election shall serve
10 for terms of 2 years, the persons elected to represent election districts numbered 5
11 and 6 at that election shall serve for terms of 3 years, and the persons elected to
12 represent election districts numbered 7, 8, and 9 at that election shall serve for terms
13 of 4 years.

14 (3) VACANCIES. Notwithstanding section 38.10, of the statutes, the appointment
15 committee of the Madison area technical college district shall not make any
16 appointment to the technical college district board for the purpose of filling a vacancy
17 resulting from expiration of a term of office after the effective date of this subsection.

18 **SECTION 36. Effective dates.** This act takes effect on April 15, 2012, except
19 as follows:

20 (1) The treatment of sections 17.01 (10m), 17.02 (2), 17.17 (2), 17.27 (3), 38.08
21 (1) (a) 1. and 1m., (b), and (c), (1g), (2), and (2m), 38.08 (6), and 38.10 (1) (intro.) of
22 the statutes takes effect on January 7, 2013.”

23 (END)