



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 63
[2015 Assembly Bill 325]

**School Board Vacancies, School
Board Primary Elections, and
Apportionment Plans**

2015 Wisconsin Act 63 (Act 63) addresses three school board-related issues, including how a vacancy is to be filled when the remaining school board members do not make an appointment and school board apportionment plans and elections in the Racine Unified School District (RUSD).

SCHOOL BOARD POLICIES REQUIRED

Act 63 requires the school board of every common, union, and unified school district to adopt a policy addressing how it will fill a school board vacancy if the remaining school board members do not appoint a replacement within 60 days of the date on which the vacancy first exists. School boards must adopt such policies by July 1, 2016.

FILLING SCHOOL BOARD VACANCIES

Act 63 modifies how school board vacancies may be filled, making a temporary distinction between certain unified school districts and all other school districts.

Common, Union, and Unified School Districts

Under Act 63, if a vacancy occurs on a school board in a common, union, or unified school district and the remaining school board members do not fill the vacancy by appointment within 60 days of the date on which the vacancy first exists, then they may fill the vacancy according to the school board's adopted policy.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Racine Unified School District

Act 63 creates a temporary alternative method of filling school board vacancies in the RUSD.¹ If the remaining members of the RUSD school board do not fill a vacancy by appointment within 60 days of the date on which the vacancy first exists, then the school board president may appoint someone to fill the vacancy.

If the school board president does not appoint someone to fill a vacancy that has lasted more than 60 days, then the remaining school board members may fill the vacancy according to the RUSD school board's adopted policy.

The provision discussed above will be repealed effective April 12, 2016. As of that date, vacancies lasting longer than 60 days in the RUSD may be filled by the RUSD school board according to its adopted policy.

SCHOOL BOARD ELECTIONS IN THE RACINE UNIFIED SCHOOL DISTRICT²

School District Apportionment Plans

Under **current law**, the RUSD school board must establish a representation plan for the election of school board members and must adopt a district apportionment plan before November 1, 2015. New apportionment plans must be adopted periodically.

In addition to the apportionment plan adopted by November 1, 2015, the RUSD school board must adopt a new apportionment plan within 60 days after certain federal census data becomes available. **Act 63** clarifies that the RUSD school board must adopt a new apportionment plan within 60 days after the newest federal census data becomes available every 10 years, rather than every 10 years after the school board adopts its first apportionment plan.

School Board Primary Elections

Under **current law**, school boards must hold primary elections in certain situations involving multiple school board candidates running for the same seat. **Act 63** requires that the RUSD must hold a primary election for particular apportioned areas in which there are more than twice as many candidates as there are members to be elected.

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¹ Act 63 creates a temporary alternative method of filling school board vacancies in unified school districts that encompass a city with a population greater than 75,000 but less than 100,000 and that encompass at least two villages. Currently, RUSD is the only school district that meets this definition. Although other unified school districts could potentially meet the definition, it is unlikely that they would do so before the provision creating the alternative method is repealed on April 12, 2016. Therefore, this memorandum discusses the provision as it applies to the RUSD.

² Under current law, any unified school district that encompasses a city with a population greater than 75,000 but less than 100,000 and that encompasses at least two villages **may**, by resolution, choose to elect school board members from election districts, but the RUSD **must** do so. If other unified school districts meeting this definition adopt an election resolution, then those school districts would also be subject to the apportionment plan and primary election provisions described above. However, because the RUSD is currently the only school district subject to these provisions, this memorandum discusses them as they apply to the RUSD. [s. 120.42 (1) (d) and (1m), Stats.]