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To: The Senate Committee on Elections and Utilities
From: Sen. Dan Feyen
Re: Senate Bill 260

Mr. Chairman, members of the committee, thank you for holding this hearing today.

This bill permits the number of signatures needed for school board nomination papers to be reduced by a school board passing a resolution. The nomination papers would then need between 20 and 100 signatures if the school district territory lying within the second class city or cities is 10 percent or less of the school district's territory

This legislation would help 29 mostly rural school districts reduce their nomination signature requirement. For example, in the Senate District of the Chairman, the Kohler School District could benefit from this legislation if they so choose.

This legislation was written on behalf of the North Fond du Lac School District. They will be testifying after us here today. The North Fond du Lac School District had a sliver of land annexed by the City of Fond du Lac and now requires its school board candidates to reach the higher threshold of 100-200 signatures on nomination papers. This occurred without any change to the North Fond du Lac School District and is happening all over the state.

School districts are also afforded an appropriate amount of time to be aware of the annexation and decide to either pass a resolution lowering the number of signatures necessary or not. School districts would have until the 2nd spring election after the annexation occurs to either increase their signature requirement or pass a resolution.

Thank you for your time today. I welcome any questions you may have.

Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Testimony on SB 260

Good morning Chairman LeMahieu and members of the committee. This bill is a straightforward change, with a local option, to how many nomination signatures a school board candidate must collect for ballot access.

Currently, a candidate for school board in a school district containing **any** portion of a 2nd class city must submit 100-200 nomination signatures. As you know, cities grow using the annexation process. When a 2nd class city annexes land from a neighboring school district from which it previously had no territory, the nomination signature requirement for that district immediately requires a change to 100-200 signatures. In some cases, these districts previously had a requirement of zero nomination signatures. For instance, a few years ago the North Fond du Lac School District had a requirement of zero nomination signatures for ballot access. The District then had a sliver of land annexed by the City of Fond du Lac. As a result, North Fond du Lac School District now must require all of its school board candidates to reach the higher threshold for nomination signatures. This occurred without there being any change to the boundaries of the North Fond du Lac School District.

When the aforementioned scenario occurs, and a school district must require its candidates for office to collect the additional signatures, this mostly impacts small and rural districts who already struggle to attract quality candidates for office. Collecting signatures is often the most daunting task for elected positions like town board and school board. **In short, this bill would allow a school district to change the nomination signature requirement for school board elections if a district has less than 10% of their territory in a 2nd class city. An applicable district, upon passage of a school board resolution, could reduce their current nomination signature requirement from 100-200 signatures to 20-100 signatures.** This bill does not revert the requirement back to zero. This would help 29 (mostly rural) school districts reduce their nomination signature requirement.

This legislation would also offer school districts sufficient time to implement an increased or decreased (if a board resolution is passed) signature requirement. An applicable district would not require the increase or decrease until the 2nd spring election after the annexation occurs. This provision will protect against the potential invalidation of a school board election due to insufficient nomination signatures when a district was unaware of the annexation by a neighboring city.

Thank you for taking the time to review this bill.

Serving the communities of Fond du Lac, Oakfield, Byron, Empire, Taycheedah, and the western half of Calumet township



MICHAEL SCHRAA

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Testimony on Senate Bill 260

Thank you, Chairman LeMahieu, for holding this hearing on Senate Bill 260, which would adjust the nomination signature requirement for school districts which include a small area of a second class city.

This is a simple, straightforward bill that encourages participation local school board elections. As you know, school districts which include second class cities require 100-200 nomination signatures to be a candidate for the school board, as opposed to just 20-100 nomination signatures. This makes sense, except when the second class city only makes up a small portion of the school district. SB 260 will allow school districts to adjust the nomination signature requirement when less than 10% of the territory of the district is annexed by second class city. To avoid any complications, the district has until the second spring election after annexation to adjust the number of required nomination signatures.

We've all collected a few nomination signatures in our day. It's not hard to understand the frustration of a candidate who expects to collect 20 nominations, only to learn that 100-200 are required. Our students deserve to have a number of qualified candidates running, and this bill encourages just that.

This affects school districts like North Fond du Lac in my district, but it also includes a number of other smaller school districts that include portions of the second class cities Sheboygan, Waukesha Kapenga, Racine, Kenosha Wanggaard, Madison, Green Bay, Appleton, Eau Claire, LaCrosse, Janesville, Wauwatosa, and West Allis.

We are all committed to the success of our local public schools, and a great deal of that success depends upon securing the best members of local communities to serve on school boards across the state. Let's not complicate the process.

Thank you for your attention, and I will be glad to answer any questions you may have.



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

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TO: Members, Senate Committee on Elections and Utilities
FROM: Dan Rossmiller, Government Relations Director
DATE: October 12, 2017
RE: **SUPPORT for SENATE BILL 260**, relating to the signature requirement for nomination of school board candidates in school districts that contain territory lying within a second class city.

On behalf of all 422 locally-elected public school boards in Wisconsin, the WASB supports to Senate Bill 260. We worked with Rep. Thiesfeldt on behalf of the North Fond du Lac School Board to help draft this bill.

Perhaps a little bit of background information would be helpful to understanding this bill. The first thing to note is that nomination papers are not required in all school districts. In some, but not all, school districts, nomination papers with a designated number of elector signatures must be filed in order for a candidate to qualify to be placed on the ballot in a school board election. In every case, a Declaration of Candidacy and a Campaign Registration Form must be filed, but nomination papers are only required under certain circumstances.

In general, section 8.10(3), Wis. Stats, governs when nomination papers may be required. Outside of Milwaukee (MPS), nomination papers are required to be a school board candidate when either of the following applies:

- The school district contains any territory lying within a 2nd class city (see s. 120.06(6)(b)2., Wis. Stats.); or
- The school board or the school district annual meeting in any other school district (i.e., where none of the other criteria in this list applies) has adopted a resolution requiring school board candidates to file nomination papers. (see s. 120.06(6)(b)2., Wis. Stats.)

As the second criterion listed above suggests, in a school district that has no territory lying within a 2nd class city, nomination papers are normally not required unless either the board itself or the annual school district meeting has taken action to require them. In other words, unless the school board or (if applicable) the annual meeting of electors has, by resolution, required that nomination papers be filed by all candidates seeking election to the school board, there is no requirement that nomination papers be filed.

However, a confusing situation often arises when a second class city annexes a small portion of property within a surrounding school district. That is what happened in North Fond du Lac. (Under s. 62.05, Wis. Stats., second class cities are generally cities with populations of 39,000 or more and less than 150,000, although population alone is not determinative.)

Following an annexation of some territory within the North Fond du Lac School District by the city of Fond du Lac, the North Fond du Lac School District went from a situation where no nomination papers were required, to a situation where candidates for school board suddenly had to gather at least 100 (and up to 200) nomination paper signatures. Fortunately, school officials in North Fond du Lac became aware of this rather obscure requirement in time to avoid a difficult situation.

Needless to say, these annexations could be a trap for unwary school officials. One potential consequence of a candidate failing to comply with the newly triggered requirement could be that they would be disqualified. Even worse, if a candidate who had failed to gather the required number of signatures were to be seated as a school board member, he or she might be challenged as holding office invalidly, and if disqualified, all of his or her votes as a board member could be nullified. Board actions could be invalidated as a result.

A more likely scenario, however, is that the sudden imposition of a nomination paper requirement following a minor annexation of just a sliver of school district territory into a second class city might make it more difficult to attract candidates for school board seats.

Senate Bill 260 addresses this situation in two ways:

First, it provides that the requirement of a candidate for school district officer to obtain between 100 and 200 signatures first applies in the second spring election following the event (e.g., annexation) that causes a school district to contain territory lying within a second class city. This would give the school board or the annual meeting time to reduce the number of signatures required. (See next point below.)

Second, it permits the annual meeting of a common or union high school district with less than ten percent of its territory within a second class city or the school board of a school district containing less than ten percent of its territory within a second class city to adopt a resolution to reduce the number of signatures required on nomination papers submitted by candidates for school district officer to not less than 20 and not more than 100.

(As a check and balance, we note that we believe the school board or the annual meeting of electors (if applicable) could, by resolution, rescind a previously-adopted resolution that reduced the number of nomination papers required.)

Once the territory lying within the second class city (or cities) is more than 10 percent of the school district's territory, the number of signatures required returns to the current law requirement of not less than 100 nor more than 200.

Senate Bill 260 allows the decision about how many nomination papers are required to run for school board seats in school districts with only minor portions of their territory within a second class city to be made locally, rather than determined strictly by statute.

For these reasons, the WASB supports Senate Bill 260 and asks that you please support the bill as well.



THE SCHOOL DISTRICT OF NORTH FOND DU LAC

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Thursday, October 12th, 2017

Support for SB 260 and AB 332 – Signature Requirement

Current law states that for a person wanting to run for a Board of Education position in a Wisconsin school district, they must get signatures based on the population of the municipalities the district serves, this includes if a district has land in a second class city (defined as cities of 39,000 and less than 150,000 population constitute cities of the second class). Statute states that if a district has land in a second class city each person wanting to be on the ballot for school board must get 100 signatures.

In the School District of North Fond du lac we serve six communities, including the city of Fond du Lac. Although we have District land in the city, there are no students (and it makes up less than 10% of our total area). Because of this, anyone wanting to run for Board of Education must get 100 signatures to be on the ballot. In both 2015 and 2014, a member of the Board was elected as a write in candidate because I believe the 100 signatures deterred a perspective candidate from officially running (the total votes for the election of those candidates were 86 and 61 respectively). In the past two years, current Board members have run for re-election obtaining 100 signatures, but if an incumbent does not run, I believe we would be in a similar situation with it difficult to attract a person to officially run for the Board of Education.

Both the Assembly and Senate bills address the problem for our District. The ability for the Board of Education to set the number of signatures between 20 and 100 would be a great help not only for our incumbents to run, but also for others interested to run. The proposed law still would require candidates to obtain signatures to show a dedication to his or her intent to serve.

Thank you very much for crafting this bill that impacts only a very small amount of districts in our great state (actually I believe one), but will have a very positive impact to retain and entice quality candidates to run for the Board of Education and serve our greatest commodity, our children.

Sincerely,

Aaron Sadoff - Superintendent
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Senate Bill 260 – Signature Requirement

Committee on Elections and Utilities

Hearing Thursday, October 12, 2017

Room 411 South

Testimony in Favor

Senator LeMahieu and Honorable Members of the Committee:

Good Morning. I am Stephen Hock, Vice-President of the North Fond du Lac School Board.

Thank you for the opportunity to speak to you today in favor of Senate Bill 260 pertaining to the signature requirement to run for election to a School Board that has territory within the limits of a Second Class City.

I will keep my comments brief as this is not a complex issue. It corrects a concern to our District and will have a positive effect on the interest and quality of potential candidates for seats on our Board. This may be one of those rare opportunities for you to help a local entity that has no negatives and no one that I can imagine that would be against it or speak against it.

The North Fond du Lac School District is adjacent to the City of Fond du Lac, a second class city. Through some past City annexations of township lands, we have in our District a small strip of land in the City of Fond du Lac. It is only commercial properties which have no residents, nor voters, nor students. Because of that oddity, residents of the other municipalities within our School District currently must obtain 100 signatures to be able to run for a seat on our Board. We are forced to obtain the same number as a District that includes a city of 39,000 to 150,000 residents even though our District only has about 11,000 residents.

This has continued to create concerns in attracting quality, well rounded, and well intentioned candidates. As you know, it is difficult to find quality candidates to put their name on the line and run for office. When told that they have to then also obtain 100 signatures to do so that has a very negative effect and more often than not deters the person from making the decision to run. While an incumbent may like to see that no one is running against them to ensure re-election, it is not good for a community to have limited choice and limited or no debate of the issues facing that community.

As a result, open seats have gone unfilled at election, requiring only the four seated Board members to appoint someone. At other times when the sign up period has closed and we have had one or two open seats we have had write-in candidates that few voters are aware of running and have been elected with minimal vote totals. All of that without the full scrutiny of all electors in the District.

By allowing us to decide in having between 20 up to 100 signatures we can attract more quality candidates yet still require a commitment on their part to the importance of being an elected official by still obtaining signatures from residents who by signing support the person's decision to run.

As an example, by comparison, a person running for a position on the Village of North Fond du Lac Board is required to get 20 signatures.

In conclusion, one of the positives of this bill is that there is no downside to it. Nobody or no School District is hurt by it. The citizens of the District are the winners as they benefit by having candidates to choose from and put in charge of the important role in educating our children. While it may be minor in scope, it is a very real concern of our Board that can be corrected by this bill.

I ask for your support of Senate Bill 260 and thank you for your time in allowing me to speak to this important issue today. Best regards.

Stephen Hock, Vice-President
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