



2007 ASSEMBLY BILL 82

February 22, 2007 - Introduced by Representatives HUBLER and ZIEGELBAUER, cosponsored by Senator JAUCH, by request of Ron Helstern of Barronett, Wisconsin. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT to amend** 9.10 (1) (a), 9.10 (2) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (title),
2 9.10 (4) (a), 9.10 (4) (h), 9.10 (7) and 60.75 (4) of the statutes; **relating to:** recall
3 of elective town sanitary district commissioners.

Analysis by the Legislative Reference Bureau

This bill extends the right of recall to electors of a town sanitary district for elective town sanitary district commissioners. Currently, the electors of a town have the right to recall elective town officers, but town sanitary district offices are not strictly town offices because town sanitary districts may encompass only portions of a town or portions of more than one town.

Under the bill, a petition for the recall of an elective town sanitary district commissioner must be signed by electors equal to at least 25 percent of the vote cast for the office of governor at the last election within the district. A recall petition must include a statement of a reason for the recall which is related to the official responsibilities of the commissioner for whom removal is sought, but the statement need not be proven. Under the bill, no petition for the recall of a town sanitary district commissioner may be filed prior to the expiration of one year after the beginning of the term of office for which the commissioner is elected, and once an election for recall of a commissioner is held, no further petition may be filed against the same commissioner during the term for which the commissioner is elected.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 82**SECTION 1**

1 **SECTION 1.** 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, town sanitary, or school district, or
4 of any prosecutorial unit may petition for the recall of any incumbent elective official
5 by filing a petition with the same official or agency with whom nomination papers
6 or declarations of candidacy for the office are filed demanding the recall of the
7 officeholder.

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

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

12 **SECTION 3.** 9.10 (2) (d) of the statutes is amended to read:

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

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

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

6 **SECTION 5.** 9.10 (4) (title) of the statutes is amended to read:

7 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, AND SCHOOL DISTRICT
8 OFFICES.

9 **SECTION 6.** 9.10 (4) (a) of the statutes is amended to read:

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

ASSEMBLY BILL 82**SECTION 6**

1 5 days following the affixing of the original certificate. Within 2 days after the
2 offering of the amended petition for filing, the clerk or board of election
3 commissioners shall again carefully examine the face of the petition to determine
4 sufficiency and shall attach to the petition a certificate stating the findings.
5 Immediately upon finding an original or amended petition sufficient, except in cities
6 over 500,000 population, the municipal clerk or school district clerk shall transmit
7 the petition to the governing body or to the school board. Immediately upon finding
8 an original or amended petition sufficient, in cities over 500,000 population, the
9 board of election commissioners shall file the petition in its office.

10 **SECTION 7.** 9.10 (4) (h) of the statutes is amended to read:

11 9.10 (4) (h) All candidates for any ~~town or village, town, and town sanitary~~
12 district office, other than the official against whom the recall petition is filed, shall
13 file nomination papers, regardless of the method of nomination of candidates for
14 town or village office under s. 8.05.

15 **SECTION 8.** 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, town sanitary districts, and school districts.

19 **SECTION 9.** 60.75 (4) of the statutes is amended to read:

20 60.75 (4) VACANCIES. Any vacancy on an elective or appointive commission may
21 be filled by appointment by the town board for the remainder of the unexpired term,
22 except as provided in s. 9.10. Any vacancy on a commission consisting of town board
23 supervisors remains vacant until a successor town board supervisor is appointed or
24 elected.

25 **SECTION 10. Initial applicability.**

