



1995 ASSEMBLY BILL 375

May 16, 1995 - Introduced by Representatives SKINDRUD, POWERS, WALKER, FREESE, AINSWORTH, BRANDEMUEHL, FOTI, GARD, GOETSCH, HAHN, HANDRICK, HANSON, KREIBICH, LADWIG, LEHMAN, OWENS, SILBAUGH, UNDERHEIM, WARD and ZUKOWSKI, cosponsored by Senators FITZGERALD, DRZEWIECKI, ZIEN and FARROW. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT to repeal** 5.02 (20r), 5.65, 8.55 and 10.06 (4) (f); **to amend** 7.03 (1) (bm),
2 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 10.01 (2) (d) and (e), 24.66 (3) (b),
3 24.66 (4), 32.72 (1), 59.997 (7), 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46 (1), 62.09
4 (1) (a), 64.03 (1), 64.39 (3), 66.01 (8), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5),
5 66.504 (2), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (4) and (5), 67.05 (6a)
6 (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b), 67.12 (12) (e) 5., 81.01 (3) (b), 86.21 (2) (a),
7 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) and
8 (2), 197.10 (2) and 198.19 (1); and **to create** 8.065 of the statutes; **relating to:**
9 scheduling of referenda by local governments.

Analysis by the Legislative Reference Bureau

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring election (held in each year) or the September primary or general election (held in each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to the same subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. The requirement

applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 5.02 (20r) of the statutes is repealed.

2 **SECTION 2.** 5.65 of the statutes is repealed.

3 **SECTION 3.** 7.03 (1) (bm) of the statutes is amended to read:

4 7.03 (1) (bm) Whenever a special election is called by a county or by a school
5 district, ~~a technical college district, a sewerage district, or a sanitary district or a~~
6 ~~public inland lake protection and rehabilitation district~~, the county or district shall
7 pay the compensation of all election officials, as determined under sub. (2).

8 **SECTION 4.** 7.15 (2) (d) of the statutes is amended to read:

9 7.15 (2) (d) Whenever the governing body of any municipality submits any
10 question to a vote of the electors or whenever a proper recall petition and certificate
11 are filed under s. 9.10, the municipal clerk shall issue a call for the election and
12 prepare and distribute ballots as required in the authorization of submission or as
13 provided in s. 9.10. The date of the referendum shall be established in accordance
14 with s. 8.065, and shall be fixed by the municipal clerk or board of election
15 commissioners unless otherwise provided by law or unless the governing body fixes
16 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already
17 an official municipal referendum ballot for the election, the question may appear on
18 the same ballot.

19 **SECTION 5.** 8.05 (3) (d) and (e) of the statutes are amended to read:

1 8.05 (3) (d) The question of adoption of the nonpartisan primary under this
2 subsection may be submitted to the electors at any regular election specified in s.
3 8.065 held in the town ~~or at a special election called for the purpose~~. When a petition
4 conforming to the requirements of s. 8.40 signed by at least 20 electors of the town
5 is filed with the town clerk so requesting, the question shall be submitted to a vote.

6 (e) Petitions requesting a vote on the question at a regular town election shall
7 be filed no later than 5 p.m. the last Tuesday in February. When the petition is filed,
8 the clerk shall check its sufficiency. ~~Whether at a regular or special election, the~~ The
9 clerk shall give separate notice by one publication in a newspaper at least 5 days
10 before the election.

11 **SECTION 6.** 8.06 of the statutes is amended to read:

12 **8.06 Special elections may be called.** Towns, cities, villages and school
13 districts may call special elections ~~for any purpose~~ to fill vacancies in town, city,
14 village or school district offices whenever such action is authorized or required by
15 law. ~~If an election is called for a special referendum, the election shall be noticed~~
16 ~~under s. 8.55.~~

17 **SECTION 7.** 8.065 of the statutes is created to read:

18 **8.065 Scheduling of referenda. (1)** In this section, “local governmental
19 unit” has the meaning given in s. 16.97 (7).

20 **(2)** Unless otherwise required by law, a referendum held by any local
21 governmental unit that is authorized or required by law to hold a referendum may
22 only be held concurrently with the spring election, September primary or general
23 election. Unless otherwise required by law, no referendum submitted by the same
24 local governmental unit relating to substantially similar subject matter or relating

1 to authorization for the borrowing of money may be held more than once in any
2 12-month period.

3 **SECTION 8.** 8.55 of the statutes is repealed.

4 **SECTION 9.** 9.20 (4) of the statutes is amended to read:

5 9.20 (4) The common council or village board shall, without alteration, either
6 pass the ordinance or resolution within 30 days following the date of the clerk's final
7 certificate, or submit it to the electors at the next ~~spring or general~~ election specified
8 in s. 8.065, if the election is more than 6 weeks after the date of the council's or board's
9 action on the petition or the expiration of the 30-day period, whichever first occurs.
10 If there are 6 weeks or less before the election, the ordinance or resolution shall be
11 voted on at the next election specified in s. 8.065 thereafter. ~~The council or board by~~
12 ~~a three-fourths vote of the members-elect may order a special election for the~~
13 ~~purpose of voting on the ordinance or resolution at any time prior to the next election,~~
14 ~~but not more than one special election for direct legislation may be ordered in any~~
15 ~~6-month period.~~

16 **SECTION 10.** 10.01 (2) (d) and (e) of the statutes are amended to read:

17 10.01 (2) (d) Type D—The type D notice shall state the hours the polls will be
18 open and the polling places to be utilized at the election or shall include a concise
19 statement of how polling place information may be obtained. In cities over 500,000
20 population, the board of election commissioners shall determine the form of the
21 notice. In other municipalities and special purpose districts, the clerk of the
22 municipality or special purpose district shall give the polling place information in the
23 manner the governing body of the municipality or special purpose district decides
24 will most effectively inform the electors. The type D notice shall be published by the
25 municipal clerk or board of election commissioners of each municipality once on the

1 day before each spring primary and election, each special national, state, county or
2 municipal election at which the electors of that municipality are entitled to vote and
3 each September primary and general election. The clerk of each special purpose
4 district which calls a special election shall publish a type D notice on the day before
5 the election, and the day before the special primary, if any, ~~except as authorized in~~
6 ~~s. 8.55 (3).~~

7 (e) Type E—The type E notice shall state the qualifications for absentee voting,
8 the procedures for obtaining an absentee ballot in the case of registered and
9 unregistered voters, and the places and the deadlines for application and return of
10 application. The municipal clerk shall publish a type E notice on the 4th Tuesday
11 preceding each spring primary and election, on the 4th Tuesday preceding each
12 September primary and general election, on the 4th Tuesday preceding the primary
13 for each special national, state, county or municipal election if any, ~~on the 4th~~
14 ~~Tuesday preceding a special county or municipal referendum,~~ and on the 3rd
15 Tuesday preceding each special national, state, county or municipal election to fill
16 an office which is not held concurrently with the spring or general election. The clerk
17 of each special purpose district which calls a special election shall publish a type E
18 notice on the 4th Tuesday preceding the primary for the special election, if any, ~~on~~
19 ~~the 4th Tuesday preceding a special referendum,~~ and on the 3rd Tuesday preceding
20 a special election for an office which is not held concurrently with the spring or
21 general election ~~except as authorized in s. 8.55 (3).~~

22 **SECTION 11.** 10.06 (4) (f) of the statutes is repealed.

23 **SECTION 12.** 24.66 (3) (b) of the statutes is amended to read:

24 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
25 for a loan, the required repayment of which exceeds 10 years, shall be approved and

1 authorized for a unified school district by a majority vote of the members of the school
2 board at a regular or special meeting of the school board. Every vote so required shall
3 be by ayes and noes duly recorded. In addition, the application shall be approved for
4 a unified school district by a majority vote of the electors of the school district at a
5 ~~special election~~ referendum as provided under sub. (4).

6 **SECTION 13.** 24.66 (4) of the statutes is amended to read:

7 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
8 by law to incur indebtedness for a particular purpose without first submitting the
9 question to its electors, the application for a state trust fund loan for that purpose
10 must be approved and authorized by a majority vote of the electors at a ~~special~~
11 ~~election~~ referendum called, in accordance with s. 8.065, and noticed and held in the
12 manner provided for other ~~special elections~~ referenda. The notice of the election
13 referendum shall state the amount of the proposed loan and the purpose for which
14 it will be used.

15 **SECTION 14.** 32.72 (1) of the statutes is amended to read:

16 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
17 question is submitted to the electors of the city at a ~~special election~~ referendum called
18 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:
19 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of
20, thus allowing the city to acquire and condemn property for street
21 widening and similar purposes, financed through assessments of benefits and
22 damages?”.

23 **SECTION 15.** 59.997 (7) of the statutes is amended to read:

24 59.997 (7) When the publication of the said consolidation agreement in each
25 of the said counties is completed, of which the certificate to the judge of the circuit

1 court of the said counties from the owner-editor or manager of each newspaper
2 publishing the same shall be proof, the judge or judges of the circuit courts of the said
3 counties shall, by order entered of record in each of such counties, require the several
4 county clerks of the counties included in the consolidation agreement to submit such
5 question to a vote of the qualified electors of such counties at the next election
6 specified in s. 8.065 to be held on the ~~first Tuesday in April, or the next regular~~
7 ~~election, or at a special election to be held on~~ a date specified in the order which shall
8 be no sooner than 45 days after the day fixed in date of said order, which day date
9 shall be the same in each of the counties proposing to consolidate. A copy of said order
10 shall be filed with the county clerk of each of such counties. ~~If such question is~~
11 ~~submitted at a special election, it shall be held not less than thirty days nor more than~~
12 ~~sixty days from the completion of the consolidation agreement, but not within sixty~~
13 ~~days of any April or general election.~~

14 **SECTION 16.** 60.62 (2) of the statutes is amended to read:

15 60.62 (2) If the county in which the town is located has adopted a zoning
16 ordinance under s. 59.97, the exercise of the authority under sub. (1) is subject to
17 approval by the town meeting or by a referendum vote of the electors of the town to
18 be held at the time of any regular or special election in accordance with s. 8.065.

19 **SECTION 17.** 60.74 (5) (b) of the statutes is amended to read:

20 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
21 qualified electors of the district equal to at least 20% of the vote cast for governor in
22 the district at the last gubernatorial election, requesting a change to appointment
23 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). Upon
24 receipt of the petition, the town board shall submit the question to a referendum at
25 the next ~~regular spring election or general election, or shall call a special election for~~

1 ~~that purpose specified in s. 8.065 to be held not sooner than 45 days after receipt of~~
2 ~~the petition.~~ The inspectors shall count the votes and submit a statement of the
3 results to the commission. The commission shall canvass the results of the election
4 and certify the results to the town board which has authority to appoint
5 commissioners.

6 **SECTION 18.** 61.187 (1) of the statutes is amended to read:

7 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
8 of s. 8.40, signed by at least one-third as many electors of any village as voted for
9 village officers at the next preceding election therefor, shall be presented to the
10 village board praying for dissolution of the village corporation, such board shall
11 submit to the electors of such village, for determination by ballot in substantially the
12 manner provided by ss. 5.64 (2) and 10.02, ~~at a general election or at a special election~~
13 ~~called by them for that purpose~~ the next election specified in s. 8.065 to be held not
14 sooner than 45 days after presentation of the petition, the question whether or not
15 such village corporation shall be dissolved.

16 **SECTION 19.** 61.46 (1) of the statutes is amended to read:

17 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
18 15 in each year, by resolution to be entered of record, determine the amount of
19 corporation taxes to be levied and assessed on the taxable property in such village
20 for the current year. Before levying any tax for any specified purpose, exceeding one
21 percent of the assessed valuation aforesaid, the village board shall, and in all other
22 cases may in its discretion, submit the question of levying the same to the village
23 electors ~~at any general or special~~ the next election specified in s. 8.065 to be held no
24 sooner than 45 days after submission by giving 10 days' notice thereof prior to such
25 election by publication in a newspaper published in the village, if any, and if there

1 is none, then by posting notices in 3 public places in said village, setting forth in such
2 notices the object and purposes for which such taxes are to be raised and the amount
3 of the proposed tax.

4 **SECTION 20.** 62.09 (1) (a) of the statutes is amended to read:

5 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
6 attorney, engineer, one or more assessors unless the city is assessed by a county
7 assessor under s. 70.99, one or more constables as determined by the common
8 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
9 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
10 except in cities where not applicable, chief of police, chief of the fire department,
11 board of public works, 2 alderpersons from each aldermanic district, and such other
12 officers or boards as are created by law or by the council. If one alderperson from each
13 aldermanic district is provided under s. 66.018 (1), the council may, by ordinance
14 adopted by a two-thirds vote of all its members and approved by the electors at a
15 ~~general or special~~ any election specified in s. 8.065, provide that there shall be 2
16 alderpersons from each aldermanic district.

17 **SECTION 21.** 64.03 (1) of the statutes is amended to read:

18 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,
19 and every petition for a ~~special election~~ referendum on the same, shall state the
20 number of members of which the council herein provided for shall be composed, the
21 term of office of its members, which term shall not exceed 2 years, whether they shall
22 be nominated and elected from aldermanic districts or from the city at large, and the
23 compensation, if any, which they shall receive.

24 **SECTION 22.** 64.39 (3) of the statutes is amended to read:

1 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit
2 the questions prescribed in sub. (1) at a special ~~the next~~ election specified in s. 8.065
3 to be held at a time ~~specified therein and within 2 months~~ not sooner than 45 days
4 after such petition is filed. The election upon such question shall be conducted, the
5 vote canvassed, and the result declared in the same manner as provided by law for
6 other city elections.

7 **SECTION 23.** 66.01 (8) of the statutes is amended to read:

8 66.01 (8) Every charter, charter amendment or charter ordinance enacted or
9 approved by a vote of the electors shall control and prevail over any prior or
10 subsequent act of the legislative body of the city or village. Whenever the electors
11 of any city or village by a majority vote have adopted or determined to continue to
12 operate under either ch. 62 or 64, or have determined the method of selection of
13 members of the governing board, the question shall not again be submitted to the
14 electors, nor action taken thereon within a period of 2 years. Any election to change
15 or amend the charter of any city or village, other than a special an election as
16 ~~provided in~~ called under s. 9.20 (4), shall be held at the time provided by statute for
17 holding the spring election.

18 **SECTION 24.** 66.059 (2m) (b) of the statutes is amended to read:

19 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal
20 governing body shall direct the municipal clerk to call a special election for the
21 purpose of submitting submit the resolution to the electors for approval of the
22 electors at a referendum ~~on approval or rejection~~. ~~In lieu of a special election, the~~
23 ~~municipal governing body may specify that the election be held at the next~~
24 ~~succeeding spring primary or election or September primary or general election~~
25 called in accordance with s. 8.065.

1 **SECTION 25.** 66.061 (1) (c) of the statutes is amended to read:

2 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
3 and publication unless sooner approved by a referendum. Within that time electors
4 equal in number to 20 per cent of those voting at the last regular municipal election,
5 may demand a referendum. The demand shall be in writing and filed with the clerk.
6 Each signer shall state his or her occupation and residence and signatures shall be
7 verified by the affidavit of an elector. The referendum shall be held at the next
8 ~~regular municipal election, or at a special election within 90 days of the~~ to be held
9 not sooner than 45 days after filing of the demand, and the ordinance shall not be
10 effective unless approved by a majority of the votes cast thereon. This paragraph
11 shall not apply to extensions by a utility previously franchised by the village or city.

12 **SECTION 26.** 66.075 (5) of the statutes is amended to read:

13 66.075 (5) The provisions of this section shall apply only to such counties, cities,
14 villages and towns as shall have adopted the same at any general or municipal
15 election at which the question of the establishment of such county or municipal
16 slaughterhouse shall have been submitted to the voters of such county, city, village
17 or town. Such question shall, upon the filing of a petition conforming to the
18 requirements of s. 8.40 by electors of such county, city, village or town equal in
19 number to at least 10% of all the votes cast in such county, city, village or town for
20 governor at the last preceding general election, be submitted to the electors of such
21 county, city, village or town at the next ensuing election specified in s. 8.065 to be held
22 not sooner than 45 days after filing of the petition, and if a majority of votes cast shall
23 be in favor of the establishment of such slaughterhouse, the provisions of this section
24 shall apply to such county, city, village or town.

25 **SECTION 27.** 66.504 (2) of the statutes is amended to read:

1 66.504 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
2 contract with a nonprofit corporation organized for civic purposes and located in the
3 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
4 a facility to be used for municipal and civic activities if a majority of the voters voting
5 in a referendum ~~at a special election or at a spring primary or election or September~~
6 ~~primary or general~~ an election specified in s. 8.065 approve the question of entering
7 into the joint contract.

8 **SECTION 28.** 66.521 (10) (d) of the statutes is amended to read:

9 66.521 (10) (d) The governing body may issue bonds under this section without
10 submitting the proposition to the electors of the municipality for approval unless
11 within 30 days from the date of publication of notice of adoption of the initial
12 resolution for such bonds, a petition conforming to the requirements of s. 8.40, and
13 signed by a number of electors of the municipality equal to not less than 5% of the
14 registered electors of the municipality, or, if there is no registration of electors in the
15 municipality, by 10% of the number of electors of the municipality voting for the office
16 of governor at the last general election as determined under s. 115.01 (13), is filed
17 with the clerk of the municipality requesting a referendum upon the question of the
18 issuance of the bonds. If such a petition is filed, the bonds shall not be issued until
19 approved by a majority of the electors of the municipality voting thereon ~~at a general~~
20 ~~or special election~~ referendum called in accordance with s. 8.065.

21 **SECTION 29.** 66.77 (3) (a) 1. of the statutes is amended to read:

22 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating
23 levy rate limit otherwise applicable to the county under this section, it shall adopt
24 a resolution to that effect. The resolution shall specify either the operating levy rate
25 or the operating levy that the governing body wishes to impose for either a specified

1 number of years or an indefinite period. The governing body shall ~~call a special~~
2 ~~referendum for the purpose of submitting the resolution to the electors of the county~~
3 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~
4 ~~specify that~~ provide for the referendum to be held at the next succeeding spring
5 ~~primary or election or September primary or general election to be held~~ specified in
6 s. 8.065 that occurs not earlier than 30 days after the adoption of the resolution of
7 the governing body.

8 **SECTION 30.** 66.94 (4) of the statutes is amended to read:

9 66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village
10 or town within the metropolitan district in the following manner: The governing body
11 of any municipality, by ordinance passed at least 30 days prior to submission of the
12 question, may direct that the question of the adoption of this section be submitted
13 to the electors therein at any ~~general, special, judicial or local~~ election specified in
14 s. 8.065. The clerk of such municipality or the election commission of any city of the
15 first class shall thereupon submit the question to popular vote. Public notice of the
16 election shall be given in the same manner as in case of a regular municipal election
17 except that such notice shall be published or posted at least 20 days prior to the
18 election. If a majority of those voting on the question vote in the affirmative thereon,
19 this section shall be adopted in such municipality. The proposition on the ballot to
20 be used at such election shall be in substantially the following form:

21 Shall section 66.94 of the Wisconsin statutes which creates a metropolitan
22 transit authority for ownership and operation of a public mass transportation system
23 in the metropolitan district be adopted?

24 YES NO

25 **SECTION 31.** 67.05 (4) and (5) of the statutes are amended to read:

1 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an
2 initial resolution for an issue of county bonds to provide for the original construction
3 or for the improvement and maintenance of highways, to provide railroad aid, or to
4 construct, acquire or maintain, or to aid in constructing, acquiring or maintaining
5 a bridge over or across any stream or other body of water bordering upon or
6 intersecting any part of the county, the county clerk is not required to submit the
7 resolution for approval to the electors of the county at a ~~special election~~ referendum
8 unless within 30 days after the adoption thereof there is filed with the clerk a petition
9 conforming to the requirements of s. 8.40 and requesting such submission, signed by
10 electors numbering at least 10% of the votes cast in the county for governor at the
11 last general election. If a petition is filed, the question submitted shall be whether
12 the resolution shall be or shall not be approved. No such resolution of a county board
13 other than those specified in this subsection need be submitted to county electors,
14 except as provided otherwise in sub. (7).

15 (5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial
16 resolution has been so adopted by the governing body of a town, the clerk of the
17 municipality shall immediately record the resolution and call a ~~special election~~
18 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
19 to the electors of the municipality for approval. This paragraph does not apply to
20 bonds issued to finance low-interest mortgage loans under s. 66.38, unless a number
21 of electors equal to at least 15% of the votes cast for governor at the last general
22 election in their town sign and file a petition conforming to the requirements of s. 8.40
23 with the town clerk requesting submission of the resolution. Whenever a number of
24 electors cannot be determined on the basis of reported statistics, the number shall
25 be determined in accordance with s. 60.74 (6). If a petition is filed, the question

1 submitted shall be whether the resolution shall or shall not be approved. This
2 paragraph is limited in its scope by sub. (7).

3 (b) No city or village may issue any bonds for any purposes other than for
4 waterworks, lighting works, gas works, bridges, street lighting, street
5 improvements, street improvement funding, hospitals, airports, harbor
6 improvements, river improvements, breakwaters and protection piers, sewerage,
7 garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or
8 refuse or rubbish disposal, parks and public grounds, swimming pools and band
9 shells thereon, veterans housing projects, paying the municipality's portion of the
10 cost of abolishing grade crossings, for the construction of police facilities and
11 combined fire and police safety buildings, for the purchase of sites for engine houses,
12 for fire engines and other equipment of the fire department, for construction of
13 engine houses, and for pumps, water mains, reservoirs and all other reasonable
14 facilities for fire protection apparatus or equipment for fire protection, for parking
15 lots or other parking facilities, for school purposes, for libraries, for buildings for the
16 housing of machinery and equipment, for acquiring and developing sites for industry
17 and commerce as will expand the municipal tax base, for financing the cost of
18 low-interest mortgage loans under s. 66.38, for providing financial assistance to
19 blight elimination, slum clearance, community development, redevelopment and
20 urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431,
21 66.4325, 66.435 and 66.46 or for university of Wisconsin system centers until the
22 proposition for their issue for the special purpose thereof has been submitted to the
23 electors of the city or village and adopted by a majority vote. Except as provided
24 under sub. (15), if the common council of any city or the village board of any village
25 declares its purpose to raise money by issuing bonds for any purpose other than those

1 above specified, it shall direct by resolution, which shall be recorded at length in the
2 record of its proceedings, the clerk to call a ~~special election~~ referendum in accordance
3 with s. 8.065 for the purpose of submitting the question of bonding to the city or
4 village electors. If a number of electors of a city or village equal to at least 15% of the
5 votes cast for governor at the last general election in their city or village sign and file
6 a petition conforming to the requirements of s. 8.40 with the city or village clerk
7 requesting submission of the resolution, the city or village may not issue bonds for
8 financing the cost of low-interest mortgage loans under s. 66.38 ~~without calling a~~
9 ~~special election to submit the question of bonding to~~ unless the issuance is approved
10 by the city or village electors for their approval at a referendum called in accordance
11 with s. 8.065.

12 **SECTION 32.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

13 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a ~~special election~~
14 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
15 to the electors for approval or rejection, ~~or direct that the resolution be submitted at~~
16 ~~the next regularly scheduled primary or election~~ permitted under s. 8.065 to be held
17 not earlier than 45 days after the adoption of the resolution. The resolution shall not
18 be effective unless adopted by a majority of the school district electors voting at the
19 referendum.

20 **SECTION 33.** 67.05 (6m) (b) of the statutes is amended to read:

21 67.05 **(6m)** (b) If a referendum is to be held on an initial resolution, the district
22 board shall direct the technical college district secretary to call a ~~special election~~
23 referendum in accordance with s. 8.065 for the purpose of submitting the initial
24 resolution to the electors for a ~~referendum on approval or rejection.~~ ~~In lieu of a~~

1 ~~special election, the district board may specify that the election be held at the next~~
2 ~~succeeding spring primary or election or September primary or general election.~~

3 **SECTION 34.** 67.10 (5) (b) of the statutes is amended to read:

4 67.10 (5) (b) Any city having ~~voted~~ approved the issuance of bonds at a special
5 referendum election held in accordance with s. 8.065 and having sold a portion
6 thereof may negotiate, sell or otherwise dispose of the same in the manner provided
7 by statute within nine years of the date of the election voting the same.

8 **SECTION 35.** 67.12 (12) (e) 5. of the statutes is amended to read:

9 67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district
10 board of a resolution under subd. 1. to issue a promissory note for a purpose under
11 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption
12 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
13 the resolution, but shall state the amount proposed to be borrowed, the method of
14 borrowing, the purpose thereof, that the resolution was adopted under this
15 subsection and the place where and the hours during which the resolution is
16 available for public inspection. If the amount proposed to be borrowed is for building
17 remodeling or improvement and does not exceed \$500,000 or is for movable
18 equipment, the district board need not submit the resolution to the electors for
19 approval unless, within 30 days after the publication or posting, a petition
20 conforming to the requirements of s. 8.40 is filed with the secretary of the district
21 board requesting a referendum ~~at a special election~~ to be called for that purpose.
22 Such petition shall be signed by electors from each county lying wholly or partially
23 within the district. The number of electors from each county shall equal at least 1.5%
24 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
25 in more than one district, the technical college system board shall apportion the

1 county's population as determined under s. 16.96 (2) (c) to the districts involved and
2 the petition shall be signed by electors equal to the appropriate percentage of the
3 apportioned population. ~~In lieu of a special election, the district board may specify~~
4 ~~that the referendum shall be held at the next succeeding spring primary or election~~
5 ~~or September primary or general election.~~ Any resolution to borrow amounts of
6 money in excess of \$500,000 for building remodeling or improvement shall be
7 submitted to the electors of the district for approval. Any referendum under this
8 subdivision shall be called at the next election authorized under s. 8.065 occurring
9 not sooner than 45 days after filing of a petition or adoption of a resolution requiring
10 the referendum. If a referendum is held or required under this subdivision, no
11 promissory note may be issued until the issuance is approved by a majority of the
12 district electors voting at such referendum. The referendum shall be noticed, called
13 and conducted under s. 67.05 (6a) insofar as applicable, except that the notice of
14 ~~special election referendum~~ referendum and ballot need not embody a copy of the resolution and
15 the question which shall appear on the ballot shall be "Shall (name of district) be
16 authorized to borrow the sum of \$.... for (state purpose) by issuing its general
17 obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin
18 Statutes?".

19 **SECTION 36.** 81.01 (3) (b) of the statutes is amended to read:

20 81.01 (3) (b) The town board by resolution submits to the electors of the town
21 as a referendum at a ~~general or special town~~ an election specified in s. 8.065 the
22 question of exceeding the \$10,000 limit set under this subsection. The board shall
23 abide by the majority vote of the electors of the town on the question. The question
24 shall read as follows:

1 Shall the town of ... spend \$... over the annual limit of \$10,000 for the
2 construction and repair of its highways and bridges?

3 FOR SPENDING AGAINST SPENDING

4 **SECTION 37.** 86.21 (2) (a) of the statutes is amended to read:

5 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
6 section, a resolution authorizing the construction or acquisition thereof, and
7 specifying the method of payment therefor, shall be adopted by a majority of the
8 members of the governing body of such county, town, village or city at a regular
9 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
10 resolution shall include a general description of the property it is proposed to acquire
11 or construct. Any county, town, village or city constructing or acquiring a toll bridge
12 under this section may provide for the payment of the same or any part thereof from
13 the general fund, from taxation, or from the proceeds of either municipal bonds,
14 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
15 until 15 days after its passage and publication. If within said 15 days a petition
16 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality
17 signed by at least 20% of the electors thereof requesting that the question of
18 acquiring such toll bridge be submitted to the said electors, such question shall be
19 submitted at ~~any general or regular municipal~~ the next election specified in s. 8.065
20 ~~that may be~~ is held not less sooner than 10 ~~nor more than 40~~ 45 days from the date
21 of filing such petition. ~~In case no such general or regular municipal election is to be~~
22 ~~held within such stated period, then the governing body of such municipality shall~~
23 ~~order a special election to be held within 30 days from the filing of such petition upon~~
24 ~~the question of whether such toll bridge shall be acquired by said municipality. The~~
25 question submitted to the electors shall specify the method of payment for such toll

1 bridge as provided in the resolution for the acquisition thereof. If no such petition
2 is filed, or if the majority of votes cast at such referendum election are in favor of the
3 acquisition of such toll bridge, then the resolution of the governing body for the
4 acquisition of such toll bridge shall be in effect.

5 **SECTION 38.** 117.20 of the statutes is amended to read:

6 **117.20 Referendum procedures.** (1) If a referendum is required under ss.
7 117.08 to 117.11, it shall be held ~~on the Tuesday after the first Monday in November~~
8 at the next general election to be held not sooner than 45 days following receipt of
9 the petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10
10 (3) (a) or 117.11 (4) (a).

11 (2) The clerk of each affected school district shall publish notice, as required
12 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for
13 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a
14 referendum held under this section. The school board and school district clerk of each
15 affected school district shall each perform, for that school district, the functions
16 assigned to the school board and the school district clerk, respectively, under those
17 subsections. The form of the ballot shall correspond to the form prescribed by the
18 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
19 district shall file with the secretary of the board a certified statement prepared by
20 the school district board of canvassers of the results of the referendum in that school
21 district.

22 **SECTION 39.** 119.48 (4) (b) and (c) of the statutes are amended to read:

23 119.48 (4) (b) The communication shall state the purposes for which the funds
24 from the increase in the levy rate will be used and shall request the common council

1 to submit to the voters of the city the question of exceeding the levy rate specified in
2 s. 65.07 (1) (f) ~~at the September election or a special~~ an election specified in s. 8.065.

3 (c) Upon receipt of the communication, the common council shall cause the
4 question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to
5 the voters of the city at the ~~September election or at a special~~ next election specified
6 in s. 8.065 to be held not sooner than 45 days after receipt of the communication. The
7 question of exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted
8 upon a separate ballot or in some other manner so that the vote upon exceeding the
9 levy rate specified in s. 65.07 (1) (f) is taken separately from any other question
10 submitted to the voters. If a majority of the electors voting on the question favors
11 exceeding the levy rate specified under s. 65.07 (1) (f), the common council shall
12 approve the increase in the levy rate and shall levy and collect a tax equal to the
13 amount of money approved by the electors.

14 **SECTION 40.** 119.49 (1) (b) and (2) of the statutes are amended to read:

15 119.49 (1) (b) The communication shall state the amount of funds needed under
16 par. (a) and the purposes for which the funds will be used and shall request the
17 common council to submit to the voters of the city at the next election specified in s.
18 8.065 to be held in the city not sooner than 45 days after receipt of the communication
19 the question of issuing school bonds in the amount and for the purposes stated in the
20 communication.

21 (2) Upon receipt of the communication, the common council shall cause the
22 question of issuing such school bonds in the stated amount and for the stated school
23 purposes to be submitted to the voters of the city at the next election ~~held in the city~~
24 specified in s. 8.065 that occurs not sooner than 45 days after the date of receipt of
25 the communication. The question of issuing such school bonds shall be submitted

1 upon a separate ballot or in some other manner so that the vote upon issuing such
2 school bonds is taken separately from any other question submitted to the voters.
3 If a majority of the electors voting on the school bond question favors issuing such
4 school bonds, the common council shall cause the school bonds to be issued
5 immediately or within the period permitted by law, in the amount requested by the
6 board and in the manner other bonds are issued.

7 **SECTION 41.** 121.91 (3) (a) of the statutes is amended to read:

8 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (1), (2) or
9 (2m) otherwise applicable to the school district in any school year, it shall promptly
10 adopt a resolution supporting inclusion in the final school district budget of an
11 amount equal to the proposed excess revenue. The resolution shall specify whether
12 the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
13 proposed excess revenue is for both recurring and nonrecurring purposes, the
14 amount of the proposed excess revenue for each purpose. The school board shall call
15 a special referendum in accordance with s. 8.065 for the purpose of submitting the
16 resolution to the electors of the school district for approval or rejection. ~~In lieu of a
17 special referendum, the school board may specify that the referendum be held at the
18 next succeeding spring primary or election or September primary or general election,
19 if such election is, to be held not earlier sooner than 35 days after the adoption of the
20 resolution of the school board.~~

21 **SECTION 42.** 197.04 (1) and (2) of the statutes are amended to read:

22 197.04 (1) Any municipality having determined to acquire an existing plant or
23 any part of the equipment of a public utility may discontinue all proceedings to that
24 end at any time within 90 days after the final determination of compensation by the
25 commission, by a vote of the electors as herein provided, or by a resolution to that

1 effect by its municipal council, provided that such resolution shall not be of force and
2 effect until 90 days after its passage and publication. If within either of said 90-day
3 periods a petition conforming to the requirements of s. 8.40 shall be filed with the
4 clerk of such municipality, in a city of the first class signed by 5% and in all other
5 municipalities by 10% of the electors thereof, requesting that the question of
6 discontinuing said proceeding to acquire such plant or equipment be submitted to the
7 electors, such question shall be submitted to the said electors at ~~any general or~~
8 ~~regular municipal~~ the succeeding election specified in s. 8.065 that ~~may be~~ is held not
9 less than 30, ~~and not more than~~ 35, days from the date of the filing of the petition;
10 ~~and if no general election or regular municipal election is to be held within the stated~~
11 ~~periods, then the governing body of the municipality shall order the holding of a~~
12 ~~special election for the purpose of submitting to the electors in case.~~ If the petition
13 is filed before the adoption of such resolution the question submitted shall be
14 whether said proceedings shall be discontinued, and ~~in case~~ if the petition is filed
15 after the adoption of said resolution the question submitted shall be whether the
16 aforesaid resolution shall remain in effect and its adoption be ratified, and such
17 resolution shall not have force or effect unless a majority of the electors voting on
18 such question shall be in favor thereof.

19 (2) The municipal council may provide for the notice, the manner of holding
20 such election and the method of voting thereon and of making returns thereof and
21 the canvassing and determining of the result thereof; provided, that notice of the
22 submission of the question contemplated herein to the electors shall be given by a
23 brief notice of that fact once a week for three weeks in some newspaper of general
24 circulation published in the municipality, and if there be no such newspaper then
25 publication may be made in any newspaper of general circulation in the county seat

1 of the county wherein the municipality is located. ~~The notice of holding any special~~
2 ~~election shall be incorporated as a part of the aforesaid notice.~~

3 **SECTION 43.** 197.10 (2) of the statutes is amended to read:

4 197.10 (2) Such contract when adopted by the common council of said city and
5 accepted by the owner or owners of such public utility shall be submitted to the public
6 service commission for its approval and upon such approval the same shall be
7 submitted in such manner as the common council shall determine to a vote of the
8 electors of such city at the next ~~regular municipal election or at a special election~~
9 ~~called for that purpose~~ specified in s. 8.065 to be held not sooner than 45 days after
10 approval of the commission, and such contract shall not become binding upon such
11 city until approved by a majority vote of the qualified electors of such city voting
12 thereon. No bonds shall in any case be issued by said city under the contract or
13 contracts mentioned in sub. (1), until the proposition of their issue shall have been
14 submitted to the people of such city and adopted by a majority of the electors voting
15 thereon.

16 **SECTION 44.** 198.19 (1) of the statutes is amended to read:

17 198.19 (1) Any territory, constituting one or more municipalities contiguous to
18 a district may be annexed to and become a part of such district to all intents and
19 purposes and with like effect as though originally included therein upon such terms
20 and conditions as the board of directors of the district shall fix by ordinance adopted
21 by the affirmative vote of two-thirds of the directors-elect, provided that before such
22 ordinance becomes effective the same shall be accepted and ratified by the
23 affirmative vote of a majority of the qualified electors entitled to vote and voting in
24 a ~~special election~~ referendum called and held for that purpose, in accordance with
25 s. 8.065, in each municipality proposed in such ordinance to be annexed to the

1 district. Such ordinance shall be published and such election shall be noticed, held
2 and conducted, as nearly as may be, in the manner provided by this chapter for the
3 noticing, holding and conduct of elections upon the organization of a municipal power
4 district, except that the returns of such election and the ballots therein shall be
5 delivered to the clerk of the district. The results of said election shall be canvassed
6 publicly by the directors of the district.

7 **SECTION 45. Initial applicability.**

8 (1) This act first applies with respect to referenda called on the effective date
9 of this subsection.

10 (END)