

1989 Assembly Bill 391

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## 1989 WISCONSIN ACT 273

AN ACT to amend 9.20 (1), (3) to (5) and (8), 10.06 (3) (as) and (b), 10.66 (3) (cm), 59.031 (1) (b) and 59.033 (1); and to create 61.342 of the statutes, relating to: granting to electors in villages the authority to enact legislation by referendum.

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

**SECTION 1.** 9.20 (1), (3) to (5) and (8) of the statutes are amended to read:

9.20 (1) A number of electors equal to at least 15% of the votes cast for governor at the last general election in their city or village may sign and file a petition with the city or village clerk requesting that an attached proposed ordinance or resolution, without alteration, either be adopted by the common council or village board or be referred to a vote of the electors. The individual filing the petition on behalf of the electors shall designate in writing an individual to be notified of any insufficiency or improper form under sub. (3).

(3) Within 15 days after the petition is filed, the city clerk shall determine by careful examination whether the petition is sufficient and whether the proposed ordinance or resolution is in proper form. The clerk shall state his or her findings in a signed and dated certificate attached to the petition. If the petition is found to be insufficient or the proposed ordinance or resolution is not in proper form, the certificate shall give the particulars, stating the insufficiency or improper form. The petition may be amended to correct any insufficiency or the proposed ordinance or resolution may be put in proper form within 10 days following the affixing of the original certificate and notification of the individual designated under sub. (1). When the original or amended petition is found to be sufficient and the original or amended ordinance or resolution is in proper form, the city clerk shall so state on the

attached certificate and forward it to the common council or village board immediately.

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

(5) The city clerk shall cause notice of the ordinance or resolution that is being submitted to a vote to be given as provided in s. 10.06 (3) (f).

(8) City ordinances or resolutions adopted under this section shall not be subject to the veto power of the mayor and city or village ordinances or resolutions adopted under this section shall not be repealed or amended within 2 years of adoption except by a vote of the electors. The common council or village board may submit a proposition to repeal or amend the ordinance or resolution at any election.

**SECTION 2.** 10.06 (3) (as) and (b) of the statutes are amended to read:

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10.06 (3) (as) On the 4th Tuesday preceding the spring primary, when held, the municipal clerk shall publish a type E notice. In cities and villages, the municipal clerk shall publish a type A notice on the 4th Tuesday preceding the spring primary of any direct legislation questions to be voted on at the primary.

(b) If there is to be a municipal primary, the municipal clerk shall publish a type B notice on the Monday before the primary election. In cities and villages, the municipal clerk shall publish a type C notice on the Monday before the primary election of any direct legislation questions to be voted on at the primary.

**SECTION 3.** 10.66 (3) (cm) of the statutes is amended to read:

10.66 (3) (cm) *4th Tuesday before primary.* On the 4th Tuesday before the spring primary, the municipal clerk publishes a type E notice for the spring primary. In cities and villages, the municipal clerk publishes a type A notice of any direct legislation questions to be voted on at the primary. See s. 10.06 (3) (as).

**SECTION 4.** 59.031 (1) (b) of the statutes is amended to read:

59.031 (1) (b) Counties having a population of less than 500,000 may by resolution of the county board or by petition and referendum create the office of county executive or abolish it by petition and referendum. If the office of county executive is abolished, the person serving in the office shall complete the term to which elected. The county executive shall be elected the same as a

county executive is elected under par. (a) for a term of 4 years commencing with the 1st spring election occurring at least 120 days after the creation of the office and shall take office on the 3rd Tuesday in April of that year. Such petition and election shall follow the procedure provided ~~for cities~~ in s. 9.20 (1) to (6), except that in case of conflict this subsection shall control.

**SECTION 5.** 59.033 (1) of the statutes is amended to read:

59.033 (1) **APPOINTMENT.** Counties having a population of less than 500,000 may by resolution of the county board or by petition and referendum create the office of county administrator. The county administrator shall be appointed by majority vote of the county board. Such petition and election shall follow the procedure provided ~~for cities~~ in s. 9.20 (1) to (6). If any member of the county board is appointed as county administrator, his or her status as a member of the county board is thereby terminated, except that in the case of a vacancy in the office of county administrator by reason of removal, resignation or other cause, the county board may appoint any member of the county board as acting county administrator to serve for a period of 15 days while the county board is considering the selection of a county administrator.

**SECTION 6.** 61.342 of the statutes is created to read:

**61.342 Direct legislation.** The provisions of s. 9.20, relating to direct legislation, shall be applicable to villages.