

1999 DRAFTING REQUEST

Bill

Received: 12/8/98

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Rick Skindrud (608) 266-3520**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Topic:

Dates and subjects of referenda

Instructions:

Per 1997 AB 310, but include referendum appeal board from ASub 1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 12/11/98	ptellez 01/12/99		_____			Local
/1			martykr 01/15/99	_____	lrb_docadmin 01/15/99	lrb_docadmin 01/19/99	

FE Sent For:

02-08-99

<END>

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1? 1	kuesejt	12/4/98 1 jlg 1/12	12/22/98 km 1/13	JA 1/13			

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<END>



1999 BILL

~~ASSEMBLY SUBSTITUTE AMENDMENT~~

~~TO 1997 ASSEMBLY BILL 310~~

Due Friday

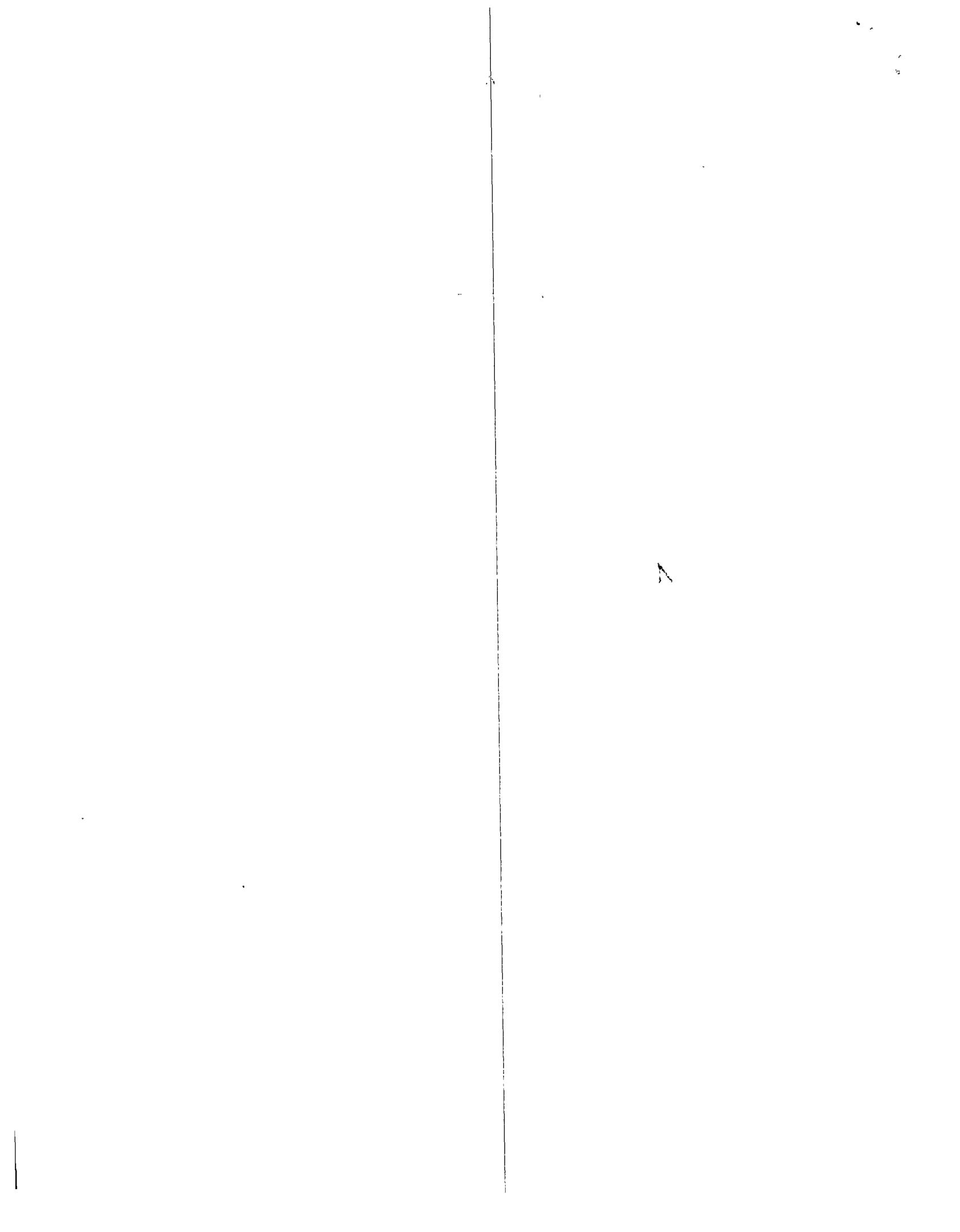
1 AN ACT ^(Amendment) to amend 5.02 (20r), 7.03 (1) (bm), 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06,
2 9.20 (4), 24.66 (3) (b), 24.66 (4), 32.72 (1), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b),
3 61.187 (1), 61.46 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.01 (8), 66.059 (2m) (b),
4 66.061 (1) (c), 66.075 (5), 66.504 (2), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4),
5 67.05 (4) and (5), 67.05 (6a) (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b), 67.12 (12) (e)
6 5., 81.01 (3) (b), 86.21 (2) (a), 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and (2),
7 121.91 (3) (a), 197.04 (1) and (2), 197.10 (2) and 198.19 (1); and to create 8.065

8 of the statutes; relating to: scheduling of referenda by local governments and
9 the cost of special elections called by local governments.

INSECT
ANALYSIS

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

10 SECTION 1. 5.02 (20r) of the statutes is amended to read:
11 5.02 (20r) "Special referendum" means any a referendum held at a special
12 election which is not held concurrently with the elections described in sub. (5), (18),



1 ~~(21) or (22)~~ on the first Tuesday after the first Monday in November of an
2 ~~odd-numbered year.~~

3 ~~SECTION 2. 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, a sanitary district or a public
6 inland lake protection and rehabilitation district for a date other than the date of an
7 election specified in s. 5.02 (5), (18), (21) or (22), the county or district shall pay the
8 compensation of all election officials, as determined under sub. (2).~~

9 SECTION 3. 7.15 (2) (d) of the statutes is amended to read:

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

20 SECTION 4. 8.05 (3) (d) and (e) of the statutes are amended to read:

21 8.05 (3) (d) The question of adoption of the nonpartisan primary under this
22 subsection may be submitted to the electors at any ~~regular~~ election authorized under
23 s. 8.065 held in the town ~~or at a special election called for the purpose.~~ When a
24 petition conforming to the requirements of s. 8.40 signed by at least 20 electors of the

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1 town is filed with the town clerk so requesting, the question shall be submitted to a
2 vote.

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

8 SECTION 5. 8.06 of the statutes is amended to read:

9 **8.06 Special elections may be called.** Towns, cities, villages and school
10 districts may call special elections for any purpose whenever such action is
11 authorized or required by law. If an election is called for a special referendum, the
12 election shall be called and noticed under as provided in s. 8.55.

13 SECTION 6. 8.065 of the statutes is created to read:

14 **8.065 Scheduling of referenda.** (1) In this section, "local governmental
15 unit" has the meaning given in s. 16.97 (7).

16 (2) Unless otherwise required by law or unless authorized under sub. (3), a
17 referendum held by any local governmental unit that is authorized or required by
18 law to hold a referendum may only be held concurrently with the spring primary,
19 spring election, September primary or general election, or on ~~the 2nd Tuesday of~~
20 ~~September~~ of the first Tuesday after the first Monday of November of an
21 odd-numbered year.

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1 **6.** Page 4, line 2: after that line insert:

2 **(3)** If a local governmental unit wishes to hold a special referendum on a date
3 *or on a date other than the first Tuesday after the first Monday in* the
4 that is not concurrent with an election specified in s. 5.02 (5), (18), (21) or (22), the
5 local governmental unit may petition the referendum appeal board for a
6 determination that an emergency exists with respect to a particular question. The
7 referendum appeal board shall make a determination within 10 days after receipt
8 of a petition under this subsection. If the referendum appeal board finds, with the
9 concurrence of at least 4 members, that an emergency exists which requires a special
10 referendum to be held by a local governmental unit on a date that is not concurrent
11 *or on a date other than the first Tuesday after the first Monday in* with an election specified in s. 5.02 (5), (18), (21) or (22), the board may permit a
12 referendum relating to the question specified in the petition to be held on a date
determined by the local governmental unit.

*November
of an
odd-
numbered
year*

*November
of an
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numbered
year*

13 **7.** Page 4, line 6: delete "specified".

14 **8.** Page 4, line 7: delete "in" and substitute "authorized under".

15 **9.** Page 4, line 10: delete "specified in" and substitute "authorized under".

16 **10.** Page 4, line 10: after "8.065" insert "(2) or an election authorized under
17 s. 8.065 (3)".

18 **11.** Page 4, line 14: after that line insert:

19 "SECTION 6m. 15.615 (2) of the statutes is created to read:
20 15.615 (2) REFERENDUM APPEAL BOARD. There is created a referendum appeal
21 board which is attached to the elections board under s. 15.03. The board shall consist
22 of the governor, the senate majority leader, the senate minority leader, the speaker
23 of the assembly and the assembly minority leader or the designees of these persons."

24 **12.** Page 5, line 17: delete "specified in" and substitute "authorized under".

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SECTION 7. 9.20 (4) of the statutes is amended to read:

9.20 (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 authorized under s. 8.065, 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 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) thereafter. ~~The council or board by a~~





1 ~~three-fourths vote of the members elect may order a special election for the purpose~~
2 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~
3 ~~more than one special election for direct legislation may be ordered in any 6-month~~
4 ~~period.~~

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5 SECTION 8. 24.66 (3) (b) of the statutes is amended to read:

6 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
7 for a loan, the required repayment of which exceeds 10 years, shall be approved and
8 authorized for a unified school district by a majority vote of the members of the school
9 board at a regular or special meeting of the school board. Every vote so required shall
10 be by ayes and noes duly recorded. In addition, the application shall be approved for
11 a unified school district by a majority vote of the electors of the school district at a
12 ~~special election~~ referendum as provided under sub. (4).

13 SECTION 9. 24.66 (4) of the statutes is amended to read:

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

22 SECTION 10. 32.72 (1) of the statutes is amended to read:

23 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
24 question is submitted to the electors of the city at a ~~special election~~ referendum called
25 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:

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1 "Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of
2 , thus allowing the city to acquire and condemn property for street
3 widening and similar purposes, financed through assessments of benefits and
4 damages?"

5 SECTION 11. 59.08 (7) (b) of the statutes is amended to read:

6 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
7 to the voters at the next election authorized under s. 8.065 (2) or an election
8 authorized under s. 8.065 (3) to be held on the first Tuesday in April, or the next
9 regular election, or at a special election to be held on a date specified in the order
10 which shall be no sooner than 45 days after the day fixed in date of the order issued
11 under par. (a), which day date shall be the same in each of the counties proposing to
12 consolidate. A copy of the order shall be filed with the county clerk of each of the
13 counties. If the question of consolidation is submitted at a special election, it shall
14 be held not less than 30 days nor more than 60 days from the completion of the
15 consolidation agreement, but not within 60 days of any spring or general election.

16 SECTION 12. 60.62 (2) of the statutes is amended to read:

17 60.62 (2) If the county in which the town is located has enacted a zoning
18 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
19 approval by the town meeting or by a referendum vote of the electors of the town to
20 be held at the time of any regular or special election in accordance with s. 8.065.

21 SECTION 13. 60.74 (5) (b) of the statutes is amended to read:

22 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
23 qualified electors of the district equal to at least 20% of the vote cast for governor in
24 the district at the last gubernatorial election, requesting a change to appointment
25 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). Upon

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1 receipt of the petition, the town board shall submit the question to a referendum at
 2 the next ~~regular spring election or general election, or shall call a special election for~~
 3 ~~that purpose~~ authorized under s. 8.065 (2) or an election authorized under s. 8.065
 4 (3) to be held not sooner than 45 days after receipt of the petition. The inspectors
 5 shall count the votes and submit a statement of the results to the commission. The
 6 commission shall canvass the results of the election and certify the results to the
 7 town board which has authority to appoint commissioners.

8 **SECTION 14.** 61.187 (1) of the statutes is amended to read:

9 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
 10 of s. 8.40, signed by at least one-third as many electors of any village as voted for
 11 village officers at the next preceding election therefor, shall be presented to the
 12 village board praying for dissolution of the village corporation, such board shall
 13 submit to the electors of such village, for determination by ballot in substantially the
 14 manner provided by ss. 5.64 (2) and 10.02, at a ~~general election or at a special election~~
 15 ~~called by them for that purpose~~ the next election authorized under s. 8.065 (2) or an
 16 election authorized under s. 8.065 (3) to be held not sooner than 45 days after
 17 presentation of the petition, the question whether or not such village corporation
 18 shall be dissolved.

19 **SECTION 15.** 61.46 (1) of the statutes is amended to read:

20 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
 21 15 in each year, by resolution to be entered of record, determine the amount of
 22 corporation taxes to be levied and assessed on the taxable property in such village
 23 for the current year. Before levying any tax for any specified purpose, exceeding one
 24 percent of the assessed valuation aforesaid, the village board shall, and in all other
 25 cases may in its discretion, submit the question of levying the same to the village

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1 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or
 2 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after
 3 submission by giving 10 days' notice thereof prior to such election by publication in
 4 a newspaper published in the village, if any, and if there is none, then by posting
 5 notices in 3 public places in said village, setting forth in such notices the object and
 6 purposes for which such taxes are to be raised and the amount of the proposed tax.

7 **SECTION 16.** 62.09 (1) (a) of the statutes is amended to read:

8 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
 9 attorney, engineer, one or more assessors unless the city is assessed by a county
 10 assessor under s. 70.99, one or more constables as determined by the common
 11 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
 12 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
 13 except in cities where not applicable, chief of police, chief of the fire department,
 14 board of public works, 2 alderpersons from each aldermanic district, and such other
 15 officers or boards as are created by law or by the council. If one alderperson from each
 16 aldermanic district is provided under s. 66.018 (1), the council may, by ordinance
 17 adopted by a two-thirds vote of all its members and approved by the electors at a
 18 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be
 19 2 alderpersons from each aldermanic district.

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

21 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,
 22 and every petition for a ~~special election~~ referendum on the same, shall state the
 23 number of members of which the council herein provided for shall be composed, the
 24 term of office of its members, which term shall not exceed 2 years, whether they shall

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1 be nominated and elected from aldermanic districts or from the city at large, and the
2 compensation, if any, which they shall receive.

3 **SECTION 18.** 64.39[✓] (3) of the statutes is amended to read:

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

10 **SECTION 19.** 66.01[✓] (8) of the statutes is amended to read:

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

21 **SECTION 20.** 66.059[✓] (2m) (b) of the statutes is amended to read:

22 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal
23 governing body shall direct the municipal clerk to ~~call a special election for the~~
24 ~~purpose of submitting~~ submit the resolution to the electors for approval of the
25 electors at a referendum on approval or rejection. ~~In lieu of a special election, the~~

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1 ~~municipal governing body may specify that the election be held at the next~~
2 ~~succeeding spring primary or election or September primary or general election~~
3 ~~called in accordance with s. 8.065.~~

4 SECTION 21. 66.061 (1) (c) of the statutes is amended to read:

5 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
6 and publication unless sooner approved by a referendum. Within that time electors
7 equal in number to 20 per cent of those voting at the last regular municipal election,
8 may demand a referendum. The demand shall be in writing and filed with the clerk.
9 Each signer shall state his or her occupation and residence and signatures shall be
10 verified by the affidavit of an elector. The referendum shall be held at the next
11 ~~regular municipal election, or at a special election within 90 days of the~~ authorized
12 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner
13 than 45 days after filing of the demand, and the ordinance shall not be effective
14 unless approved by a majority of the votes cast thereon. This paragraph shall not
15 apply to extensions by a utility previously franchised by the village or city.

16 SECTION 22. 66.075 (5) of the statutes is amended to read:

17 66.075 (5) The provisions of this section shall apply only to such counties, cities,
18 villages and towns as shall have adopted the same at any general or municipal
19 election at which the question of the establishment of such county or municipal
20 slaughterhouse shall have been submitted to the voters of such county, city, village
21 or town. Such question shall, upon the filing of a petition conforming to the
22 requirements of s. 8.40 by electors of such county, city, village or town equal in
23 number to at least 10% of all the votes cast in such county, city, village or town for
24 governor at the last preceding general election, be submitted to the electors of such
25 county, city, village or town at the next ensuing election authorized under s. 8.065 (2)

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1 or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after
2 filing of the petition, and if a majority of votes cast shall be in favor of the
3 establishment of such slaughterhouse, the provisions of this section shall apply to
4 such county, city, village or town.

5 SECTION 23. 66.504 (2) of the statutes is amended to read:

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

13 SECTION 24. 66.521 (10) (d) of the statutes is amended to read:

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

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1 **SECTION 25.** 66.77 (3) (a) [✓]1. of the statutes is amended to read:

2 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating
3 levy rate limit otherwise applicable to the county under this section, it shall adopt
4 a resolution to that effect. The resolution shall specify either the operating levy rate
5 or the operating levy that the governing body wishes to impose for either a specified
6 number of years or an indefinite period. The governing body shall call a special
7 ~~referendum for the purpose of submitting the resolution to the electors of the county~~
8 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~
9 ~~specify that~~ provide for the referendum to be held at the next succeeding spring
10 ~~primary or election or September primary or general election to be held~~ authorized
11 under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier
12 than 30 days after the adoption of the resolution of the governing body.

13 **SECTION 26.** 66.94 (4) [✓] of the statutes is amended to read:

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

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

4 YES NO

5 SECTION 27. 67.05 (4) and (5) of the statutes are amended to read:

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

20 (5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial
21 resolution has been so adopted by the governing body of a town, the clerk of the
22 municipality shall immediately record the resolution and call a ~~special election~~
23 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
24 to the electors of the municipality for approval. This paragraph does not apply to
25 bonds issued to finance low-interest mortgage loans under s. 66.38, unless a number

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1 of electors equal to at least 15% of the votes cast for governor at the last general
2 election in their town sign and file a petition conforming to the requirements of s. 8.40
3 with the town clerk requesting submission of the resolution. Whenever a number of
4 electors cannot be determined on the basis of reported statistics, the number shall
5 be determined in accordance with s. 60.74 (6). If a petition is filed, the question
6 submitted shall be whether the resolution shall or shall not be approved. This
7 paragraph is limited in its scope by sub. (7).

8 (b) No city or village may issue any bonds for any purposes other than for water
9 systems, lighting works, gas works, bridges, street lighting, street improvements,
10 street improvement funding, hospitals, airports, harbor improvements, river
11 improvements, breakwaters and protection piers, sewerage, garbage disposal,
12 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish
13 disposal, parks and public grounds, swimming pools and band shells thereon,
14 veterans housing projects, paying the municipality's portion of the cost of abolishing
15 grade crossings, for the construction of police facilities and combined fire and police
16 safety buildings, for the purchase of sites for engine houses, for fire engines and other
17 equipment of the fire department, for construction of engine houses, and for pumps,
18 water mains, reservoirs and all other reasonable facilities for fire protection
19 apparatus or equipment for fire protection, for parking lots or other parking
20 facilities, for school purposes, for libraries, for buildings for the housing of machinery
21 and equipment, for acquiring and developing sites for industry and commerce as will
22 expand the municipal tax base, for financing the cost of low-interest mortgage loans
23 under s. 66.38, for providing financial assistance to blight elimination, slum
24 clearance, community development, redevelopment and urban renewal programs
25 and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46 or

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✓ college campuses, as defined in s. 36.105 (6m), plain

1

for university of Wisconsin system ~~centers~~ until the proposition for their issue for the special purpose thereof has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of any city or the village board of any village declares its purpose to raise money by issuing bonds for any purpose other than those above specified, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a ~~special election~~ referendum in accordance with s. 8.065 for the purpose of submitting the question of bonding to the city or village electors. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition conforming to the requirements of s. 8.40 with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds for financing the cost of low-interest mortgage loans under s. 66.38 ~~without calling a special election to submit the question of bonding to~~ unless the issuance is approved by the city or village electors for their approval at a referendum called in accordance with s. 8.065.

SECTION 28. 67.05 (6a) (a) 2. a. of the statutes is amended to read:

67.05 (6a) (a) 2. a. Direct the school district clerk to call a ~~special election~~ referendum in accordance with s. 8.065 (2) or an election authorized under s. 8.065 (3) for the purpose of submitting the resolution to the electors for approval or rejection, ~~or direct that the resolution be submitted at the next regularly scheduled primary or election~~ permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not earlier than 45 days after the adoption of the resolution. The resolution shall not be effective unless adopted by a majority of the school district electors voting at the referendum.

SECTION 29. 67.05 (6m) (b) of the statutes is amended to read:

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25

1 67.05 (6m) (b) If a referendum is to be held on an initial resolution, the district
2 board shall direct the technical college district secretary to call a ~~special election~~
3 referendum in accordance with s. 8.065 for the purpose of submitting the initial
4 resolution to the electors for a ~~referendum on approval or rejection~~. In lieu of a
5 ~~special election, the district board may specify that the election be held at the next~~
6 ~~succeeding spring primary or election or September primary or general election.~~

7 **SECTION 30.** 67.10 (5) (b) of the statutes is amended to read:

8 67.10 (5) (b) Any city having ~~voted~~ approved the issuance of bonds at a special
9 referendum election held in accordance with s. 8.065 and having sold a portion
10 thereof may negotiate, sell or otherwise dispose of the same in the manner provided
11 by statute within 9 years of the date of the election voting the same.

12 **SECTION 31.** 67.12 (12) (e) 5. of the statutes is amended to read:

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

proof w/ stats.

1 Such petition shall be signed by electors from each county lying wholly or partially
 2 within the district. The number of electors from each county shall equal at least 1.5%
 3 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
 4 in more than one district, the technical college system board shall apportion the
 5 county's population as determined under s. 16.96 (2) (c) to the districts involved and
 6 the petition shall be signed by electors equal to the appropriate percentage of the
 7 apportioned population. ~~In lieu of a special election, the district board may specify~~
 8 ~~that the referendum shall be held at the next succeeding spring primary or election~~
 9 ~~or September primary or general election.~~ Any resolution to borrow amounts of
 10 money in excess of \$500,000 for building remodeling or improvement shall be
 11 submitted to the electors of the district for approval. Any referendum under this
 12 subdivision shall be called at the next election authorized under s. 8.065 (2) or an
 13 election authorized under s. 8.065 (3) occurring not sooner than 45 days after filing
 14 of a petition or adoption of a resolution requiring the referendum. If a referendum
 15 is held or required under this subdivision, no promissory note may be issued until
 16 the issuance is approved by a majority of the district electors voting at such
 17 referendum. The referendum shall be noticed, called and conducted under s. 67.05
 18 (6a) insofar as applicable, except that the notice of ~~special election~~ referendum and
 19 ballot need not embody a copy of the resolution and the question which shall appear
 20 on the ballot shall be "Shall (name of district) be authorized to borrow the sum of
 21 \$... for (state purpose) by issuing its general obligation promissory note (or notes)
 22 under section 67.12 (12) of the Wisconsin Statutes?".

SECTION 32. 81.01 (3) (b) of the statutes is amended to read:

23 81.01 (3) (b) The town board by resolution submits to the electors of the town
 24 as a referendum at a ~~general or special town~~ an election authorized under s. 8.065
 25

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1 the question of exceeding the \$10,000 limit set under this subsection. The board shall
2 abide by the majority vote of the electors of the town on the question. The question
3 shall read as follows:

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

6 FOR SPENDING AGAINST SPENDING

7 SECTION 33. 86.21 (2) (a) of the statutes is amended to read:

8 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
9 section, a resolution authorizing the construction or acquisition thereof, and
10 specifying the method of payment therefor, shall be adopted by a majority of the
11 members of the governing body of such county, town, village or city at a regular
12 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
13 resolution shall include a general description of the property it is proposed to acquire
14 or construct. Any county, town, village or city constructing or acquiring a toll bridge
15 under this section may provide for the payment of the same or any part thereof from
16 the general fund, from taxation, or from the proceeds of either municipal bonds,
17 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
18 until 15 days after its passage and publication. If within said 15 days a petition
19 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality
20 signed by at least 20% of the electors thereof requesting that the question of
21 acquiring such toll bridge be submitted to the said electors, such question shall be
22 submitted at ~~any general or regular municipal~~ the next election authorized under s.
23 8.065 (2) or an election authorized under s. 8.065 (3) that ~~may be~~ is held not less
24 sooner than ~~10 nor more than 40~~ 45 days from the date of filing such petition. ~~In case~~
25 ~~no such general or regular municipal election is to be held within such stated period,~~

Proof w/ STATS.

1 then the governing body of such municipality shall order a special election to be held
 2 within 30 days from the filing of such petition upon the question of whether such toll
 3 bridge shall be acquired by said municipality. The question submitted to the electors
 4 shall specify the method of payment for such toll bridge as provided in the resolution
 5 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast
 6 at such referendum election are in favor of the acquisition of such toll bridge, then
 7 the resolution of the governing body for the acquisition of such toll bridge shall be in
 8 effect.

9 SECTION 34. 117.20 of the statutes is amended to read:

10 **117.20 Referendum procedures.** (1) If a referendum is required under s.
 11 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November
 12 occurring not sooner than 45 days following receipt of the petition or adoption of the
 13 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a).

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

25 SECTION 35. 119.48 (4) (b) and (c) of the statutes are amended to read:

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1 119.48 (4) (b) The communication shall state the purposes for which the funds
 2 from the increase in the levy rate will be used and shall request the common council
 3 to submit to the voters of the city the question of exceeding the levy rate specified in
 4 s. 65.07 (1) (f) at the ~~September election or a special~~ an election authorized under s.
 5 8.065.

6 (c) Upon receipt of the communication, the common council shall cause the
 7 question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to
 8 the voters of the city at the ~~September election or at a special~~ next election authorized
 9 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner
 10 than 45 days after receipt of the communication. The question of exceeding the levy
 11 rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in
 12 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07
 13 (1) (f) is taken separately from any other question submitted to the voters. If a
 14 majority of the electors voting on the question favors exceeding the levy rate specified
 15 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate
 16 and shall levy and collect a tax equal to the amount of money approved by the
 17 electors.

18 **SECTION 36.** 119.49 (1) (b) and (2) of the statutes are amended to read:

19 119.49 (1) (b) The communication shall state the amount of funds needed under
 20 par. (a) and the purposes for which the funds will be used and shall request the
 21 common council to submit to the voters of the city at the ~~the~~ next election authorized
 22 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city
 23 not sooner than 45 days after receipt of the communication the question of issuing
 24 school bonds in the amount and for the purposes stated in the communication.

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(2) Upon receipt of the communication, the common council shall cause the question of issuing such school bonds in the stated amount and for the stated school purposes to be submitted to the voters of the city at the next election held in the city authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not sooner than 45 days after the date of receipt of the communication. The question of issuing such school bonds shall be submitted upon a separate ballot or in some other manner so that the vote upon issuing such school bonds is taken separately from any other question submitted to the voters. If a majority of the electors voting on the school bond question favors issuing such school bonds, the common council shall cause the school bonds to be issued immediately or within the period permitted by law, in the amount requested by the board and in the manner other bonds are issued.

~~SECTION 37.~~ 121.91 (3) (a) of the statutes is amended to read:

121.91 (3) (a) If a school board wishes to exceed the limit under sub. (1), (2) or (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The school board shall call a special referendum in accordance with s. 8.065 for the purpose of submitting the resolution to the electors of the school district for approval or rejection. In lieu of a special referendum, the school board may specify that the referendum be held at the next succeeding spring primary or election or September primary or general election.

within 10 days after adopting the resolution, the school board shall notify the department

Proof of Stats.

of the scheduled date of the referendum and submit a copy of the resolution to the department.

1 if such election is, to be held not earlier sooner than 35 days after the adoption of the
2 resolution of the school board.

3 SECTION 38. 197.04 (1) and (2) of the statutes are amended to read:

4 197.04 (1) Any municipality having determined to acquire an existing plant or
5 any part of the equipment of a public utility may discontinue all proceedings to that
6 end at any time within 90 days after the final determination of compensation by the
7 commission, by a vote of the electors as herein provided, or by a resolution to that
8 effect by its municipal council provided that such resolution shall not be of force and
9 effect until 90 days after its passage and publication.

10 periods a petition conforming to the requirements of s. 8.40 shall be filed with the
11 clerk of such municipality in a city of the first class signed by 5% of the electors of a
12 municipalities by 10% of the electors thereof, requesting that the question of
13 discontinuing said proceeding to acquire such plant or equipment, be submitted to the
14 electors, such question shall be submitted to the said electors at any general or
15 regular municipal the succeeding election authorized under s. 8.065 (2) or an election

16 authorized under s. 8.065 (3) that may be is held not less than 30, and not more than
17 35, days from the date of the filing of the petition ~~and~~ If the general election or regular

18 municipal election is to be held within the stated periods, then the governing body
19 of the municipality shall order the holding of a special election for the purpose of
20 submitting to the electors ~~the question~~ ~~the question~~ If the petition is filed before the adoption of such

21 resolution the question submitted shall be whether said proceedings shall be
22 discontinued, and in case if the petition is filed after the adoption of said resolution
23 the question submitted shall be whether the aforesaid resolution shall remain in
24 effect and its adoption be ratified, and such resolution shall not have force or effect
25 unless a majority of the electors voting on such question shall be in favor thereof.

The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

~~197.04 (1) Any municipality having determined to acquire an existing plant or any part of the equipment of a public utility may discontinue all proceedings to that end at any time within 90 days after the final determination of compensation by the commission, by a vote of the electors as herein provided, or by a resolution to that effect by its municipal council provided that such resolution shall not be of force and effect until 90 days after its passage and publication.~~

~~periods a petition conforming to the requirements of s. 8.40 shall be filed with the clerk of such municipality in a city of the first class signed by 5% of the electors of a municipalities by 10% of the electors thereof, requesting that the question of discontinuing said proceeding to acquire such plant or equipment, be submitted to the electors, such question shall be submitted to the said electors at any general or regular municipal the succeeding election authorized under s. 8.065 (2) or an election~~

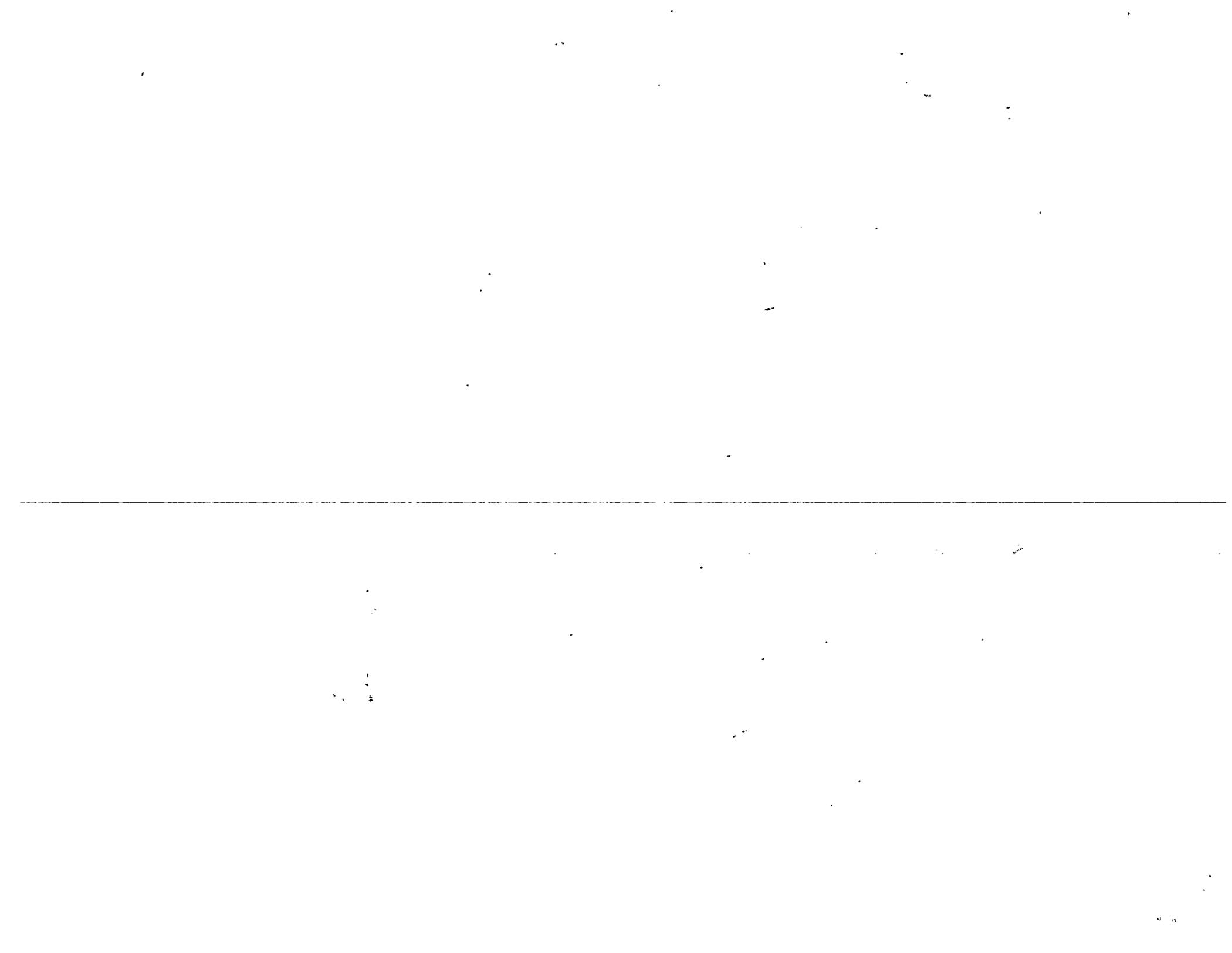
~~authorized under s. 8.065 (3) that may be is held not less than 30, and not more than 35, days from the date of the filing of the petition and If the general election or regular municipal election is to be held within the stated periods, then the governing body of the municipality shall order the holding of a special election for the purpose of submitting to the electors the question the question If the petition is filed before the adoption of such~~

~~resolution the question submitted shall be whether said proceedings shall be discontinued, and in case if the petition is filed after the adoption of said resolution the question submitted shall be whether the aforesaid resolution shall remain in effect and its adoption be ratified, and such resolution shall not have force or effect unless a majority of the electors voting on such question shall be in favor thereof.~~

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is held.
the referendum
within 10 days
after the
referendum
is held.
of the electors of a 1st class city or by 10% of the electors of

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1 purposes and with like effect as though originally included therein upon such terms
 2 and conditions as the board of directors of the district shall fix by ordinance adopted
 3 by the affirmative vote of two-thirds of the directors-elect, provided that before such
 4 ordinance becomes effective the same shall be accepted and ratified by the
 5 affirmative vote of a majority of the qualified electors entitled to vote and voting in
 6 a ~~special election~~ referendum called and held for that purpose, in accordance with
 7 s. 8.065, in each municipality proposed in such ordinance to be annexed to the
 8 district. Such ordinance shall be published and such election shall be noticed, held
 9 and conducted, as nearly as may be, in the manner provided by this chapter for the
 10 noticing, holding and conduct of elections upon the organization of a municipal power
 11 district, except that the returns of such election and the ballots therein shall be
 12 delivered to the clerk of the district. The results of said election shall be canvassed
 13 publicly by the directors of the district.

SECTION 41. Initial applicability.

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

(END) ✓



1997 ASSEMBLY BILL 310

ANALYSIS p. 1

April 24, 1997 - Introduced by Representatives SKINDRUD, JENSEN, DUFF, AINSWORTH, HAHN, HANDRICK, GARD, GROTHMAN, FREESE, NASS, LADWIG, POWERS, SERATTI, SYKORA, WARD and ZUKOWSKI, cosponsored by Senators DRZEWIECKI, ELLIS, COWLES, WEEDEN and ZIEN. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT to amend** 5.02 (20r), 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66
2 (3) (b), 24.66 (4), 32.72 (1), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46
3 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.01 (8), 66.059 (2m) (b), 66.061 (1) (c),
4 66.075 (5), 66.504 (2), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (4) and (5),
5 67.05 (6a) (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b), 67.12 (12) (e) 5., 81.01 (3) (b),
6 86.21 (2) (a), 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), 121.91 (3) (a)
7 197.04 (1) and (2), 197.10 (2) and 198.19 (1); and **to create** 8.065 of the statutes;
8 **relating to:** 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 primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an

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ANALYSIS, P2

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2A

odd-numbered year (no election is currently held on that date), the September primary (held in each even-numbered year) 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 substantially similar 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.

bill

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:

SECTION 1. 5.02 (20r) of the statutes is amended to read:

5.02 (20r) "Special referendum" means ~~any a referendum held at a special election which is not held concurrently with the elections described in sub. (5), (18), (21) or (22) on the first Tuesday after the first Monday in November of an odd-numbered year.~~

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

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

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

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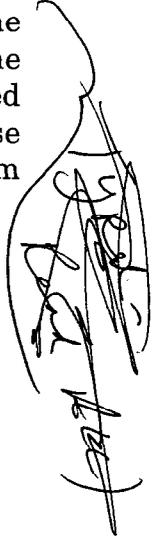
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INS 2A

However, the bill creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.



[END INSERT - ANALYSIS]

INS 3-21:1

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 4. 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 whenever such action is
14 authorized or required by law. If an election is called for a special referendum, the
15 election shall be called and noticed under as provided in s. 8.55.

16 SECTION 5. 8.065 of the statutes is created to read:

17 **8.065 Scheduling of referenda.** (1) In this section, "local governmental
18 unit" has the meaning given in s. 16.97 (7).

19 (2) Unless otherwise required by law, a referendum held by any local
20 governmental unit that is authorized or required by law to hold a referendum may
21 only be held concurrently with the spring primary, spring election, September
22 primary or general election, or on the ~~first Tuesday after the first Monday of~~
23 ~~November of an odd-numbered year,~~ ^{NO or unless authorized under sub. (3)} Unless otherwise required by law, no

24 referendum submitted by the same local governmental unit relating to substantially

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INS 3-21:2

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

3 ~~SECTION 6. 9.20 (4) of the statutes is amended to read:~~

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

15 SECTION 7. 24.66 (3) (b) of the statutes is amended to read:

16 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
17 for a loan, the required repayment of which exceeds 10 years, shall be approved and
18 authorized for a unified school district by a majority vote of the members of the school
19 board at a regular or special meeting of the school board. Every vote so required shall
20 be by ayes and noes duly recorded. In addition, the application shall be approved for
21 a unified school district by a majority vote of the electors of the school district at a
22 ~~special election referendum~~ as provided under sub. (4).

23 SECTION 8. 24.66 (4) of the statutes is amended to read:

24 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
25 by law to incur indebtedness for a particular purpose without first submitting the

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INS 5-4

1 **6.** Page 4, line 2: after that line insert:

2 “(3) If a local governmental unit wishes to hold a special referendum on a date
3 that is not concurrent with an election specified in s. 5.02 (5), (18), (21) or (22), the
4 local governmental unit may petition the referendum appeal board for a
5 determination that an emergency exists with respect to a particular question. The
6 referendum appeal board shall make a determination within 10 days after receipt
7 of a petition under this subsection. If the referendum appeal board finds, with the
8 concurrence of at least 4 members, that an emergency exists which requires a special
9 referendum to be held by a local governmental unit on a date that is not concurrent
10 with an election specified in s. 5.02 (5), (18), (21) or (22), the board may permit a
11 referendum relating to the question specified in the petition to be held on a date
12 determined by the local governmental unit.”

13 **7.** Page 4, line 6: delete “specified”.

14 **8.** Page 4, line 7: delete “in” and substitute “authorized under”.

15 **9.** Page 4, line 10: delete “specified in” and substitute “authorized under”.

16 **10.** Page 4, line 10: after “8.065” insert “(2) or an election authorized under
17 s. 8.065 (3)”.

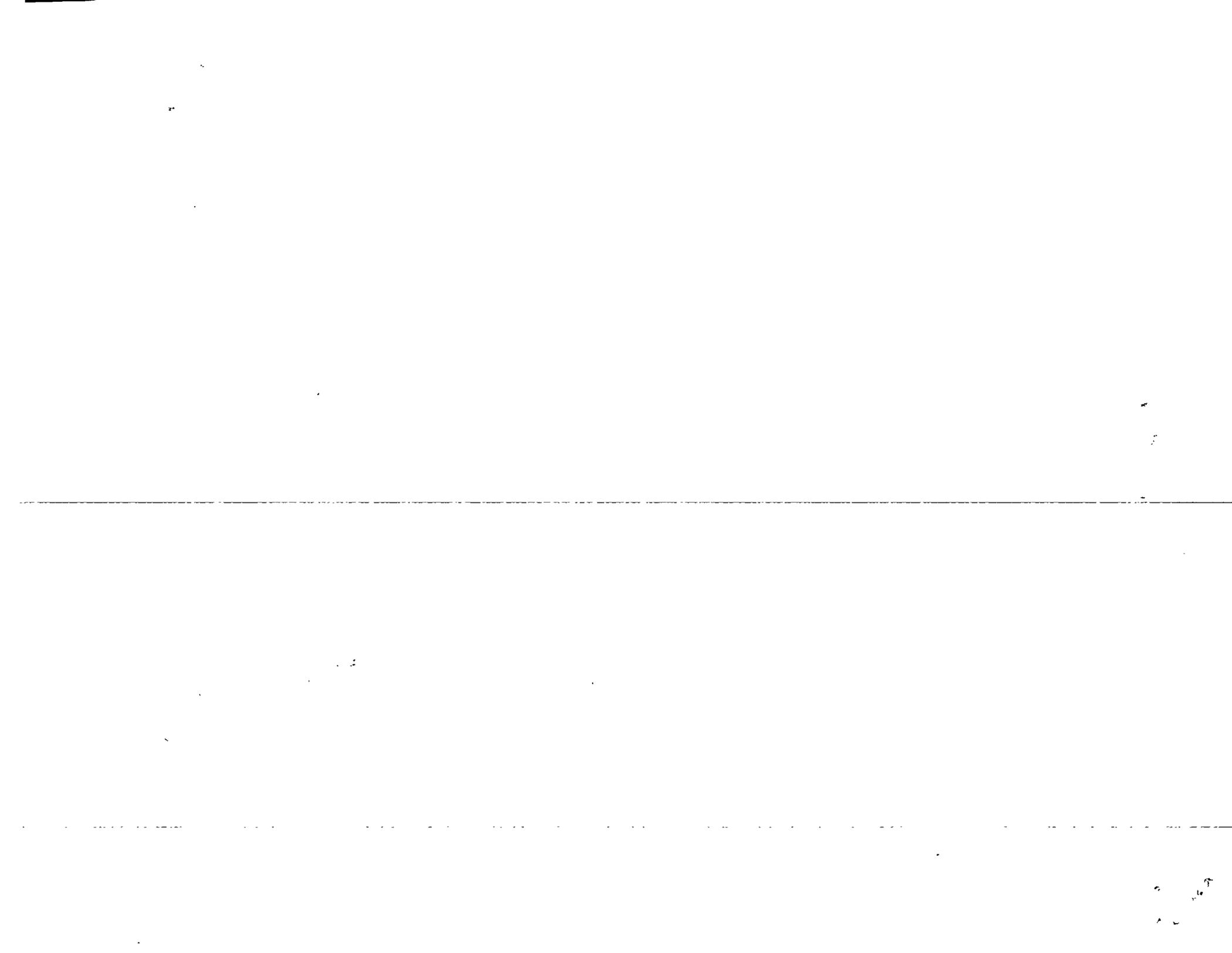
18 **11.** Page 4, line 14: after that line insert:

19 ~~SECTION 15.615~~ [#] 15.615 ⁽²⁾ of the statutes is created to read:

20 15.615 ^{Same; attached boards. ← (3)} (2) REFERENDUM APPEAL BOARD. There is created a referendum appeal
21 board which is attached to the elections board under s. 15.03. The board shall consist
22 of the governor, the senate majority leader, the senate minority leader, the speaker
23 of the assembly and the assembly minority leader or the designees of these persons.
(Members of the board shall serve for indefinite terms.)

24 **12.** Page 5, line 17: delete “specified in” and substitute “authorized under”.

[END of INSERT]
5-4



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1 ~~election referendum~~ called, in accordance with s. 8.065, and noticed and held in the
2 manner provided for other ~~special elections referenda~~. The notice of the ~~election~~
3 referendum shall state the amount of the proposed loan and the purpose for which
4 it will be used.

5 **SECTION 9.** 32.72 (1) of the statutes is amended to read:

6 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
7 question is submitted to the electors of the city at a ~~special election~~ referendum called
8 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:
9 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of
10, thus allowing the city to acquire and condemn property for street
11 widening and similar purposes, financed through assessments of benefits and
12 damages?”.

13 **SECTION 10.** 59.08 (7) (b) of the statutes is amended to read:

14 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
15 to the voters at the next election authorized under s. 8.065 (2) or an election
16 authorized under s. 8.065 (3) to be held on the ~~first Tuesday in April, or the next~~
17 ~~regular election, or at a special election to be held on a date specified in the order~~
18 which shall be no sooner than 45 days after the day fixed in date of the order issued
19 under par. (a), which ~~day~~ date shall be the same in each of the counties proposing to
20 consolidate. A copy of the order shall be filed with the county clerk of each of the
21 counties. ~~If the question of consolidation is submitted at a special election, it shall~~
22 ~~be held not less than 30 days nor more than 60 days from the completion of the~~
23 ~~consolidation agreement, but not within 60 days of any spring or general election.~~

*not in statute
underscore*

24 **SECTION 11.** 60.62 (2) of the statutes is amended to read:

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1 the general fund, from taxation, or from the proceeds of either municipal bonds,
 2 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
 3 until 15 days after its passage and publication. If within said 15 days a petition
 4 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality
 5 signed by at least 20% of the electors thereof requesting that the question of
 6 acquiring such toll bridge be submitted to the said electors, such question shall be
 7 submitted at ~~any general or regular municipal~~ the next election authorized under s.
 8 8.065 (2) or an election authorized under s. 8.065 (3) that may be is held not less
 9 sooner than 10 nor more than 40 45 days from the date of filing such petition. ~~In case~~
 10 ~~no such general or regular municipal election is to be held within such stated period,~~
 11 ~~then the governing body of such municipality shall order a special election to be held~~
 12 ~~within 30 days from the filing of such petition upon the question of whether such toll~~
 13 ~~bridge shall be acquired by said municipality.~~ The question submitted to the electors
 14 shall specify the method of payment for such toll bridge as provided in the resolution
 15 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast
 16 at such referendum election are in favor of the acquisition of such toll bridge, then
 17 the resolution of the governing body for the acquisition of such toll bridge shall be in
 18 effect.

19 **SECTION 33.** 117.20 of the statutes is amended to read:

20 **117.20 Referendum procedures.** (1) If a referendum is required under ss.
 21 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November
 22 occurring not sooner than 45 days following receipt of the petition or adoption of the
 23 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). 

24 (2) The clerk of each affected school district shall publish notice, as required
 25 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for

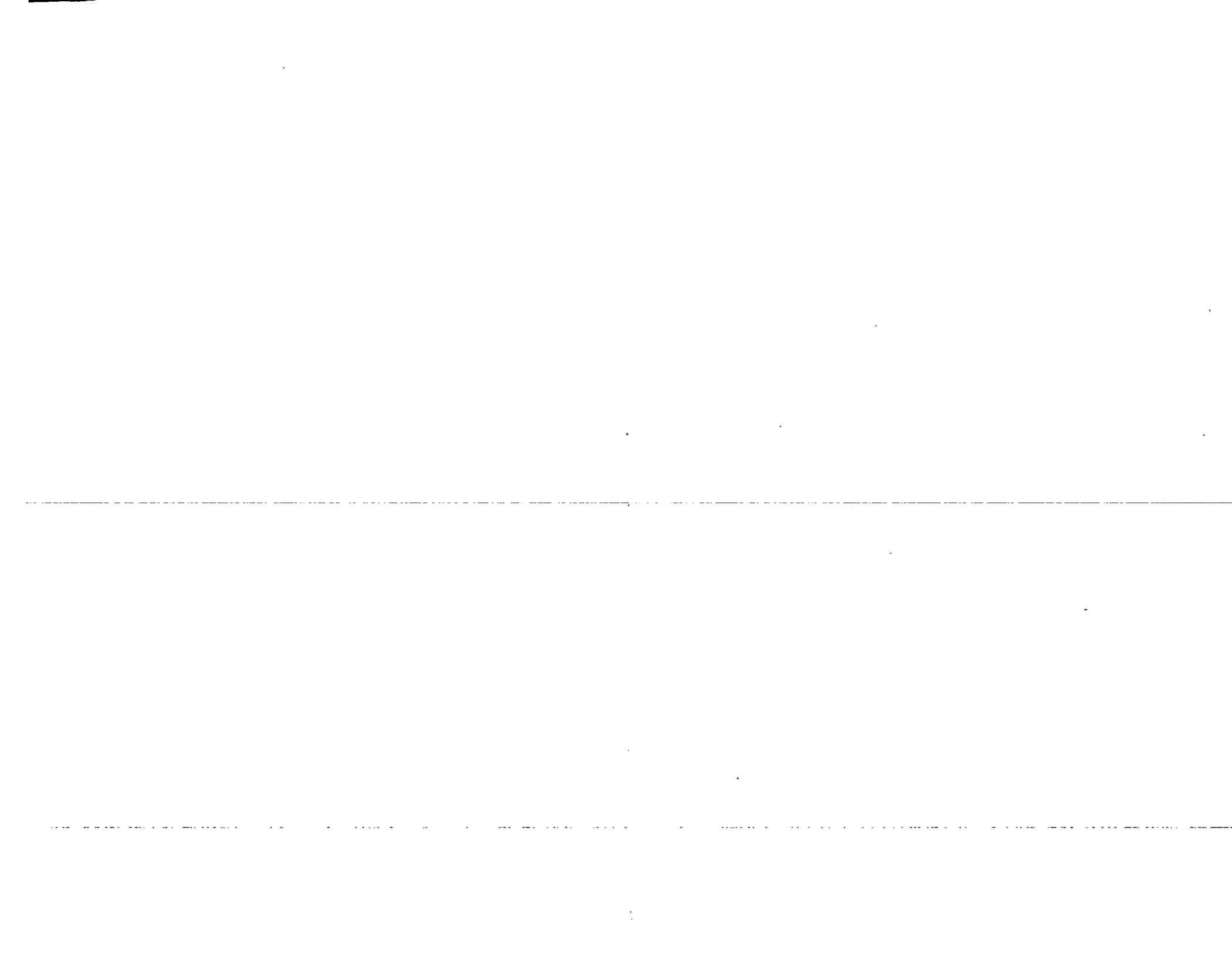
*sentence from statutes
is missing - see attached (see ins 19-13)*

reasons

(1) If a referendum is required under ss. 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November following receipt of the petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a referendum is required under s. 117.105, it shall be held on the Tuesday after the first Monday in the 2nd November following receipt of the petition or adoption of the resolution under s. 117.105 (1).

Do you need to amend this sentence? (sentence in current statutes but wasn't included in 07 LRS ~~amendment~~ 5501.)

→ occurring not sooner than 45 days



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WRD - Fix in draft. already in rough copy + in statute.

1 is to be held within the stated periods, the governing body of the municipality shall
2 order the holding of a special election for the purpose of submitting the question to
3 the electors.

4 ^{S. 197.04} (2) The governing body of the municipality may provide for notice of, the
5 manner of holding, the method of voting on, the method of making returns of, and
6 the method of canvassing and determining the result of, the election required under
7 sub. (1). Notice to the electors shall be given by a brief notice of that fact once a week
8 for 3 weeks in some newspaper of general circulation published in the municipality.
9 If no newspaper of general circulation is published in the municipality, publication
10 may be made in any newspaper of general circulation in the county seat of the county
11 in which the municipality is located. ~~The notice of holding any special election shall~~
12 ~~be incorporated as a part of the notice given under this subsection.~~

data base has holding SEE ATTACHMENT

of the election

SECTION 38. 197.10 (2) of the statutes is amended to read:

14 197.10 (2) Such contract when adopted by the common council of said city and
15 accepted by the owner or owners of such public utility shall be submitted to the public
16 service commission for its approval and upon such approval the same shall be
17 submitted in such manner as the common council shall determine to a vote of the
18 electors of such city at the next ~~regular municipal election or at a special election~~
19 called for that purpose authorized under s. 8.065 (2) or an election authorized under
20 s. 8.065 (3) to be held not sooner than 45 days after approval of the commission, and
21 such contract shall not become binding upon such city until approved by a majority
22 vote of the qualified electors of such city voting thereon. No bonds shall in any case
23 be issued by said city under the contract or contracts mentioned in sub. (1), until the
24 proposition of their issue shall have been submitted to the people of such city and
25 adopted by a majority of the electors voting thereon.

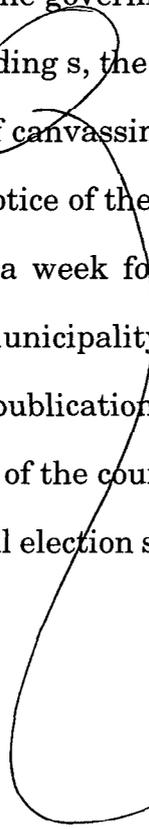
1 discontinuing the proceeding to acquire the plant or equipment of the public utility
 2 be submitted to the electors of the municipality, the applicable question under par.
 3 (c) shall be submitted to the electors at any general or regular municipal election that
 4 may be held not less than 30, and not more than 35, days from the date of the filing
 5 of the petition. If no general election or regular municipal election is to be held within
 6 the stated periods, the governing body of the municipality shall order the holding of
 7 a special election for the purpose of submitting the question to the electors.

History: 1989 a. 192, 1997 a. 254

8 **SECTION 3.** 197.04 (2) of the statutes is amended to read:

9 197.04 (2) The governing body of the municipality may provide for notice of,
 10 the manner of holding s, the method of voting on, the method of making returns of,
 11 and the method of canvassing and determining the result of, the election required
 12 under sub. (1). Notice of the election to the electors shall be given by a brief notice
 13 of that fact once a week for 3 weeks in some newspaper of general circulation
 14 published in the municipality. If no newspaper of general circulation is published in
 15 the municipality, publication may be made in any newspaper of general circulation
 16 in the county seat of the county in which the municipality is located. The notice of
 17 holding any special election shall be incorporated as a part of the notice given under
 18 this subsection.

History: 1989 a. 192; 1997 a. 254



*pull in
 from the base
 we'll let you know.
 ASAP.*

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1154/lins
JTK:pgt&jlg:km

1 This is a test

2 **SECTION 1.** 117.20 of the statutes is amended to read:

3 **117.20 Referendum procedures.** (1) If a referendum is required under ss.
4 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November
5 following receipt of the petition or adoption of the resolution under s. 117.08 (3) (a),
6 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a referendum is required under s.
7 117.105, it shall be held on the Tuesday after the first Monday in the 2nd November
8 following receipt of the petition or adoption of the resolution under s. 117.105 (1).

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

19 **SECTION 2.** 197.04 (1) (b) of the statutes is amended to read:

20 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a
21 petition conforming to the requirements of s. 8.40 is filed with the clerk of the
22 municipality and the petition has been signed by 5% of the electors of a 1st class city
23 or by 10% of the electors of all other municipalities requesting that the question of

1

2

3

4

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/15/99

To: Representative Skindrud

Relating to LRB drafting number: LRB-1154

Topic

Dates and subjects of referenda

Subject(s)

Elections - miscellaneous

1. **JACKET** the draft for introduction _____
in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Managing Attorney
Telephone: (608) 266-6778

