

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB105)

Received: **03/1/99**

Received By: **kuesejt**

Wanted: **03/2/99**

Identical to LRB:

For: **Mark Miller (608) 266-5342**

By/Representing: **Lisa Ellinger**

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

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

AA to AB-105

Instructions:

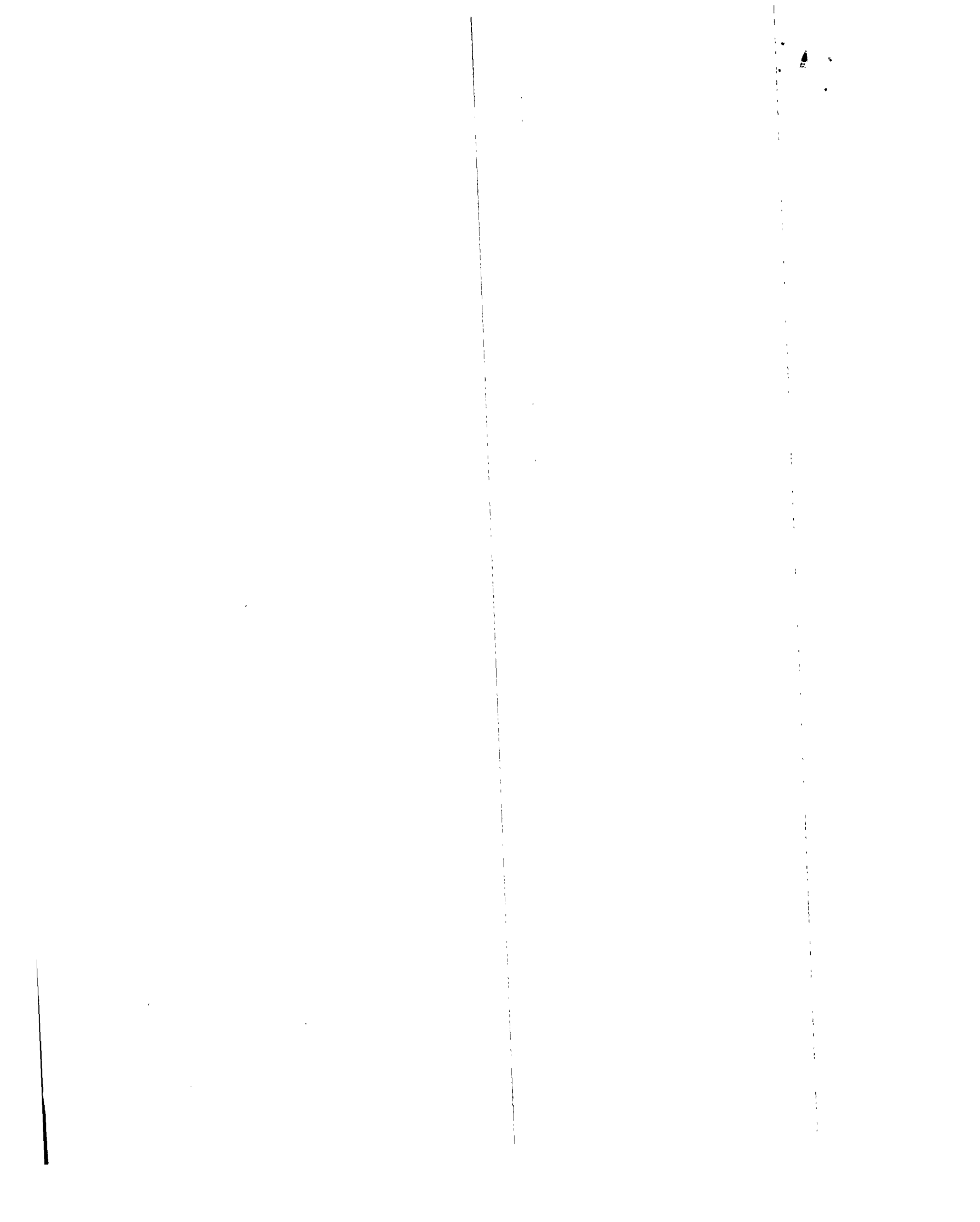
Per attached, #3.

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 03/1/99	wjackson 03/1/99		_____			
/1			jfrantze 03/2/99	_____	lrb_docadmin 03/2/99	lrb_docadmin 03/2/99	

FE Sent For:

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12/1	kuesejt 3/1	1 3/1 WLJ	3/2	3/2			

FE Sent For:

<END>

Kuesel, Jeffery

From: Ellinger, Lisa
Sent: Friday, February 26, 1999 5:43 PM
To: Kuesel, Jeffery
Cc: Miller, Mark
Subject: AB 105 amendment

Rep. Miller would like the following amendments prepared for AB 105:

1. Page 4, lines 10 through 17 "If the referendum appeal board finds, with the concurrence of at least 4 members that an emergency which requires a special referendum ..."
 - change the "4" in line 11 to "3".
 - include language proposed by Representative Walker adding a September date in odd-numbered years
 - add language to this paragraph to say the board must actively make a decision to deny the referendum (rather than a no-decision within the 10-day deadline leading to automatic denial).
3. Page 5, lines 9-12, please add the underlined language and delete the crossed-out language: "The board shall consist of the election board designees of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader or the designees of these persons. Members of the board shall serve for indefinite terms. The designating official may temporarily serve on the referendum appeals board in lieu of an election board member who is unavailable or not appointed."

(What Mark is trying to do here is to make the appeal board a 4 member sub-group of the elections board, rather than a separate entity. He crossed out the term language because, as board members, they already have limited terms.)

4. Add a provision that permits referenda to be included only when a special election involving more than 50% of the electorate is held.

(Mark's intent is to disallow sectors of a larger constituency to make decisions for the whole. For example, if Cottage Grove has a special election to fill a village board seat, referenda effecting the Monona Grove School District - of which Cottage Grove is a part - should not be on the ballot.)

Let me know if you have any questions.

Lisa Ellinger
Legislative Assistant to Rep. Mark Miller
3 North State Capitol
PO Box 8953
Madison, WI 53708
608-266-5342

Kuesel, Jeffery

From: Miller, Mark
Sent: Friday, February 26, 1999 7:04 PM
To: Ellinger, Lisa; Kuesel, Jeffery
Subject: RE: AB 105 amendment

Jeff, I just want to clarify a little on Lisa's email:

I am requesting three amendments. The first just changes "4" to "3" on line 11, page ⁴2.

The second amendment changes the referendum appeal board to a subcommittee of the elections board, consisting of the four elections board appointments designated by the majority leaders and minority leaders of the senate and assembly (deleting the governor's designee as proposed in the original bill). The referendum appeal board must act affirmatively within 10 days to deny the request by a vote of three members to deny. A tie vote or failure to act within ten days is *de facto* approval of the request for an emergency referendum. In the absence or vacancy of an appeal board member, the designating public official can act as a temporary replacement. Time is of the essence with respect to denial.

The third amendment allows for a referendum to accompany a special election affecting more than 50% of the population of the jurisdiction of the governmental body affected by the referendum. The 50% rule to be resolved strictly by reference to the most recently published population data of the respective jurisdictions as determined by an appropriate Wisconsin population data source. In the example of Monona Grove School District where over half of the population lives in the City of Monona and the remainder are equally divided between the Town of Cottage Grove and the Village of Cottage Grove, a school referendum could accompany a special election in the City of Monona but not a special election in either the Town of Cottage Grove or the Village of Cottage Grove.

Rep. Mark Miller
48th Assembly District
3 North State Capitol
PO Box 8953, Madison, WI 53708
608-266-5342, FAX 608-282-3648

-----Original Message-----

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Lisa Ellinger
Legislative Assistant to Rep. Mark Miller
3 North State Capitol
PO Box 8953
Madison, WI 53708
608-266-5342

1999

Date (time) needed

Tue 3/29 AM

LRB a 0127, 1

AMENDMENT

NOTE

JLK:WLj:

See form AMENDMENTS — COMPONENTS & ITEMS.

S (A) AMENDMENT

~~TO S A AMENDMENT (LRBa /),~~

~~TO S A SUBSTITUTE AMENDMENT (LRBs /),~~

TO 1999 SB SJR SR (AB) AJR AR 105 (LRB- /)

At the locations indicated, amend the bill as follows:
(fill ONLY if "engrossed" or "as shown by")

#. Page 4, line 4: delete "If" and substitute "Unless otherwise required by law, if"

#. Page 4, line 17: after that line insert:
"(4) Unless otherwise specifically required by law, no special referendum may be held concurrently with another special election at which any electors who are eligible to vote in the special referendum would be permitted to vote unless the jurisdiction or district in which the special referendum would be held includes more than 50% of the population of the jurisdiction or district in which the special election is to be held, as determined by the clerk or board of election commissioners of the jurisdiction or district in which the special referendum would be held."

text: treat (4)

(end)

(dn) →

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0127/1dn

JTK.../.....

WJ

1. This amendment applies unless another statute specifically requires otherwise. ^{of} Because of time constraints, I did not have the opportunity to identify all the statutes that might otherwise provide but my guess is there would be few because most statutes permit rather than require special referenda. Under the joint rules, we are not permitted to generally override any potentially conflicting provisions.

2. In this state, there is no authority who or which is specifically charged with the responsibility to make calculations and determinations from population data. In drafting, we generally assign this responsibility to an official of the agency or body that needs to make the determination in order to administer a law that the agency or body administers. In this case, that means the clerk or board of election commissioners of the jurisdiction proposing to hold a special referendum. Alternatively, we could assign this responsibility to some other official or body if you wish - for example, the state elections board. In the statutes, population is determined by reference to the latest federal census (which is the only source of data sufficiently detailed to make an accurate determination in this case). See s. 990.01 (29), stats. ✓

or district

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0127/1dn
JTK:wlj:jf

March 2, 1999

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