

1999 ASSEMBLY BILL 230

March 23, 1999 – Introduced by Representative WILLIAMS. Referred to Committee on Education Reform.

1 **AN ACT** *to repeal* 5.58 (1g) (b), 119.06 (3) (intro.) and (a), 119.07 and 119.36; *to*
2 *renumber and amend* 5.60 (4) (b), 119.06 (3) (b) and 119.06 (4) (c); *to amend*
3 5.58 (1g) (c), 5.58 (2) (a), 5.58 (3), 7.53 (3) (b), 8.10 (3) (i), 8.11 (2m), 8.15 (5) (a),
4 8.50 (intro.) and (1) (a), 119.06 (2), 119.06 (4) (b), 119.06 (4) (d), 119.06 (5) and
5 (6), 119.08 (1) (a) and (b), 119.08 (2) and (3), 119.08 (4), 119.10 (1), 119.10 (2),
6 119.12 (3), 119.32 (7) and 121.02 (3); *to repeal and recreate* 119.32 (1); and
7 *to create* 5.64 (4) (title), (b) and (c), 8.15 (6) (f), 17.27 (1w), 119.06 (4) (c) 2. and
8 119.07 of the statutes; **relating to:** the composition, method of election and
9 salaries of members of the board of school directors and the method of selection
10 of the superintendent of schools in 1st class city school systems.

Analysis by the Legislative Reference Bureau

Currently, the board of school directors in first class cities (Milwaukee) consists of eight members elected on a nonpartisan ballot at the spring election from election districts that must be approximately equal in population, and one member elected from the city at large. Board members serve for four-year terms. The terms of office of four members of the board expire on the fourth Monday in April, 2001, and the

ASSEMBLY BILL 230

terms of office of five members of the board expire on the fourth Monday in April, 2003.

This bill provides instead for the board of school directors to consist of 11 members elected on a nonpartisan ballot at the general (November) election from election districts that must be approximately equal in population.

To effect the change, the bill provides for the board of school directors to draw new boundaries for election districts to be used in the 2002 general election and to redraw the boundaries decennially thereafter. Under the bill, the terms of the four members who were elected in April 1997 and whose terms expire in April 2001 are extended until November 2002, and the terms of the five members who are to be elected in April 1999 and whose terms would expire in April 2003 are shortened so that their terms will expire in November 2002. The bill provides for 11 new members to be elected for four-year terms at the general election to be held in November 2002.

Currently, the board of school directors elects officers at its annual organizational meeting, which is held between the fourth Monday in April and the first Monday in May. This bill provides for the organizational meeting to be held between the first Monday in December and the third Monday in December, and provides for the officers elected at the organizational meeting to be held in the spring of 2001 to serve until an organizational meeting is held in the fall of 2002.

Currently, the board of school directors determines the annual salary of board members. Beginning with board members elected in 2002, this bill requires that members of the board of school directors be paid the same annual salary as members of the common council of the city.

Currently, the superintendent of schools in a first class city school system is elected by roll call vote of the members of the board of school directors. In order to serve as superintendent a person must be of suitable learning and experience in the art of instruction and have practical familiarity with the most approved methods of organizing and managing a school system. A superintendent serves for an indefinite term, subject to removal by the board for a misdemeanor in office, incompetency or inattention to duties.

This bill provides instead for the superintendent of schools to be elected by the electors of the school district at large on a nonpartisan ballot at the same general election at which members of the board of school directors are elected. Under the bill, the superintendent serves for a term of four years and is not subject to removal by the board, but the electors of the school district may recall the superintendent after the first year of his or her term of office. The bill provides that any elector of the school district is eligible to serve as superintendent of schools. If there is a vacancy in the office of superintendent, the bill permits the board to fill the vacancy temporarily until an election can be held to choose a successor.

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:

ASSEMBLY BILL 230

1 **SECTION 1.** 5.58 (1g) (b) of the statutes is repealed.

2 **SECTION 2.** 5.58 (1g) (c) of the statutes is amended to read:

3 5.58 **(1g)** (c) The arrangement of candidates for school board seats shall be
4 determined by the school district clerk ~~or the executive director of the city board of~~
5 ~~election commissioners~~ by the drawing of lots not later than the 2nd Tuesday in
6 January, or the next day if the first Tuesday is a holiday. The method of determining
7 arrangement shall be the same as provided in s. 5.60 (1) (b). Sufficient space shall
8 be provided on the ballot for write-in candidates.

9 **SECTION 3.** 5.58 (2) (a) of the statutes is amended to read:

10 5.58 **(2)** (a) There shall be one separate ballot for state superintendent, judicial
11 officers, county executive under s. 59.17 and county supervisor. In counties having
12 a population of 500,000 or more, the ballot also shall include those offices under s.
13 8.11 (2) ~~and (2m)~~. The arrangement of names of candidates for state superintendent,
14 justice, court of appeals judge and circuit court judge shall be determined by the
15 board in the manner specified in s. 5.60 (1) (b). Arrangement of the names of
16 candidates for county executive and county supervisor shall be determined by the
17 county clerk or by the executive director of the county board of election
18 commissioners in the manner specified in s. 5.60 (1) (b). The ballot shall be titled
19 “Official Ballot for State Superintendent of Public Instruction, Judicial, County
20 Executive and County Supervisor Primary”.

21 **SECTION 4.** 5.58 (3) of the statutes is amended to read:

22 5.58 **(3)** NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
23 for any judicial office, for any elected seat on a metropolitan sewerage commission
24 or town sanitary district commission, in counties having a population of 500,000 or
25 more only 2 candidates for member of the board of supervisors within each district,

ASSEMBLY BILL 230

1 in counties having a population of less than 500,000 only 2 candidates for each
2 member of the county board of supervisors from each district or numbered seat or
3 only 4 candidates for each 2 members of the county board of supervisors from each
4 district whenever 2 supervisors are elected to unnumbered seats from the same
5 district, ~~in 1st class cities only 2 candidates for any at-large seat and only 2~~
6 ~~candidates from any election district to be elected to the board of school directors, in~~
7 school districts electing school board members to numbered seats, or pursuant to an
8 apportionment plan or district representation plan, only 2 school board candidates
9 for each numbered seat or within each district, and twice as many candidates as are
10 to be elected members of other school boards or other elective officers receiving the
11 highest number of votes at the primary shall be nominees for the office at the spring
12 election. Only their names shall appear on the official spring ballot.

13 **SECTION 5.** 5.60 (4) (b) of the statutes is renumbered 5.64 (4) (a) and amended
14 to read:

15 5.64 (4) (a) In 1st class cities, ~~the names of the candidates for the seat of the~~
16 ~~member elected at-large to the board of school directors shall be placed on the official~~
17 ~~city ballot and there shall be a separate ballot for school district officers when so~~
18 ~~required, giving the names of the candidates for the office of superintendent of~~
19 ~~schools and for any seat to be filled on the board of school directors from any election~~
20 ~~district. The names of candidates for the at-large seat shall be placed in the same~~
21 ~~column or row on the ballot.~~

22 **SECTION 6.** 5.64 (4) (title), (b) and (c) of the statutes are created to read:

23 5.64 (4) (title) FIRST CLASS CITY SCHOOL OFFICERS.

24 (b) The arrangement of the names of the candidates for the office of
25 superintendent of schools and for seats on the board of school directors shall be

ASSEMBLY BILL 230

1 determined by the executive director of the city board of election commissioners by
2 the drawing of lots not later than the 3rd Tuesday in July. The method of determining
3 arrangement shall be the same as provided in s. 5.60 (1) (b). Sufficient space shall
4 be provided on the ballot for write-in candidates.

5 (c) Only the 2 candidates for election to the office of superintendent of schools
6 receiving the highest numbers of votes at the primary election and only 2 candidates
7 for election to the board of school directors receiving the highest numbers of votes
8 within each election district at the primary election shall be nominees for their
9 respective offices at the general election. Only their names shall appear on the
10 official general election ballot.

11 **SECTION 7.** 7.53 (3) (b) of the statutes is amended to read:

12 7.53 (3) (b) In a 1st class city school district, the municipal board of canvassers
13 or election commissioners shall determine the results of school district elections and
14 referenda and shall file a written statement and determination of the results for each
15 election and referendum in the office of the city clerk or board of election
16 commissioners. The board of election commissioners or city clerk shall certify
17 nominations after each primary and issue certificates of election to persons who are
18 elected to the office of superintendent of schools or the board of school directors after
19 each election in the manner provided in sub. (4).

20 **SECTION 8.** 8.10 (3) (i) of the statutes is amended to read:

21 8.10 (3) (i) For city offices in 1st class cities, not less than 1,500 nor more than
22 3,000 electors for city-wide offices, not less than 200 nor more than 400 electors for
23 alderpersons elected from aldermanic districts and ~~not less than 400 nor more than~~
24 ~~800 electors for members of the board of school directors elected from election~~
25 ~~districts.~~

ASSEMBLY BILL 230**SECTION 9**

1 **SECTION 9.** 8.11 (2m) of the statutes is amended to read:

2 **8.11 (2m)** FIRST CLASS CITY SCHOOL BOARD OFFICERS. A primary shall be held in
3 1st class cities whenever there are more than 2 candidates for the office of
4 superintendent of schools or member of the board of school directors at-large or from
5 any election district in any year.

6 **SECTION 10.** 8.15 (5) (a) of the statutes is amended to read:

7 **8.15 (5) (a)** ~~Each~~ Except as provided in ss. 119.06 (4) (c) and 119.08 (2), each
8 nomination paper shall have substantially the following words printed at the top:

9 I, the undersigned, request that the name of (insert candidate's last name plus
10 first name, nickname or initial, and middle name, former legal surname, nickname
11 or middle initial or initials if desired, but no other abbreviations or titles) residing
12 at (insert candidate's street address) be placed on the ballot at the (general or special)
13 election to be held on (date of election) as a candidate representing the (name of
14 party) so that voters will have the opportunity to vote for (him or her) for the office
15 of (name of office). I am eligible to vote in (name of jurisdiction or district in which
16 candidate seeks office). I have not signed the nomination paper of any other
17 candidate for the same office at this election.

18 **SECTION 11.** 8.15 (6) (f) of the statutes is created to read:

19 **8.15 (6) (f)** In 1st class cities, not less than 1,500 nor more than 3,000 electors
20 for superintendent of schools, and not less than 400 nor more than 800 electors for
21 member of the board of school directors elected from an election district.

22 **SECTION 12.** 8.50 (intro.) and (1) (a) of the statutes are amended to read:

23 **8.50 Special elections.** (intro.) Unless otherwise provided, this section
24 applies to filling vacancies in the U.S. senate and house of representatives, executive
25 state offices except the offices of governor, lieutenant governor and district attorney,

ASSEMBLY BILL 230

1 judicial and legislative state offices, county offices ~~and~~, the ~~offices~~ office of municipal
2 judge and the offices of superintendent of schools and member of the board of school
3 directors in school districts organized under ch. 119. State legislative offices may be
4 filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4)
5 (e). No special election may be held after February 1 preceding the spring election
6 unless it is held on the same day as the spring election, nor after September 1
7 preceding the general election unless it is held on the same day as the general
8 election, until the day after that election. If the special election is held on the day
9 of the general election, the primary for the special election, if any, shall be held on
10 the day of the September primary. If the special election is held on the day of the
11 spring election, the primary for the special election, if any, shall be held on the day
12 of the spring primary.

13 (1) (a) When there is to be a special election, the special election for county clerk
14 shall be ordered by the sheriff; the special election for any other county office shall
15 be ordered by the county clerk except as provided in s. 17.21 (5); the special election
16 for superintendent of schools or for school board member in a school district
17 organized under ch. 119 shall be ordered by the ~~school~~ board of school directors; the
18 special election for municipal judge shall be ordered by the mayor, president or
19 chairperson of the municipality, except in 1st class cities; and all other special
20 elections shall be ordered by the governor. When the governor or attorney general
21 issues the order, it shall be filed and recorded in the office of the board. When the
22 county clerk or sheriff issues the order, it shall be filed and recorded in the office of
23 the county clerk. When the county executive issues the order, it shall be filed in the
24 office of the county board of election commissioners. When the school board of a
25 school district organized under ch. 119 issues the order, it shall be filed and recorded

ASSEMBLY BILL 230

1 in the office of the city board of election commissioners. When the mayor, president
2 or chairperson issues the order, it shall be filed in the office of the municipal clerk or
3 city board of election commissioners.

4 **SECTION 13.** 17.27 (1w) of the statutes is created to read:

5 17.27 (1w) SUPERINTENDENT OF SCHOOLS; 1ST CLASS CITY. A vacancy in the office
6 of superintendent of schools of a 1st class city school system shall be filled by
7 temporary appointment of the board of school directors until a successor is elected
8 and qualified. A successor shall be elected at a special election under s. 119.32 (1).

9 **SECTION 14.** 119.06 (2) of the statutes is amended to read:

10 119.06 (2) Within 120 days after the date on which a city becomes a 1st class
11 city, the mayor, the city treasurer, the city comptroller, the city attorney and the
12 president of the common council of that city, acting as a commission for the city, shall
13 meet and appoint a board of ~~one at-large member and 8~~ 11 members from election
14 districts numbered and designated by the common council. The election districts
15 shall be substantially equal in population and the boundaries of the election districts
16 shall be drawn so as to reflect a balanced representation of citizens of all areas within
17 the city. The person appointed to represent an election district shall reside within
18 the boundaries of the election district as determined by the common council under
19 this subsection.

20 **SECTION 15.** 119.06 (3) (intro.) and (a) of the statutes are repealed.

21 **SECTION 16.** 119.06 (3) (b) of the statutes is renumbered 119.06 (3) and
22 amended to read:

23 119.06 (3) ~~Four of the combined aldermanic district~~ Except as provided in sub.
24 (4), the members first appointed to the board by the commission shall serve for a term
25 terms beginning on the 4th Monday ~~of the month~~ next following their appointment

ASSEMBLY BILL 230

1 and. Five members shall be appointed for terms expiring on the 4th first Monday in
2 April in December of the 4th first even-numbered year following the year in which
3 a city becomes a 1st class city and 6 members shall be appointed for terms expiring
4 on the first Monday in December of the 2nd even-numbered year following the year
5 in which a city becomes a city of the 1st class city.

6 **SECTION 17.** 119.06 (4) (b) of the statutes is amended to read:

7 119.06 (4) (b) The board members elected at the special election shall be
8 nominated and elected to succeed the board members appointed for the terms
9 expiring under sub. (3) (a) and (b) (2) and for the same terms. The terms of office of
10 the board members appointed under sub. (2) shall expire on the 4th Monday
11 following the special election. The terms of office of the board members elected at the
12 special election shall begin on the 4th Monday following the special election.

13 **SECTION 18.** 119.06 (4) (c) of the statutes is renumbered 119.06 (4) (c) 1. and
14 amended to read:

15 119.06 (4) (c) 1. Candidates Except as provided in subd. 2., candidates for the
16 board at the special election shall be nominated in the same manner as for the ~~spring~~
17 general election.

18 **SECTION 19.** 119.06 (4) (c) 2. of the statutes is created to read:

19 119.06 (4) (c) 2. The nomination paper format under s. 8.10 (2) (b) shall apply,
20 except that reference to the general election shall be inserted.

21 **SECTION 20.** 119.06 (4) (d) of the statutes is amended to read:

22 119.06 (4) (d) The special election shall be held at the polling places and shall
23 be conducted in the manner of and by the election officials for the ~~spring~~ general
24 election.

25 **SECTION 21.** 119.06 (5) and (6) of the statutes are amended to read:

ASSEMBLY BILL 230

1 119.06 (5) The board first appointed under sub. (2) or first elected at a special
2 election under sub. (4) shall hold an organizational meeting under s. 119.10 (2) on
3 the 4th Monday ~~of the month~~ following its appointment or election, or the next day
4 if the 4th Monday is a legal holiday, ~~following their appointment or election~~, and
5 annually thereafter shall meet in accordance with s. 119.10 (2).

6 (6) Successors to board members appointed under sub. (3) (2) or elected under
7 sub. (4) shall be elected at the spring general election immediately preceding the
8 expiration of the terms of such board members and shall serve for 4-year terms.

9 **SECTION 22.** 119.07 of the statutes is created to read:

10 **119.07 Revised method of election of board; transitional provisions. (1)**

11 Notwithstanding s. 119.08 (3), the terms of the members of the board of each 1st class
12 city in existence on the effective date of this subsection [revisor inserts date],
13 whose terms are scheduled to expire on the 4th Monday in April, 2001, are extended
14 until the 4th Monday in November, 2002. Notwithstanding s. 119.08 (3), the terms
15 of office of the members of the board of each such city whose terms are scheduled to
16 expire on the 4th Monday in April, 2003, shall expire on the 4th Monday in
17 November, 2002, and the incumbents in those offices shall cease to hold office on that
18 date.

19 (2) At the general election to be held in November 2002, there shall be elected
20 in each 1st class city in existence on the effective date of this subsection [revisor
21 inserts date], 11 members of the board.

22 (3) Notwithstanding s. 119.10 (1) and (2), the board of each 1st class city in
23 existence on the effective date of this subsection [revisor inserts date], shall hold
24 an organizational meeting on the 4th Monday in April, 2001, and shall not hold any
25 other organizational meeting in 2001. On the 4th Monday in April, 2001, the board

ASSEMBLY BILL 230

1 of each such city shall elect officers, who shall hold office until the board holds its next
2 organizational meeting under s. 119.10 (2) in 2002.

3 **SECTION 23.** 119.07 of the statutes, as created by 1999 Wisconsin Act ... (this
4 act), is repealed.

5 **SECTION 24.** 119.08 (1) (a) and (b) of the statutes are amended to read:

6 119.08 (1) (a) The board shall consist of ~~one member elected at-large and 8~~ 11
7 members elected from numbered election districts determined by the board. The
8 election districts shall consist of whole contiguous wards and shall be substantially
9 equal in population ~~and the~~. The boundaries of the election districts shall be drawn
10 so as to reflect a balanced representation of citizens in all areas within the city.

11 (b) Within 60 days after the common council of the city enacts an ordinance
12 ~~determining or adopts a resolution adjusting~~ the boundaries of the ~~aldermanic~~
13 ~~districts~~ wards in the city following the federal decennial census under s. ~~62.08 (1)~~
14 5.15 (1), the board shall, by vote of a majority of the membership of the board, adopt
15 an election district apportionment plan for the election of board members which shall
16 be effective until the city enacts a new ordinance under s. ~~62.08 (1)~~ 5.15 (1)
17 redetermining the ~~aldermanic district~~ ward boundaries.

18 **SECTION 25.** 119.08 (2) and (3) of the statutes are amended to read:

19 119.08 (2) The electors of each election district shall elect one member residing
20 within the election district to represent the election district. ~~The at-large member~~
21 ~~shall be elected by the electors of the city.~~ Board members shall be electors of the city
22 and shall be elected on a nonpartisan ballot at the spring general election.
23 Candidates shall file nomination papers for full terms or, when vacancies are to be
24 filled, for unexpired terms. The format for the nomination papers shall be as
25 prescribed in s. 8.10 (2) (b), except that reference to the general election shall be

ASSEMBLY BILL 230

1 inserted. The primary and ~~spring elections~~ election for board members shall be
2 conducted by the election officials for the election of ~~judicial or other officers~~ held on
3 that date. The polling places for the state, ~~municipal or judicial election~~ elections
4 shall be the polling places for the board election and the municipal election hours
5 shall apply.

6 **(3)** The regular terms of board members shall be 4 years. The term of each
7 member expires on the first Monday in December of the 4th year following the year
8 in which the member's office is regularly filled.

9 **SECTION 26.** 119.08 (4) of the statutes is amended to read:

10 119.08 **(4)** A vacancy ~~on~~ in the membership of the board occurring on or before
11 June 1 preceding expiration of the member's term of office shall be filled by a special
12 election ordered by the board. At such election the vacancy shall be filled for the
13 unexpired term. The board shall follow procedures under s. 8.50, so far as applicable.

14 **SECTION 27.** 119.10 (1) of the statutes is amended to read:

15 119.10 **(1)** The board is a continuing body. Any unfinished business before the
16 board or any of its standing or special committees on the date of the annual meeting
17 under sub. (2) shall be considered as pending before the board newly organized on
18 such date. At its annual meeting, after the election of the new board president and
19 the designation of the clerk, the clerk shall report to the board items of business
20 pending before the board as a whole. After the annual ~~April~~ meeting, unless
21 otherwise directed by the board, the clerk shall report items of business which had
22 been pending before committees of the board to the corresponding committees of the
23 board appointed by the new president. Matters thus reported may be acted upon by
24 the board in the same manner and with the same effect as if the board had not been
25 newly organized.

ASSEMBLY BILL 230

1 **SECTION 28.** 119.10 (2) of the statutes is amended to read:

2 119.10 **(2)** Annually, no earlier than the 4th first Monday in April ~~December~~
3 and no later than the ~~first~~ 3rd Monday in May ~~December~~, the board shall hold its
4 organizational meeting, shall elect a president from among its members to serve for
5 one year and until a successor is chosen and shall designate an individual to serve
6 as clerk. In the absence or during the disability of the board president, the board
7 shall elect an acting president. The board president shall appoint standing
8 committees to serve for one year.

9 **SECTION 29.** 119.12 (3) of the statutes is amended to read:

10 119.12 **(3)** Each member of the board shall be paid an annual salary ~~in the~~
11 ~~amount set by the board~~ equal to the annual salary paid to each member of the
12 common council of the city who begins a full term of office in the same year in which
13 the board member begins a full term of office. The salary shall be paid monthly.

14 **SECTION 30.** 119.32 (1) of the statutes is repealed and recreated to read:

15 119.32 **(1)** At the general election in each year in which the governor is elected,
16 there shall be elected by the electors of the school district a superintendent of schools.
17 The superintendent of schools shall serve for a term of 4 years beginning on the first
18 Monday of December following his or her election. No person is eligible to serve as
19 superintendent of schools who is not a qualified elector of the school district. A
20 vacancy in the office of superintendent of schools occurring on or before June 1
21 preceding the expiration of the term of that officer shall be filled by special election
22 ordered by the board. At the special election, the vacancy shall be filled for the
23 residue of the unexpired term. The board shall follow the procedures under s. 8.50
24 in conducting the election, insofar as applicable.

25 **SECTION 31.** 119.32 (7) of the statutes is amended to read:

ASSEMBLY BILL 230**SECTION 31**

1 119.32 (7) Notwithstanding ss. 115.28 (7), 118.19 (1) and 121.02 (1) (a), the
2 superintendent of schools need not be licensed by the department. Notwithstanding
3 ss. 115.28 (7), 118.19 (1) and 121.02 (1) (a), the board may elect a superintendent of
4 schools, ~~and may~~ employ a business manager, who are is not licensed by the
5 department.

6 **SECTION 32.** 119.36 of the statutes is repealed.

7 **SECTION 33.** 121.02 (3) of the statutes is amended to read:

8 121.02 (3) Prior to any finding that a school district is not in compliance with
9 the standards under sub. (1), the state superintendent shall, upon request of the
10 school board or upon receipt of a petition signed by the maximum number of electors
11 allowed for nomination papers of school district officers under s. 8.10 (3) (i), (k) or
12 (ks) or 8.15 (6) (f), conduct a public hearing in the school district. If the state
13 superintendent, after the hearing, finds that the district is not in compliance with
14 the standards, the state superintendent may develop with the school board a plan
15 which describes methods of achieving compliance. The plan shall specify the time
16 within which compliance shall be achieved. The state superintendent shall withhold
17 up to 25% of state aid from any school district that fails to achieve compliance within
18 the specified period.

19 **SECTION 34. Initial applicability.**

20 (1) The treatment of section 119.12 (3) of the statutes first applies to members
21 of the board of school directors who are elected in 2002.

22 **SECTION 35. Effective dates.** This act takes effect on January 1, 2001, except
23 as follows:

24 (1) The repeal of section 119.07 of the statutes takes effect on January 1, 2003.

25

(END)