

1999 DRAFTING REQUEST

Bill

Received: 10/22/98

Received By: kuesejt

Wanted: As time permits

Identical to LRB:

For: Annette Polly Williams (608) 266-0960

By/Representing: Larry Harwell

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters: grantpr

Subject: Elections - school elections
Education - MPS

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

First class city school elections

Instructions:

Per LRB 97-4912/3.

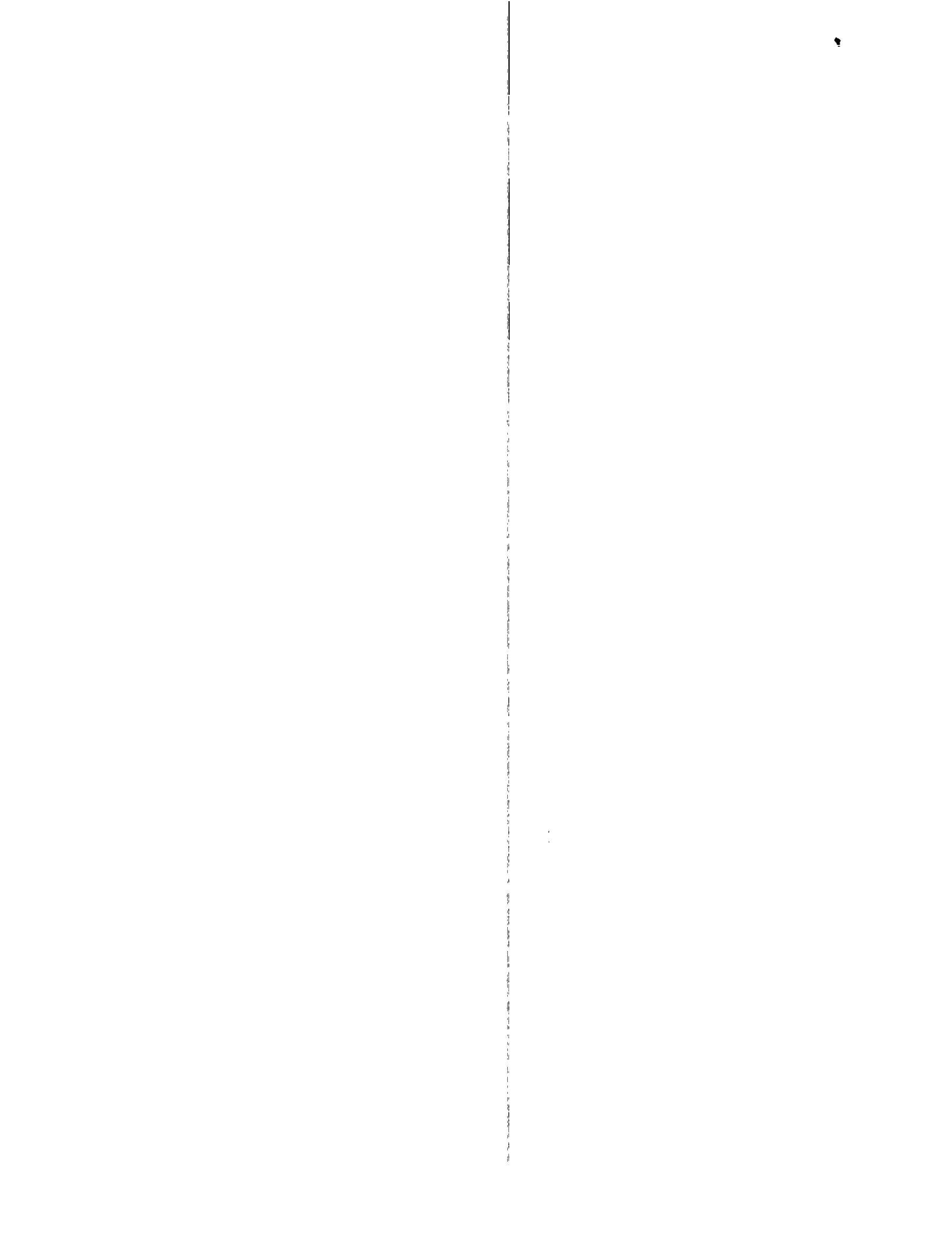
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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

03-22-99

<END>



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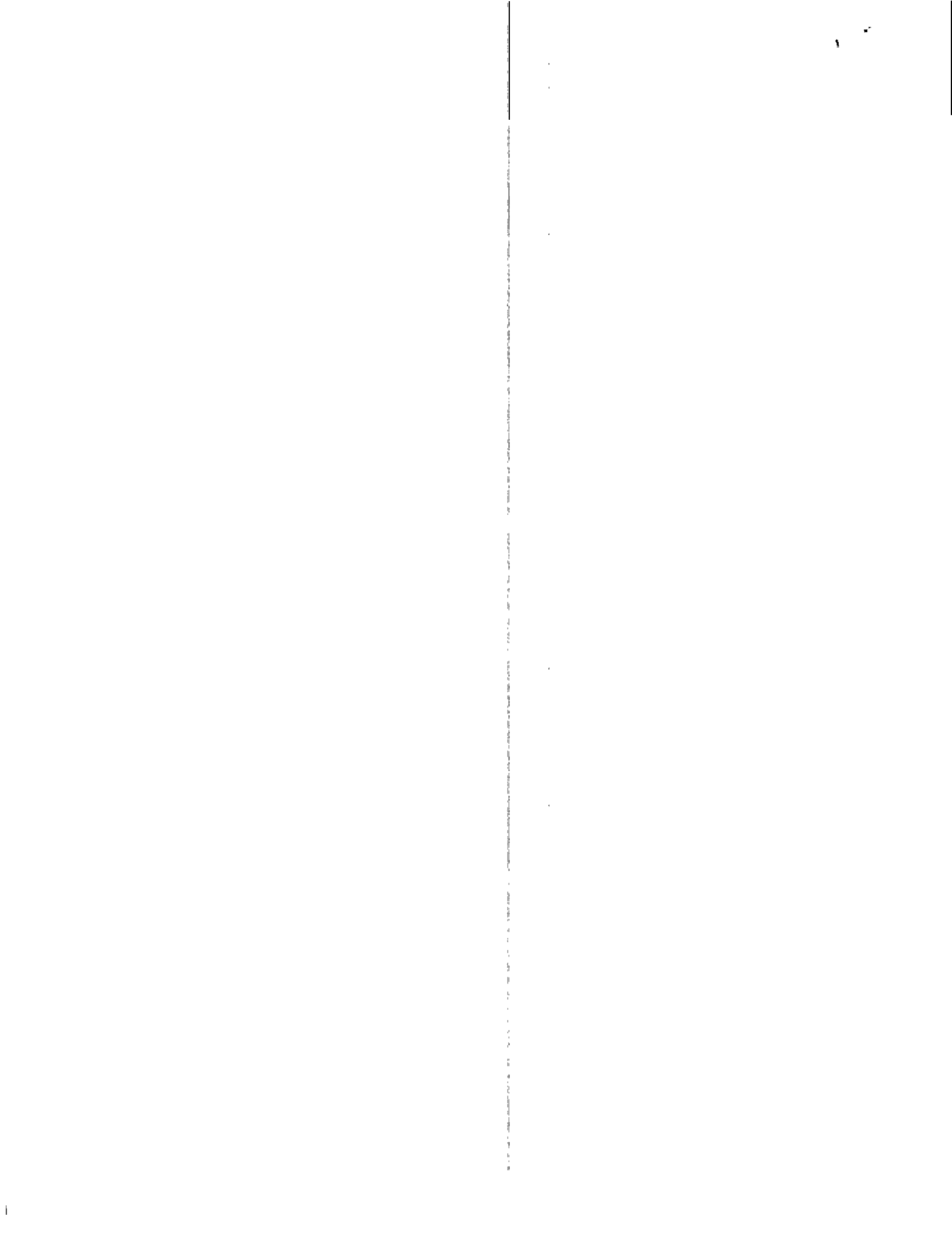
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NOTE

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FE Sent For:

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(D NOTE)

State of Wisconsin
1997 - 1998 LEGISLATURE
 1999

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 LRB-4912/3
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1997 BILL

repeal-ivate

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) and 119.06 (3) (b); **to amend** 5.58 (1g) (c),
 3 5.58 (2) (a), 5.58 (3), 7.53 (3) (b), 8.10 (3) (i), 8.11 (2m), 8.15 (5) (a), 8.50 (intro.)
 4 and (1) (a), 119.06 (2), 119.06 (4) (b), 119.06 (4) (c) and (d), 119.06 (5) and (6),
 5 119.08 (1) (a) and (b), 119.08 (2) and (3), 119.08 (4), 119.10 (1), 119.10 (2), 119.12
 6 (3), 119.32 (7) and 121.02 (3); **to repeal and recreate** 119.32 (1); and **to create**
 7 5.62 (4m), 8.15 (6) (f), 17.27 (1w) and 119.07 of the statutes; **relating to:** the
 8 composition, method of election and salaries of members of the board of school
 9 directors and the method of selection of the superintendent of schools in 1st
 10 class city school systems.

Analysis by the Legislative Reference Bureau

eight Currently, the board of school directors in ^{first} ~~not~~ class cities (Milwaukee) consists
 of 4 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 ^{four} ~~serve~~ for ^{four} ~~one~~-year terms. The terms of office
 of ^{four} ~~a~~ members of the board expire on the ^{fourth} ~~fourth~~ Monday in April, 2001, and the terms
 of office of ^{five} ~~five~~ members of the board expire on the ^{fourth} ~~fourth~~ Monday in April, 2003.

BILL

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 ~~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 ~~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 ~~the~~ ^{four} ~~year~~ terms at the general election to be held in November 2002.

Currently, the board of school directors ~~elects~~ ^{fourth} 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 ~~first~~ ^{fourth} Monday in December, and provides for the ~~officers elected at an~~ ^{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~~ ^{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 ~~the~~ ^{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~~ ^{the} 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:

1

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

BILL

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

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

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

9 5.58 (2) (a) There shall be one separate ballot for state superintendent, judicial
10 officers, county executive under s. 59.17 and county supervisor. In counties having
11 a population of 500,000 or more, the ballot also shall include those offices under s.
12 8.11 (2) ~~and (2m)~~. The arrangement of names of candidates for state superintendent,
13 justice, court of appeals judge and circuit court judge shall be determined by the
14 board in the manner specified in s. 5.60 (1) (b). Arrangement of the names of
15 candidates for county executive and county supervisor shall be determined by the
16 county clerk or by the executive director of the county board of election
17 commissioners in the manner specified in s. 5.60 (1) (b). The ballot shall be titled
18 "Official Ballot for State Superintendent of Public Instruction, Judicial, County
19 Executive and County Supervisor Primary".

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

21 5.58 (3) **NAMES ON SPRING BALLOT.** Only 2 candidates for state superintendent,
22 for any judicial office, for any elected seat on a metropolitan sewerage commission
23 or town sanitary district commission, in counties having a population of 500,000 or
24 more only 2 candidates for member of the board of supervisors within each district,
25 in counties having a population of less than 500,000 only 2 candidates for each

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

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

14 **5.64 (4) (a) (title) FIRST CLASS CITY SCHOOL BOARD** In 1st class cities, ~~the names of~~
 15 ~~the candidates for the seat of the member elected at large to the board of school~~
 16 ~~directors shall be placed on the official city ballot and there shall be a separate ballot~~
 17 ~~giving the names of the candidates for any seat to be filled on the board of school~~
 18 ~~directors from any election district. The names of candidates for the at large seat~~
 19 ~~shall be placed in the same column or row on the ballot.~~

20 SECTION 6. 5.62.(4m) of the statutes is created to read:

21 **5.62 (4m) (a)** In 1st class cities, there shall be a separate ballot for school
 22 district officers when so required, giving the names of the candidates for the office
 23 of superintendent of schools and for any seat to be filled on the board of school
 24 directors from any election district.

SECTION # (a), 5.64 (4) (title), (b) and (c) of the statutes
 are created to read:
 5.64 (4) (title) FIRST CLASS CITY SCHOOL OFFICERS.

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

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

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

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

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

23 8.10 (3) (i) For city offices in 1st class cities, not less than 1,500 nor more than
 24 3,000 electors for city-wide offices, not less than 200 nor more than 400 electors for
 25 alderpersons elected from aldermanic districts and not less than 400 nor more than

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1 ~~800 electors for members of the board of school directors elected from election~~
2 ~~districts.~~

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

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

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

9 8.15 (5) (a) ~~Each~~ Except as provided in ss. 119.06 (4) (c) and 119.08 (2), each
10 nomination paper shall have substantially the following words printed at the top:

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

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

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

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

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OFFICERS ← CS

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1 8.50 Special **elections.** (intro.) Unless otherwise provided, this section
2 applies to filling vacancies in the U.S. senate and house of representatives, executive
3 state offices except the offices of governor, lieutenant governor and district attorney,
4 judicial and legislative state offices, county offices ~~and~~, the ~~offices office~~ of municipal
5 judge and ~~the offices of superintendent of schools and~~ member of the board of school
6 directors in school districts organized under ch. 119. State legislative offices may be
7 filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4)
8 (e). No special election may be held after February 1 preceding the spring election
9 unless it is held on the same day as the spring election, nor after September 1
10 preceding the general election unless it is held on the same day as the general
11 election, until the day after that election. If the special election is held on the day
12 of the general election, the primary for the special election, if any, shall be held on
13 the day of the September primary. If the special election is held on the day of the
14 spring election, the primary for the special election, if any, shall be held on the day
15 of the spring primary.

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

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1 the county clerk. When the county executive issues the order, it shall be filed in the
2 **office** of the county board of election commissioners. When the school board of a
3 school district organized under ch. 119 issues the order, it shall be filed and recorded
4 in the **office** of the city board of election commissioners. When the mayor, president
5 or chairperson issues the order, it shall be filed in the **office** of the municipal clerk or
6 city board of election commissioners.

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

8 17.27 (1^w) **SUPERINTENDENT OF SCHOOLS; 1ST CLASS CITY.** Avacancyintheoffice
9 of superintendent of schools of a 1st class city school system shall be filled by
10 temporary appointment of the board of school directors until a successor is elected
11 and qualified. A successor shall be elected at a special election under s. 119.32 (1).

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

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

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

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

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1 119.06 (3) ~~Four of the combined aldermanic district~~ Except as provided in sub.
 2 (4), the members first appointed to the board by the commission shall serve for a term
 3 terms beginning on the 4th Monday of the month next following their appointment
 4 ~~and.~~ Five members shall be appointed for terms expiring on the 4th first Monday in
 5 April in December of the 4th first even-numbered year following the year in which
 6 a city becomes a 1st class city and 6 members shall be appointed for terms expiring
 7 on the first Monday in December of the 2nd even-numbered year following the year
 8 in which a city becomes a city of the 1st class city.

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

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

16 SECTION 18. 119.06 (4) (c) ~~and (d)~~ of the statutes ~~are~~ amended to read: ^{is renumbered 119.06 (4) (c) 1.}

17 119.06 (4) (c) ^{1.} ~~Candidates~~ Except as provided in sub. (2), candidates
 18 nominated in the same manner as for the spring general election ^{2.} ~~except that the~~
 19 ~~nomination paper format under s. 8.10 (2) (b) shall apply.~~

20 SECTION 19. 119.06 (4) (d) of the statutes is amended to read:
 21 119.06 (4) (d) The special election shall be held at the polling places and shall be conducted
 22 in the manner of and by the election officials for the spring general election.

23 SECTION 19. 119.06 (5) and (6) of the statutes are amended to read:

24 119.06 (5) The board first appointed under sub. (2) or first elected at a special
 25 election under sub. (4) shall hold an organizational meeting under s. 119.10 (2) on
 the 4th Monday ~~of the month~~ following its appointment or election, or the next day

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1 if the 4th Monday is a legal holiday, I , and
2 annually thereafter shall meet in accordance with s. 119.10 (2).

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

6 **SECTION 20.** 119.07 of the statutes is created to read:

7 **119.07 Revised method of election of board; transitional provisions. (1)**

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

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

17 (3) Notwithstanding s. 119.10 (1) and (2), the board of each 1st class city in
18 existence on the effective date of this subsection [revisor inserts date], shall hold
19 an organizational meeting on the 4th Monday in April, 2001, and shall not hold any
20 other organizational meeting in 2001. On the 4th Monday in April, 2001, the board
21 of each such city shall elect officers, who shall hold office until the board holds its next
22 organizational meeting under s. 119.10 (2) in 2002.

23 **SECTION 21.** 119.07 of the statutes, as created by 1997 Wisconsin Act (this
24 act), is repealed.

25 **SECTION 22.** 119.08 (1) (a) and (b) of the statutes are amended to read:

BILL

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

6 (b) Within 60 days after the common council of the city enacts an ordinance
 7 ~~determining or adopts a resolution adjusting~~ the boundaries of ~~the aldermanic~~
 8 ~~districts~~ wards in the city following the federal decennial census under s. ~~62.08 (1)~~
 9 5.15 (1), the board shall, by vote of a majority of the membership of the board, adopt
 10 an election district apportionment plan for the election of board members which shall
 11 be effective until the city enacts a new ordinance under s. ~~62.08 (1)~~ 5.15 (1)
 12 redetermining the ~~aldermanic district ward~~ boundaries.

13 **SECTION 23.** 119.08 (2) and (3) of the statutes are amended to read:

14 119.08 (2) The electors of each election district shall elect one member residing
 15 within the election district to represent the election district. ~~The at-large member~~
 16 ~~shall be elected by the electors of the city.~~ Board members shall be electors of the city
 17 and shall be elected on a nonpartisan ballot at the spring general election.
 18 Candidates shall file nomination papers for full terms or, when vacancies are to be
 19 filled, for unexpired terms. The format for the nomination papers shall be as
 20 prescribed in s. 8.10 (2) (b). ~~The primary and spring elections~~ election for board ~~shall~~
 21 members shall be conducted by the election officials for the election of ~~judicial or~~ judicial or
 22 other officers held on that date. The polling places for ~~the state, municipal or judicial~~
 23 ~~election elections~~ shall be the polling places for the board election and the municipal
 24 election hours shall apply.

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except that reference to the general election shall be inserted

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

I 4 **SECTION 24.** 119.08 (4) of the statutes is amended to read:

5 119.08 (4) A vacancy ~~on in the membership of the board occurring on or before~~
6 ~~June 1 preceding expiration of the member's term of office~~ shall be filled by a special
7 election ordered by the board. At such election the vacancy shall be filled for the
8 unexpired term. The board shall follow procedures under s. 8.50, so far as applicable.

9 **SECTION 25.** 119.10 (1) of the statutes is amended to read:

10 119.10 (1) The board is a continuing body Any unfinished business before the
11 board or any of its standing or special committees on the date of the annual meeting
12 under sub. (2) shall be considered as pending before the board newly organized on
13 such date. At its annual meeting, after the election of the new board president and
14 the designation of the clerk, the clerk shall report to the board items of business
15 pending before the board as a whole. After the annual April meeting, unless
16 otherwise directed by the board, the clerk shall report items of business which had
17 been pending before committees of the board to the corresponding committees of the
18 board appointed by the new president. Matters thus reported may be acted upon by
19 the board in the same manner and with the same effect as if the board had not been
20 newly organized.

21 **SECTION 26.** 119.10 (2) of the statutes is amended to read:

22 119.10 (2) Annually, no earlier than the 4th first Monday in April December,
23 and no later than the first 3rd Monday in May December. the board shall hold its
24 organizational meeting, shall elect a president from among its members to serve for
25 one year and until a successor is chosen and shall designate an individual to serve

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1 as clerk. In the absence or during the disability of the board president, the board
2 shall elect an acting president. The board president shall appoint standing
3 committees to serve for one year.

4 SECTION 27. 119.12 (3)[✓] of the statutes is amended to read:

5 119.12 (3) Each member of the board shall be paid an annual salary i-n-the
6 ~~amount set by the board equal to the annual salary paid to each member of the~~
7 ~~common council of the city who begins a full term of office in the same year in which~~
8 ~~the board member begins a full term of office.~~ p a i d m o n t h l y .

9 SECTION 28. 119.32 (1)[✓] of the statutes is repealed and recreated to read:

10 119.32 (1) At the general election in each year in which the governor is elected,
11 there shall be elected by the electors of the school district a superintendent of schools.
12 The superintendent of schools shall serve for a term of 4 years beginning on the first
13 Monday of December following his or her election. No person is eligible to serve as
14 superintendent of schools who is not a qualified elector of the school district. A
15 vacancy in the office of superintendent of schools occurring on or before June 1
16 preceding the expiration of the term of that officer shall be filled by special election
17 ordered by the board. At the special election, the vacancy shall be filled for the
18 residue of the unexpired term. The board shall follow the procedures under s. 8.50
19 in conducting the election, in ^{so} ^{far} as applicable.

20 SECTION 29. 119.32 (7)[✓] of the statutes is amended to read:

21 119.32 (7) ~~Notwithstanding ss. 115.28 (7), 118.19 (1) and 121.02 (1)(a), the~~
22 ~~superintendent of schools need not be licensed by the department,~~ Notwithstanding
23 ~~ss. 115.28 (7), 118.19 (1) and 121.02 (1) (a), the board may elect a superintendent of~~
24 ~~schools, and may~~ employ a business manager, who ~~are~~ is not licensed by the
25 department.

WR: Proof w/Stats.

BILL

SECTION SO. 119.36 of the statutes is repealed.

SECTION 31. 121.02 (3) of the statutes as affected by 1997 Wisconsin Act 27,

is amended to read:

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

SECTION 32. Initial applicability.

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

SECTION 33. Effective dates. This act takes effect on January 1, 2001, except as follows:

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

(END)

WPO: Please proof w/stats.

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FWS 9-19 ✓

⑥

Section #, CR; 119.06(4)(c) 2. ✓

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

-0629/ldn
LRB-5035/ldn
JTK:MM:MM:km
Wlj
+
Jlg

~~Friday, February 27, 1998~~

~~Brian:~~

in existing 1st class cities

This draft provides in proposed s. 119.07 (1) for the one-time extension of the terms of incumbent school board members who are elected at the ~~1999 and~~ 2001 spring elections by approximately one and a half years. ~~In addition to the constitutional concerns raised in Peter Grant's drafter's note to LRB-4793/P1, we thought you should be aware that~~ the Wisconsin Supreme Court has ~~also~~ held that the "continuance of a person in office by legislative interference, beyond the specific term for which he was elected or appointed, is equivalent to a new appointment to the office, and void if the office be one that the legislature cannot fill by direct appointment or election". *O'Connor v. City of Fond du Lac*, 109 Wis. 253, 268, ~~31 N.W. 327~~ (1901). ~~The O'Connor opinion was cited by the attorney general in an opinion concerning statutes that changed annual elections of certain town officers to elections in the odd-numbered years and that lengthened the terms of those officers from 1 to 2 years.~~ *32 Op. Att'y Gen. 398* (1943). ~~Because these statutes took effect after the town officers had been elected to one-year terms under the old law, the question before the attorney general was whether those officers elected to one-year terms should continue to serve until the election 2 years later. The attorney general concluded that the officials should continue in office until the next election if the statutes changing the election and lengthening the terms of the officers were constitutional. However, in light of article XIII, sec. 9, of the Wisconsin Constitution and the O'Connor decision, which construed article XIII, sec. 9, as prohibiting the extension of the term of an incumbent local official, the attorney general stated that he thought the constitutionality of the Wisconsin statutes was in "grave doubt". Id. at 400. See also 26 Op. Att'y Gen. 163, 165 (1937) and 63 Op. Att'y Gen. 24, 27 (1974).~~

See p
also

If you wish, this issue could be addressed by removing the provisions of the draft providing for term extensions and substituting provisions for one-time election of school board members to shortened terms of approximately one and a half years.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778

Madelon J. Lief
Legislative Attorney
267-7380

Wisconsin
As city officers, article XIII, Section 9 of the constitution requires school board members in a 1st class city to be elected by the electors of the city or appointed by other city officers.

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

LRB-0629/1dn
JTK:wlj&jlg:km

December 1, 1998

This draft provides in proposed s. 119.07 (1) for the one-time extension of the terms of incumbent school board members in existing 1st class cities who are elected at the 2001 spring election by approximately one and a half years. As city officers, article XIII, section 9, of the Wisconsin Constitution requires school board members in a 1st class city to be elected by the electors of the city or appointed by other city officers. The Wisconsin Supreme Court has held that the "continuance of a person in office by legislative interference, beyond the specific term for which he was elected or appointed, is equivalent to a new appointment to the office, and void if the office be one that the legislature cannot fill by direct appointment or election". *O'Connor v. City of Fond du Lac*, 109 Wis. 253,268 (1901). See also 32 *Op. Att'y Gen.* 398 (1943).

If you wish, this issue could be addressed by removing the provisions of the draft providing for term extensions and substituting provisions for one-time election of school board members to shortened terms of approximately one and a half years.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778

**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: 12/1/98

To: Representative Williams

Relating to LRB drafting number: LRB-0629

Topic

First class city school elections

Subject(s)

Elections - school elections, Education - MPS

1. **JACKET** the draft for introduction Rep Williams
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 266-356 1. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Assistant Chief Counsel
Telephone: (608) 266-6778

