

1999 DRAFTING REQUEST

Bill

Received: **02/28/2000**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 26643570**

By/Representing: **glenn**

This file may be shown to any legislator: NO

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Elections - miscellaneous
Higher Education - UW System**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Elected board of regents

Instructions:

See attached. Elected board of regents with 15 members. 1 is automatically secretary of DPI, 1 is a technical college rep (unclear how elected), 4 students, and 1 from each of 9 congressional districts. 4 year terms except students have 2 year terms. Funded per impartial justice bill.

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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>
/?	rmarchan 03/02/2000	jgeller 03/03/2000		_____			State
/P1	kuesej t 03/07/2000	j geller 03/07/2000	martykr 03/03/2000	_____			State
/P2	rmarchan 03/17/2000 kuesej t 03/19/2000 rmarchan	chanaman 03/20/2000	j frantze 03/07/2000	_____	lrbdocadmin 03/07/2000		State

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/1	rmarchan 03/20/2000	j geller 03/2 1/2000	jfrantze 03/20/2000	_____ _____	lrb-docadmin 03/20/2000		State
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FE Sent For:

11211
3/20/00

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1/2 3/20 jlg

3/21 3/21 KM

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Chmt
3/20
h
J/K
03/20

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Handwritten note: elected by tech. college boards

Handwritten note: (1 from each of 4 districts across state; elected by senate)

Handwritten note: elected at large

Handwritten note: at 100%

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Reaired
I?	rmarchan	p1 3/3 jlg p2 3/7 jlg	Am 3/3	Ch 3 Am 3			
FE Sent For:		JJ 3/11		JK 3/11 <END>			

Pocan's
~~office~~ office (Glen)

6-8570

Elect bd of regent

15 seats

1 = supt of DPI automatically

1 = elected tech college rep also elected
due to 100% reg.

4 = students elected, one from each of
4 districts across state; elected
by students

9 = at-large from each congressional
district; what if we go to 8 dists?

4 year terms for all, except students
(2 year terms) (staggered terms?)

100% pub. financing ~~re-spectable~~

1 AN ACT to renumber 5.60 (1) (a); to renumber and amend 15.91; to amend
2 5.02 (3) and (23), 5.58 (2) (title), 5.58 (3), 5.60 (1) (title), 5.60
3 (1) (b), 7.60 (4) (a) and (5), 7.70 (3) (d), 8.11 (3), 11.26 (1) (b)
4 and (2) (b), 11.31 (1) (e) and (3) (intro.), 17.01 (2) and 17.19 (4);
5 and to create 5.58 (2e), 5.60 (1) (a), 8.10 (3) (ae), 8.25 (6), 8.50
6 (4) (em), 15.07 (1) (a) 6, 15.91 (1) to (13), 17.02 (2), 17.17 (2) and
7 36.115 of the statutes, relating to the method of selection of the
8 board of regents of the university of Wisconsin system.

Analysis by the Legislative Reference Bureau

Currently, the board of regents of the university of Wisconsin system is composed of 15 members appointed by the governor subject to senate confirmation, 14 of whom serve for staggered 7-year terms and one of whom is a student who serves for a 2-year term. In addition, the state superintendent of public instruction and the president (or, by his or her designation, the vice president) of the state board of vocational, technical and adult education serve as ex officio members.

This bill changes the method of selection of the members of the board of regents other than the ex officio and student members to popular election at the spring nonpartisan election. Terms of the elected members are established on a staggered 6-year basis. The number of members is decreased from 17 to 12, with one member to be elected from each congressional district. The method of selection of the student member is changed from appointment by the governor to designation by the elected student representatives at each 4-year campus of the UW system on a rotating basis. The term of the student member remains at 2 years. The state superintendent of public instruction and the president (or, by his or her designation, the vice president) of the state board of vocational, technical and adult education remain as ex officio members.

Nomination paper signature requirements and contribution limits and spending guidelines are the same as for the office of state senator. Candidates for the board are not eligible to receive public grants to

finance their campaigns. Members of the current board, except the ex officio members, are to be replaced on July 1 following the date the bill becomes law. The bill becomes law on November 15 following publication.

For further information see the state 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. 5.02 (3) and (23) of the statutes are amended to read:

2 5.02 (3) "Educational **officer**" means the state superintendent, member
3 of the board of regents of the university of Wisconsin system and school
4 board members.

5 (23) "State office" means the offices of governor, lieutenant
6 governor, secretary of state, state treasurer, attorney general, state
7 superintendent of public instruction, justice of the supreme court, member
8 of the board of regents of the university of Wisconsin system, court of
9 appeals judge, circuit court judge, state senator, state representative to
10 the assembly and district attorney.

11 SECTION 2. 5.58 (2) (title) of the statutes is amended to read:

12 5.58 (2) (title) NONPARTISAN STATE OFFICERS; JUDICIARY; COUNTY
13 EXECUTIVE; AND COUNTY SUPERVISOR.

14 SECTION 3. 5.58 (2e) of the statutes is created to read:

15 5.58 (2e) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. There
16 shall be a separate ballot for member of the board of regents of the **uni-**
17 **versity** of Wisconsin system. Arrangement of the names on the ballot shall
18 be determined by the board in the manner specified in s. 5.60 (1) (b).
19 The ballot shall be titled "Official Primary Ballot for Member of the
20 Board of Regents of the University of Wisconsin System". The candidates
21 for the office shall be designated on the ballot as follows: "For Member

1 of the Board of Regents of the University of Wisconsin System,
2 District".

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

4 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state
5 superintendent, for member of the board of regents of the university of
6 Wisconsin' system within any congressional district, for any judicial
7 office, for any elected seat on a metropolitan sewerage commission or town
8 sanitary district commission, in counties having a population of 500,000
9 or more only 2 candidates **for member of the board of** supervisors within
10 each district, in counties having a population of less than 500,000 only 2
11 candidates for each member of the county board of supervisors from each
12 district or numbered seat or only 4 candidates for each 2 members of the
13 county board of supervisors from each district whenever 2 supervisors are
14 elected to unnumbered seats from the same district, in 1st class cities
15 only 2 candidates for any at-large seat and only 2 candidates from any
16 election district to be elected to the board of school directors, in
17 school districts electing school board members to numbered seats, or pur-
18 suant to an apportionment plan or district representation plan, only 2
19 school board candidates for each numbered seat or within each district,
20 **and twice as many candidates as are to be elected members of other school**
21 boards or other elective officers receiving the highest number of votes at
22 the primary shall be nominees for the office at the spring election. Only
23 their names shall appear on the official spring ballot.

24 SECTION 5. 5.60 (1) (title) of the statutes is amended to read:

25 5.60 (1) (title) NONPARTISAN STATE OFFICERS; JUDICIARY; COUNTY
26 EXECUTIVE; AND COUNTY SUPERVISOR.

27 SECTION 6. 5.60 (1) (a) of the statutes is renumbered 5.60 (1) (am).

28 SECTION 7. 5.60 (1) (a) of the statutes is created to read:

1 5.60 (1) (a) There shall be a separate ballot for member of the board
2 of regents of the university of Wisconsin system.

3 SECTION 8. 5.60 (1) (b) of the statutes is amended to read:

4 5.60 (1) (b) The board shall certify the candidates' names and
5 designate the official ballot arrangement for candidates for state
6 superintendent, justice, member of the board of regents of the university
7 of Wisconsin system, court of appeals judge, circuit judge, municipal
8 judge elected under s. 755.01 (4) and, if commissioners are elected under
9 s. 66.23 (11) (am), the metropolitan sewerage commission. The arrangement
10 of names of all candidates on the ballot whose nomination papers are filed
11 with the board shall be determined by the board by the drawing of lots not
12 later than the 7th day following the deadline for filing nomination
13 papers. Whenever a primary is held for an office, a 2nd drawing of all
14 candidates for that office shall be held by or under the supervision of
15 the board not later than the 3rd day following the completion of the pri-
16 mary canvass to determine the arrangement of candidates on the election
17 ballot.

18 SECTION 9. 7.60 (4) (a) and (5) of the statutes are amended to read:

19 7.60 (4) (a) The board of canvassers shall make separate duplicate
20 statements showing the numbers of votes cast for the offices of president
21 and vice president; state officials; U.S. senators and representatives in
22 congress; state legislators; justice; members of the board of regents of
23 the university of Wisconsin system; court of appeals judge; circuit
24 judges; district attorneys; municipal judges, if they are elected under s.
25 755.01 (4); and metropolitan sewerage commissioners, if the commissioners
26 are elected under s. 66.23 (11) (am). For partisan candidates, the
27 statements shall include the political party or principle designation, if
28 any, next to the name of each candidate. The board of canvassers shall

1 also prepare a statement showing the results of any county, vocational
2 district or statewide referendum. Each statement shall state the total
3 number of votes cast in the county for each office; the names of all per-
4 sons for whom the votes were cast, as returned; the number of votes cast
5 for each person; and the number of votes cast for and against any question
6 submitted at a referendum. The board of canvassers shall use one copy of
7 the statement to report to the elections board or vocational district
8 board and shall file the other statement in the office of the county clerk
9 or board of election commissioners.

10 (5) REPORTING. Immediately following the canvass the county clerk
11 shall deliver or send to the elections board, by 1st class mail, a certi-
12 fied copy of each statement of the county board of canvassers for presi-
13 dent and vice president; state officials; senators and representatives in
14 congress; state legislators; justice; members of the board of regents of
15 the university of Wisconsin system; court of **appeals judge**; **circuit judge**;
16 district attorney; municipal **judge**, if elected under s. 755.01 (4); and
17 metropolitan sewerage commissioners, if the commissioners are elected
18 under s. 66.23 (11) (am). The statement shall record the returns for each
19 office or referendum by ward, unless combined returns are authorized under
20 s. 5.15 (6) (b) in which case the statement shall record the returns for
21 **each group** of combined wards. Following primaries the county clerk shall
22 enclose on blanks prescribed by the elections board the names, party or
23 principle designation, if any, and number of votes received by each
24 candidate recorded in the same manner. The county clerk shall deliver or
25 transmit the certified statement to the elections board no later than 7
26 days after each primary and no later than 10 days after any other
27 election. The board of canvassers shall deliver or transmit a certified
28 copy of each statement for **any** vocational district referendum to the

1 secretary of the district board of vocational, technical and adult
2 education. If the board of canvassers becomes aware of a material mistake
3 in the canvass of an election for state or national office or a statewide
4 or vocational district referendum prior to the close of business on the
5 day the elections board receives returns from the last county board of
6 canvassers with respect to that canvass, the board of canvassers may
7 petition the elections board to reopen and correct the canvass. The
8 elections board shall direct the canvass to be reopened and corrected if
9 it determines that the public interest so requires. If the elections
10 board directs the canvass to be reopened, the board of canvassers shall
11 reconvene and transmit a certified corrected copy of the canvass statement
12 to the elections board or secretary of the district board of vocational,
13 technical and adult education.

14 SECTION 10. 7.70 (3) (d) of the statutes is amended to read:

15 7.70 (3) (d) When the certified statements and returns are received,
16 the board of state canvassers shall proceed to examine and make a ~~state-~~
17 ~~ment of the total number of votes cast at any election for the offices~~
18 involved in the election for president and vice president; a statement for
19 each of the offices of governor, lieutenant governor, if a primary, and a
20 joint statement for the offices of governor and lieutenant governor, if a
21 general election; a statement for each of the offices of secretary of
22 state, state treasurer, attorney general, and state superintendent; for
23 U.S. senator; representative in congress for each congressional ~~district;~~
24 the state legislature; justice; member of the board of regents of the
25 university of Wisconsin system for each congressional district; court of
26 appeals judge; circuit judge; district attorney; municipal judge, if he or
27 she is elected under s. 755.01 (4); metropolitan sewerage commission, if

1 the ~~commissioners~~ are elected under s. 66.23 (11) (am); and for any
2 referenda questions submitted by the legislature.

3 SECTION 11. 8.10 (3) (ae) of the statutes is created to read:

4 8.10 (3) (ae) For the office of member of the board of regents of the
5 university of Wisconsin system, not less than 400 nor 'more' than 800
6 electors.

7 SECTION 12. 8.11 (3) of the statutes is amended to read:

8 8.11 (3) STATE. A primary shall be held if more than 2 candidates
9 file nomination papers for the office of state superintendent, for
10 justice, for member of the board of regents of the university of Wisconsin
11 system within the same congressional district, for court of appeals judge
12 in the same district or for judge of the same branch of circuit court.

13 SECTION 13. 8.25 (6) of the statutes is created to read:

14 8.25 (6) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. One
15 member of the board of regents of the university of Wisconsin system shall
16 be elected from each congressional district at the spring election every 6
17 years.

18 SECTION 14. 8.50 (4) (em) of the statutes is created to read:

19 8.50 (4) (em) A vacancy in the office of member of the board of
20 regents of the university of Wisconsin system from any congressional dis-
21 **trict** occurring after the date of the spring election and on or before
22 December 1 in any year shall be filled for the residue of the unexpired
23 term, if any, at the succeeding spring election. A vacancy in the office
24 of member of the board of regents of the university of Wisconsin system
25 from, any congressional district occurring during the period beginning on
26 December 2 and ending on the date of the spring election shall be filled
27 for the residue of the unexpired term, if any, at the 2nd succeeding
28 spring election.

1 SECTION 15. 11.26 (1) (b) and (2) (b) of the statutes are amended to
2 read:

3 11.26 (1) (b) -Candidates for state senator or member of the board of
4 regents of the university of Wisconsin system, \$1,000.

5 (2) (b) Candidates for state senator or member of the board of
6 regents of the university of Wisconsin system, \$1,000.

7 SECTION 16. 11.31 (1) (e) and (g) (intro.) of the statutes are
8 amended to read:

9 11.31 (1) (e) Candidates for state senator or member of the board of
10 regents of the university of Wisconsin system, \$34,500 total in the pri-
11 mary and election, with disbursements not exceeding \$21,575 for either the
12 primary or the election.

1 3 (g) (intro.) In any jurisdiction or district, other than a congres-
14 sional district or judicial district or circuit, with a population of
15 500,000 or more according to the most recent federal census covering the
16 entire jurisdiction or district:

17 SECTION 17. 15.07 (1) (a) 6 of the statutes is created to read:

18 15.07 (1) (a) 6. Members of the board of regents of the university of
19 Wisconsin system shall be selected as provided in s. 15.91.

20 SECTION 18. 15.91 of the statutes is renumbered 15.91 (intro.) and
21 amended to read:

22 15.91 BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM;
23 CREATION. (intro.) There is created a board of regents of the **university**
24 of Wisconsin **system** consisting of the state superintendent of public
25 instruction, the president, or by his or her designation the vice
26 president, of the board of vocational, technical and adult education ~~and~~
27 ~~14 citizen members appointed, one member elected for staggered 4 year~~
28 ~~terms~~ a 6-year term by the electors of each congressional district, and a

1 student enrolled at least half-time and in good academic standing at an
2 institution ~~or center~~ within the university of Wisconsin system who is at
3 least 18 years old and a resident of this state, for a 2-year term. The
4 student member may shall be selected ~~from recommendations made by elected~~
5 ~~representatives of student governments~~ by the students at ~~institutions and~~
6 ~~centers within the university of Wisconsin system~~ ~~The governor may not~~
7 ~~appoint a student member from the same institution~~ ~~enter in any 2~~
8 ~~consecutive terms~~ the institution determined under this section for each
9 2-year period, in accordance with s. 36.115. If the student member loses
10 the status upon which the appointment was based, he or she shall cease to
11 be a member of the board of regents. The students of the institutions
12 shall select a member of the board in the following order, with the first
13 listed institution to precede any other institution that selected a
14 representative more recently than that institution:

15 SECTION 19. 15.91 (1) to (13) of the statutes are created to read:

16 15.91 (1) University of Wisconsin-Eau Claire.

17 (2) University of Wisconsin-Green Bay.

18 (3)' University of Wisconsin-La Crosse.

1 9 (4) University of Wisconsin-Madison.

20 (5) University of Wisconsin-Milwaukee,

21 (6) University of Wisconsin-Oshkosh.

22 (7) University of Wisconsin-Parkside.

23 (8) University of Wisconsin-Platteville.

24 (9) University of Wisconsin-River Falls.

25 (10) University of Wisconsin-Stevens Point.

26 (11) University of Wisconsin-Stout.

27 (12) University of Wisconsin-Superior.

28 (13) University of Wisconsin-Whitewater.

1 SECTION 20. 17.01 (2) of the statutes is amended to read:

2 17.01 (2) By the secretary of state, treasurer, attorney general,
3 state superintendent, by any member of the board of regents of the univ-
4 ersity of Wisconsin system other than an ex officio member, by a district
5 attorney and by all officers appointed by the governor alone or by the
6 governor by and with the advice and consent of the senate, to the
7 governor.

8 SECTION 21. 17.02 (2) of the statutes is created to read:

9 17.02 (2) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. In the
10 office of member of the board of regents of the university of Wisconsin
11 system selected by the students of the system, by the secretary of the
12 board to the chancellor of the institution from which the member was
13 selected.

14 SECTION 22. 17.17 (2) of the statutes is created to read:

15 17.17 (2) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. In the
16 office of member of the university of Wisconsin system from **any** congres-
17 sional district, by the secretary of the board to the governor; and in the
18 office of member of the board of regents of the university of Wisconsin
19 system selected by the students of the system, by the secretary of the
20 board to the chancellor of the institution from which the member was
21 selected.

22 SECTION 23. 17.19 (4) of the statutes is amended to read:

23 17.19 (4) OTHER ELECTIVE STATE OFFICERS. In the office of secretary
24 of state, treasurer, attorney general ~~or~~, state superintendent or member
25 of the board of regents of the university of Wisconsin system, by
26 appointment by the governor, and a person so appointed shall hold office
27 until his or her successor is elected, as provided in s. 8.50, and

1 qualifies, but if no such election is held, the person so appointed shall
2 hold office for the residue of the unexpired term.

3 SECTION 24. 36.115 of the statutes is created to read:

4 36.115 STUDENT MEMBER OF BOARD OF REGENTS. For the purpose of **se-**
5 **lection** of the student member of the board, the chancellor of the **insti-**
6 **tution** determined under s. 15.91 during each 2-year period shall, in con-
7 sultation with students enrolled at the institution, determine a method by
8 which the students shall select a representative to serve as a member of
9 the board. If there is a single student government elected by the **stu-**
10 **dents** enrolled at the institution, the chancellor shall request the
11 student government to designate a representative. The chancellor shall
12 certify to the secretary of the board the name and address of the student
13 who is selected by the students to serve.

14 SECTION 25. NONSTATUTORY PROVISIONS; INITIAL TERMS. (1) All members
15 of the board of regents of the university of Wisconsin system holding
16 office on the effective date of this subsection shall cease to hold office
17 on July 1 of the year following the effective date of this subsection.

18 (2) Notwithstanding section 15.91 of the statutes, as affected by
19 this act, at the spring election in the year following the effective date
20 of this subsection, 9 new members of the board of regents shall be chosen,
21 one from each congressional district in this state, as follows:

22 (a) From the 1st and 7th congressional districts, one member from
23 each district for a 6-year term.

24 (b) From the 2nd and 8th congressional districts, one member from
25 each district for a 5-year term.

26 (c) From the 3rd and 9th congressional districts, one member from
27 each district for a **4-year** term.

1 (d) From the 4th congressional district, one member for a 3-year
2 term.

3 (e) From the 5th congressional district, one member for a 2-year
4 term.

5 (f) From the 6th congressional district, one member for a one-year
6 term.

7 (3) Notwithstanding section 15.91 of the statutes, as affected by
8 this act, the initial appointee of the students of the university of
9 Wisconsin system to serve as a member of the board of regents of the uni-
10 versity of Wisconsin system shall be enrolled at the university of
11 Wisconsin-Eau Claire and shall serve for a 2-year term commencing on July
12 1 following the effective date of this subsection. Notwithstanding
13 section 15.91 of the statutes, as affected by this act, no student member
14 of the board of regents of the university of Wisconsin system who served
15 under section 15.91, 1989 stats., prior to that July 1 is considered to
16 have been selected as the representative of any institution.

17 SECTION 26. EFFECTIVE DATE. This act takes effect on November 15
18 following the date of publication.

19 (End)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0390/2dn
JTK:cmh:lp

February 17, 1999

~~1. This draft makes minor technical corrections to LRB-0390/1.~~

2. To expedite the production of this draft, I have made some assumptions concerning your intent that may not be accurate. In particular:

a. There are currently 17 members of the board of regents. ~~Because you wanted one-third of the members to be elected by each of three groups - and the number 17 is not divisible by three, I increased the membership to 18.~~ Another alternative you might consider is to retain the two ex officio members (the state superintendent and the president of the state technical college system board or the president's designee), ~~and then you would have 15 members left, which is a number divisible by three.~~

b. You did not specify whether the members who are to be popularly elected should be elected on a partisan or nonpartisan basis. The draft provides their election on a nonpartisan basis, which is the same method we currently use to elect other educational officers.

c. You did not specify whether you wanted the popularly elected members to be elected at large, at large from numbered seats, or from election districts. This draft provides for their election to be at large from numbered seats, which is the same method we currently use to elect the Madison Metropolitan School Board.

d. Currently, most members of the board of regents serve staggered 7-year terms. Under this draft, all members serve 6-year terms, ~~with two of the six members of each group~~ elected every two years.

e. You did not specify any nomination paper signature requirements, campaign contribution limits or disbursement (voluntary campaign expenditure) levels for the candidates running for the popularly elected positions. This draft provides that these requirements, limits and levels are the same as those currently established for the office of state senator.

f. You did not specify whether you wanted candidates for the popularly elected positions to be eligible for public grants to finance their campaigns. Under this draft, candidates are not eligible for public grants. Currently, the state election campaign fund is severely depleted and candidates who currently qualify are only able to receive a small portion of the grants for which they qualify. Creating additional eligibility for grants without augmenting the revenue in this fund would likely result in modest grants to candidates and would further erode the ability of the candidates who now qualify to receive adequate funding.

17
divided
by 3
= 5
members

g. The instructions did not define- "student" and "employee". Under the draft, "student" includes any full-time or part-time student and "employee" includes any full-time or part-time employee. The board of regents is directed to define, by rule, who is "enrolled" at any given moment. See the current text of s. 15.91, stats., regarding student eligibility, as contained in this draft, and let me know if you would like to retain any of this. Under the draft, voting eligibility of students and employees is determined as of the date of an election.

h. The instructions did not provide for a methodology for filling vacancies. The draft provides for vacancies to be filled within each group of members by appointment of the remaining members of that group until the next regular election for members of that group.

i. The instructions did not specify a method for removal of board members. The draft provides that the members who are elected by the electors of the state are subject to recall, in accordance with current law. Under the draft, the members of the board who are elected by the employees or students may be removed by a majority of the other members of the board, for cause. (Under current law, a person so removed is entitled to a hearing and may appeal any removal through the court system.)

Please let me know if any of these provisions do not reflect your intent. If you need a redraft, it will be placed in front of any requests for original bill drafts so we can turn it around expeditiously.

3. The amendment of s. 15.91, stats., contained in this draft, which empowers students and employees of the UW system to elect some of the members of the UW board of regents may be challengeable as offending the equal protection clause of the 14th Amendment. In *Kramer v. Union Free Sch. Dist. No 15*, 89 S. Ct. 1886 (1969), the U.S. Supreme Court held that the one-person, one vote principle extends to elective units of government with or without legislative authority. (In this case, the court voided a New York law which limited the right to vote in school district elections to owners of real property in the school district and parents and guardians of children who are enrolled in the district's schools.) Also, in *Freeman v. Dies*, 307 F. Supp. 1028 (N.D. Tex., 1969), a U.S. District Court voided, on the same basis, malapportioned districts for the election of the Texas state board of education. In so ruling, the court held that this board was vested with significant and important powers of government having a broad range of impacts on all citizens of the state, and therefore is subject to the one-person, one vote rule. I should add that the courts have made clear that the one-person, one vote rule does not impinge our ability to prescribe whatever qualifications we wish (short of invidiously discriminatory qualifications) for appointive positions.

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

-4640/P1

JLg

Stays

1999 BILL

1 **AN ACT** to renumber 5.60 (1) ~~(a) and~~ 5.02 (3) and (23), 5.58 (2) (title), 5.58
 2 (3), 5.60 (1) (title), 5.60 (1) ~~(b) and~~ (4) (a), 7.60 (5), 7.70 (3) (d), 8.11 (3), 11.26
 3 (1) (b) and (2) (b), 11.31 (1) (e), 15.07 (1) (cm), 15.91 and 17.01 (2); and to create
 4 5.58 (2e), 5.60 (1) ~~(a) and~~ (6), 8.10 (3) (ae), 8.25 (6), 8.50 (4) (em), 9.10 (1) (e),
 5 15.07 (1) (a) 7., 17.02 (2), 17.07 (7), 17.17 (2), 17.19 (3t) and 36.115 of the
 6 statutes; relating to: the method of selection of the board of regents of the
 7 University of Wisconsin System and granting rule-making authority.

sen. cat

WFO-
ANAL:PRELIM

Analysis by the Legislative Reference Bureau

Currently, the board of regents of the University of Wisconsin System (UW System) is composed of 15 members appointed by the governor subject to senate confirmation, 14 of whom serve for staggered seven-year terms and one of whom is a student who serves for a two-year term. In addition, the state superintendent of public instruction and the president (or, by his or her designation, another member) of the state technical college system board serve as ex officio members.

This bill changes the method of selection of the members of the board of regents to provide for the board to be composed of 18 members, six of whom are to be elected by the electors of the state at large from numbered seats, six of whom are to be elected by the employees of the UW System and six of whom are to be elected by the students of the UW System. Under the bill, all members serve six-year terms and two

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members from each group are elected every two years. The bill directs the board to prescribe, by rule, a methodology for all employees and students at all institutions within the UW System to vote by secret ballot to elect their representatives to the board. Under the bill, each board member who is elected by the electors of the state must be an elector of the state, each board member who is an employe must be a full-time or part-time employe of the UW system and each board member who is a student must be a student who is currently enrolled at an institution within the UW System. The board of regents is directed to define, by rule, who is "enrolled". The bill provides for vacancies on the board to be filled by appointment of the other members of the board until the next regular election, at which point they are filled for the remaining portion of any unexpired term.

Under the bill, nomination paper signature requirements and contribution limits and spending guidelines for candidates for the board are the same as for candidates for the office of state senator. Candidates for the board are not eligible to receive public grants to finance their campaigns. Members of the current board are to be replaced on July 1 following the date on which the bill becomes law. The bill becomes law on November 15 following publication.

For further information see the *state* 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.** 5.02 (3) and (23) of the statutes are amended to read:

2 5.02 (3) "Educational officer" means the state superintendent, member of the
3 board of regents of the University of Wisconsin System and school board members.

4 (23) "State office" means the offices of governor, lieutenant governor, secretary
5 of state, state treasurer, attorney general, state superintendent, justice of the
6 supreme court, member of the board of regents of the University of Wisconsin
7 System, court of appeals judge, circuit court judge, state senator, state
8 representative to the assembly and district attorney.

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

10 5.58 (2) (title) ~~STATE SUPERINTENDENT OF PUBLIC INSTRUCTION~~ NONPARTISAN STATE
11 OFFICERS; JUDICIARY; COUNTY EXECUTIVE; AND COUNTY SUPERVISORS SUPERVISOR.

12 **SECTION 3.** 5.58 (2e) of the statutes is created to read:

BILL

1 5.58 (2e) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. There shall
 2 be a separate ballot for ~~each numbered seat on the~~ ^{member of} board of regents of the University
 3 of Wisconsin System that is filled by the electors of the state. Arrangement of the
 4 names on the ballot shall be determined by the board in the manner specified in s.

5 5.60 (1) (b). The ballot shall be titled "Official Primary Ballot for Member of the
 6 Board of Regents of the University of Wisconsin System". The candidates shall be
 7 designated on the ballot as follows: "For Member of the Board of Regents of the
 8 University of Wisconsin System, ~~Seat Number~~ ^{... District}".

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

10 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
 11 ~~for any numbered seat on the board of regents of the University of Wisconsin System,~~
 12 for any judicial office, for any elected seat on a metropolitan sewerage commission
 13 or town sanitary district commission, in counties having a population of 500,000 or
 14 more only 2 candidates for member of the board of supervisors within each district,
 15 in counties having a population of less than 500,000 only 2 candidates for each
 16 member of the county board of supervisors from each district or numbered seat or
 17 only 4 candidates for each 2 members of the county board of supervisors from each
 18 district whenever 2 supervisors are elected to unnumbered seats from the same
 19 district, in 1st class cities only 2 candidates for any at-large seat and only 2
 20 candidates from any election district to be elected to the board of school directors, in
 21 school districts electing school board members to numbered seats, or pursuant to an
 22 apportionment plan or district representation plan, only 2 school board candidates
 23 for each numbered seat or within each district, and twice as many candidates as are
 24 to be elected members of other school boards or other elective officers receiving the

2

8

11

member of ✓

... District ✓

within any congressional district ✓

member of

BILL

SECTION 4

1 highest number of votes at the primary shall be nominees for the office at the spring
2 election. Only their names shall appear on the official spring ballot.

3 SECTION 5. 5.60 (1) (title) of the statutes is amended to read:

4 5.60 (1) (title) ~~STATE SUPERINTENDENT~~ NONPARTISAN STATE OFFICERS; JUDICIARY;
5 COUNTY EXECUTIVE; AND COUNTY ~~SUPERVISORS~~ SUPERVISOR.

6 SECTION 6. 5.60 (1) (a) of the statutes is renumbered 5.60 (1) (am).

7 SECTION 7. 5.60 (1) (a) of the statutes is created to read:

member of ✓

8
9

8 5.60 (1) (a) There shall be a separate ballot for each ~~numbered seat~~ ^{member of} the board
9 of regents of the University of Wisconsin System that is ~~filled~~ ^{filled} by the electors of the
10 state.

11 SECTION 8. 5.60 (1) (b) of the statutes is amended to read:

12 5.60 (1) (b) The board shall certify the candidates' names and designate the
13 official ballot arrangement for candidates for state superintendent, justice, member
14 of the board of regents of the University of Wisconsin System, court of appeals judge,
15 circuit judge, municipal judge elected under s. 755.01 (4) and, if commissioners are
16 elected under s. 66.23 (11) (am), the metropolitan sewerage commission. The
17 arrangement of names of all candidates on the ballot whose nomination papers are
18 filed with the board shall be determined by the board by the drawing of lots not later
19 than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday.
20 Whenever a primary is held for an office, a 2nd drawing of all candidates for that
21 office shall be held by or under the supervision of the board not later than the 3rd day
22 following the completion of the primary canvass to determine the arrangement of
23 candidates on the election ballot.

24 SECTION 9. 7.60 (4) (a) of the statutes is amended to read:

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1 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
2 showing the numbers of votes cast for the offices of president and vice president; state
3 officials; U.S. senators and representatives in congress; state legislators; justice;
4 members of the board of regents of the University of Wisconsin System; court of
5 appeals judge; circuit judges; district attorneys; municipal judges, if they are elected
6 under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners
7 are elected under s. 66.23 (11) (am). For partisan candidates, the statements shall
8 include the political party or principle designation, if any, next to the name of each
9 candidate. The board of canvassers shall also prepare a statement showing the
10 results of any county, technical college district or statewide referendum. Each
11 statement shall state the total number of votes cast in the county for each office; the
12 names of all persons for whom the votes were cast, as returned; the number of votes
13 cast for each person; and the number of votes cast for and against any question
14 submitted at a referendum. The board of canvassers shall use one copy of the
15 statement to report to the elections board or technical college district board and shall
16 file the other statement in the office of the county clerk or board of election
17 commissioners.

18 **SECTION 10.** 7.60 (5) of the statutes is amended to read:

19 **7.60 (5) REPORTING.** Immediately following the canvass the county clerk shall
20 deliver or send to the elections board, by 1st class mail, a certified copy of each
21 statement of the county board of canvassers for president and vice president; state
22 officials; senators and representatives in congress; state legislators; justice;
23 members of the board of regents of the University of Wisconsin System; court of
24 appeals judge; circuit judge; district attorney; municipal judge, if elected under s.
25 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are

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1 elected under s. 66.23 (11) (am). The statement shall record the returns for each
2 office or referendum by ward, unless combined returns are authorized under s. 5.15
3 (6) (b) in whichcase the statement shall record the returns for each group of
4 combined wards. Following primaries the county clerk shall enclose on blanks
5 prescribed by the elections board the names, party or principle designation, if any,
6 and number of votes received by each candidate recorded in the same manner. The
7 county clerk shall deliver or transmit the certified statement to the elections board
8 no later than 7 days after each primary and no later than 10 days after any other
9 election. The board of canvassers shall deliver or transmit a certified copy of each
10 statement for any technical college district referendum to the secretary of the
11 technical college district board. If the board of canvassers becomes aware of a
12 material mistake in the canvass of an election for state or national office or a
13 statewide or technical college district referendum prior to the close of business on the
1 4 day the elections board receives returns from the last county board of canvassers
15 with respect to that canvass, the board of canvassers may petition the elections board
16 to reopen and correct the canvass. The elections board shall direct the canvass to be
17 reopened and corrected if it determines that the public interest so requires. If the
18 elections board directs the canvass to be reopened, the board of canvassers shall
19 reconvene and transmit a certified corrected copy of the canvass statement to the
20 elections board or secretary of the technical college district board.

21 **SECTION 11.** 7.70 (3) (d) of the statutes is amended to read:

22 7.70 (3) (d) When the certified statements and returns are received, the
23 chairperson of the board shall proceed to examine and make a statement of the total
24 number of votes cast at any election for the offices involved in the election for
25 president and vice president; a statement for each of the offices of governor,

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1 lieutenant governor, if a primary, and a joint statement for the offices of governor and
 2 lieutenant governor, if a general election; a statement for each of the offices of
 3 secretary of state, state treasurer, attorney general, and state superintendent; for
 4 U.S. senator; representative in congress for each congressional district; the state
 5 legislature; justice; ~~each numbered seat on~~ ^{member of.} the board of regents of the University of
 6 Wisconsin System; ^{from each congressional district.} ~~court of appeals judge; circuit judge; district attorney; municipal~~
 7 judge, if he or she is elected under s. 755.01 (4); metropolitan sewerage commission,
 8 if the commissioners are elected under s. 66.23 (11) (am); and for any referenda
 9 questions submitted by the legislature.

10 SECTION 12. 7.70 (6) of the statutes is created to read:

11 7.70 (6) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. The elections
 12 board shall ^{provide} ~~cause~~ a copy of the certified determination of the chairperson of the board
 13 ~~for the election of each member~~ ^{from each congressional district} of the board of regents of the University of Wisconsin
 14 System ~~to be transmitted~~ ^{to the secretary of the board of regents.}

15 SECTION 13. 8.10 (3) (ae) of the statutes is created to read:

16 8.10 (3) (ae) For the office of member of the board of regents of the University
 17 of Wisconsin System, not less than 400 nor more than 800 electors.

18 SECTION 14. 8.11 (3) of the statutes is amended to read:

19 8.11 (3) STATE. A primary shall be held if more than 2 candidates file
 20 nomination papers for the office of state superintendent, for justice, for ~~any~~ ^{member of}
 21 ~~numbered seat on~~ ^{within the same congressional district} the board of regents of the University of Wisconsin System for
 22 court of appeals judge in the same district or for judge of the same branch of circuit
 23 court.

24 SECTION 15. 8.25 (6) of the statutes is created to read:

BILL

1 8.25 (6) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** Two members
2 of the board of regents of the University of Wisconsin System shall be elected at the
3 spring election every 2 years.

from each congressional district

4 **SECTION 16. 8.50 (4) (em)** of the statutes is created to read:

5 8.50 (4) (em) A vacancy in the office of member of the board of regents of the
6 University of Wisconsin System occurring after the date of the spring election and
7 on or before December 1 in the following year shall be filled for the residue of the
8 unexpired term, if any, at the succeeding spring election, except as provided in s.
9 17.19 (3t). A vacancy in the office of member of the board of regents of the University
10 of Wisconsin System occurring during the period beginning on December 2 and
11 ending on the date of the spring election shall be filled for the residue of the unexpired
12 term, if any, at the 2nd succeeding spring election, except as provided in s. 17.19 (3t).

13 **SECTION 17. 9.10 (1) (e)** of the statutes is created to read:

14 9.10 (1) (e) This subsection applies to the members of the board of regents of the
15 University of Wisconsin System who are elected by the electors of this state. This
16 subsection does not apply to the members of the board of regents of the University
17 of Wisconsin System who are elected by ~~the employees of~~ the students of the
18 University of Wisconsin System.

19 **SECTION 18. 11.26 (1) (b) and (2) (b)** of the statutes are amended to read:

20 11.26 (1) (b) Candidates for state senator or member of the board of regents of
21 the University of Wisconsin System, \$1,000.

22 (2) (b) Candidates for state senator or member of the board of regents of the
23 University of Wisconsin System, \$1,000.

24 **SECTION 19. 11.31 (1) (e)** of the statutes is amended to read:

BILL

1 11.31 (1) (e) Candidates for state senator or member of the board of regents of
2 the University of Wisconsin System, \$34,500 total in the primary and election, with
3 disbursements not exceeding \$21,575 for either the primary or the election

4 **SECTION 20.** 15.07 (1) (a) 7. [✓]of the statutes is created to read:

5 15.07 (1) (a) 7. Members of the board of regents of the University of Wisconsin
6 System shall be selected as provided in s. 15.91.

7 **SECTION 21.** 15.07 (1) (cm) of the statutes is amended to read:

8 15.07 (1) (cm) The term of one member of the ethics board shall expire on each
9 May 1. The terms of 3 members of the development finance board appointed under
10 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms
11 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of
12 every odd-numbered year. The terms of the 3 members of the land and water
13 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
14 The term of the member of the land and water conservation board appointed under
15 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
16 members of the real estate board shall expire on July 1. The terms of the appraiser
17 members of the real estate appraisers board and the terms of the auctioneer and
18 auction company representative members of the auctioneer board shall expire on
19 May 1 in an even-numbered year. The terms of the members of the board of regents
20 of the University of Wisconsin System shall expire on July 1.

21 **SECTION 22.** 15.91 of the statutes is amended to read:

22 **15.91 Board of regents of the University of Wisconsin System; creation.**

23 There is created a board of regents of the university of Wisconsin system consisting
24 ~~of the state superintendent of public instruction, the president, or by his or her~~
25 ~~designation another member, of the technical college system board and 14 citizen~~

BILL

1 ~~members appointed for staggered 7 year terms, and a student enrolled at least~~
 2 ~~half time and in good academic standing at an institution within the university of~~
 3 ~~Wisconsin system who is at least 18 years old and a resident of this state, for a 2 year~~
 4 ~~term. The student member may be selected from recommendations made by elected~~
 5 ~~representatives of student governments at institutions within the university of~~
 6 ~~Wisconsin system. The governor may not appoint a student member from the same~~
 7 ~~institution in any 2 consecutive terms. If the student member loses the status upon~~
 8 ~~which the appointment was based, he or she shall cease to be a member of the board~~
 9 ~~of regents ⁽¹⁵⁾ members who shall serve for ^{score period} 6 year terms. ^{Nine} members shall be~~
 10 ~~electors of this state who shall be elected ^{one} to numbered seats at large by the electors~~
 11 ~~of this state. ^{From each Congressional district} 6 members shall be full-time or part-time employees of the University~~
 12 ~~of Wisconsin System; and ^{KEEP} 6 ⁴ members shall be full-time or part-time students who~~
 13 ~~are enrolled at an institution within the University of Wisconsin System. If an~~
 14 ~~employee member of the board ceases to be an employee, or if a student member of the~~
 15 ~~board ceases to be enrolled as a student, the office of that member is vacant.~~

INSECT
10-15

SECTION 23. 17.01 (2) of the statutes is amended to read:

17 17.01 (2) By the secretary of state, treasurer, attorney general, state
 18 superintendent, by any member of the board of regents of the University of Wisconsin
 19 System, by a district attorney and by all officers appointed by the governor alone or
 20 by the governor by and with the advice and consent of the senate, to the governor.

SECTION 24. 17.02 (2) of the statutes is created to read:

22 **17.02 (2) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** In the office
 23 of a member of the board of regents of the University of Wisconsin System who is
 24 elected by ~~the employees of~~ the students of the system, by the secretary of the board
 25 to the president of the University of Wisconsin System. In the office of a member of

one shall be elected one from each of 4 districts of substantially equal population; one member shall be appointed by the technical college system board; and one member shall be the state superintendent of public instruction

BILL

1 the board of regents of the University of Wisconsin System who is elected by the
2 electors of this state, by the secretary of the board to the elections board.

3 ~~SECTION 25.~~ 17.07 (7) of the statutes is created to read:

4 17.07 (7) Members of the board of regents of the University of Wisconsin
5 System who are elected by the employees or the students of the system, by a majority
6 of the other members of the board, for cause.

7 SECTION 26. 17.17 (2) of the statutes is created to read:

8 17.17 (2) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** In the office
9 of a member of the board of regents of the University of Wisconsin System who is
10 elected by ~~the employees or~~ the students of the system, by the secretary of the board
11 to the president of the University of Wisconsin System. In the office of a member of
12 the board of regents of the University of Wisconsin System who is elected by the
13 electors of this state, by the secretary of the board to the elections board.

14 SECTION 27. 17.19 (3t) of the statutes is created to read:

15 17.19 (3t) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** In the office
16 of member of the board of regents of the University of Wisconsin System, by
17 appointment of the ~~other members of the board.~~ ^{GOVERNOR} A member so appointed shall serve
18 until his or her successor is elected at the next election to be held under s. 8.50 (4)
19 (em) or 36.115 for the seat that the member holds and until the person so elected is
20 qualified, except that if the vacancy occurs in the office of a member who is elected
21 by the electors of this state and the vacancy occurs after December 1 in the 3rd year
22 preceding expiration of the term of office of that member, the member so appointed
23 shall serve for the residue of the unexpired term; and if the vacancy occurs in the
24 office of a member who is elected by the ~~employees or the~~ students of the University
25 of Wisconsin System and the vacancy occurs after January 1 in the 2nd year

BILL

1 preceding the expiration of the term of office of that member, the member so
2 appointed shall serve for the residue of the unexpired term.

3 **SECTION 28.** 36.115 of the statutes is created to read:

4 **36.115** ~~Employe and~~ [✓] **student members of board.** The board shall by rule
5 prescribe a method whereby ~~all full-time and part-time employes of the system and~~
6 all full-time and part-time students who are enrolled at an institution are permitted
7 to elect, by secret ballot, the individuals who are to serve as members of the board
8 representing ~~employes and~~ students under s. 15.91. The rules shall include a method
9 for determining whether an individual is enrolled for purposes of s. 15.91. The board
10 shall supervise the conduct of ^{these} ~~such~~ elections and shall determine and certify the
11 names of the candidates who are elected. For purposes of voting eligibility in any
12 such election ~~employe and~~ student status shall be determined as of the day of the
13 election. *and shall divide this state into 4 districts from which the student
members are elected*

14 **SECTION 29. Nonstatutory provisions; initial terms.**

15 (1) All members of the board of regents of the University of Wisconsin System
16 holding office on the effective date of this subsection shall cease to hold office on July
17 1 of the year following the effective date of this subsection.

18 (2) Notwithstanding section 15.91 of the statutes, as affected by this act, in the
19 year following the effective date of this subsection, ¹⁵ ~~18~~ new members of the board of
20 regents shall be chosen as follows:

21 (a) At the spring election in that year, ⁹ ~~18~~ members shall be elected by the electors
22 of this state ^{one from each congressional district,} ~~to numbered seats~~ to serve for the following terms:

23 1. ^{Three} ~~Two~~ members shall serve for ^{One year} ~~two year~~ terms commencing on July 1 following
24 their election.

BILL

1 2. ~~Two~~ ^{Three} members shall serve for ~~1~~ ² year terms commencing on July 1 following
2 their election.

3 3. ~~Two~~ ^{Three} members shall serve for ~~6~~ ³ year terms commencing on July 1 following
4 their election.

5 (b) ~~Six~~ ^{Four} members shall be elected in that year to represent ~~employees of the~~
6 ~~University of Wisconsin System and 6 members shall be elected in that year to~~
7 ~~represent~~ students who are enrolled at an institution within the University of
8 Wisconsin System, in the manner prescribed under section 36. 115 of the statutes, as
9 created by this act, except that of the members who are initially elected:

10 1. Two ~~members who are elected by employees and 2 members who are elected~~
11 ~~by students~~ shall serve for ~~2~~ ^{one-year} year terms commencing on July 1 following their
12 election.

13 2. Two members ~~who are elected by employees and 2 members who are elected~~
14 ~~by students~~ shall serve for ~~6~~ ² year terms commencing on July 1 following their
15 election.

16 3. Two members who are elected by employees and 2 members who are elected
17 by students shall serve for 6-year terms commencing on July 1 following their
18 election.

SECTION 30. Effective date.

(1) This act takes effect on the November 15 after publication.

(END)

nonstat #
par (c) One member shall be appointed by the technical college system board and shall serve for a 4-year term commencing on July 1 of that year.

nonstat #
par (d) One member shall be the state superintendent of public instruction and shall serve for a 4-year term commencing on July 1 of that year.

1999 - 2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4640/P1insA
RJM:.....

INSERT 10-15

NP TP . All members shall serve for 4 year terms, except that the student members shall serve for 2 year terms.

(Handwritten annotations: "score hyphen" with arrows pointing to the hyphens in "4 year terms" and "2 year terms")



State of Wisconsin
1999-2000 LEGISLATURE

LRB-4640/PZ

125M JTK:cmh&jlg:km

Abant Wed
3-8-00

RWR

DJF

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

funding of campaigns for member of the board of regents of the University of Wisconsin System

Regen

1 AN ACT to renumber 5.60 (1) (a); to amend 5.02 (3) and (23), 5.58 (2) (title), 5.58
2 (3), 5.60 (1) (title), 5.60 (1) (b), 7.60 (4) (a), 7.70 (3) (d), 8.11 (3), 11.26
3 (1) (b) and (2) (b), 11.31 (1) (e), 15.07 (1) (cm), 15.91 and 17.01 (2); and to create
4 5.58 (2e), 5.60 (1) (a), 7.70 (6), 8.10 (3) (ae), 8.25 (6), 8.50 (4) (em), 9.10 (1) (e),
5 15.07 (1) (a) 7., 17.02 (2), 17.17 (2), 17.19 (3t) and 36.115 of the statutes;
6 relating to: the method of selection of the board of regents of the University
7 of Wisconsin System and granting rule-making authority

reg. gen.
making an appropriation

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the state 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:

8 SECTION 1. 5.02 (3) and (23) of the statutes are amended to read:

9 5.02 (3) "Educational officer" means the state superintendent, member of the
10 board of regents of the University of Wisconsin System and school board members.

elected under s. 2.25 (1e)

elected under s. 8.25(6) ✓

1 (23) "State office" means the offices of governor, lieutenant governor, secretary
 2 of state, state treasurer, attorney general, state superintendent, justice of the
 3 ~~sup~~ supreme court, member of the board of regents of the University of Wisconsin
 4 System, court of appeals judge, circuit court judge, state senator, state
 5 representative to the assembly and district attorney.

6 SECTION 2. 5.58 (2) (title) of the statutes is amended to read:

7 5.58 (2) (title) ~~STATE SUPERINTENDENT OF PUBLIC INSTRUCTION~~ NONPARTISAN STATE
 8 OFFICERS; JUDICIARY; COUNTY EXECUTIVE; AND COUNTY SUPERVISORS SUPERVISOR.

9 SECTION 3. 5.58 (2e) of the statutes is created to read:

10 5.58 (2e) ~~BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.~~ There shall
 11 be a separate ballot for ^{the seat of any} member of the board of regents of the University of Wisconsin
 12 System that is filled by the electors of the state. Arrangement of the names on the
 13 ballot shall be determined by the board in the manner specified in s. 5.60 (1) (b). The
 14 ballot shall be titled "Official Primary Ballot for Member of the Board of Regents of
 15 the University of Wisconsin System". The candidates shall be designated on the
 16 ballot as follows: "For Member of the Board of Regents of the University of Wisconsin
 17 System, District".

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

19 5.58 (3) ~~NAMES ON SPRING BALLOT.~~ Only 2 candidates for state superintendent,
 20 for member of the board of regents of the University of Wisconsin System within any
 21 congressional district, for any judicial office, for any elected seat on a metropolitan
 22 sewerage commission or town sanitary district commission, in counties having a
 23 population of 500,000 or more only 2 candidates for member of the board of
 24 supervisors within each district, in counties having a population of less than 500,000
 25 only 2 candidates for each member of the county board of supervisors from each

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

12 **SECTION 5.** 5.60 (1) (title) of the statutes is amended to read:

13 5.60 (1) (title) ~~STATE SUPERINTENDENT~~ **NONPARTISAN STATE OFFICERS; JUDICIARY,**
14 **COUNTY EXECUTIVE; AND COUNTY SUPERVISORS SUPERVISOR.**

15 **SECTION 6.** 5.60 (1) (a) of the statutes is renumbered 5.60 (1) (am).

16 **SECTION 7.** 5.60 (1) (a) of the statutes is created to read:

17 5.60 (1) (a) There shall be a separate ballot for each member of the board of
18 regents of the University of Wisconsin System that is elected by the electors of the
19 state.

20 **SECTION 8.** 5.60 (1) (b) of the statutes is amended to read:

21 5.60 (1) (b) The board shall certify the candidates' names and designate the
22 official ballot arrangement for candidates for state superintendent, justice, member
23 of the board of regents of the University of Wisconsin System, court of appeals judge,
24 circuit judge, municipal judge elected under s. 755.01 (4) and, if commissioners are
25 elected under s. 66.23 (11) (am), the metropolitan sewerage commission. The

1 arrangement of names of all candidates on the ballot whose nomination papers are
2 filed with the board shall be determined by the board by the drawing of lots not later
3 than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday.
4 Whenever a primary is held for an office, a 2nd drawing of all candidates for that
5 office shall be held by or under the supervision of the board not later than the 3rd day
6 following the completion of the primary canvass to determine the arrangement of
7 candidates on the election ballot.

8 **SECTION 9.** 7.60 (4) (a) of the statutes is amended to read:

9 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
10 showing the numbers of votes cast for the offices of president and vice president; state
11 officials; U.S. senators and representatives in congress; state legislators; justice;
12 members of the board of regents of the University of Wisconsin System; court of
13 appeals judge; circuit judges; district attorneys; municipal judges, if they are elected
14 under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners
15 are elected under s. 66.23 (11) (am). For partisan candidates, the statements shall
16 include the political party or principle designation, if any, next to the name of each
17 candidate. The board of canvassers shall also prepare a statement showing the
18 results of any county, technical college district or statewide referendum. Each
19 statement shall state the total number of votes cast in the county for each office; the
20 names of all persons for whom the votes were cast, as returned; the number of votes
21 cast for each person; and the number of votes cast for and against any question
22 submitted at a referendum. The board of canvassers shall use one copy of the
23 statement to report to the elections board or technical college district board and shall
24 file the other statement in the office of the county clerk or board of election
25 commissioners.

1 **SECTION 10.** 7.60 (5) of the statutes is amended to read:

2 **7.60 (5) REPORTING.** Immediately following the canvass the county clerk shall
3 deliver or send to the elections board, by 1st class mail, a certified copy of each
4 statement of the county board of canvassers for president and vice president; state
5 officials; senators and representatives in congress; state legislators; justice;
6 members of the board of regents of the University of Wisconsin System; court of
7 appeals judge; circuit judge; district attorney; municipal judge, if elected under s.
8 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are
9 elected under s. 66.23 (11) (am). The statement shall record the returns for each
10 office or referendum by ward, unless combined returns are authorized under s. 5.15
11 (6) (b) in which case the statement shall record the returns for each group of
12 combined wards. Following primaries the county clerk shall enclose on blanks
13 prescribed by the elections board the names, party or principle designation, if any,
14 and number of votes received by each candidate recorded in the same manner. The
15 county clerk shall deliver or transmit the certified statement to the elections board
16 no later than 7 days after each primary and no later than 10 days after any other
17 election. The board of canvassers shall deliver or transmit a certified copy of each
18 statement for any technical college district referendum to the secretary of the
19 technical college district board. If the board of canvassers becomes aware of a
20 material mistake in the canvass of an election for state or national office or a
21 statewide or technical college district referendum prior to the close of business on the
22 day the elections board receives returns from the last county board of canvassers
23 with respect to that canvass, the board of canvassers may petition the elections board
24 to reopen and correct the canvass. The elections board shall direct the canvass to be
25 reopened and corrected if it determines that the public interest so requires. If the

1 elections board directs the canvass to be reopened, the board of canvassers shall
2 reconvene and transmit a certified corrected copy of the canvass statement to the
3 elections board or secretary of the technical college district board.

4 **SECTION 11.** 7.70 (3) (d) of the statutes is amended to read:

5 7.70 (3) (d) When the certified statements and returns are received, the
6 chairperson of the board shall proceed to examine and make a statement of the total
7 number of votes cast at any election for the offices involved in the election for
8 president and vice president; a statement for each of the offices of governor,
9 lieutenant governor, if a primary, and a joint statement for the offices of governor and
10 lieutenant governor, if a general election; a statement for each of the offices of
11 secretary of state, state treasurer, attorney general, and state superintendent; for
12 U.S. senator; representative in congress for each congressional district; the state
13 legislature; justice; member of the board of regents of the University of Wisconsin
14 System from each congressional district; court of appeals judge; circuit judge; district
15 attorney; municipal judge, if he or she is elected under s. 755.01 (4); metropolitan
16 sewerage commission, if the commissioners are elected under s. 66.23 (11) (am); and
17 for any referenda questions submitted by the legislature.

18 **SECTION 12.** 7.70 (6) of the statutes is created to read:

19 **7.70 (6) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** The elections
20 board shall provide to the secretary of the board of regents, ^{of the University of} a copy of the certified ^{Wisconsin}
21 determination of the chairperson of the board for the election of each member of the ^{System}
22 board of regents ~~of the University of Wisconsin System~~ from each congressional
23 district.

24 **SECTION 13.** 8.10 (3) (ae) of the statutes is created to read:

1 8.10 (3) (ae) For the office of member of the board of regents of the University
2 of Wisconsin System, not less than 400 nor more than 800 electors.

3 SECTION 14. 8.11 (3) of the statutes is amended to read:

4 8.11 (3) STATE. A primary shall be held if more than 2 candidates file
5 nomination papers for the office of state superintendent, for justice, for member of
6 the board of regents of the University of Wisconsin System within the same
7 congressional district, for court of appeals judge in the same district or for judge of
8 the same branch of circuit court,

9 SECTION 15. 8.25 (6) of the statutes is created to read:

10 8.25 (6) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. ~~Two members~~ ^{One member}

11 of the board of regents of the University of Wisconsin System shall be elected from
12 each ^{of} congressional ^{districts 1, 2 and 3} district ^{held in 2003 and} at the spring election every ~~2~~ ⁴ years.

13 SECTION 16. 8.50 (4) (em) of the statutes is created to read:

14 8.50 (4) (em) A vacancy in the office of member of the board of regents of the
15 University of Wisconsin System occurring after the date of the spring election and ^{held in 2005 and every 4 years thereafter}

16 on or before December 1 ^{of the same year} ~~in the following year~~ shall be filled for the residue of the

17 unexpired term, if any, at the succeeding spring election, except as provided in s.

18 17.19(3t). A vacancy in the office of member of the board of regents of the University

19 of Wisconsin System occurring during the period beginning on December 2 and

20 ending on the date of the spring election shall be filled for the residue of the unexpired

21 term, if any, at the 2nd succeeding spring election, except as provided in s. 17.19 (3t).

22 SECTION 17. 9.10 (1) (e) of the statutes is created to read:

23 9.10 (1) (e) This subsection applies to the members of the board of regents of

24 the University of Wisconsin System who are elected by the electors of this state. This

25 subsection does not apply to the members of the board of regents of the University

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1 of Wisconsin System who are elected by the students of the University of Wisconsin
2 System.

3 SECTION 18. 11.26 (1) (b) and (2) (b) of the statutes are amended to read:

4 11.26 (1) (b) Candidates for state senator or member of the board of regents of
5 the University of Wisconsin System, \$1,000.

6 (2) (b) Candidates for state senator or member of the board of regents of the
7 University of Wisconsin System, \$1,000.

8 SECTION 19. 11.31 (1) (e) of the statutes is amended to read:

9 11.31 (1) (e) Candidates for state senator or member of the board of regents of
10 the University of Wisconsin System, \$34,500 total in the primary and election, with
11 disbursements not exceeding \$21,575 for either the primary or the election.

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11

12 SECTION 20. 15.07 (1) (a) 7. of the statutes is created to read:

13 15.07 (1) (a) 7. Members of the board of regents of the University of Wisconsin
14 System shall be selected as provided in s. 15.91.

15 SECTION 21. 15.07 (1) (cm) of the statutes is amended to read:

16 15.07 (1) (cm) The term of one member of the ethics board shall expire on each
17 May 1. The terms of 3 members of the development finance board appointed under
18 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms
19 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of
20 every odd-numbered year. The terms of the 3 members of the land and water
21 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
22 The term of the member of the land and water conservation board appointed under
23 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
24 members of the real estate board shall expire on July 1. The terms of the appraiser
25 members of the real estate appraisers board and the terms of the auctioneer and

1 auction company representative members of the auctioneer board shall expire on
2 May 1 in an even-numbered year. The terms of the members of the board of regents
3 of the University of Wisconsin System shall expire on July 1.

4 SECTION 22. 15.91 of the statutes is amended to read:

5 **15.91 Board of regents of the University of Wisconsin System; creation.**

6 There is created a board of regents of the university of Wisconsin system consisting
7 of the ~~state superintendent of public instruction, the president, or by his or her~~
8 ~~designation another member, of the technical college system board and 14 citizen~~
9 ~~members appointed for staggered 7-year terms, and a student enrolled at least~~
10 ~~half-time and in good academic standing at an institution within the university of~~
11 ~~Wisconsin system who is at least 18 years old and a resident of this state, for a 2-year~~
12 ~~term. The student member may be selected from recommendations made by elected~~
13 ~~representatives of student governments at institutions within the university of~~
14 ~~Wisconsin system. The governor may not appoint a student member from the same~~
15 ~~institution in any 2 consecutive terms. If the student member loses the status upon~~
16 ~~which the appointment was based, he or she shall cease to be a member of the board~~
17 ~~of regents 15 members. Nine members shall be electors of this state who shall be~~

18 electd one from each congressional district. 4 members shall be full-time or
19 part-time students who are enrolled at an institution within the University of
20 Wisconsin System, ~~who~~ shall be elected ~~one~~ from each of 4 districts of substantially
21 equal population; one member shall be appointed by the technical college system

22 board; and one member shall be the state superintendent of public instruction. ~~All~~
23 members shall serve for 4-year terms, ~~except that~~ the student members shall serve
24 for 2-year terms. If a student member of the board ceases to be enrolled as a student,
25 the office of that member is vacant.

Handwritten annotations:
- "by vote" with a checkmark above it, pointing to "electd one from each congressional district".
- "one of whom" with an arrow pointing to "shall be elected".
- "in the manner prescribed under s. 36.115" with a checkmark above it, pointing to "from each of 4 districts".
- "established under s. 36.115" in a circle, pointing to "of substantially equal population".
- "The" in a circle, pointing to "members shall serve".
- "system board" in a circle, pointing to "technical college system board".
- "All" with a checkmark above it, pointing to "and one member shall be the state superintendent of public instruction".

1 **SECTION 23.** 17.01 (2) of the statutes is amended to read:

2 17.01 (2) By the secretary of state, treasurer, attorney general, state
3 superintendent, by any member of the board of regents of the University of Wisconsin
4 System, by a district attorney and by all officers appointed by the governor alone or
5 by the governor by and with the advice and consent of the senate, to the governor.

6 **SECTION 24.** 17.02 (2) of the statutes is created to read:

7 17.02 (2) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** In the office
8 of a member of the board of regents of the University of Wisconsin System who is
9 elected by the students of the system, by the secretary of the board to the president
10 of the University of Wisconsin System. In the office of a member of the board of
11 regents of the University of Wisconsin System who is elected by the electors of this
12 state, by the secretary of the board to the elections board.

13 **SECTION 25.** 17.17 (2) of the statutes is created to read:

14 17.17 (2) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** In the office
15 of a member of the board of regents of the University of Wisconsin System who is
16 elected by the students of the system, by the secretary of the board to the president
17 of the University of Wisconsin System. In the office of a member of the board of
18 regents of the University of Wisconsin System who is elected by the electors of this
19 state, by the secretary of the board to the elections board.

20 **SECTION 26.** 17.19 (3t) of the statutes is created to read:

21 17.19 (3t) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** In the office
22 of member of the board of regents of the University of Wisconsin System, by
23 appointment of the governor. A member so appointed shall serve until his or her
24 successor is elected at the next election to be held under s. 8.50 (4) (em) or 36.115 for
25 the seat that the member holds and until the person so elected is qualified, except

6 ✓
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8

1 that if the vacancy occurs in the office of a member who is elected by the electors of
2 this state and the vacancy occurs after December 1 in the 3rd year preceding
3 expiration of the term of office of that member, the member so appointed shall serve
4 for the residue of the unexpired term; and if the vacancy occurs in the office of a
5 member who is elected by the students of the University of Wisconsin System and
6 the vacancy occurs after January 1 in the 2nd year preceding the expiration of the
7 term of office of that member, the member so appointed shall serve for the residue
8 of the unexpired term.

according to the federal decennial census,

9 SECTION 27. 36.115 of the statutes is created to read:

10 **36.115 Student members of board.** The board shall by rule prescribe a
11 method whereby all full-time and part-time students who are enrolled at an
12 institution are permitted to elect, by secret ballot, the individuals who are to serve
13 as members of the board representing students under s. 15.91. The rules shall
14 include a method for determining whether an individual is enrolled for purposes of
15 s. 15.91 and shall divide this state into 4 districts of substantially equal population,
16 from which the student members are elected. The board shall supervise the conduct
17 of these elections and shall determine and certify the names of the candidates who
18 are elected. For purposes of voting eligibility in any such election, student status
19 shall be determined as of the day of the election.

20 SECTION 28. Nonstatutory provisions; initial terms,

21 (1) All members of the board of regents of the University of Wisconsin System
22 holding office on the effective date of this subsection shall cease to hold office on July
23 1 of the year following the effective date of this subsection.

The rules shall include a procedure for adjusting the districts for the purpose of elections held on or after January 1 of the 2nd year following the federal decennial census, in order to take into account the results of the federal decennial census.

1 (2) Notwiths anding section 15.91 of the statutes, as affected by this act, in the
2 year following the effective date of this subsection, 15 new members of the board of
3 regents shall be chosen as follows:

4 (a) At the spring election in that year, 9 members shall be elected by the electors
5 of this state, one from each congressional district, to serve for the following s :

6 ected from congressional districts 1, 2 and 3 1. Three members shall serve for 2-year terms commencing on July 1
7 following their election.

8 ected from congressional districts 4, 5, 6, 7, 8 and 9 2. Six Three members shall serve for 4-year terms commencing on July 1 following
9 their election.

10 3. Three members shall serve for 3-year terms commencing on July 1 following
11 their election.

12 (b) Four members shall be elected in that year to represent the students who
13 are enrolled at the institutions an institution within the University of Wisconsin System, in the
14 manner prescribed under section 36.115 of the statutes, as created by this act, except
15 that of the members who are initially elected:

16 1. Two members shall serve for one-year terms commencing on July 1 following
17 their election.

18 2. Two members shall serve for 2-year terms commencing on July 1 following
19 their election.

20 (c) One member shall be appointed by the technical college system board and
21 shall serve for a 4-year term commencing on July 1 of that year.

22 ~~(d) One member shall be the state superintendent of public instruction and
23 shall serve for a 4-year term commencing on July 1 of that year.~~

24 SECTION 29. Effective date.

1

~~(1) This act takes effect on the November 15 after publication.~~

2

(END)

D-note



1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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SECTION 1. 11.24 (1x) of the statutes is created to read:

11.24 (1x) (a) No candidate or personal campaign committee of a candidate for member of the board of regents of the University of Wisconsin system who accepts a grant under s. 11.50 may accept any contribution after the date of the spring primary, or the date that the spring primary for that office would be held, if required.

(b) No person may intentionally make any contribution to a candidate for member of the board of regents of the University of Wisconsin system who has qualified to receive a grant under s. 11.50.

SECTION 2. 11.25 (1x) of the statutes is created to read:

11.25 (1x) No candidate or personal campaign committee of a candidate for member of the board of regents of the University of Wisconsin system who accepts a grant under s. 11.50 may make any disbursement after the date of the spring primary, or the date that the spring primary for that office would be held, if required, other than from the proceeds of a grant, except to retire an obligation incurred in connection with the spring primary campaign.

SECTION 3. 11.50 (1) (a) 1. and 2. of the statutes are amended to read:

11.50 (1) (a) 1. With respect to a spring or general election, any individual who is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice of the peace, state superintendent or member of the board of regents of the University of Wisconsin system, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office, except district attorney, for which the individual is a candidate at the September primary and who is certified under s. 7.08 (2) (a) as a candidate for that office in the general election, or an individual who has been

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8-11

lawfully appointed and certified to replace either such individual on the ballot at the spring or general election; and who has qualified for a grant under sub. (2).

History: 1977 c.107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a 303 ss. 73 to 79.86; 1987 a.370, 391, 403; 1989 a.31.1989 a.192 s. 75.

2. With respect to a special election, an individual who is certified under s. 8.50

(1) (d) as a candidate in a special election for state superintendent or member of the board of regents of the University of Wisconsin system, or an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for any state office, except district attorney, on the ballot or column of a party whose candidate for the same office at the preceding general election received at least 6% of the vote cast for all candidates on all ballots for the office, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at a special election, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office, except district attorney, at a partisan special election; and who qualifies for a grant under sub. (2). Where the boundaries of a district in which an individual seeks office have been changed since the preceding general election such that it is not possible to calculate the exact number of votes that are needed by that individual to qualify as an eligible candidate prior to an election under this subdivision, the number of votes cast for all candidates for the office at the preceding general election in each ward, combination of wards or municipality which is wholly contained within the boundaries of the newly formed district shall be calculated. If the candidate of the political party on whose ballot or column the individual appears in the newly formed district obtained at least 6% of the number of votes calculated, the individual is deemed to qualify as an eligible candidate prior to the election under this subdivision.

History: 1977 c.107,272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79.86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 4. 11.50 (3) (title) of the statutes is ~~amended~~ to read:

Fix component

repealed and recreated

~~delete~~ CANDIDATES ← (CS)

11.50 (3) (title) ~~NONPARTISAN CANDIDATES FOR JUSTICE AND STATE SUPERINTENDENT.~~

History: 1977 c. 107.272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 5. 11.50 (3m) of the statutes is created to read:

no Scoring

11.50 (3m) **CANDIDATES FOR MEMBER OF BOARD OF REGENTS.** The board shall establish a board of regents account into which the board shall deposit the moneys transferred to the fund from the appropriation under s. 20.855 (4) (ba).

SECTION 6. 11.50 (4) (intro.) of the statutes is amended to read:

11.50 (4) **PARTISAN AND SPECIAL ELECTION CANDIDATES.** (intro.) After apportionment and distribution of the moneys under ~~sub.~~ sub. (3) and (4), the remaining moneys shall constitute the partisan campaign account.

History: 1977 c. 107.272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 7. 11.50 (4) (cm) of the statutes is amended to read:

11.50 (4) (cm) Each eligible candidate for the same office at a special election shall receive an equal amount, which amount shall be equivalent to the maximum grant which was payable to any candidate for that office at the most recent spring or general election. The ~~Except~~ in the case of a candidate for member of the board of regents of the University of Wisconsin system, the amount shall be drawn from the senate campaign account and the assembly campaign account in the same proportions as the balance in each account bears to the total balance in both accounts at the time that payments are made. Whenever there are insufficient moneys in the senate campaign account and the assembly campaign account to make the payments required by this paragraph, payments shall be appropriately reduced or discontinued by the board.

History: 1977 c. 107.272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1% 5 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 8. 11.50 (7) (intro.) of the statutes is amended to read:

11.50 (7) **UTILIZATION.** (intro.) Grants distributed under this section may be utilized only for deposit in a campaign depository account under s. 11.10. Grants A

Strike

grant received by a candidate for the office of member of the board of regents of the University of Wisconsin system may be expended for any lawful political purpose. A grant received by a candidate for any other office may be expended only for one or more of the following:

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79.86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 9. 11.50 (9) of the statutes is amended to read:

11.50 (9) **LIMITATION ON GRANTS.** The total grant available to an eligible candidate for the office of member of the board of regents of the University of Wisconsin system may not exceed that amount which, when added to all other contributions accented from other sources that are disbursed or lawfully disbursable under s. 11.25 (Ix), is equal to 100% of the disbursement level nrescribed for that office under s. 11.31. The total grant available to an eligible candidate for any other office may not exceed that amount which, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the disbursement level specified for the applicable office under s. 11.31. The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or campaign treasurer may accept grants exceeding the amount authorized by this subsection.

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79.86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 10. 20.855 (4) (ba) of the statutes is created to read:

20.855 (4) (ba) *Election fund supplement.* A sum sufficient to supplement the board of regents account of the Wisconsin election campaign fund for the purpose of enabling all eligible candidates for member of the board of regents of the University of Wisconsin system to receive the maximum grant for which the candidates qualify

Insert
11-8



under s. 11.50 (9)[✓], to be transferred from the general fund to the Wisconsin election campaign fund no later than the ~~time~~^{time} required to enable timely payments to be made under s. 11.50 (5)[✓].

SECTION 11. 25.42[✓] of the statutes is amended to read:

25.42 Wisconsin election campaign fund. All moneys appropriated under s. 20.855 (4) (b) and (ba)[✓] together with all moneys reverting to the state under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue to accumulate indefinitely.

History: 1977 c. 107; 1977 c. 418 s. 929 (55); 1979 c. 34 s. 2102 (58) (a); 1985 a. 303.

Send me >

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

LRB-4640/P1dn
RJM & JTK.....

P2dn
JLg

1. This draft provides for 100% funding of spring election campaigns by candidates for member of the board of regents at the spring election. It accomplishes this by providing sum sufficient GPR funding under the existing Wisconsin election campaign fund. That fund does not provide for financing of primary campaigns. In nonpartisan elections, primaries are not held unless there are more than two candidates.

AB-377, which is the "Impartial Justice Bill", provides for primary financing. Using that model would add 22 pages to this draft. If you intend to provide primary financing, we would either use that model or we can amend primary financing into the **WECF**. Amending it into the **WECF** is an involved process that would probably take at least 8 hours of uninterrupted time, which may not be available soon. Using AB-377 would also take some time, but probably not as much.

However, in either case, you may not want 100% public funding. For example, there needs to be a mechanism by which a candidate qualifies for public funding and, typically, this mechanism involves raising a certain level of campaign contributions. Also, a candidate would need to spend some money initially to get organized and test the waters. AB-377 does not include 100% public funding, in part for these reasons.

2. The treatment of ss. 15.91 and 36.115, stats., contained in this draft, which empowers students of the UW system to elect some of the members of the UW board of regents may be an unconstitutional violation of the equal protection clause of the 14th Amendment. In **Kramer v. Union Free Sch. Dist. No 15**, 89 S. Ct. 1886 (1969), the U.S. Supreme Court held that the one-person, one vote principle extends to elective units of government with or without legislative authority. In this case, the court voided a New York law which limited the right to vote in school district elections to owners of real property in the school district and parents and guardians of children who are enrolled in the district's schools. Also, in **Freeman v. Dies**, 307 F. Supp. 1028 (N.D. Tex., 1969), a U.S. District Court voided, on the same basis, malapportioned districts for the election of the Texas state board of education. In so ruling, the court held that this board was vested with significant and important powers of government having a broad range of impacts on all citizens of the state and, therefore, is subject to the one-person, one vote rule. However, the courts have made clear that the one-person, one vote rule does not imp-h the state's ability to prescribe qualifications (short of invidiously discriminatory qualifications) for appointive positions.

upon

3. Under the draft, the student members are elected from 4 districts that are substantially equal in population, according to the federal decennial census. Please let us know if you prefer a different method for delineating the student districts.

4. Please review the method by which the staggered terms of elected members of the board of regents ^{are} ~~is~~ established in the nonstatutory material. Under this draft, the members elected from congressional districts 1 to 3 initially serve a 2-year term. **If you** prefer to have members elected from other congressional districts serve this abbreviated initial term, please let us know.

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

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4640/P2dn
RJM&JTK:jljgjf

March 7, 2000

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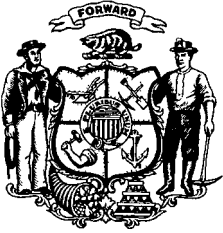
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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



MARU POCAN

WISCONSIN STATE REPRESENTATIVE

MEMORANDUM

TO: Robert Marchant
FROM: Glenn Wavrunek
DATE: March 10, 2000
RE: Student Regent Bill (LRB-4640/P2dn)

Rob,

Here's a few new points on the Student Regent Bill (LRB-4640/P2dn):

1. Finance Limits -

- For the open seats, a person running in the primary is limited to spending \$10,000 (which is personally raised). The top two who head to the general will then receive \$90,000 in public financing.
- For the student seats, primary money will be limited to \$1,000 (which is personally raised). The top two who then head into the general will receive \$9,000 in public financing.
- Campaign limits during the primaries for all seats will be a maximum \$100 contribution limit. Also, only 25% of money raised can be from PAC's.

2. Congressional seats -

- Congressional District seats 1,2,3, and 4 will be up first at 2 year terms.
- Congressional District seats 5,6,7,8, and 9 will follow at 4 year terms, and then cycle as such.

3. 14th Amendment issue -

- It looks like Colorado has a system set-up where the regents are elected and students are allowed to vote for student regents. Please let me know if this doesn't resolve the issue.

MAILING ADDRESS: P.O. Box 8953, Madison, WI 53708

OFFICE LOCATION: State Capitol, Room 418 North • (608) 266-8570 • Fax: (608) 282-3678 • Email: rep.pocan@legis.state.wi.us

4. Student Population Districts -

- Create the following districts, with one student representing each district (population of each district would range from 39,517 to 35,962; please see map).

District 1 (35,962 students):

UW-Superior
UW-Barr-on County
UW-River Falls
UW-Stout
UW-Eau Claire
UW-Marshfield / Wood County
UW-Marathon County
UW-Marinette
UW-Green Bay
UW-Fox Valley .

District 2 (39,657 students):

UW-Milwaukee
UW-Waukesha
UW-Whitewater
UW-Parkside

District 3 (37,790 students):

UW-Stevens Point
UW-Manitowoc
UW-Oshkosh
UW-Lacrosse
UW-Fond du Lac
UW-Sheboygan
UW-Baraboo/Sauk County
UW-Washington County
UW-Richland
UW-Platteville
UW-Rock County

District 4 (39,517 students):

UW-Madison

5. Stipends -

- Could we add a stipend of \$10,000 / year for all Regents?

And of course, if you have any questions on any of the items, please call me.
Thanks.

— 35,962
 — 39,657
 — 37,790
 — 39,517

Institutions in the University of Wisconsin System

498

● UW-Barron County

486

● UW-Marquette

1,022
● UW-Marathon County

5,570

■ UW-River Falls

7,604

110,682
■ UW-Eau Claire

546

● UW-Marshfield/Wood County

8,517

■ UW-Stevens Point

5,603

■ UW-Green Bay

1,326

● UW-Fox Valley

● UW-Oshkosh

● UW-Manitowoc

10,769

● UW-Fond du Lac

485

● UW-Sheboygan

■ UW-La Crosse

9,290

● UW-Baraboo/Sauk County

605

● UW-Richland

391

● UW-Washington County

762

■ UW-Madison
39,517

22,600

■ UW-Milwaukee

● UW-Waukesha

1,774

4,628 ■ UW-Whitewater

● UW-Platteville

5,016

UW-Rock County

763

4,655

■ UW-Parkside

■ Universities
● Freshman-Sophomore Colleges
UW-Extension Offices in every county