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DNOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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), 7.60 (5), 7.70 (3) (d), 8.11 (3), 11.26  
 3 (1) (b) and (2) (b), 11.31 (1) (e), 11.50 (1) (a) 1. and 2., 11.50 (4) (intro.), 11.50 (4)  
 4 (cm), 11.50 (7) (intro.), 11.50 (9), 15.07 (1) (cm), 15.91, 17.01 (2) and 25.42; to  
 5 **repeal and recreate** 11.50 (3) (title); and to create 5.58 (2e), 5.60 (1) (a), 7.70  
 6 (6), 8.10 (3) (ae), 8.25 (6), 8.50 (4) (em), 9.10 (1) (e), 11.24 (lx), 11.25 (lx), 11.50  
 7 (3m), 15.07 (1) (a) 7., 17.02 (2), 17.17 (2), 17.19 (3t), 20.855 (4) (ba) and 36.115  
 8 of the statutes; relating to: the method of selection of the board of regents of  
 9 the University of Wisconsin System, funding of campaigns for member of the  
 10 board of regents of the University of Wisconsin System, granting rule-making  
 11 authority ~~and~~ making an appropriation.

and providing a penalty  
 compensation of ~~members~~ certain members of the board of regents of the University of Wisconsin system

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

INSERT ANALYSIS

stays  
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 elected under s. 8.25<sup>✓</sup>(6) and  
4 school board members.

5 (23) "State office" means the offices of governor, lieutenant governor, secretary  
6 of state, state treasurer, attorney general, state superintendent, justice of the  
7 supreme court, member of the board of regents of the University of Wisconsin<sup>✓</sup> System  
8 elected under s. 8.25<sup>✓</sup>(6), court of appeals judge, circuit court judge, state senator,  
9 state representative to the assembly and district attorney.

10 SECTION 2. 5.58 (2) (title<sup>✓</sup>) of the statutes is amended to read:

11 5.58 (2) (title<sup>✓</sup>) ~~STATE SUPERINTENDENT OF PUBLIC INSTRUCTION~~ NONPARTISAN STATE  
12 OFFICERS; JUDICIARY; COUNTY EXECUTIVE; AND COUNTY SUPERVISORS SUPERVISOR.

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

14 **5.58 (2e) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** <sup>✓</sup> There shall  
15 be a separate ballot for the seat of any member of the board of regents of the  
16 University of Wisconsin System that is filled by the electors of the state.  
17 Arrangement of the names on the ballot shall be determined by the board in the  
18 manner specified in s. 5.60 (1<sup>✓</sup>) (b). The ballot shall be titled "Official Primary Ballot  
19 for Member of the Board of Regents of the University of Wisconsin System". The  
20 candidates shall be designated on the ballot as follows: "For Member of the Board  
21 of Regents of the University of Wisconsin System, . . . District".

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

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

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

21           5.60 (1) (title) ~~STATE SUPERINTENDENT~~ NONPARTISAN STATE OFFICERS; JUDICIARY;  
22           COUNTY EXECUTIVE; AND COUNTY SUPERVISORS SUPERVISOR.

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

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

*the seat of*

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

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

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

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

18 7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
19 showing the numbers of votes cast for the offices of president and vice president; state  
20 officials; U.S. senators and representatives in congress; state legislators; justice;  
21 members of the board of regents of the University of Wisconsin System; court of  
22 appeals judge; circuit judges; district attorneys; municipal judges, if they are elected  
23 under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners  
24 are elected under s. 66.23 (11) (am). For partisan candidates, the statements shall  
25 include the political party or principle designation, if any, next to the name of each

1 candidate. The board of canvassers shall also prepare a statement showing the  
2 results of any county, technical college district or statewide referendum. Each  
3 statement shall state the total number of votes cast in the county for each office; the  
4 names of all persons for whom the votes were cast, as returned; the number of votes  
5 cast 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 the  
7 statement to report to the elections board or technical college district board and shall  
8 file the other statement in the office of the county clerk or board of election  
9 commissioners.

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

11 7.60 (5) **REPORTING.** Immediately following the canvass the county clerk shall  
12 deliver or send to the elections board, by 1st class mail, a certified copy of each  
13 statement of the county board of canvassers for president and vice president; state  
14 officials; senators and representatives in congress; state legislators; justice;  
15 members of the board of regents of the University of Wisconsin System; court of  
16 appeals judge; circuit judge; district attorney; municipal judge, if elected under s.  
17 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are  
18 elected 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 s. 5.15  
20 . (6) (b) in which case the statement shall record the returns for each group of  
21 combined wards. Following primaries the county clerk shall enclose on blanks  
22 prescribed by the elections board the names, party or principle designation, if any,  
23 and number of votes received by each candidate recorded in the same manner. The  
24 county clerk shall deliver or transmit the certified statement to the elections board  
25 no later than 7 days after each primary and no later than 10 days after any other

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

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

14 7.70 (3) (d) When the certified statements and returns are received, the  
15 chairperson of the board shall proceed to examine and make a statement of the total  
16 number of votes cast at any election for the offices involved in the election for  
17 president and vice president; a statement for each of the offices of governor,  
18 lieutenant governor, if a primary, and a joint statement for the offices of governor and  
19 lieutenant governor, if a general election; a statement for each of the offices of  
20 secretary of state, state treasurer, attorney general, and state superintendent; for  
21 U.S. senator; representative in congress for each congressional district; the state  
22 legislature; justice; member of the board of regents of the University of Wisconsin<sup>✓</sup>  
23 System from each congressional district; court of appeals judge; circuit judge; district  
24 attorney; municipal judge, if he or she is elected under s. 755.01 (4); metropolitan

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

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

4 7.70 (6) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. The elections  
5 board shall provide to the secretary of the board of regents of the University of  
6 Wisconsin System a copy of the certified determination of the chairperson of the  
7 board for the election of each member of the board of regents from each congressional  
8 district.

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

10 8.10 (3) (ae) For the office of member of the board of regents of the University  
11 of Wisconsin System, not less than 400 nor more than 800 electors.

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

13 8.11 (3) STATE. A primary shall be held if more than 2 candidates file  
14 nomination papers for the office of state superintendent, for justice, for member of  
15 the board of regents of the University of Wisconsin System within the same  
16 congressional district, for court of appeals judge in the same district or for judge of  
17 the same branch of circuit court.

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

19 8.25 (6) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. One member  
20 of the board of regents of the University of Wisconsin System shall be elected from  
21 each of congressional districts 1, 2, ~~3~~ <sup>and 4</sup> at the spring election held in 2003 and every  
22 4 years thereafter. One member of the board of regents of the University of Wisconsin  
23 System shall be elected from each of congressional districts ~~3~~ 5, 6, 7, 8 and 9 at the  
24 spring election held in 2005 and every 4 years thereafter.

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

*which is filled by election under s. 8.25(6),  
that occurs*

1 8.50 (4) (em) A vacancy in the office of member of the board of regents of the  
2 University of Wisconsin System ~~occurring~~ after the date of the spring election and  
3 on or before December 1 of the same year shall be filled for the residue of the  
4 unexpired term, if any, at the succeeding spring election, except as provided in s.

5 17.19 (3t). A vacancy in the office of member of the board of regents of the University  
6 of Wisconsin System ~~occurring~~ during the period beginning on December 2 and  
7 ending on the date of the spring election shall be filled for the residue of the unexpired  
8 term, if any, at the 2nd succeeding spring election, except as provided in s. 17.19 (3t).

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

10 9.10 (1) (e) This subsection applies to the members of the board of regents of  
11 the University of Wisconsin System who are elected by the electors of this state. This  
12 subsection does not apply to the members of the board of regents of the University  
13 of Wisconsin System who are elected by the students of the University of Wisconsin  
14 System.

15 SECTION 18. 11.24 (lx) of the statutes is created to read:

16 11.24 (lx) (a) No candidate or personal campaign committee of a candidate for  
17 member of the board of regents of the University of Wisconsin System who accepts  
18 a grant under s. 11.50 may accept any contribution after the date of the spring  
19 primary, or the date that the spring primary for that office would be held, if required.

20 (b) No person may intentionally make any contribution to a candidate for  
21 member of the board of regents of the University of Wisconsin System who has  
22 qualified to receive a grant under s. l&O.

23 SECTION 19. 11.25 (lx) of the statutes is created to read:

24 11.25 (lx) No candidate or personal campaign committee of a candidate for  
25 member of the board of regents of the University of Wisconsin System who accepts



1 a grant under s. 11.50 may make any disbursement after the date of the spring  
2 primary, or the date that the spring primary for that office would be held, if required,  
3 other than from the proceeds of a grant, except to retire an obligation incurred in  
4 connection with the spring primary campaign.

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SECTION 20. 11.26 (1) <sup>(am)</sup> ~~(b)~~ and (2) <sup>(am)</sup> ~~(c)~~ of the statutes are <sup>created</sup> amended to read:

6 11.26 (1) <sup>(am)</sup> ~~(b)~~ Candidates for ~~state senator~~ <sup>member of the board of regents of</sup>  
7 ~~the University of Wisconsin System, \$10000~~ <sup>\$100</sup>

8 (2) <sup>(am)</sup> ~~(c)~~ Candidates for ~~state senator~~ <sup>member of the board of regents of the</sup>  
9 ~~University of Wisconsin System, \$10000~~ <sup>\$100</sup>

FWS 9-910

SECTION 21. 11.31 (1) <sup>(de)</sup> ~~(c)~~ of the statutes is <sup>created</sup> amended to read:

11 11.31 (1) <sup>(de)</sup> ~~(c)~~ Candidates for ~~state senator~~ <sup>member of the board of regents of</sup>  
12 ~~the University of Wisconsin System, \$34500 total~~ <sup>\$10,000</sup> in the primary ~~and election~~, with  
13 ~~disbursements not exceeding \$21,575 for either the primary or the election.~~ <sup>and \$90,000 in</sup>

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14 SECTION 22. 11.50 (1) (a) 1. and 2. of the statutes are amended to read:

15 11.50 (1) (a) 1. With respect to a spring or general election, any individual who  
16 is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice ~~or~~ state  
17 superintendent ~~or member of the board of regents of the University of Wisconsin~~  
18 System, or an individual who receives at least 6% of the vote cast for all candidates  
19 on all ballots for any state office, except district attorney, for which the individual is  
20 a candidate at the September primary and who is certified under s. 7.08 (2) (a) as a  
21 candidate for that office in the general election, or an individual who has been  
22 lawfully appointed and certified to replace either such individual on the ballot at the  
23 spring or general election; and who has qualified for a grant under sub. (2).

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

25 (1) (d) as a candidate in a special election for state superintendent or member of the

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

20 **SECTION 23.** 11.50 (3) (title) of the statutes is repealed and recreated to read:

21 11.50 (3) (title) CANDIDATES FOR JUSTICE AND STATE SUPERINTENDENT.

22 **SECTION 24.** 11.50 (3m) of the statutes is created to read:

23 11.50 (3m) CANDIDATES FOR MEMBER OF BOARD OF REGENTS. The board shall  
 24 establish a board of regents account into which the board shall deposit the moneys  
 25 transferred to the fund from the appropriation under s. 20.855 (4) (ba).

1           **SECTION 25.** 11.50 (4) (intro.) of the statutes is amended to read:

2           **11.50 (4) PARTISAN AND SPECIAL ELECTION CANDIDATES.** (intro.) After  
3 appportionment and distribution of the moneys under ~~sub. subs.~~ (3) and (4), the  
4 remaining moneys shall constitute the partisan campaign account.

5           **SECTION 26.** 11.50 (4) (cm) of the statutes is amended to read:

6           11.50 (4) (cm) Each eligible candidate for the same office at a special election  
7 shall receive an equal amount, which amount shall be equivalent to the maximum  
8 grant which was payable to any candidate for that office at the most recent spring  
9 or general election. The Except in the case of a candidate for member of the board  
10 of regents of the University of Wisconsin System. the amount shall be drawn from  
11 the senate campaign account and the assembly campaign account in the same  
12 proportions as the balance in each account bears to the total balance in both accounts  
13 at the time that payments are made. Whenever there are insufficient moneys in the  
14 senate campaign account and the assembly campaign account to make the payments  
15 required by this paragraph, payments shall be appropriately reduced or  
16 discontinued by the board.

17           **SECTION 27.** 11.50 (7) (intro.) of the statutes is amended to read:

18           11.50 (7) **UTILIZATION.** (intro.) Grants distributed under this section may be  
19 utilized only for deposit in a campaign depository account under s. 11.10. ~~Grants A~~  
20 grant received by a candidate for the office of member of the board of regents of the  
21 University of Wisconsin System may be expended for any lawful political purpose.  
22 A grant received by a candidate for any other office may be expended only for one or  
23 more of the following:

24           **SECTION 28.** 11.50 (9) of the statutes is amended to read:

1           11.50 (9) **LIMITATION ON GRANTS.** The total grant available to an eligible  
 2 candidate for the office of member of the board of regents of the University of  
 3 Wisconsin System may not exceed that amount which, when added to all other  
 4 contributions accented from other sources that are disbursed or lawfully disburseable  
 5 under s. 11.25 (1x), is equal to 100% of the disbursement level prescribed for that  
 6 office <sup>at the Spring election</sup> under s. 11.31. The total grant available to an eligible candidate for any other  
 -7 office may not exceed that amount which, when added to all other contributions  
 8 accepted from sources other than individuals, political party committees and  
 9 legislative campaign committees, is equal to 45% of the disbursement level specified  
 10 for the applicable **office** under s. 11.31. The board shall scrutinize accounts and  
 11 reports and records kept under this chapter to assure that applicable limitations  
 12 under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No  
 13 candidate or campaign treasurer may accept grants exceeding the amount  
 14 authorized by this subsection.

15           **SECTION 29.** 15.07 (1) (a) 7. of the statutes is created to read:

16           15.07 (1) (a) 7. Members of the board of regents of the University of Wisconsin  
 17 System shall be selected as provided in s. 15.91.

18           **SECTION 30.** 15.07 (1) (cm) of the statutes is amended to read:

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

1 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
 2 members of the real estate board shall expire on July 1. The terms of the appraiser  
 3 members of the real estate appraisers board and the terms of the auctioneer and  
 4 auction company representative members of the auctioneer board shall expire on  
 5 May 1 in an even-numbered year. The terms of the members of the board of regents  
 6 of the University of Wisconsin System shall expire on July 1.

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7 SECTION 31. 15.91 of the statutes is amended to read:

8 **16.91 Board of regents of the University of Wisconsin System; creation.**

9 There is created a board of regents of the University of Wisconsin System consisting  
 10 of ~~the state superintendent of public instruction, the president, or by his or her~~  
 11 ~~designation another member, of the technical college system board and 14 citizen~~  
 12 ~~members appointed for staggered 7-year terms, and a student enrolled at least~~  
 13 ~~half-time and in good academic standing at an institution within the University of~~  
 14 ~~Wisconsin System who is at least 18 years old and a resident of this state, for a 2-year~~  
 15 ~~term. The student member may be selected from recommendations made by elected~~  
 16 ~~representatives of student governments at institutions within the University of~~  
 17 ~~Wisconsin System. The governor may not appoint a student member from the same~~  
 18 ~~institution in any 2 consecutive terms. If the student member loses the status upon~~  
 19 ~~which the appointment was based, he or she shall cease to be a member of the board~~  
 20 ~~of regents~~ 15 members. Nine members shall be electors of this state who shall be  
 21 elected one from each congressional district. 4 members shall be full-time or  
 22 part-time students who are enrolled at an institution <sup>(or college campus)</sup> within the University of  
 23 Wisconsin System, one of whom shall be elected in the manner prescribed by rule  
 24 under s. 36.115 from each of 4 <sup>(1)</sup> districts established by rule under s. 36.115; one <sup>(1)</sup>  
 25 member shall be appointed by the technical college system board; and one member

an elector of this state

1 shall be the state sunerintendent of public instruction. The members elected from  
 2 each congressional district and the member appointed by the technical college  
 3 system board shall serve for 4-year terms. The student members shall serve for  
 4 2-year terms. If a student member of the board ceases to be enrolled as a student,  
 5 the office of that member is vacant.

6 SECTION 32. 17.01 (2) of the statutes is amended to read:

7 17.01 (2) By the secretary of state, treasurer, attorney general; state  
 8 superintendent, by any member of the board of regents of the University of Wisconsin  
 9 System. by a district attorney and by all officers appointed by the governor alone or  
 10 by the governor by and with the advice and consent of the senate, to the governor.

11 SECTION 33. 17.02 (2) of the statutes is created to read:

12 17.02 (2) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** In the office  
 13 of a member of the board of regents of the University of Wisconsin System who is  
 14 elected by the students of the system, by the secretary of the board to the president  
 15 of the University of Wisconsin System. In the office of a member of the board of  
 16 regents of the University of Wisconsin System who is elected by the electors of this  
 17 state, by the secretary of the board to the elections board.

18 SECTION 34. 17.17 (2) of the statutes is created to read:

19 17.17 (2) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** In the office  
 20 of a member of the board of regents of the University of Wisconsin System who is  
 21 elected by the students of the system, by the secretary of the board to the president  
 22 of the University of Wisconsin System. In the office of a member of the board of  
 23 regents of the University of Wisconsin System who is elected by the electors of this  
 24 state, by the secretary of the board to the elections board.

25 SECTION 35. 17.19 (3t) of the statutes is created to read:

1 17.19 (3t) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. In the office  
 2 of member of the board of regents of the University of Wisconsin System, by  
 3 appointment of the governor. A member so appointed shall serve until his or her  
 4 successor is elected at the next election <sup>to fill the vacancy</sup> ~~to be~~ held under s. 8.50 (4) (em) or 36.15 <sup>for</sup> ~~for~~  
 5 ~~the seat that the member holds~~ and until the person so elected is qualified; except  
 6 that if the vacancy occurs in the office of a member who is elected ~~by the electors of~~  
 7 ~~this state~~ <sup>from a congressional district</sup> and the vacancy occurs after December 1 in the ~~3rd~~ <sup>2nd</sup> year preceding  
 8 expiration of the term of office of that member, the member so appointed shall serve  
 9 for the residue of the unexpired term; and if the vacancy occurs in the office of a  
 10 member who is elected ~~by the students of the University of Wisconsin System~~ <sup>from a student regent district</sup> and  
 11 the vacancy occurs after ~~January 1~~ <sup>October</sup> in the ~~2nd~~ year preceding the expiration of the  
 12 term of office of that member, the member so appointed shall serve for the residue  
 13 of the unexpired term.

14 SECTION 36. 20.855 (4) (ba) of the statutes is created to read:

15 20.855 (4) (ba) **Election fund supplement.** A sum sufficient to supplement the  
 16 board of regents account of the Wisconsin election campaign fund for the purpose of  
 17 enabling all eligible candidates for member of the board of regents of the University  
 18 of Wisconsin System to receive the maximum grant for which the candidates qualify  
 19 under s. 11.50 (9), to be transferred from the general fund to the Wisconsin election  
 20 campaign fund no later than the time required to enable timely payments to be made  
 21 under s. 11.50 (5).

22 SECTION 37. 25.42 of the statutes is amended to read:

23 25.42 **Wisconsin election campaign fund.** All moneys appropriated under  
 24 s. 20.855 (4) (b) ~~and (ba)~~ <sup>and (ba)</sup> together with all moneys reverting to the state under s. 11.50  
 25 (8) and all gifts, bequests and devises received under s. 11.50 (13) constitute the

(for the purpose of s. 15.91)

specify that if an individual ceases to be enrolled due to graduation during the spring semester, the individual ceases to be enrolled effective July 1. The rules shall

following that semester

1 Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All  
2 moneys in the fund not disbursed by the state treasurer shall continue to accumulate  
3 indefinitely.

(1) ← (Bulld.)

4 SECTION 38. 36.115 of the statutes is created to read:

5 **36.115 Student members of board.** The board shall by rule prescribe a  
6 method whereby all full-time and part-time students who are enrolled at an  
7 institution <sup>or college campus</sup> are permitted to elect, by secret ballot, the individuals who are to serve  
8 as members of the board representing <sup>these</sup> students, under s. 15.91. The rules shall  
9 include a method for determining whether an individual is enrolled for purposes of

20  
10-11-97

s. 15.91 and shall <sup>student regent</sup> divide this state into 4 <sup>as provided in sub. (2)</sup> districts of substantially equal population,

12 according to the federal decennial census, from which the student members are  
13 elected. The rules shall include a procedure for adjusting the districts for the purpose

14 of elections held on or after January 1 of the 2nd year following the federal decennial  
15 census, in order to <sup>adjustment</sup> take into account the results of the federal decennial census. The

16 board shall supervise the conduct of these elections and shall determine and certify  
17 the names of the candidates who are elected. For purposes of voting eligibility in any  
18 such election, student status shall be determined as of the day of the election.

aggregate  
ensure that the districts contain a substantially equal number of full-time and part-time students who are enrolled at an institution or college campus. The rules shall prescribe a method for holding elections to fill vacancies in offices of members of the board representing students under s. 15.91, subject to s. 17.19(3t)

18 SECTION 39. Nonstatutory provisions; initial terms.

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

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



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

3 1. ~~Three~~ <sup>four</sup> members elected from congressional districts 1, 2 ~~and~~ <sup>and</sup> 3 shall serve for  
4 2-year terms commencing on July 1 following their election.

5 2. ~~Six~~ <sup>Five</sup> members elected from congressional districts ~~4~~ 5, 6, 7, 8 and 9 shall serve  
6 for 4-year terms commencing on July 1 following their election.

7 (b) Four members shall be elected in that year to represent the students who  
8 are enrolled at the institutions within the University of Wisconsin System, in the  
9 manner prescribed under section 36.115 <sup>(1)</sup> of the statutes, as created by this act, except  
10 that of the members who are initially elected:

11 1. Two members shall serve for one-year terms commencing on July 1 following  
12 their election. *electd from student regent districts 1 and 2*

13 2. Two members shall serve for 2-year terms commencing on July 1 following  
14 their election. *electd from student regent districts 3 and 4*

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

(END)

*(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.*

*FWS 17-16*

INSERT ANALYSIS

Currently, the board of regents of the University of Wisconsin System (board) is composed of 18 members. Fifteen members are appointed by the governor, subject to senate confirmation, and serve for staggered seven-year terms. One of the members 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. Under current law, members of the board are reimbursed for actual and necessary expenses incurred in performing their duties but are not compensated for their service on the board.

This bill requires each member of the board who is not a full-time state officer or employe to be paid \$10,000 annually. The bill also changes the method of selection of the members of the board to provide for the board to be composed of 15 members, <sup>four</sup> of whom are to be elected by the electors of the state, one from each congressional district; <sup>nine</sup> of whom are to be elected by the students of the University of Wisconsin System, one from each of <sup>four</sup> student regent districts created under the bill; one of whom is to be appointed by the technical college system board; and one of whom is to be the superintendent of ~~the department of~~ public instruction. Under the bill, the members elected from each congressional district and the member appointed by the technical college system board serve for <sup>two</sup> year terms. Student members serve <sup>for</sup> ~~two~~ year terms. The bill directs the board to <sup>UW</sup> prescribe, by rule, a method for allowing all students at all campuses within the University of Wisconsin System the opportunity to vote by secret ballot to elect the student representatives to the board.

Under the bill, each board member who is elected from a congressional district and the board member who is appointed by the technical college system board must be an elector of the state. Each board member who is a student must be a student who is currently enrolled at an institution or college within the UW System. The board must promulgate rules to define who is "enrolled." These rules must specify that if an individual ceases to be enrolled due to ~~graduating in the spring semester,~~ <sup>graduation</sup> the individual ceases to be enrolled effective July 1. <sup>follows the</sup> ~~graduation~~ <sup>semester</sup>

The bill provides for vacancies on the board to be filled by appointment of the governor. With certain exceptions, a member appointed to fill a vacancy serves until a successor is elected. The elected successor then serves for the remaining portion of any unexpired term. If an election is required to fill a vacancy in the office of a member who is elected from a congressional district, the election must be held either at the succeeding spring election or <sup>the</sup> ~~the~~ <sup>second</sup> succeeding spring election, depending upon when the vacancy occurs. If an election is required to fill a vacancy in the office of a student member, the election must be held in the manner prescribed by the rules of the board.

Members of the current board are to be replaced on July 1 of the year following the date on which the bill becomes law. The bill becomes law on the day after publication. <sup>November 15 following the date of</sup>

nine

four

two

JWS  
A

(UW)

UW

for

UW

semester



For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

INSERT 13-6

SECTION 1. 15.07 (5) (intro.) of the statutes is amended to read:

15.07 (5) REIMBURSEMENT FOR EXPENSES; COMPENSATION. (intro.) Except as provided in sub. (5m), the members of each board shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, such reimbursement in the case of an officer or employe of this state who represents an agency as a member of a board to be paid by the agency which pays the member's salary. The members shall receive no compensation for their services, except that the following members of boards, except full-time state officers or employes, also shall be paid ~~the a~~ per diem ~~stated below~~ for each day on which they were actually and necessarily engaged in the performance of their duties or an annual stipend. as follows:

SECTION 2. 15.07 (5) (e) of the statutes is amended to read:

15.07 (5) (e) ~~In lieu of a per diem, the members~~ Members of the technical college system board ~~shall receive,~~ \$100 annually.

SECTION 3. 15.07 (5) (em) of the statutes is created to read:

15.07 (5) (em) Members of the board of regents of the University of Wisconsin System, \$10,000 annually.

INSERT 16-17 ; 1

(2) Unless adjusted under the procedure established by rule under sub. (1), the rules promulgated under sub. (1) shall create the following student regent districts:

(a) Student regent district 1, containing the University of Wisconsin-Superior, University of Wisconsin-Barron County, University of Wisconsin-River Falls,



University of Wisconsin-Stout, University of Wisconsin-Eau Claire, University of Wisconsin-Marshfield County, University of Wisconsin-Marathon County, University of Wisconsin-Marinette, University of Wisconsin-Green Bay and University of Wisconsin-Fox Valley.

(b) Student regent district 2, containing the University of Wisconsin-Stevens Point, University of Wisconsin-La Crosse, University of Wisconsin-Oshkosh, University of Wisconsin-Manitowoc, University of Wisconsin-Fond du Lac, University of Wisconsin-Sheboygan, University of Wisconsin-Baraboo/Sauk County, University of Wisconsin-Washington County, University of Wisconsin-Richland, University of Wisconsin-Platteville and University of Wisconsin-Rock County

(c) Student regent district 3, containing the University of Wisconsin-Madison.

(d) Student regent district 4, containing the University of Wisconsin-Milwaukee, University of Wisconsin-Waukesha, University of Wisconsin-Whitewater and University of Wisconsin-Parkside.

~~(END)~~

Go to  
INSECT  
16-17:2

INSERT A:

Under the bill, contributions to candidates for publicly elected seats on the board of regents are limited to \$100 from a single source. No candidate may accept more than a total of 25% of the disbursement (expenditure) limit for the office from sources other than individuals. The bill provides for candidates for publicly elected seats on the board to be eligible to receive grants from the Wisconsin Election Campaign Fund, financed from state general purpose revenues, for campaign expenses. Under the bill, a candidate who accepts a grant is limited to disbursements of not more than \$90,000 in the election and is eligible for a grant in the same amount. A candidate who accepts a grant may also make disbursements of not more than \$10,000 prior to the date of the primary election or the date that the primary would be held if a primary were required. A candidate who accepts a grant must also agree not to accept a contribution from any private source after the date of the primary election, or the date that the primary election would be held if a primary were required, other than for debt retirement purposes.

The bill directs the board of regents to provide for primary elections to be held whenever there are more than two candidates for any student-elected seat on the board, and to provide grants of \$9,000 to a candidate for purposes of campaign financing if a candidate agrees to be bound by an expenditure limit of \$10,000. Of this amount, not more than \$1,000 may be expended before the date of the primary election or the date that the primary would be held if a primary were required. A candidate who accepts a grant must also agree not to accept a contribution from any private source after the date of the primary election or the date that the primary election would be held if a primary were required, other than for debt retirement purposes. Candidates for student-elected seats on the board are bound by a contribution limit of \$100 from a single source and an aggregate contribution limit of 25% of the expenditure limit for the office that may be accepted from sources other than individuals.

(END of insert A)

- INS 9-9

Section #. 11.26 (9) (b) of the statutes is amended to read:

11.26 (9) (b) No individual who is a candidate for state or local office may receive and accept more than 45% of the value of the total disbursement level determined under s. 11.3 1 for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party and legislative campaign committees subject to a filing requirement.

*other than member of the board of regents of the University of Wisconsin system*

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27, s. 9145 (1); 1995 a. 219, 225.

(B)

SECTION #. CR; 11.26 (9) (bm)

11.26 (9) (bm) No individual who is a candidate for member of the board of regents of the University of Wisconsin system may receive and accept more than 25% of the value of the disbursement level determined under s. 11.31 in the primary election and no more than 25% of the value of the disbursement level determined under s. 11.31 in the election from all committees subject to a filing requirement.

(END OF INSERT)

INSERT 6-17:2

① follows insert 16-17:1 ✓

(3) The rules promulgated under sub. (1) shall provide for a primary election to be held if more than 2 candidates qualify to have their names appear on the ballot for any seat on the board at the election. The rules shall prohibit any candidate from accepting a contribution of more than \$100 in amount or value and shall prohibit any candidate from accepting more than 25% of the total value of contributions received by the candidate from sources other than individuals, calculated separately for the election campaign period and the primary campaign period, if any. The rules shall provide for any candidate in any election held under this section to be eligible to receive a grant of \$9,000 for the purpose of financing his or her election campaign if the candidate agrees not to expend more than that amount in the election campaign and the candidate agrees not to accept any contribution from any other source during the election campaign period, except to retire a debt incurred prior to the date of the primary election or the date that the primary election would be held, if a primary were required. Grants provided under this subsection shall be paid from the appropriation under s. 20.285 (1) (a). Any person who violates a rule promulgated under this subsection may be required to forfeit not more than \$500 for each violation.

(END of insert  
16-17)

1999

MS 17-16  
FFF

LRB-4640, 1  
JTR : : :

Nonstat File Sequence:

**EFFECTIVE DATE**

1. In the component bar: For the action phrase, execute: . . . create → action: → \*NS: → effdate  
For the text, execute: . . . . . create → text: → \*NS: → effdateA
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "\_\_\_\_" or "( )" only if a "frozen" number is needed.

**SECTION # 4. Effective date.**

( #1 ) ( ) This act takes effect on November 15 following the date of publication.

1. In the component bar: For the action phrase, execute: . . create → action: → \*NS: → effdateE  
For the text, execute: . . . . . create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "\_\_\_\_" or "( )" only if a "frozen" number is needed.

**SECTION # \_\_\_\_ . Effective dates; .....**

..... This act takes effect on the day after publication, except as follows:

( #1 ) ( ) The treatment of sections of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute:..create → action: → \*NS: → 94XX  
For the text, execute: . . . . . create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9400 department code; and fill in "( )" only if a "frozen" number is needed.

**SECTION 94ates: \_\_\_\_ . Effective da , .....**

( #1 ) ( ) The treatment of sections of the statutes takes effect on





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

LRB-4640/1dn

RJM:.....

JTK/cm H

Representative Pocan:

1. Under the bill, every regent that is not a full-time state officer or employe is annually paid \$10,000. This provision is modeled after the existing statute that establishes the compensation of members of state boards. Please let us know if this exemption is not consistent with your intent.

2. The bill establishes 4 student regent districts per your instruction, but retains a procedure for adjusting the districts every 10 years, beginning in 2011, to account for changes in enrollment at the various campuses. Please let us know if this procedure is not consistent with your intent. ✓

3. Please review proposed s. 17.19 (3t), regarding vacancies on the board of regents. The bill primarily changes two aspects of this provision. The bill expands the ~~time-frame~~ for electing a successor to fill a vacancy in the office of a member who is elected from a congressional district. Under the bill, if the ~~vacancy occurs~~ on or before December 1 of the 2nd year (rather than the 3rd year) ~~preceding expiration~~ of the term, a successor must be elected. The bill also expands the ~~time-frame~~ for electing a successor to fill a vacancy in the office of a student regent. Under the bill, if the vacancy occurs on or before October 1 of the year preceding the expiration of the term (rather than January 1 of the 2nd year preceding expiration of the term), a successor must be elected. These changes seemed to be appropriate due to the respective 4-year and 2-year terms. Please let us know if you do not approve.

4. The bill avoids the potential for a recurring vacancy on the board caused by student regents who graduate in May and who do not enroll for further study. The bill requires the rules of the board to specify that, for the purposes of being eligible to serve as a student regent, if an individual ceases to be enrolled due to graduating during the spring semester, the individual ceases to be enrolled effective July 1 (the date on which the terms of office for regents expire).

5. Please review the nonstatutory material regarding the initial election of student regents to ensure that these provisions satisfy your intent.

6. The bill provides for public funding of campaigns for member of the board. However, there are several issues you may want to consider. There are problems with providing 100% public funding of campaigns. 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.~~

6.7. As indicated in a previous ~~drafter's note~~, 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 board, may be an unconstitutional violation of the equal protection clause of the 14th Amendment. You have indicated that the state of Colorado has a mechanism for electing student regents similar to that contained in this bill. We are in the process of examining that law and determining whether it has been challenged in a way that provides convincing legal precedent in support of this bill. We will let you know the results of our research.

The courts have made clear that the one-person, one vote rule does not impinge the state's ability to prescribe qualifications (short of invidiously discriminatory qualifications) for appointive positions. ~~In the event that this bill may be challenged on 14th Amendment grounds, you may want to consider accomplishing your goals by changing the qualifications for appointment to the board or by changing the procedure for these appointments.~~

*To avoid any potential challenge to*

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-4640/1dn  
RJM&JTK:cmh:km

March 20, 2000

Representative Pocan:

1. Under the bill, every regent that is not a full-time state officer or employe is annually paid \$10,000. This provision is modeled after the existing statute that establishes the compensation of members of state boards. Please let us know if this exemption is not consistent with your intent.

2. The bill establishes 4 student regent districts per your instruction, but retains a procedure for adjusting the districts every 10 years, beginning in 2011, to account for changes in enrollment at the various campuses. Please let us know if this procedure is not consistent with your intent.

3. Please review proposed s. 17.19 (3t), regarding vacancies on the board of regents. The bill primarily changes two aspects of this provision. The bill expands the time-frame for electing a successor to fill a vacancy in the office of a member who is elected from a congressional district. Under the bill, if the vacancy occurs on or before December 1 of the 2nd year (rather than the 3rd year) preceding expiration of the term, a successor must be elected. The bill also expands the timeframe for electing a successor to fill a vacancy in the office of a student regent. Under the bill, if the vacancy occurs on or before October 1 of the year preceding the expiration of the term (rather than January 1 of the 2nd year preceding expiration of the term), a successor must be elected. These changes seemed to be appropriate due to the respective 4-year and 2-year terms. Please let us know if you do not approve.

4. The bill avoids the potential for a recurring vacancy on the board caused by student regents who graduate in May and who do not enroll for further study. The bill requires the rules of the board to specify that, for the purposes of being eligible to serve as a student regent, if an individual ceases to be enrolled due to graduating during the spring semester, the individual ceases to be enrolled effective July 1 (the date on which the terms of office for regents expire).

5. Please review the nonstatutory material regarding the initial election of student regents to ensure that these provisions satisfy your intent.

6. As indicated in a previous drafter's note, 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 board, may be an unconstitutional violation of the equal protection clause of the 14th Amendment. You have indicated that the state of

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The courts have made clear that the one-person, one vote rule does not impinge the state's ability to prescribe qualifications (short of invidiously discriminatory qualifications) for appointive positions. To avoid any potential challenge to this bill on 14th Amendment grounds, you may want to consider accomplishing your goals by changing the qualifications for appointment to the board or by changing the procedure for these appointments.

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](mailto:Robert.Marchant@legis.state.wi.us)

9:30 AM Tues.  
3-21-00

PM NR

1999 BILL

Changes on pgs. 2, 15 + 16

DNOTE

re-gen

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), 7.60 (5), 7.70 (3) (d), 8.11 (3), 11.26  
3 (9) (b), 11.50 (1) (a) 1. and 2., 11.50 (4) (intro.), 11.50 (4) (cm), 11.50 (7) (intro.),  
4 11.50 (9), 15.07 (1) (em), 15.07 (5) (intro.), 15.07 (5) (e), 15.91, 17.01 (2) and  
5 25.42; to repeal and recreate 11.50 (3) (title); and to create 5.58 (2e), 5.60 (1)  
6 (a), 7.70 (6), 8.10 (3) (ae), 8.25 (6), 8.50 (4) (em), 9.10 (1) (e), 11.24 (lx), 11.25 (lx),  
7 11.26 (1) (am) and (2) (am), 11.26 (9) (bm), 11.31 (1) (de), 11.50 (3m), 15.07 (1)  
8 (a) 7., 15.07 (5) (em), 17.02 (2), 17.17 (2), 17.19 (3t), 20.855 (4) (ba) and 36.115  
9 of the statutes; relating to: the method of selection of the board of regents of  
10 the University of Wisconsin System, funding of campaigns for member of the  
11 board of regents of the University of Wisconsin System, compensation of certain  
12 members of the board of regents of the University of Wisconsin System,

**BILL**

1 granting rule-making authority, making an appropriation and providing a  
2 penalty.

---

***Analysis by the Legislative Reference Bureau***

Currently, the board of regents of the University of Wisconsin System (board) is composed of 18 members. Fifteen members are appointed by the governor, subject to senate confirmation, and serve for staggered seven-year terms. One of the members 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. Under current law, members of the board are reimbursed for actual and necessary expenses incurred in performing their duties but are not compensated for their service on the board.

✓ ~~WAAAAA~~ This bill requires each member of the board who is not a full-time state officer to be paid \$10,000 annually. The bill also changes the method of selection of the members of the board to provide for the board to be composed of 15 members, nine of whom are to be elected by the electors of the state, one from each congressional district; four of whom are to be elected by the students of the University of Wisconsin (UW) System, one from each of four student regent districts created under the bill; one of whom is to be appointed by the technical college system board; and one of whom is to be the superintendent of public instruction. Under the bill, the members elected from each congressional district and the member appointed by the technical college system board serve for four-year terms. Student members serve for two-year terms. The bill directs the board to prescribe, by rule, a method for allowing all students at all campuses within the UW System the opportunity to vote by secret ballot to elect the student representatives to the board.

Under the bill, each board member who is elected from a congressional district and the board member who is appointed by the technical college system board must be an elector of the state. Each board member who is a student must be a student who is currently enrolled at an institution or college within the UW System. The board must promulgate rules to define who is "enrolled". These rules must specify that if an individual ceases to be enrolled due to graduation in the spring semester, the individual ceases to be enrolled effective July 1 following that semester.

Under the bill, contributions to candidates for publicly elected seats on the board are limited to \$100 from a single source. No candidate may accept more than a total of 25% of the disbursement (expenditure) limit for the office from sources other than individuals. The bill provides for candidates for publicly elected seats on the board to be eligible to receive grants from the Wisconsin Election Campaign Fund, financed from state general purpose revenues, for campaign expenses. Under the bill, a candidate who accepts a grant is limited to disbursements of not more than \$90,000 in the election and is eligible for a grant in the same amount. A candidate who accepts a grant may also make disbursements of not more than \$10,000 prior to the date of the primary election or the date that the primary election would be held

**BILL**

if a primary were required. A candidate who accepts a grant must also agree not to accept a contribution from any private source **after** the date of the primary election, or the date that the primary election would be held if a primary were required, other than for debt retirement purposes.

The bill directs the board to provide for primary elections to be held whenever there are more than two candidates for any student-elected seat on the board, and to provide grants of \$9,000 to a candidate for purposes of campaign financing if a candidate agrees to be bound by an expenditure limit of \$10,000. Of this amount, not more than \$1,000 may be expended before the date of the primary election or the date that the primary election would be held if a primary were required. A candidate who accepts a grant must also agree not to accept a contribution from any private source after the date of the primary election or the date that the primary election would be held if a primary were required, other than for debt retirement purposes. Candidates for student-elected seats on the board are bound by a contribution limit of \$100 from a single source and an aggregate contribution limit of 25% of the expenditure limit for the office that may be accepted from sources other than individuals.

The bill provides for vacancies on the board to be filled by appointment of the governor. With certain exceptions, a member appointed to fill a vacancy serves until a successor is elected. The elected successor then serves for the remaining portion of any unexpired term. If an election is required to fill a vacancy in the office of a member who is elected from a congressional district, the election must be held either at the succeeding spring election or at the second succeeding spring election, depending upon when the vacancy occurs. If an election is required to fill a vacancy in the **office** of a student member, the election must be held in the manner prescribed by the rules of the board.

Members of the current board are to be replaced on July 1 of the year following the date on which the bill becomes law. The bill becomes law on November 15 following the date of 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 elected under s. 8.25 (6) and
- 4 school board members.
- 5           (23) "State office" means the offices of governor, lieutenant governor, secretary
- 6 of state, state treasurer, attorney general, state superintendent, justice of the



**BILL**

1 supreme court, member of the board of regents of the University of Wisconsin System  
 2 elected under s. 8.25 (6), court of appeals judge, circuit court judge, state senator,  
 3 state representative to the assembly and district attorney.

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

5 5.58 (2) (title) # N O N P A R T I S A N STATE  
 6 OFFICERS; JUDICIARY; COUNTY EXECUTIVE; AND COUNTY SUPERVISORS SUPERVISOR.

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

8 5.58 (2e) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. There shall  
 9 be a separate ballot for the seat of any member of the board of regents of the  
 10 University of Wisconsin System that is filled by the electors of the state.  
 11 Arrangement of the names on the ballot shall be determined by the board in the  
 12 manner specified in s. 5.60 (1) (b). The ballot shall be titled "Official Primary Ballot  
 13 for Member of the Board of Regents of the University of Wisconsin System". The  
 14 candidates shall be designated on the ballot as follows: "For Member of the Board  
 15 of Regents of the University of Wisconsin System, . . . . District".

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

17 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,  
 18 for member of the board of resents of the University of Wisconsin System within any  
 19 congressional district, for any judicial office, for any elected seat on a metropolitan  
 20 sewerage commission or town sanitary district commission, in counties having a  
 21 population of 500,000 or more only 2 candidates for member of the board of  
 22 supervisors within each district, in counties having a population of less than 500,000  
 23 only 2 candidates for each member of the county board of supervisors from each  
 24 district or numbered seat or only 4 candidates for each 2 members of the county board  
 25 of supervisors from each district whenever 2 supervisors are elected to unnumbered

**BILL**

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

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

11 5.60 (1) (title) ~~STATE SUPERINTENDENT~~ NONPARTISAN STATE OFFICERS; JUDICIARY;  
12 COUNTY EXECUTIVE; AND COUNTY SUPERVISORS SUPERVISOR.

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

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

15 5.60 (1) (a) There shall be a separate ballot for the seat of each member of the  
16 board of regents of the University of Wisconsin System that is elected by the electors  
17 of the state.

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

19 5.60 (1) (b) The board shall certify the candidates' names and designate the  
20 official ballot arrangement for candidates for state superintendent, justice, member  
21 of the board of regents of the University of Wisconsin System. court of appeals judge,  
22 circuit judge, municipal judge elected under s. 755.01 (4) and, if commissioners are  
23 elected under s. 66.23 (11) (am), the metropolitan sewerage commission. The  
24 arrangement of names of all candidates on the ballot whose nomination papers are  
25 filed with the board shall be determined by the board by the drawing of lots not later

## BILL

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

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

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

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

**BILL**

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

**BILL**

1 reconvene and transmit a certified corrected copy of the canvass statement to the  
2 elections board or secretary of the technical college district board.

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

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

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

18 7.70 (6) **BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** The elections  
19 board shall provide to the secretary of the board of regents of the University of  
20 Wisconsin System a copy of the certified determination of the chairperson of the  
21 board for the election of each member of the board of regents from each congressional  
22 district.

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

24 8.10 (3) (ae) For the office of member of the board of regents of the University  
25 of Wisconsin System, not less than 400 nor more than 800 electors.

## BILL

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

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

7           **SECTION 16. 8.25 (6)** of the statutes is created to read:

8           **8.25 (6) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM.** One member  
9 of the board of regents of the University of Wisconsin System shall be elected from  
10 each of congressional districts **1, 2, 3** and 4 at the spring election held in 2003 and  
11 every 4 years thereafter. One member of the board of regents of the University of  
12 Wisconsin System shall be elected from each of congressional districts **5, 6, 7, 8** and  
13 9 at the spring election held in 2005 and every 4 years thereafter.

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

15           **8.50 (4) (em)** A vacancy in the office of member of the board of regents of the  
16 University of Wisconsin System, which is filled by election under s. 8.25 **(6)**, that  
17 occurs after the date of the spring election and on or before December 1 of the same  
18 year shall be filled for the residue of the unexpired term, if any, at the succeeding  
19 spring election, except as provided in s. 17.19 (3t). A vacancy in the office of member  
20 of the board of regents of the University of Wisconsin System, which is filled by  
21 election under s. 8.25 **(6)**, that occurs during the period beginning on December 2 and  
22 ending on the date of the spring election shall be filled for the residue of the unexpired  
23 term, if any, at the 2nd succeeding spring election, except as provided in s. 17.19 (3t).

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

**BILL**

1           9.10 (1) (e) This subsection applies to the members of the board of regents of  
2 the University of Wisconsin System who are elected by the electors of this state. This  
3 subsection does not apply to the members of the board of regents of the University  
4 of Wisconsin System who are elected by the students of the University of Wisconsin  
5 **System.**

6           **SECTION 18.** 11.24 (lx) of the statutes is created to read:

7           11.24 (lx) (a) No candidate or personal campaign committee of a candidate for  
8 member of the board of regents of the University of Wisconsin System who accepts  
9 a grant under s. 11.50 may accept any contribution after the date of the spring  
10 primary, or the date that the spring primary for that **office** would be held, if required.

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

14           **SECTION 19.** 11.25 (lx) of the statutes is created to read:

15           11.25 (lx) No candidate or personal campaign committee of a candidate for  
16 member of the board of regents of the University of Wisconsin System who accepts  
17 a grant under s. 11.50 **may** make any disbursement after the date of the spring  
18 primary, or the date that the spring primary for that **office** would be held, if required,  
19 other than from the proceeds of a grant, except to retire an obligation incurred in  
20 connection with the spring primary campaign.

21           **SECTION 20.** 11.26 (1) (am) and (2) (am) of the statutes are created to read:

22           11.26 (1) (am) Candidates for member of the board of regents of the University  
23 of Wisconsin System, \$100.

24           (2) (am) Candidates for member of the board of regents of the University of  
25 Wisconsin System, \$100.

**BILL**

1           **SECTION 21.** 11.26 (9) (b) of the statutes is amended to read:

2           11.26 (9) (b) No individual who is a candidate for state or local office other than  
3 member of the board of regents of the University of Wisconsin System may receive  
4 and accept more than 45% of the value of the total disbursement level determined  
5 under s. 11.31 for the office for which he or she is a candidate during any primary and  
6 election campaign combined from all committees other than political party and  
7 legislative campaign committees subject to a filing requirement.

8           **SECTION 22.** 11.26 (9) (bm) of the statutes is created to read:

9           11.26 (9) (bm) No individual who is a candidate for member of the board of  
10 regents of the University of Wisconsin System may receive and accept more than 25%  
11 of the value of the disbursement level determined under s. 11.31 in the primary  
12 election and no more than 25% of the value of the disbursement level determined  
13 under s. 11.31 in the election from all committees subject to a filing requirement.

14           **SECTION 23.** 11.31 (1) (de) of the statutes is created to read:

15           **11.31 (1) (de)** Candidates for member of the board of regents of the University  
16 of Wisconsin System, \$10,000 in the primary and \$90,000 in the election.

17           **SECTION 24.** 11.50 (1) (a) 1. and 2. of the statutes are amended to read:

18           11.50 (1) (a) 1. With respect to a spring or general election, any individual who  
19 is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice ~~or~~, state  
20 superintendent or member of the board of regents of the University of Wisconsin  
21 System, or an individual who receives at least 6% of the vote cast for all candidates  
22 on all ballots for any state office, except district attorney, for which the individual is  
23 a candidate at the September primary and who is certified under s. 7.08 (2) (a) as a  
24 candidate for that office in the general election, or an individual who has been



**BILL** .

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

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

24 **SECTION 25.** 11.50 (3) (title) of the statutes is repealed and recreated to read:

25 **11.50 (3) (title) CANDIDATES FOR JUSTICE AND STATE SUPERINTENDENT.**

**BILL**

1           **SECTION 26.** 11.50 (3m) of the statutes is created to read:

2           11.50 **(3m) CANDIDATES FOR MEMBER OF BOARD OF REGENTS.** The board shall  
3 establish a board of regents account into which the board shall deposit the moneys  
4 transferred to the fund from the appropriation under s. 20.855 (4) (ba).

5           **SECTION 27.** 11.50 (4) (intro.) of the statutes is amended to read:

6           11.50 (4) **PARTISAN AND SPECIAL ELECTION CANDIDATES.** (intro.) After  
7 apportionment and distribution of the moneys under ~~sub.~~ subs. (3) and (4), the  
8 remaining moneys shall constitute the partisan campaign account.

9           **SECTION 28.** 11.50 (4) (cm) of the statutes is amended to read:

10           11.50 (4) (cm) Each eligible candidate for the same office at a special election  
11 shall receive an equal amount, which amount shall be equivalent to the maximum  
12 grant which was payable to any candidate for that office at the most recent spring  
13 or general election. ~~The~~ Except in the case of a candidate for member of the board  
14 of regents of the University of Wisconsin System, the amount shall be drawn from  
15 the senate campaign account and the assembly campaign account in the same  
16' proportions as the balance in each account bears to the total balance in both accounts  
17 at the time that payments are made. Whenever there are insufficient moneys in the  
18 senate campaign account and the assembly campaign account to make the payments  
19 required by this paragraph, payments shall be appropriately reduced or  
20 discontinued by the board.

21           **SECTION 29.** 11.50 (7) (intro.) of the statutes is amended to read:

22           11.50 (7) **UTILIZATION.** (intro.) Grants distributed under this section may be  
23 utilized only for deposit in a campaign depository account under s. 11.10. Grants A  
24 grant received by a candidate for the office of member of the board of regents of the  
25 University of Wisconsin System may be expended for any lawful political purpose.

## BILL

1 A grant received by a candidate for any other office may be expended only for one or  
2 more of the following:

3 **SECTION 30.** 11.50 (9) of the statutes is amended to read:

4 11.50 (9) **LIMITATION ON GRANTS.** The total grant available to an eligible  
5 candidate for the office of member of the board of regents of the University of  
6 Wisconsin System may not exceed that amount which, when added to all other  
7 contributions accented from other sources that are disbursed or lawfully disbursable  
8 under s. 11.25 (lx), is equal to 100% of the disbursement level prescribed for that  
9 office at the spring election under s. 11.31. The total grant available to an eligible  
10 candidate for any other office may not exceed that amount which, when added to all  
11 other contributions accepted from sources other than individuals, political party  
12 committees and legislative campaign committees, is equal to 45% of the  
13 disbursement level specified for the applicable office under s. 11.31. The board shall  
14 scrutinize accounts and reports and records kept under this chapter to assure that  
15 applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any  
16 violation is reported. No candidate or campaign treasurer may accept grants  
17 exceeding the amount authorized by this subsection.

18 **SECTION 31.** 15.07 (1) (a) 7. of the statutes is created to read:

19 15.07 (1) (a) 7. Members of the board of regents of the University of Wisconsin  
20 System shall be selected as provided in s. 15.91.

21 **SECTION 32.** 15.07 (1) (cm) of the statutes is amended to read:

22 15.07 (1) (cm) The term of one member of the ethics board shall expire on each  
23 May 1. The terms of 3 members of the development finance board appointed under  
24 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
25 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of

## BILL

1 every odd-numbered year. The terms of the 3 members of the land and water  
 2 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
 3 The term of the member of the land and water conservation board appointed under  
 4 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
 5 members of the real estate board shall expire on July 1. The terms of the appraiser  
 6 members of the real estate appraisers board and the terms of the auctioneer and  
 7 auction company representative members of the auctioneer board shall expire on  
 8 May 1 in an even-numbered year. The terms of the members of the board of regents  
 9 of the University of Wisconsin System shall expire on July 1.

10 **SECTION 33.** 15.07 (5) (intro.) of the statutes is amended to read:

11 15.07 (5) **REIMBURSEMENT FOR EXPENSES; COMPENSATION.** (intro.) Except as  
 12 provided in sub. (5m), the members of each board shall be reimbursed for their actual  
 13 and necessary expenses incurred in the performance of their duties, such  
 14 reimbursement in the case of an officer or employe of this state who represents an  
 15 agency as a member of a board to be paid by the agency which pays the member's  
 16 salary. The members shall receive no compensation for their services, except that the  
 17 following members of boards, except full-time state officers or employes, also shall  
 18 be paid the a per diem ~~stated below~~ for each day on which they were actually and  
 19 necessarily engaged in the performance of their duties or an annual stipend. as  
 20 follows:

21 **SECTION 34.** 15.07 (5) (e) of the statutes is amended to read:

22 15.07 (5) (e) ~~In lieu of a per diem, the members~~ Members of the technical college  
 23 system board ~~shall receive~~, \$100 annually (5g) ✓

24 **SECTION 35.** 15.07 (5) (4m) of the statutes is created to read:

BILL

(5g)

Notwithstanding sub. (5), in addition to being reimbursed for actual and necessary expenses under sub. (5),

15.07(5)(em) Members of the board of regents of the University of Wisconsin System, \$10,000 annually.

other than members who are full-time state officers, shall be paid

SECTION 36. 15.91 of the statutes is amended to read:

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

There is created a board of regents of the University of Wisconsin System consisting of the state superintendent of public instruction, the president, or by his or her designation another member, of the technical college system board and 14 citizen members appointed for staggered 7-year terms, and a student enrolled at least half-time and in good academic standing at an institution within the University of Wisconsin System who is at least 18 years old and a resident of this state, for a 2-year term. The student member may be selected from recommendations made by elected representatives of student governments at institutions within the University of Wisconsin System. The governor may not appoint a student member from the same institution in any 2 consecutive terms. If the student member loses the status upon which the appointment was based, he or she shall cease to be a member of the board of regents 15 members. Nine members shall be electors of this state who shall be elected one from each congressional district, 4 members shall be full-time or part-time students who are enrolled at an institution or college campus within the University of Wisconsin System. one of whom shall be elected in the manner prescribed by rule under s. 36.115 (1) from each of 4 student regent districts established by rule under s. 36.115 (1); one member shall be an elector of this state appointed by the technical college system board; and one member shall be the state superintendent of public instruction. The members elected from each congressional district and the member appointed by the technical college system board shall serve for 4-year terms. The student members shall serve for 2-year terms. If a student

1  
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## BILL

1 ~~member of the board ceases to be enrolled as a student, the office of that member is~~  
2 ~~vacant.~~

3 SECTION 37. 17.01 (2) of the statutes is amended to read:

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

8 SECTION 38. 17.02 (2) of the statutes is created to read:

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

15 SECTION 39. 17.17 (2) of the statutes is created to read:

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

22 SECTION 40. 17.19 (3t) of the statutes is created to read:

23 17.19 (3t) BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM. In the office  
24 of member of the board of regents of the University of Wisconsin System, by  
25 appointment of the governor. A member so appointed shall serve until his or her

## BILL

1 successor is elected at the next election to fill the vacancy that is held under s. 8.50  
2 (4) (em) or 36.115 (1) and until the person so elected is qualified, except that if the  
3 vacancy occurs in the **office** of a member who is elected from a congressional district  
4 and the vacancy occurs after December 1 in the 2nd year preceding expiration of the  
5 term of office of that member, the member so appointed shall serve for the residue  
6 of the unexpired term; and if the vacancy occurs in the office of a member who is  
7 elected from a student regent district and the vacancy occurs **after** October 1 in the  
8 year preceding the expiration of the term of office of that member, the member so  
9 appointed shall serve for the residue of the unexpired term.

10 SECTION 41. 20.855 (4) (ba) of the statutes is created to read:

11 *20.855 (4) (ba) Election fund supplement.* A sum sufficient to supplement the  
12 board of regents account of the Wisconsin election campaign fund for the purpose of  
13 enabling all eligible candidates for member of the board of regents of the University  
14 of Wisconsin System to receive the maximum grant for which the candidates qualify  
15 under s. 11.50 (9), to be transferred from the general fund to the Wisconsin election  
16 campaign fund no later than the time required to enable timely payments to be made  
17 under s. 11.50 (5).

18 SECTION 42. 25.42 of the statutes is amended to read:

19 **25.42 Wisconsin election campaign fund.** All moneys appropriated under  
20 s. 20.855 (4) (b) and (ba) together with all moneys reverting to the state under s. 11.50  
21 (8) and all gifts, bequests and devises received under s. 11.50 (13) constitute the  
22 Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All  
23 moneys in the fund not disbursed by the state treasurer shall continue to accumulate  
24 indefinitely.

25 SECTION 43. 36.115 of the statutes is created to read:

## BILL

1           **36.115 Student members of board. (1)** The board shall by rule prescribe  
2 a method whereby all full-time and part-time students who are enrolled at an  
3 institution or college campus are permitted to elect, by secret ballot, the individuals  
4 who are to serve as members of the board representing those students under s. 15.91.  
5 The rules shall include a method for determining whether an individual is enrolled  
6 for purposes of s. 15.91 and shall specify that if an individual ceases to be enrolled  
7 due to graduation during the spring semester, for the purpose of s. 15.91 the  
8 individual ceases to be enrolled effective July 1 following that semester. The rules  
9 shall divide this state into 4 student regent districts, as provided in sub. (2), from  
10 which the student members are elected. The rules shall include a procedure for  
11 adjusting the student regent districts in 2010, and decennially thereafter, for the  
12 purpose of elections held on or after January 1 of the 2nd year following the  
13 adjustment, in order to ensure that the districts contain a substantially equal  
14 aggregate number of full-time and part-time students who are enrolled at an  
15 institution or college campus. The rules shall prescribe a method for holding  
16 elections to fill vacancies in offices of members of the board representing students  
17 under s. 15.91, subject to s. 17.19 (3t). The board shall supervise the conduct of these  
18 elections and shall determine and certify the names of the candidates who are  
19 elected. For purposes of voting eligibility in any such election, student status shall  
20 be determined as of the day of the election.

21           (2) Unless **adjusted** under the procedure established by rule under sub. (1), the  
22 rules promulgated under sub. (1) shall create the following student regent districts:

23           (a) Student regent district 1, containing the University of Wisconsin-Superior,  
24 University of Wisconsin-Barron County, University of Wisconsin-River Falls,  
25 University of Wisconsin-Stout, University of Wisconsin-Eau Claire, University of



## BILL

1 Wisconsin-Marshfieldod County, University of Wisconsin-Marathon County,  
2 University of Wisconsin-Marinette, University of Wisconsin-Green Bay and  
3 University of Wisconsin-Fox Valley

4 (b) Student regent district 2, containing the University of Wisconsin-Stevens  
5 Point, University of Wisconsin-La Crosse, University of Wisconsin-Oshkosh,  
6 University of Wisconsin-Manitowoc, University of Wisconsin-Fond du Lac,  
7 University of Wisconsin-Sheboygan, University of Wisconsin-Baraboo/Sauk  
8 County, University of Wisconsin-Washington County, University of  
9 Wisconsin-Richland, University of Wisconsin-Platteville and University of  
10 Wisconsin-Rock County.

11 (c) Student regent district 3, containing the University of Wisconsin-Madison.

12 (d) Student regent district 4, containing the University of  
13 Wisconsin-Milwaukee, University of Wisconsin-Waukesha, University of  
14 Wisconsin-Whitewater and University of Wisconsin-Parkside.

15 (3) The rules promulgated under sub. (1) shall provide for a primary election  
16 to be held if more than 2 candidates **qualify** to have their names appear on the ballot  
17 for any seat on the board at the election. The rules shall prohibit any candidate from  
18 accepting a contribution of more than \$100 in amount or value and shall prohibit any  
19 candidate from accepting more than 25% of the total value of contributions received  
20 by the candidate from sources other than individuals, calculated separately for the  
21 election campaign period and the primary campaign period, if any. The rules shall  
22 provide for any candidate in any election held under this section to be eligible to  
23 receive a grant of \$9,000 for the purpose of financing his or her election campaign if  
24 the candidate agrees not to expend more than that amount in the election campaign  
25 and the candidate agrees not to accept any contribution from any other source during

## BILL

1 the election campaign period, except to retire a debt incurred prior to the date of the  
2 primary election or the date that the primary election would be held, if a primary  
3 were required. Grants provided under this subsection shall be paid from the  
4 appropriation under s. 20.285 (1) (a). Any person who violates a rule promulgated  
5 under this subsection may be required to forfeit not more than \$500 for each  
6 violation.

7 **SECTION 44. Nonstatutory provisions; initial terms.**

8 (1) All members of the board of regents of the University of Wisconsin System  
9 holding office on the effective date of this subsection shall cease to hold office on July  
10 1 of the year following the effective date of this subsection.

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

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

16 1. Four members elected from congressional districts 1, 2, 3 and 4 shall serve  
17 for 2-year terms commencing on July 1 following their election.

18 2. Five members elected from congressional districts 5, 6, 7, 8 and 9 shall serve  
19 for 4-year terms commencing on July 1 following their election.

20 (b) Four members shall be elected in that year to represent the students who  
21 are enrolled at the institutions within the University of Wisconsin System, in the  
22 manner prescribed under section 36.115 (1) of the statutes, as created by this act,  
23 except that of the members who are initially elected:

24 1. Two members elected from student regent districts 1 and 2 shall serve for  
25 one-year terms commencing on July 1 following their election.



**DRAFTERS NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4640/10a Zdn  
RJM&JTK:cmh:km

March 20, 2000

Representative Pocan:

1. Under the bill, every regent that is not a full-time state officer ~~or employee~~ is annually paid \$10,000. ~~This provision is modeled after the existing statute that establishes the compensation of members of state boards. Please let us know if this exemption is not consistent with your intent.~~

2. The bill establishes 4 student regent districts per your instruction, but retains a procedure for adjusting the districts every 10 years, beginning in 2011, to account for changes in enrollment at the various campuses. Please let us know if this procedure is not consistent with your intent.

3. Please review proposed s. 17.19 (3t), regarding vacancies on the board of regents. The bill primarily changes two aspects of this provision. The bill expands the time-frame for electing a successor to fill a vacancy in the office of a member who is elected from a congressional district. Under the bill, if the vacancy occurs on or before December 1 of the 2nd year (rather than the 3rd year) preceding expiration of the term, a successor must be elected. The bill also expands the timeframe for electing a successor to fill a vacancy in the office of a student regent. Under the bill, if the vacancy occurs on or before October 1 of the year preceding the expiration of the term (rather than January 1 of the 2nd year preceding expiration of the term), a successor must be elected. These changes seemed to be appropriate due to the respective 4-year and 2-year terms. Please let us know if you do not approve.

4. The bill avoids the potential for a recurring vacancy on the board caused by student regents who graduate in May and who do not enroll for further study. The bill requires the rules of the board to specify that, for the purposes of being eligible to serve as a student regent, if an individual ceases to be enrolled due to graduating during the spring semester, the individual ceases to be enrolled effective July 1 (the date on which the terms of office for regents expire).

5. Please review the nonstatutory material regarding the initial election of student regents to ensure that these provisions satisfy your intent.

2

6. As indicated in a previous drafter's note, 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 board, may be an unconstitutional violation of the equal protection clause of the 14th Amendment. ~~You have indicated that the state of~~

researching the laws of other states to determine

NO TP

Colorado has a mechanism for electing student regents similar to that contained in this bill. We are in the process of examining the law and determining whether it has been challenged in a way that provides convincing legal precedent in support of this bill. We will let you know the results of our research.

exists

The courts have made clear that the one-person, one vote rule does not impinge the state's ability to prescribe qualifications (short of invidiously discriminatory qualifications) for appointive positions. To avoid any potential challenge to this bill on 14th Amendment grounds, you may want to consider accomplishing your goals by changing the qualifications for appointment to the board or by changing the procedure for these appointments.

increasing the number of students who are appointed to the board and requiring each appointed student to be enrolled at a campus within a certain geographic region

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

LRB-4640/2dn  
RJM&JTK:cmh&jlg:jf

March 21, 2000

Representative Pocan:

1. Under the bill, every regent that is not a full-time state officer or employe is annually paid \$10,000.

2. As indicated in a previous drafter's note, 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 board, may be an unconstitutional violation of the equal protection clause of the 14th Amendment. We are in the process of researching the laws of other states to determine whether pertinent legal precedent exists in support of this bill. We will let you know the results of our research.

The courts have made clear that the one-person, one vote rule does not impinge the state's ability to prescribe qualifications (short of invidiously discriminatory qualifications) for appointive positions. To avoid any potential challenge to this bill on 14th Amendment grounds, you may want to consider accomplishing your goals by increasing the number of students who are appointed to the board and requiring each appointed student to be enrolled at a campus within a certain geographic region.

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**SUBMITTAL  
FORM**

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

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

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**Date:** 03/21/2000

**To:** Representative Pocan

**Relating to LRB drafting number:** LRB-4640

**Topic**

Elected board of regents

**Subject(s)**

Elections - miscellaneous, Higher Education - UW System

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

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

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

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

Robert J. Marchant, Legislative Attorney  
Telephone: (608) 261-4454