

2001 ASSEMBLY BILL 2

January 16, 2001 – Introduced by Representatives SKINDRUD, JENSEN, WALKER, WARD, AINSWORTH, BIES, FREESE, GUNDERSON, HAHN, HOVEN, HUEBSCH, JESKEWITZ, KRAWCZYK, LADWIG, F. LASEE, LEIBHAM, MCCORMICK, D. MEYER, NASS, RHOADES, STONE, URBAN, VRAKAS, ALBERS and FRISKE, cosponsored by Senator WELCH. Referred to Committee on Tax and Spending Limitations.

1 **AN ACT to amend** 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66 (3) (b), 24.66
2 (4), 32.72 (1), 38.15 (1), 59.08 (7) (b), 59.605 (3) (a) 1., 60.62 (2), 60.74 (5) (b),
3 61.187 (1), 61.46 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.0101 (8), 66.0217 (7)
4 (a) 3., 66.0219 (4) (b), 66.0227 (3), 66.0619 (2m) (b), 66.0815 (1) (c), 66.0921 (2),
5 66.1103 (10) (d), 67.05 (4) and (5), 67.05 (6a) (a) 2. a., 67.05 (6m) (b), 67.10 (5)
6 (b), 67.12 (12) (e) 5., 81.01 (3) (b) (intro.), 86.21 (2) (a), 117.20, 119.48 (4) (b) and
7 (c), 119.49 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b) and (2), 197.10 (2) and
8 198.19 (1); and **to create** 8.065 and 15.615 of the statutes; **relating to:**
9 scheduling of referenda by local governments.

Analysis by the Legislative Reference Bureau

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring

ASSEMBLY BILL 2

primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an odd-numbered year (no election is currently held on that date), or concurrently with the September primary (held in each even-numbered year) or general election (held in each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. However, the bill creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly, and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.

The bill applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.15 (2) (d) of the statutes is amended to read:

2 7.15 (2) (d) Whenever the governing body of any municipality submits any
3 question to a vote of the electors or whenever a proper recall petition and certificate
4 are filed under s. 9.10, the municipal clerk shall issue a call for the election and
5 prepare and distribute ballots as required in the authorization of submission or as
6 provided in s. 9.10. The date of the referendum shall be established in accordance
7 with s. 8.065, and shall be fixed by the municipal clerk or board of election
8 commissioners unless otherwise provided by law or unless the governing body fixes
9 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already
10 an official municipal referendum ballot for the election, the question may appear on
11 the same ballot.

12 **SECTION 2.** 8.05 (3) (d) and (e) of the statutes are amended to read:

ASSEMBLY BILL 2

1 8.05 (3) (d) The question of adoption of the nonpartisan primary under this
2 subsection may be submitted to the electors at any ~~regular election~~ authorized under
3 s. 8.065 to be held in the town or at a special election called for the purpose. When
4 a petition requesting adoption of the nonpartisan primary conforming to the
5 requirements of s. 8.40 signed by at least 20 electors of the town is filed with the town
6 clerk as provided in s. 8.37, the question shall be submitted to a vote.

7 (e) Petitions requesting a vote on the question at a regular town election shall
8 be filed in accordance with s. 8.37 no later than 5 p.m. the last Tuesday in February.
9 When the petition is filed, the clerk shall check its sufficiency. ~~Whether at a regular~~
10 ~~or special election, the~~ The clerk shall give separate notice by one publication in a
11 newspaper at least 5 days before the election.

12 **SECTION 3.** 8.06 of the statutes is amended to read:

13 **8.06 Special elections may be called.** Towns, cities, villages and school
14 districts may call special elections for any purpose whenever such action is
15 authorized or required by law. If an election is called for a special referendum, the
16 election shall be called and noticed ~~under~~ as provided in s. 8.55.

17 **SECTION 4.** 8.065 of the statutes is created to read:

18 **8.065 Scheduling of referenda. (1)** In this section, “local governmental
19 unit” has the meaning given in s. 16.97 (7).

20 **(2)** Unless otherwise required by law or unless authorized under sub. (3), a
21 referendum held by any local governmental unit that is authorized or required by
22 law to hold a referendum may only be held concurrently with the spring primary,
23 spring election, September primary, or general election, or on the first Tuesday after
24 the first Monday of November of an odd-numbered year. Unless otherwise required
25 by law or unless authorized under sub. (3), no referendum submitted by the same

ASSEMBLY BILL 2

1 local governmental unit relating to substantially similar subject matter or relating
2 to authorization for the borrowing of money may be held more than once in any
3 12-month period.

4 **(3)** If a local governmental unit wishes to hold a special referendum on a date
5 that is not concurrent with an election specified in s. 5.02 (5), (18), (21), or (22) or on
6 a date other than the first Tuesday after the first Monday in November of an
7 odd-numbered year, the local governmental unit may petition the referendum
8 appeal board for a determination that an emergency exists with respect to a
9 particular question. The referendum appeal board shall make a determination
10 within 10 days after receipt of a petition under this subsection. If the referendum
11 appeal board finds, with the concurrence of at least 4 members, that an emergency
12 exists which requires a special referendum to be held by a local governmental unit
13 on a date that is not concurrent with an election specified in s. 5.02 (5), (18), (21), or
14 (22) or on a date other than the first Tuesday after the first Monday in November of
15 an odd-numbered year, the board may permit a referendum relating to the question
16 specified in the petition to be held on a date determined by the local governmental
17 unit.

18 **SECTION 5.** 9.20 (4) of the statutes is amended to read:

19 9.20 **(4)** The common council or village board shall, without alteration, either
20 pass the ordinance or resolution within 30 days following the date of the clerk's final
21 certificate, or submit it to the electors at the next ~~spring or general~~ election
22 authorized under s. 8.065, if the election is more than 6 weeks after the date of the
23 council's or board's action on the petition or the expiration of the 30-day period,
24 whichever first occurs. If there are 6 weeks or less before the election, the ordinance
25 or resolution shall be voted on at the next election authorized under s. 8.065 (2) or

ASSEMBLY BILL 2

1 ~~an election authorized under s. 8.065 (3) thereafter. The council or board by a~~
2 ~~three-fourths vote of the members-elect may order a special election for the purpose~~
3 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~
4 ~~more than one special election for direct legislation may be ordered in any 6-month~~
5 ~~period.~~

6 **SECTION 6.** 15.615 of the statutes is created to read:

7 **15.615 Same; attached boards.**

8 **(2) REFERENDUM APPEAL BOARD.** There is created a referendum appeal board
9 which is attached to the elections board under s. 15.03. The referendum appeal board
10 shall consist of the governor, the senate majority leader, the senate minority leader,
11 the speaker of the assembly, and the assembly minority leader or the designees of
12 these persons. Members of the board shall serve for indefinite terms.

13 **SECTION 7.** 24.66 (3) (b) of the statutes is amended to read:

14 **24.66 (3) (b)** *For long-term loans by unified school districts.* Every application
15 for a loan, the required repayment of which exceeds 10 years, shall be approved and
16 authorized for a unified school district by a majority vote of the members of the school
17 board at a regular or special meeting of the school board. Every vote so required shall
18 be by ayes and noes duly recorded. In addition, the application shall be approved for
19 a unified school district by a majority vote of the electors of the school district at a
20 ~~special election referendum~~ as provided under sub. (4).

21 **SECTION 8.** 24.66 (4) of the statutes is amended to read:

22 **24.66 (4) POPULAR VOTE, WHEN REQUIRED.** If any municipality is not empowered
23 by law to incur indebtedness for a particular purpose without first submitting the
24 question to its electors, the application for a state trust fund loan for that purpose
25 must be approved and authorized by a majority vote of the electors at a special

ASSEMBLY BILL 2

1 ~~election referendum~~ called, in accordance with s. 8.065, and noticed and held in the
2 manner provided for other ~~special elections~~ referenda. The question to be voted on
3 shall be filed as provided in s. 8.37. The notice of the ~~election referendum~~ shall state
4 the amount of the proposed loan and the purpose for which it will be used.

5 **SECTION 9.** 32.72 (1) of the statutes is amended to read:

6 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
7 question is submitted to the electors of the city at a ~~special election referendum~~ called
8 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:
9 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of
10, thus allowing the city to acquire and condemn property for street
11 widening and similar purposes, financed through assessments of benefits and
12 damages?”. The question shall be filed as provided in s. 8.37.

13 **SECTION 10.** 38.15 (1) of the statutes is amended to read:

14 38.15 (1) Subject to sub. (3), if the district board intends to make a capital
15 expenditure in excess of \$500,000, excluding moneys received from gifts, grants or
16 federal funds, for the acquisition of sites, purchase or construction of buildings, the
17 lease/purchase of buildings if costs exceed \$500,000 for the lifetime of the lease,
18 building additions or enlargements or the purchase of fixed equipment relating to
19 any such activity, it shall adopt a resolution stating its intention to do so and
20 identifying the anticipated source of revenue for each project and shall submit the
21 resolution to the electors of the district for approval. The referendum may be held
22 at any election authorized under s. 8.065 and shall be noticed, called and conducted
23 as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all
24 projects located on a single campus site within one district which are bid

ASSEMBLY BILL 2

1 concurrently or which are approved by the board under s. 38.04 (10) within a 2-year
2 period shall be considered as one capital expenditure project.

3 **SECTION 11.** 59.08 (7) (b) of the statutes is amended to read:

4 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
5 to the voters at the next election authorized under s. 8.065 (2) or an election
6 authorized under s. 8.065 (3) to be held on the first Tuesday in April, or the next
7 regular election, or at a special election to be held on the day fixed in a date specified
8 in the order which shall be no sooner than 45 days after the date of the order issued
9 under par. (a), which day date shall be the same in each of the counties proposing to
10 consolidate. A copy of the order shall be filed with the county clerk of each of the
11 counties as provided in s. 8.37. If the question of consolidation is submitted at a
12 special election, it shall be held not less than 42 days nor more than 60 days from the
13 completion of the consolidation agreement, but not within 60 days of any spring or
14 general election.

15 **SECTION 12.** 59.605 (3) (a) 1. of the statutes is amended to read:

16 59.605 (3) (a) 1. If the governing body of a county wishes to exceed the operating
17 levy rate limit otherwise applicable to the county under this section, it shall adopt
18 a resolution to that effect. The resolution shall specify either the operating levy rate
19 or the operating levy that the governing body wishes to impose for either a specified
20 number of years or an indefinite period. The governing body shall ~~call a special~~
21 ~~referendum for the purpose of submitting the resolution to the electors of the county~~
22 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~
23 ~~specify that~~ provide for the referendum to be held at the next succeeding spring
24 primary or election or September primary or general election to be held authorized
25 under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier

ASSEMBLY BILL 2

1 than 42 days after the adoption of the resolution of the governing body. The
2 governing body shall file the resolution to be submitted to the electors as provided
3 in s. 8.37.

4 **SECTION 13.** 60.62 (2) of the statutes is amended to read:

5 60.62 (2) If the county in which the town is located has enacted a zoning
6 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
7 approval by the town meeting or by a referendum vote of the electors of the town to
8 be held at the time of any regular or special election in accordance with s. 8.065. The
9 question for the referendum vote shall be filed as provided in s. 8.37.

10 **SECTION 14.** 60.74 (5) (b) of the statutes is amended to read:

11 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
12 qualified electors of the district equal to at least 20% of the vote cast for governor in
13 the district at the last gubernatorial election, requesting a change to appointment
14 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The
15 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town
16 board shall submit the question to a referendum at the next ~~regular spring~~ election
17 ~~or general election, or shall call a special election for that purpose~~ authorized under
18 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45
19 days after receipt of the petition by the town board. The inspectors shall count the
20 votes and submit a statement of the results to the commission. The commission shall
21 canvass the results of the election and certify the results to the town board which has
22 authority to appoint commissioners.

23 **SECTION 15.** 61.187 (1) of the statutes is amended to read:

24 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
25 of s. 8.40, signed by at least one-third as many electors of any village as voted for

ASSEMBLY BILL 2

1 village officers at the next preceding election therefor, shall be presented to the
2 village board, and filed as provided in s. 8.37, praying for dissolution of the village
3 corporation, such board shall submit to the electors of such village, for determination
4 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at ~~a general~~
5 ~~election or at a special election called by them for that purpose~~ the next election
6 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held
7 not sooner than 45 days after presentation of the petition, the question whether or
8 not such village corporation shall be dissolved.

9 **SECTION 16.** 61.46 (1) of the statutes is amended to read:

10 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
11 15 in each year, by resolution to be entered of record, determine the amount of
12 corporation taxes to be levied and assessed on the taxable property in such village
13 for the current year. Before levying any tax for any specified purpose, exceeding one
14 percent of the assessed valuation aforesaid, the village board shall, and in all other
15 cases may in its discretion, submit the question of levying the same to the village
16 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or
17 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after
18 adoption of the resolution by giving 10 days' notice thereof prior to such election by
19 publication in a newspaper published in the village, if any, and if there is none, then
20 by posting notices in 3 public places in said village, setting forth in such notices the
21 object and purposes for which such taxes are to be raised and the amount of the
22 proposed tax. The village board shall file the question as provided in s. 8.37.

23 **SECTION 17.** 62.09 (1) (a) of the statutes is amended to read:

24 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
25 attorney, engineer, one or more assessors unless the city is assessed by a county

ASSEMBLY BILL 2

1 assessor under s. 70.99, one or more constables as determined by the common
2 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
3 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
4 except in cities where not applicable, chief of police, chief of the fire department,
5 board of public works, 2 alderpersons from each aldermanic district, and such other
6 officers or boards as are created by law or by the council. If one alderperson from each
7 aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance
8 adopted by a two-thirds vote of all its members and approved by the electors at a
9 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be
10 2 alderpersons from each aldermanic district.

11 **SECTION 18.** 64.03 (1) of the statutes is amended to read:

12 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,
13 and every petition for a ~~special election~~ referendum on the same, shall state the
14 number of members of which the council herein provided for shall be composed, the
15 term of office of its members, which term shall not exceed 2 years, whether they shall
16 be nominated and elected from aldermanic districts or from the city at large, and the
17 compensation, if any, which they shall receive.

18 **SECTION 19.** 64.39 (3) of the statutes is amended to read:

19 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit
20 the questions prescribed in sub. (1) at ~~a special~~ the next election authorized under
21 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held at a time specified
22 ~~therein and within 2 months~~ not sooner than 45 days after such petition is filed. The
23 election upon such question shall be conducted, the vote canvassed, and the result
24 declared in the same manner as provided by law for other city elections.

25 **SECTION 20.** 66.0101 (8) of the statutes is amended to read:

ASSEMBLY BILL 2

1 66.0101 **(8)** A charter ordinance enacted or approved by a vote of the electors
2 controls over any prior or subsequent act of the legislative body of the city or village.
3 If the electors of any city or village by a majority vote have adopted or determined
4 to continue to operate under either ch. 62 or 64, or have determined the method of
5 selection of members of the governing board, the question shall not again be
6 submitted to the electors, nor action taken on the question, within a period of 2 years.
7 Any election to change or amend the charter of any city or village, other than –a
8 special an election as provided in called under s. 9.20 (4), shall be held at the time
9 provided by statute for holding the spring election.

10 **SECTION 21.** 66.0217 (7) (a) 3. of the statutes is amended to read:

11 66.0217 **(7)** (a) 3. If the notice indicates that the petition is for a referendum
12 on the question of annexation, the clerk of the city or village shall file the notice as
13 provided in s. 8.37. If the notice indicates that the petition is for a referendum on the
14 question of annexation, the town clerk shall give notice as provided in par. (c) of a
15 referendum of the electors residing in the area proposed for annexation to be held at
16 the next election permitted under s. 8.065 (2) or an election authorized under s. 8.065
17 (3), but not less than 42 days ~~nor more than 72 days~~ after the date of personal service
18 or mailing of the notice required under this paragraph. If the notice indicates that
19 the petition is for direct annexation, no referendum shall be held unless within 30
20 days after the date of personal service or mailing of the notice required under this
21 paragraph, a petition conforming to the requirements of s. 8.40 requesting a
22 referendum is filed with the town clerk as provided in s. 8.37, signed by at least 20%
23 of the electors residing in the area proposed to be annexed. If a petition requesting
24 a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum
25 of the electors residing in the area proposed for annexation to be held at the next

ASSEMBLY BILL 2

1 election permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but
2 not less than 42 days ~~nor more than 72 days~~ after the receipt of the petition and shall
3 mail a copy of the notice to the clerk of the city or village to which the annexation is
4 proposed. The referendum shall be held at a convenient place within the town to be
5 specified in the notice.

6 **SECTION 22.** 66.0219 (4) (b) of the statutes is amended to read:

7 66.0219 (4) (b) The referendum election shall be held at the next election
8 permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but not less
9 than 42 days ~~nor more than 72 days~~ after the filing of the order as provided in s. 8.37,
10 in the territory proposed for annexation, by the electors of that territory as provided
11 in s. 66.0217 (7), so far as applicable. The ballots shall contain the words “For
12 Annexation” and “Against Annexation”. The certification of the election inspectors
13 shall be filed with the clerk of the court, and the clerk of any municipality involved,
14 but need not be filed or recorded with the register of deeds.

15 **SECTION 23.** 66.0227 (3) of the statutes is amended to read:

16 66.0227 (3) The governing body of a city, village or town involved may, or if a
17 petition conforming to the requirements of s. 8.40 signed by a number of qualified
18 electors equal to at least 5% of the votes cast for governor in the city, village or town
19 at the last gubernatorial election, demanding a referendum, is presented to it within
20 30 days after the passage of either of the ordinances under sub. (2) shall, submit the
21 question to the electors of the city, village or town whose electors petitioned for
22 detachment, at a referendum election ~~called for that purpose~~ held at the next election
23 permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3) but not less
24 than 42 days ~~nor more than 72 days~~ after the filing of the petition, or after the
25 enactment of either ordinance. The petition shall be filed as provided in s. 8.37. If

ASSEMBLY BILL 2

1 a number of electors cannot be determined on the basis of reported election statistics,
2 the number shall be determined in accordance with s. 60.74 (6). The governing body
3 of the municipality shall appoint 3 election inspectors who are resident electors to
4 supervise the referendum. The ballots shall contain the words “For Detachment”
5 and “Against Detachment”. The inspectors shall certify the results of the election by
6 their attached affidavits and file a copy with the clerk of each town, village or city
7 involved, and none of the ordinances may take effect nor be in force unless a majority
8 of the electors approve the question. The referendum election shall be conducted in
9 accordance with chs. 6 and 7 to the extent applicable.

10 **SECTION 24.** 66.0619 (2m) (b) of the statutes is amended to read:

11 66.0619 **(2m)** (b) If a referendum is to be held on a resolution, the municipal
12 governing body shall file the resolution as provided in s. 8.37 and shall direct the
13 municipal clerk to ~~call a special election for the purpose of submitting~~ submit the
14 resolution to the electors for approval of the electors at a referendum on approval or
15 ~~rejection. In lieu of a special election, the municipal governing body may specify that~~
16 ~~the election be held at the next succeeding spring primary or election or September~~
17 ~~primary or general election~~ called in accordance with s. 8.065.

18 **SECTION 25.** 66.0815 (1) (c) of the statutes is amended to read:

19 66.0815 **(1)** (c) An ordinance under sub. (1) may not take effect until 60 days
20 after passage and publication unless sooner approved by a referendum. Within the
21 60-day period electors equal in number to 20% of those voting at the last regular
22 municipal election may file a petition requesting ~~for~~ a referendum. The petition shall
23 be in writing and filed with the clerk ~~and~~ as provided in s. 8.37. The petition shall
24 conform to the requirements of s. 8.40, ~~except that each signer shall also state his or~~
25 ~~her.~~ Each signer shall state his or her residence and signatures shall be verified by

ASSEMBLY BILL 2

1 the affidavit of an elector. The referendum shall be held at the next regular
2 municipal election, ~~or at a special election within 90 days of the~~ authorized under s.
3 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45
4 days after filing of the petition. The ordinance may not take effect unless approved
5 by a majority of the votes cast. This paragraph does not apply to extensions by a
6 utility previously franchised by the village, city or town.

7 **SECTION 26.** 66.0921 (2) of the statutes is amended to read:

8 66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
9 contract with a nonprofit corporation organized for civic purposes and located in the
10 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
11 a facility to be used for municipal and civic activities if a majority of the voters voting
12 in a referendum ~~at a special election or at a spring primary or election or September~~
13 ~~primary or general~~ an election authorized under s. 8.065 approve the question of
14 entering into the joint contract.

15 **SECTION 27.** 66.1103 (10) (d) of the statutes is amended to read:

16 66.1103 (10) (d) The governing body may issue bonds under this section
17 without submitting the proposition to the electors of the municipality for approval
18 unless within 30 days from the date of publication of notice of adoption of the initial
19 resolution for the bonds, a petition conforming to the requirements of s. 8.40, and
20 signed by a number of electors of the municipality equal to not less than 5% of the
21 registered electors of the municipality, or, if there is no registration of electors in the
22 municipality, by 10% of the number of electors of the municipality voting for the office
23 of governor at the last general election as determined under s. 115.01 (13), is filed
24 with the clerk of the municipality and as provided in s. 8.37 requesting a referendum
25 upon the question of the issuance of the bonds. If such a petition is filed, the bonds

ASSEMBLY BILL 2

1 may not be issued until approved by a majority of the electors of the municipality
2 voting on the referendum at a ~~general or special election~~ referendum called in
3 accordance with s. 8.065.

4 **SECTION 28.** 67.05 (4) and (5) of the statutes are amended to read:

5 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an
6 initial resolution for an issue of county bonds to provide for the original construction
7 or for the improvement and maintenance of highways, to provide railroad aid, or to
8 construct, acquire or maintain, or to aid in constructing, acquiring or maintaining
9 a bridge over or across any stream or other body of water bordering upon or
10 intersecting any part of the county, the county clerk is not required to submit the
11 resolution for approval to the electors of the county at a ~~special election~~ referendum
12 unless within 30 days after the adoption thereof there is filed with the clerk a petition
13 conforming to the requirements of s. 8.40 and requesting such submission, signed by
14 electors numbering at least 10% of the votes cast in the county for governor at the
15 last general election. If a petition is filed, the question submitted shall be whether
16 the resolution shall be or shall not be approved. No such resolution of a county board
17 other than those specified in this subsection need be submitted to county electors,
18 except as provided otherwise in sub. (7).

19 (5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial
20 resolution has been so adopted by the governing body of a town, the clerk of the
21 municipality shall immediately record the resolution and call a ~~special election~~
22 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
23 to the electors of the municipality for approval. This paragraph does not apply to
24 bonds issued to finance low-interest mortgage loans under s. 62.237, unless a
25 number of electors equal to at least 15% of the votes cast for governor at the last

ASSEMBLY BILL 2

1 general election in their town sign and file a petition conforming to the requirements
2 of s. 8.40 with the town clerk requesting submission of the resolution. Whenever a
3 number of electors cannot be determined on the basis of reported statistics, the
4 number shall be determined in accordance with s. 60.74 (6). If a petition is filed, the
5 question submitted shall be whether the resolution shall or shall not be approved.
6 This paragraph is limited in its scope by sub. (7).

7 (b) No city or village may issue bonds for any purposes other than for water
8 systems, lighting works, gas works, bridges, street lighting, street improvements,
9 street improvement funding, hospitals, airports, harbor improvements, river
10 improvements, breakwaters and protection piers, sewerage, garbage disposal,
11 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish
12 disposal, parks and public grounds, swimming pools and band shells, veterans
13 housing projects, paying the municipality's portion of the cost of abolishing grade
14 crossings, for the construction of police facilities and combined fire and police safety
15 buildings, for the purchase of sites for engine houses, for fire engines and other
16 equipment of the fire department, for construction of engine houses, and for pumps,
17 water mains, reservoirs and all other reasonable facilities for fire protection
18 apparatus or equipment for fire protection, for parking lots or other parking
19 facilities, for school purposes, for libraries, for buildings for the housing of machinery
20 and equipment, for acquiring and developing sites for industry and commerce as will
21 expand the municipal tax base, for financing the cost of low-interest mortgage loans
22 under s. 62.237, for providing financial assistance to blight elimination, slum
23 clearance, community development, redevelopment and urban renewal programs
24 and projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337 or for
25 University of Wisconsin System college campuses, as defined in s. 36.05 (6m), until

ASSEMBLY BILL 2

1 the proposition for their issue for the special purpose has been submitted to the
2 electors of the city or village and adopted by a majority vote. Except as provided
3 under sub. (15), if the common council of any city or the village board of a village
4 declares its purpose to raise money by issuing bonds for any purpose other than those
5 specified in this subsection, it shall direct by resolution, which shall be recorded at
6 length in the record of its proceedings, the clerk to call a ~~special election~~ referendum
7 in accordance with s. 8.065 for the purpose of submitting the question of bonding to
8 the city or village electors. If a number of electors of a city or village equal to at least
9 15% of the votes cast for governor at the last general election in their city or village
10 sign and file a petition conforming to the requirements of s. 8.40 with the city or
11 village clerk requesting submission of the resolution, the city or village may not issue
12 bonds for financing the cost of low-interest mortgage loans under s. 62.237 ~~without~~
13 ~~calling a special election to submit the question of bonding to~~ unless the issuance is
14 approved by the city or village electors for their approval at a referendum called in
15 accordance with s. 8.065.

16 **SECTION 29.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

17 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a ~~special election~~
18 referendum in accordance with s. 8.065 (2) or an election authorized under s. 8.065
19 (3) for the purpose of submitting the resolution to the electors for approval or
20 rejection, ~~or direct that the resolution be submitted at the next regularly scheduled~~
21 ~~primary or election~~ permitted under s. 8.065 (2) or an election authorized under s.
22 8.065 (3) to be held not earlier than 45 days after the adoption of the resolution. The
23 resolution shall not be effective unless adopted by a majority of the school district
24 electors voting at the referendum.

25 **SECTION 30.** 67.05 (6m) (b) of the statutes is amended to read:

ASSEMBLY BILL 2

1 67.05 **(6m)** (b) If a referendum is to be held on an initial resolution, the district
2 board shall direct the technical college district secretary to call a ~~special election~~
3 referendum in accordance with s. 8.065 for the purpose of submitting the initial
4 resolution to the electors for ~~a referendum on approval or rejection. In lieu of a~~
5 ~~special election, the district board may specify that the election be held at the next~~
6 ~~succeeding spring primary or election or September primary or general election.~~

7 **SECTION 31.** 67.10 (5) (b) of the statutes is amended to read:

8 67.10 **(5)** (b) Any city having ~~voted~~ approved the issuance of bonds at a special
9 referendum election held in accordance with s. 8.065 and having sold a portion
10 thereof may negotiate, sell or otherwise dispose of the same in the manner provided
11 by statute within 9 years of the date of the election voting the same.

12 **SECTION 32.** 67.12 (12) (e) 5. of the statutes is amended to read:

13 67.12 **(12)** (e) 5. Within 10 days of the adoption by a technical college district
14 board of a resolution under subd. 1. to issue a promissory note for a purpose under
15 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption
16 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
17 the resolution, but shall state the amount proposed to be borrowed, the method of
18 borrowing, the purpose thereof, that the resolution was adopted under this
19 subsection and the place where and the hours during which the resolution is
20 available for public inspection. If the amount proposed to be borrowed is for building
21 remodeling or improvement and does not exceed \$500,000 or is for movable
22 equipment, the district board need not submit the resolution to the electors for
23 approval unless, within 30 days after the publication or posting, a petition
24 conforming to the requirements of s. 8.40 is filed with the secretary of the district
25 board requesting a referendum ~~at a special election~~ to be called for that purpose.

ASSEMBLY BILL 2

1 Such petition shall be signed by electors from each county lying wholly or partially
2 within the district. The number of electors from each county shall equal at least 1.5%
3 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
4 in more than one district, the technical college system board shall apportion the
5 county's population as determined under s. 16.96 (2) (c) to the districts involved and
6 the petition shall be signed by electors equal to the appropriate percentage of the
7 apportioned population. ~~In lieu of a special election, the district board may specify~~
8 ~~that the referendum shall be held at the next succeeding spring primary or election~~
9 ~~or September primary or general election.~~ Any resolution to borrow amounts of
10 money in excess of \$500,000 for building remodeling or improvement shall be
11 submitted to the electors of the district for approval. Any referendum under this
12 subdivision shall be called at the next election authorized under s. 8.065 (2) or an
13 election authorized under s. 8.065 (3) occurring not sooner than 45 days after filing
14 of a petition or adoption of a resolution requiring the referendum. If a referendum
15 is held or required under this subdivision, no promissory note may be issued until
16 the issuance is approved by a majority of the district electors voting at such
17 referendum. The referendum shall be noticed, called and conducted under s. 67.05
18 (6a) insofar as applicable, except that the notice of ~~special election~~ referendum and
19 ballot need not embody a copy of the resolution and the question which shall appear
20 on the ballot shall be "Shall (name of district) be authorized to borrow the sum of
21 \$.... for (state purpose) by issuing its general obligation promissory note (or notes)
22 under section 67.12 (12) of the Wisconsin Statutes?"

23 **SECTION 33.** 81.01 (3) (b) (intro.) of the statutes is amended to read:

24 81.01 (3) (b) (intro.) The town board by resolution submits to the electors of the
25 town as a referendum at ~~a general or special town~~ an election authorized under s.

ASSEMBLY BILL 2

1 8.065 the question of exceeding the \$10,000 limit set under this subsection. A copy
2 of the resolution shall be filed as provided in s. 8.37. The board shall abide by the
3 majority vote of the electors of the town on the question. The question shall read as
4 follows:

5 **SECTION 34.** 86.21 (2) (a) of the statutes is amended to read:

6 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
7 section, a resolution authorizing the construction or acquisition thereof, and
8 specifying the method of payment therefor, shall be adopted by a majority of the
9 members of the governing body of such county, town, village or city at a regular
10 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
11 resolution shall include a general description of the property it is proposed to acquire
12 or construct. Any county, town, village or city constructing or acquiring a toll bridge
13 under this section may provide for the payment of the same or any part thereof from
14 the general fund, from taxation, or from the proceeds of either municipal bonds,
15 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
16 until 15 days after its passage and publication. If within said 15 days a petition
17 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
18 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
19 requesting that the question of acquiring such toll bridge be submitted to the said
20 electors, such question shall be submitted at ~~any general or regular municipal~~ the
21 next election authorized under s. 8.065 (2) or an election authorized under s. 8.065
22 (3) that is held not sooner than 42 days from the date of filing such petition. ~~In case~~
23 ~~no such general or regular municipal election is to be held within such stated period,~~
24 ~~then the governing body of such municipality shall order a special election to be held~~
25 ~~within 30 days from the filing of such petition upon the question of whether such toll~~

ASSEMBLY BILL 2

1 ~~bridge shall be acquired by said municipality.~~ The question submitted to the electors
2 shall specify the method of payment for such toll bridge as provided in the resolution
3 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast
4 at such referendum election are in favor of the acquisition of such toll bridge, then
5 the resolution of the governing body for the acquisition of such toll bridge shall be in
6 effect.

7 **SECTION 35.** 117.20 of the statutes is amended to read:

8 **117.20 Referendum procedures. (1)** If a referendum is required under ss.
9 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November
10 occurring not sooner than 45 days following receipt of the petition or adoption of the
11 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a
12 referendum is required under s. 117.105, it shall be held on the Tuesday after the first
13 Monday in the 2nd November occurring not sooner than 45 days following receipt of
14 the petition or adoption of the resolution under s. 117.105 (1).

15 **(2)** The clerk of each affected school district shall publish notice, as required
16 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for
17 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a
18 referendum held under this section. The school board and school district clerk of each
19 affected school district shall each perform, for that school district, the functions
20 assigned to the school board and the school district clerk, respectively, under those
21 subsections. The form of the ballot shall correspond to the form prescribed by the
22 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
23 district shall file with the secretary of the board a certified statement prepared by
24 the school district board of canvassers of the results of the referendum in that school
25 district.

ASSEMBLY BILL 2

1 **SECTION 36.** 119.48 (4) (b) and (c) of the statutes are amended to read:

2 119.48 **(4)** (b) The communication shall state the purposes for which the funds
3 from the increase in the levy rate will be used and shall request the common council
4 to submit to the voters of the city the question of exceeding the levy rate specified in
5 s. 65.07 (1) (f) ~~at the September election or a special~~ an election authorized under s.
6 8.065.

7 (c) Upon receipt of the communication, the common council shall file the
8 communication as provided in s. 8.37 and shall cause the question of exceeding the
9 levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city at the
10 ~~September election or at a special~~ next election authorized under s. 8.065 (2) or an
11 election authorized under s. 8.065 (3) to be held not sooner than 45 days after receipt
12 of the communication. The question of exceeding the levy rate specified under s.
13 65.07 (1) (f) shall be submitted so that the vote upon exceeding the levy rate specified
14 in s. 65.07 (1) (f) is taken separately from any other question submitted to the voters.
15 If a majority of the electors voting on the question favors exceeding the levy rate
16 specified under s. 65.07 (1) (f), the common council shall approve the increase in the
17 levy rate and shall levy and collect a tax equal to the amount of money approved by
18 the electors.

19 **SECTION 37.** 119.49 (1) (b) and (2) of the statutes are amended to read:

20 119.49 **(1)** (b) The communication shall state the amount of funds needed under
21 par. (a) and the purposes for which the funds will be used and shall request the
22 common council to submit to the voters of the city at the next election authorized
23 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city
24 not sooner than 45 days after receipt of the communication the question of issuing
25 school bonds in the amount and for the purposes stated in the communication.

ASSEMBLY BILL 2

1 **(2)** Upon receipt of the communication, the common council shall file the
2 communication as provided in s. 8.37 and shall cause the question of issuing such
3 school bonds in the stated amount and for the stated school purposes to be submitted
4 to the voters of the city at the next election ~~held in the city~~ authorized under s. 8.065
5 (2) or an election authorized under s. 8.065 (3) that occurs not sooner than 45 days
6 after the date of receipt of the communication. The question of issuing such school
7 bonds shall be submitted so that the vote upon issuing such school bonds is taken
8 separately from any other question submitted to the voters. If a majority of the
9 electors voting on the school bond question favors issuing such school bonds, the
10 common council shall cause the school bonds to be issued immediately or within the
11 period permitted by law, in the amount requested by the board and in the manner
12 other bonds are issued.

13 **SECTION 38.** 121.91 (3) (a) of the statutes is amended to read:

14 121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. (2m)
15 otherwise applicable to the school district in any school year, it shall promptly adopt
16 a resolution supporting inclusion in the final school district budget of an amount
17 equal to the proposed excess revenue. The resolution shall specify whether the
18 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
19 proposed excess revenue is for both recurring and nonrecurring purposes, the
20 amount of the proposed excess revenue for each purpose. The resolution shall be filed
21 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
22 shall notify the department of the scheduled date of the referendum and submit a
23 copy of the resolution to the department. The school board shall call a special
24 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
25 to the electors of the school district for approval or rejection. ~~In lieu of a special~~

ASSEMBLY BILL 2

1 ~~referendum, the school board may specify that the referendum be held at the next~~
2 ~~succeeding spring primary or election or September primary or general election, if~~
3 ~~such election is,~~ to be held not sooner than 42 days after the filing of the resolution
4 of the school board. The school district clerk shall certify the results of the
5 referendum to the department within 10 days after the referendum is held.

6 **SECTION 39.** 197.04 (1) (b) and (2) of the statutes are amended to read:

7 197.04 **(1)** (b) If within either of the 90-day periods described in par. (a) a
8 petition conforming to the requirements of s. 8.40 is filed with the clerk of the
9 municipality as provided in s. 8.37 and the petition has been signed by 5% of the
10 electors of a 1st class city or by 10% of the electors of all other municipalities
11 requesting that the question of discontinuing the proceeding to acquire the plant or
12 equipment of the public utility be submitted to the electors of the municipality, the
13 applicable question under par. (c) shall be submitted to the electors at ~~any general~~
14 ~~or regular municipal~~ the succeeding election authorized under s. 8.065 (2) or an
15 election authorized under s. 8.065 (3) that is held not less than 42 and not more than
16 47 days from the date of the filing of the petition. ~~If no general election or regular~~
17 ~~municipal election is to be held within the stated periods, the governing body of the~~
18 ~~municipality shall order the holding of a special election, to be held not less than 42~~
19 ~~days from the date of filing of the petition, for the purpose of submitting the question~~
20 ~~to the electors.~~

21 **(2)** The governing body of the municipality may provide for notice of, the
22 manner of holding, the method of voting on, the method of making returns of, and
23 the method of canvassing and determining the result of, the election required under
24 sub. (1). Notice of the election to the electors shall be given by a brief notice of that
25 fact once a week for 3 weeks in some newspaper of general circulation published in

ASSEMBLY BILL 2

1 the municipality. If no newspaper of general circulation is published in the
2 municipality, publication may be made in any newspaper of general circulation in the
3 county seat of the county in which the municipality is located. ~~The notice of holding~~
4 ~~any special election shall be incorporated as a part of the notice given under this~~
5 ~~subsection.~~

6 **SECTION 40.** 197.10 (2) of the statutes is amended to read:

7 197.10 (2) Such contract when adopted by the common council of said city and
8 accepted by the owner or owners of such public utility shall be submitted to the public
9 service commission for its approval and upon such approval the same shall be filed
10 as provided in s. 8.37 and submitted in such manner as the common council shall
11 determine to a vote of the electors of such city at the next ~~regular municipal~~ election
12 ~~or at a special election called for that purpose~~ authorized under s. 8.065 (2) or an
13 election authorized under s. 8.065 (3) to be held not sooner than 45 days after
14 approval of the commission, and such contract shall not become binding upon such
15 city until approved by a majority vote of the qualified electors of such city voting
16 thereon. No bonds shall in any case be issued by said city under the contract or
17 contracts mentioned in sub. (1), until the proposition of their issue shall have been
18 submitted to the people of such city and adopted by a majority of the electors voting
19 thereon.

20 **SECTION 41.** 198.19 (1) of the statutes is amended to read:

21 198.19 (1) Any territory, constituting one or more municipalities contiguous to
22 a district may be annexed to and become a part of such district to all intents and
23 purposes and with like effect as though originally included therein upon such terms
24 and conditions as the board of directors of the district shall fix by ordinance adopted
25 by the affirmative vote of two-thirds of the directors-elect, provided that before such

ASSEMBLY BILL 2

1 ordinance becomes effective the same shall be accepted and ratified by the
2 affirmative vote of a majority of the qualified electors entitled to vote and voting in
3 a ~~special election~~ referendum called and held for that purpose, in accordance with
4 s. 8.065, in each municipality proposed in such ordinance to be annexed to the
5 district. Such ordinance shall be published and such election shall be noticed, held
6 and conducted, as nearly as may be, in the manner provided by this chapter for the
7 noticing, holding and conduct of elections upon the organization of a municipal power
8 district, except that the returns of such election and the ballots therein shall be
9 delivered to the clerk of the district. The results of said election shall be canvassed
10 publicly by the directors of the district.

SECTION 42. Initial applicability.

11 (1) This act first applies with respect to referenda called on the effective date
12 of this subsection.
13

14 (END)