

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1452/P2dn
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July 6, 2001

Please review carefully the statutes that we have amended in ch. 27 and the new language in s. 229.861 (5) (c). We believe that the language in par. (c) is needed to protect counties that may have issued bonds to purchase parks in cities, villages, or towns that the county is managing under a contract entered into with a municipality under s. 27.075.

Does s. 229.863 (4) (a), relating to “recreational facilities or programs” meet your intent? Do you want a district to be able to “acquire, develop, equip, maintain, improve, operate, and manage” such facilities?

Your instructions relating to the election of the members of a local park and recreation district board of directors stated that each participating municipality should decide whether its directors should be elected at-large or appointed. Please note that if a municipality where relatively large numbers of minority group members reside opts to elect its directors at-large the procedure may violate Section 2 of the federal Voting Rights Act, 42 USC 1973 (Section 2). Section 2, which protects the right to vote guaranteed by the 15th Amendment, prohibits any political subdivision from imposing any voting practice that results in the denial or abridgment of any U.S. citizen's right to vote on account of race, color, or status as a member of a language minority group. In a particular municipality, the voting strength of a politically cohesive and geographically compact minority group may be lessened by placing the minority group in an at-large district where the majority may elect its preferred candidates and the minority group cannot elect its preferred candidates. Under the caselaw of the U.S. Supreme Court, this result may constitute a violation of Section 2. See, for example, *Thornburg v. Gingles*, 478 U.S. 30 (1986).

To expedite the production of this draft, we have made some assumptions concerning your intent that may not be accurate. Please note the following and let us know if you desire any changes:

1. Under this draft, the nomination paper signature requirement under s. 8.10 (3) (L), stats., (unspecified offices) applies to a candidate for member of the board of directors of a local park and recreation district. In order to qualify for nomination, the candidate's nomination papers must contain at least 20 but not more than 100 signatures.
2. Under this draft, the contribution limits under s. 11.26 (1) (d) and (2) (e), stats., apply to a candidacy for member of the board of directors of a local park and recreation

district. These contribution limits currently apply to campaigns for local office generally. In addition, under the draft, the disbursement (expenditure) limit under s. 11.31 (1) (h), stats., will apply if a candidate for board member voluntarily agrees to abide by the limit. This disbursement limit currently applies to any candidate for local office in a jurisdiction or from a district with a population of less than 500,000, if the candidate voluntarily agrees to abide by the limit.

3. The draft provides a mechanism for filling vacancies, removing board members for cause, and recalling board members. Please review proposed ss. 9.10 (1) (a) and (b), (2) (d), and (4) (a), 17.13 (3), and 17.27 (1f).

4. There may be a considerable period of time between the date on which the ordinances creating a local park and recreation district are in place and the date on which the spring election is held where the initial board of directors is elected (if the board is elected). In order to allow the local park and recreation district to begin operating during this time period, this draft provides for the initial appointment of a temporary board of directors, which will serve until the initial members of the board of directors are elected at the spring election. See proposed ss. 17.27 (1f) (a) and 229.861 (5) (a) 3. and (6) (a).

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