

2003 SENATE BILL 352

December 17, 2003 – Introduced by Senators REYNOLDS and SCHULTZ, cosponsored by Representatives GROTHMAN, NASS and HAHN. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

1 **AN ACT** *to repeal* 200.25 (1) to (4) and 200.25 (8); *to amend* 5.15 (1) (c), 5.58 (2m),
2 5.60 (4m), 7.10 (1) (a), 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b), 7.51 (5), 7.60 (4) (a),
3 7.60 (5) (a), 7.70 (3) (d), 9.10 (1) (a), 9.10 (1) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4)
4 (a), 9.10 (4) (d), 9.10 (7), 10.05, 11.02 (3), 11.26 (1) (d) 2., 11.26 (2) (e) 2., 17.13
5 (intro.), 17.13 (3), 17.27 (1m) (title), 200.27 (1) and 200.27 (3); *to repeal and*
6 *recreate* 200.23 (2) and 200.25 (7) (a); and *to create* 5.15 (2) (f) 6., 7.53 (3n),
7 8.10 (6) (f), 8.11 (2g), 11.02 (9), 11.31 (1) (g) 1. d., 17.01 (11n) and 17.27 (1g) of
8 the statutes; **relating to:** governance of metropolitan sewerage districts
9 created by 1st class cities.

Analysis by the Legislative Reference Bureau

Currently, the membership of the commission governing a metropolitan sewerage district created by a first class city — currently only the Milwaukee Metropolitan Sewerage District (MMSD) — is composed of not less than nine nor more than 13 members who are appointed by the mayor of the first class city and an executive council consisting of the chief elective officers of the other cities and the villages and towns that are wholly or partly contained within the district. Members serve for three-year terms. The allocation of seats between the first class city and

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the other municipalities is determined on the basis of the populations of the first class city and the other territory within the district relative to the population of the district. Commissioners may be removed by their appointing authorities at any time, and vacancies are filled in the same manner that regular appointments are made.

This bill provides instead for an 11-member commission to be elected by the electors of the metropolitan sewerage district on a nonpartisan ballot at the spring election. Under the bill, each member is elected to represent a subdistrict within the metropolitan sewerage district. Subdistricts must be equal in population, insofar as practicable. A member must reside within the subdistrict from which he or she is elected. Members serve for two-year terms, with the terms of those members representing even-numbered subdistricts expiring in even-numbered years and the terms of those members representing odd-numbered subdistricts expiring in odd-numbered years. Commissioners may be removed from office by a circuit court for cause and are subject to recall in the same manner as is currently provided for municipal elective officers. Vacancies are filled by appointment of the remaining members of the commission until a successor can be chosen at the spring election.

Under current law, the chairperson of the MMSD is elected by the other commissioners for a term specified by MMSD rule, although the chairperson is removable at the pleasure of the commission. Under this bill, the chairperson of the MMSD is elected by the other commissioners for a one-year term, and he or she is still removable during his or her term by a majority vote of the other members of the commission.

The bill provides for the commission to redistrict the subdistricts on a decennial basis. Under the bill, each reapportionment plan must provide for each subdistrict to consist of whole wards or municipalities. In addition, the commission must give due consideration to maintaining the compactness of subdistricts, maintaining the integrity of counties and municipalities within subdistricts, maintaining communities of interest within subdistricts, and fostering politically competitive subdistricts. However, the bill provides for the initial plan of apportionment of the subdistricts within the metropolitan sewerage district to be prescribed by state law pursuant to the recommendations of a special legislative committee which is charged by the bill with recommending an initial apportionment plan to the legislature. The bill provides that the plan is subject to the same standards that apply to a decennial reapportionment plan. Under the bill, the committee consists of ten members, including four members of the majority party within each house and one member of the minority party within each house. Each house must ensure that at least three of its appointees represent legislative districts that are wholly or partially contained within the metropolitan sewerage district. The enacted plan remains in effect until the next decennial census.

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:

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1 **SECTION 1.** 5.15 (1) (c) of the statutes is amended to read:

2 5.15 **(1)** (c) The wards established by municipal governing bodies under this
3 section on the basis of the published results of each federal decennial census of
4 population shall govern the adjustment of supervisory districts under s. 59.10 (2) (a)
5 and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local
6 elections beginning on January 1 of the 2nd year commencing after the year of the
7 census until revised under this section on the basis of the results of the next
8 decennial census of population unless adjusted under sub. (2) (f) 4. or 6., (6) (a) or (7),
9 or unless adjusted, as a matter of statewide concern, in the enactment of legislative
10 districts under article IV, section 3, of the constitution on the basis of the most recent
11 decennial census of population.

12 **SECTION 2.** 5.15 (2) (f) 6. of the statutes is created to read:

13 5.15 **(2)** (f) 6. That part of a metropolitan sewerage district created under s.
14 200.23 required to create a subdistrict under s. 200.25 (7) (a) that has a population
15 which is, as nearly as practicable, equal to other subdistricts in the metropolitan
16 sewerage district.

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

18 5.58 **(2m)** METROPOLITAN SEWERAGE COMMISSION. Except as authorized in s.
19 5.655, there shall be a separate ballot for members of the metropolitan sewerage
20 commission in any metropolitan sewerage district created under s. 200.23 and in
21 other districts if commissioners are elected under s. 200.09 (11) (am), ~~with.~~ In
22 districts created under s. 200.23, the ballot shall list the names of the candidates for
23 metropolitan sewerage commissioner from the subdistrict for the ward or election
24 district in which the ballot is used. In other districts, the names of the candidates for
25 different seats shall be listed in separate columns or rows if more than one seat is

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1 contested at any election. Arrangement of the names on the ballot shall be
2 determined by the board, except that in metropolitan sewerage districts created
3 under s. 200.23, arrangement of the names on the ballot shall be determined by the
4 secretary of the metropolitan sewerage district.

5 **SECTION 4.** 5.60 (4m) of the statutes is amended to read:

6 5.60 **(4m)** METROPOLITAN SEWERAGE COMMISSION. A separate ballot shall list the
7 names of all candidates for the metropolitan sewerage commission seats in
8 metropolitan sewerage districts created under s. 200.23, and in other districts, if
9 commissioners are elected under s. 200.09 (11) (am), except as authorized in s. 5.655.
10 The In districts created under s. 200.23, the ballot shall list the names of the
11 candidates for metropolitan sewerage commissioner from the subdistrict for the
12 ward or election district in which the ballot is used. In other districts, the names of
13 the candidates for the different seats shall be placed in separate columns or rows if
14 more than one seat is contested at any election.

15 **SECTION 5.** 7.10 (1) (a) of the statutes is amended to read:

16 7.10 **(1)** (a) Each county clerk shall provide ballots for every election in the
17 county for all national, state and county offices, including metropolitan sewerage
18 commission elections in districts created under s. 200.23 and in districts where
19 commissioners are elected under s. 200.09 (11) (am), for municipal judges elected
20 under s. 755.01 (4) and for state and county referenda. The official and sample
21 ballots shall be prepared in substantially the same form as those prescribed by the
22 board under s. 7.08 (1) (a).

23 **SECTION 6.** 7.51 (3) (b) of the statutes is amended to read:

24 7.51 **(3)** (b) For ballots which relate only to municipal or school district or
25 metropolitan sewerage district offices or referenda, the inspectors, in lieu of par. (a),

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1 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,
2 paste paper over the slots, sign their names to the paper and deliver them and the
3 keys therefor to the municipal or school district clerk or the secretary of the
4 metropolitan sewerage commission. The clerk or secretary shall retain the ballots
5 until destruction is authorized under s. 7.23.

6 **SECTION 7.** 7.51 (3) (d) of the statutes is amended to read:

7 7.51 (3) (d) All absentee certificate envelopes which have been opened shall be
8 returned by the inspectors to the municipal clerk in a securely sealed carrier
9 envelope which is clearly marked “used absentee certificate envelopes”. The
10 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
11 the ballots are used in a municipal ~~or~~, school district, or metropolitan sewerage
12 district election only, the municipal clerk shall transmit the used envelopes to the
13 county clerk.

14 **SECTION 8.** 7.51 (4) (b) of the statutes is amended to read:

15 7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
16 immediately after the votes are tabulated or counted at each election, shall report
17 the returns of the election to the municipal clerk or to the school district clerk for
18 school district elections, except in 1st class cities, or to the secretary of the
19 metropolitan sewerage district for metropolitan sewerage district elections. The
20 clerk or secretary shall then make the returns public.

21 **SECTION 9.** 7.51 (5) of the statutes is amended to read:

22 7.51 (5) RETURNS. (a) The inspectors shall make full and accurate return of the
23 votes cast for each candidate and proposition on tally sheet forms provided by the
24 municipal clerk for that purpose. Each tally sheet shall record the returns for each
25 office or referendum by ward, unless combined returns are authorized in accordance

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1 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
2 of combined wards. After recording the votes, the inspectors shall seal in a carrier
3 envelope outside the ballot bag or container one inspectors' statement under sub. (4)
4 (a), one tally sheet, and one poll or registration list for delivery to the county clerk,
5 unless the election relates only to municipal or school district offices or referenda or
6 metropolitan sewerage district offices. The inspectors shall also similarly seal one
7 inspectors' statement, one tally sheet, and one poll or registration list for delivery to
8 the municipal clerk. For school district elections, except in 1st class cities, the
9 inspectors shall similarly seal one inspectors' statement, one tally sheet, and one poll
10 or registration list for delivery to the school district clerk. For metropolitan sewerage
11 district elections, the inspectors shall similarly seal one inspectors' statement, one
12 tally sheet and one poll or registration list for delivery to the secretary of the
13 metropolitan sewerage district. The inspectors shall immediately deliver all ballots,
14 statements, tally sheets, lists, and envelopes to the municipal clerk.

15 (b) The municipal clerk shall arrange for delivery of all ballots, statements,
16 tally sheets, lists, and envelopes relating to a school district or metropolitan
17 sewerage district election to the school district clerk or secretary of the metropolitan
18 sewerage district. The municipal clerk shall deliver the ballots, statements, tally
19 sheets, lists, and envelopes for his or her municipality relating to any county,
20 technical college district, state, or national election to the county clerk by 2 p.m. on
21 the day following each such election. The person delivering the returns shall be paid
22 out of the municipal treasury. Each clerk and secretary shall retain ballots,
23 statements, tally sheets, or envelopes received by the clerk or secretary until
24 destruction is authorized under s. 7.23 (1).

25 **SECTION 10.** 7.53 (3n) of the statutes is created to read:

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1 7.53 (3n) METROPOLITAN SEWERAGE DISTRICT ELECTIONS. In each metropolitan
2 sewerage district created under s. 200.23, the secretary of the district shall appoint
3 2 qualified electors of the district prior to the date of the election being canvassed who
4 shall, with the secretary, constitute the metropolitan sewerage district board of
5 canvassers. The secretary shall designate a deputy who shall perform the secretary's
6 duties as a member of the board of canvassers in the event that the secretary's office
7 is vacant or the secretary cannot perform his or her duties. The canvass shall begin
8 as soon as possible after receipt of the returns and shall continue, without
9 adjournment, until completed. The board of canvassers may return defective returns
10 to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board
11 of canvassers shall prepare a written statement showing the numbers of votes cast
12 for each person for each office and shall prepare a determination showing the names
13 of the persons who are elected to the metropolitan sewerage commission. Following
14 each primary election, the board of canvassers shall prepare a statement showing the
15 names of persons who have won nomination to the office of metropolitan sewerage
16 commissioner. Each statement and determination shall be attested by each of the
17 canvassers. The board of canvassers shall file each statement and determination in
18 the metropolitan sewerage district office.

19 **SECTION 11.** 7.60 (4) (a) of the statutes is amended to read:

20 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
21 showing the numbers of votes cast for the offices of president and vice president; state
22 officials; U.S. senators and representatives in congress; state legislators; justice;
23 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
24 commissioners, if in districts created under s. 200.23 or in districts where the
25 commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected

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1 under s. 755.01 (4) serves a municipality that is located partially within the county
2 and candidates for that judgeship file nomination papers in another county, the
3 board of canvassers shall prepare a duplicate statement showing the numbers of
4 votes cast for that judgeship in that county for transmittal to the other county. For
5 partisan candidates, the statements shall include the political party or principle
6 designation, if any, next to the name of each candidate. The board of canvassers shall
7 also prepare a statement showing the results of any county, technical college district
8 or statewide referendum. Each statement shall state the total number of votes cast
9 in the county for each office; the names of all persons for whom the votes were cast,
10 as returned; the number of votes cast for each person; and the number of votes cast
11 for and against any question submitted at a referendum. The board of canvassers
12 shall use one copy of each duplicate statement to report to the elections board,
13 technical college district board or board of canvassers of any other county and shall
14 file the other statement in the office of the county clerk or board of election
15 commissioners.

16 **SECTION 12.** 7.60 (5) (a) of the statutes is amended to read:

17 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
18 or send to the elections board, by 1st class mail, a certified copy of each statement of
19 the county board of canvassers for president and vice president, state officials,
20 senators and representatives in congress, state legislators, justice, court of appeals
21 judge, circuit judge, district attorney, and metropolitan sewerage commissioners, if
22 in districts created under s. 200.23 or in districts where the commissioners are
23 elected under s. 200.09 (11) (am). The statement shall record the returns for each
24 office or referendum by ward, unless combined returns are authorized under s. 5.15
25 (6) (b) in which case the statement shall record the returns for each group of

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1 combined wards. Following primaries the county clerk shall enclose on forms
2 prescribed by the elections board the names, party or principle designation, if any,
3 and number of votes received by each candidate recorded in the same manner. The
4 county clerk shall deliver or transmit the certified statement to the elections board
5 no later than 7 days after each primary and no later than 10 days after any other
6 election. The board of canvassers shall deliver or transmit a certified copy of each
7 statement for any technical college district referendum to the secretary of the
8 technical college district board.

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

10 7.70 (3) (d) When the certified statements and returns are received, the
11 chairperson of the board or the chairperson's designee shall proceed to examine and
12 make a statement of the total number of votes cast at any election for the offices
13 involved in the election for president and vice president; a statement for each of the
14 offices of governor, lieutenant governor, if a primary, and a joint statement for the
15 offices of governor and lieutenant governor, if a general election; a statement for each
16 of the offices of secretary of state, state treasurer, attorney general, and state
17 superintendent; for U.S. senator; representative in congress for each congressional
18 district; the state legislature; justice; court of appeals judge; circuit judge; district
19 attorney; metropolitan sewerage commission, if in districts created under s. 200.23
20 or in districts where the commissioners are elected under s. 200.09 (11) (am); and for
21 any referenda questions submitted by the legislature.

22 **SECTION 14.** 8.10 (6) (f) of the statutes is created to read:

23 8.10 (6) (f) For metropolitan sewerage commissioners, with the secretary of the
24 metropolitan sewerage district.

25 **SECTION 15.** 8.11 (2g) of the statutes is created to read:

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1 8.11 (2g) METROPOLITAN SEWERAGE COMMISSION. A primary shall be held in a
2 metropolitan sewerage district created under s. 200.23 whenever there are more
3 than twice the number of candidates to be elected to the metropolitan sewerage
4 district within any subdistrict.

5 **SECTION 16.** 9.10 (1) (a) of the statutes is amended to read:

6 9.10 (1) (a) The qualified electors of the state, of any county, city, village, town,
7 of any congressional, legislative, judicial, or school district, of any subdistrict within
8 a metropolitan sewerage district created under s. 200.23, or of any prosecutorial unit
9 may petition for the recall of any incumbent elective official by filing a petition with
10 the same official or agency with whom nomination papers or declarations of
11 candidacy for the office are filed demanding the recall of the officeholder.

12 **SECTION 17.** 9.10 (1) (b) of the statutes is amended to read:

13 9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state,
14 congressional, legislative, judicial or county officer shall be signed by electors equal
15 to at least 25% of the vote cast for the office of governor at the last election within the
16 same district or territory as that of the officeholder being recalled. Except as
17 provided in par. (c), a petition for the recall of a city, village, town, metropolitan
18 sewerage district, or school district officer shall be signed by electors equal to at least
19 25% of the vote cast for the office of president at the last election within the same
20 district, subdistrict, or territory as that of the officeholder being recalled.

21 **SECTION 18.** 9.10 (2) (d) of the statutes is amended to read:

22 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
23 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
24 filing officer with whom the petition is filed. The petitioner shall append to the
25 registration a statement indicating his or her intent to circulate a recall petition, the

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1 name of the officer for whom recall is sought and, in the case of a petition for the recall
2 of a city, village, town, metropolitan sewerage district, or school district officer, a
3 statement of a reason for the recall which is related to the official responsibilities of
4 the official for whom removal is sought. No petitioner may circulate a petition for
5 the recall of an officer prior to completing registration. The last date ~~that~~ on which
6 a petition for the recall of a state, congressional, legislative, judicial or county officer
7 may be offered for filing is 5 p.m. on the 60th day commencing after registration. The
8 last date ~~that~~ on which a petition for the recall of a city, village, town, metropolitan
9 sewerage district, or school district officer may be offered for filing is 5 p.m. on the
10 30th day commencing after registration. After the recall petition has been offered
11 for filing, no name may be added or removed. No signature may be counted unless
12 the date of the signature is within the period provided in this paragraph.

13 **SECTION 19.** 9.10 (3) (a) of the statutes is amended to read:

14 9.10 (3) (a) This subsection applies to the recall of all elective officials other
15 than city, village, town, metropolitan sewerage district, and school district officials.
16 City, village, town, metropolitan sewerage district, and school district officials are
17 recalled under sub. (4).

18 **SECTION 20.** 9.10 (4) (a) of the statutes is amended to read:

19 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
20 metropolitan sewerage district, or school district official, is offered for filing, the
21 officer against whom the petition is filed may file a written challenge with the
22 ~~municipal clerk or board of election commissioners or school district clerk~~ official or
23 agency with whom it ~~the~~ petition is filed, specifying any alleged insufficiency. If a
24 challenge is filed, the petitioner may file a written rebuttal to the challenge with the
25 ~~clerk or board of election commissioners~~ official or agency within 5 days after the

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1 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed
2 may file a reply to any new matter raised in the rebuttal within 2 days after the
3 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
4 reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency
5 shall file the certificate or an amended certificate. Within 31 days after the petition
6 is offered for filing, the ~~clerk or board of election commissioners~~ official or agency
7 shall determine by careful examination of the face of the petition whether the
8 petition is sufficient and shall so state in a certificate issued by the official or agency
9 attached to the petition. If the petition is found to be insufficient, the certificate shall
10 state the particulars creating the insufficiency. The petition may be amended to
11 correct any insufficiency within 5 days following the affixing of the original
12 certificate. Within 2 days after the offering of the amended petition for filing, the
13 ~~clerk or board of election commissioners~~ official or agency shall again carefully
14 examine the face of the petition to determine sufficiency and shall attach to the
15 petition a certificate stating the findings. Immediately upon finding an original or
16 amended petition sufficient, except in cities over 500,000 population, the ~~municipal~~
17 ~~clerk or school district clerk~~ and except with regard to a petition offered for filing
18 against a metropolitan sewerage commissioner, the official shall transmit the
19 petition to the governing body or to the school board. Immediately Except with
20 regard to a petition filed against a metropolitan sewerage commissioner,
21 immediately upon finding an original or amended petition sufficient, in cities over
22 500,000 population, the board of election commissioners shall file the petition in its
23 office. Immediately upon finding an original or amended petition offered for filing
24 against a metropolitan sewerage commissioner to be sufficient, the secretary of the

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1 metropolitan sewerage district shall file the petition in his or her office and shall
2 transmit a copy of the petition to the metropolitan sewerage commission.

3 **SECTION 21.** 9.10 (4) (d) of the statutes is amended to read:

4 9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued
5 under par. (a), the governing body, school board, ~~or~~ board of election commissioners,
6 or metropolitan sewerage commission shall call a recall election. The recall election
7 shall be held on the Tuesday of the 6th week commencing after the date on which the
8 certificate is filed, except that if Tuesday is a legal holiday the recall election shall
9 be held on the first day after Tuesday which is not a legal holiday.

10 **SECTION 22.** 9.10 (7) of the statutes is amended to read:

11 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
12 article XIII, section 12, of the constitution and to extend the same rights to electors
13 of cities, villages, towns ~~and~~, school districts and metropolitan sewerage districts
14 created under s. 200.23.

15 **SECTION 23.** 10.05 of the statutes is amended to read:

16 **10.05 Posting of notice.** Unless specifically designated elsewhere, this
17 section applies to villages, towns ~~and~~, school districts, and metropolitan sewerage
18 districts. Whenever a notice is required to be published, a village, town ~~or~~, school
19 district, or metropolitan sewerage district may post 3 notices in lieu of publication
20 under ch. 985 whenever there is not a newspaper published within the village, town
21 ~~or~~, school district, or metropolitan sewerage district or whenever the governing body
22 of the village, town ~~or~~, school district, or metropolitan sewerage district chooses to
23 post in order to supplement notice provided in a newspaper. Whenever the manner
24 of giving notice is changed by the governing body, the body shall give notice of the
25 change in the manner used before the change. Whenever posting is used, the notices

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1 shall be posted no later than the day prescribed by law for publication, or if that day
2 falls within the week preceding the election to be noticed, at least one week before
3 the election. All notices given for the same election shall be given in the same
4 manner.

5 **SECTION 24.** 11.02 (3) of the statutes is amended to read:

6 11.02 (3) Except as provided in ~~sub.~~ subs. (3e) and (9), the “filing officer” for
7 each candidate for local office and for each committee which or individual who is
8 acting in support of or in opposition to any candidate for local office, but not any
9 candidate for state office, is the clerk of the most populous jurisdiction for which any
10 candidate who is supported or opposed seeks office.

11 **SECTION 25.** 11.02 (9) of the statutes is created to read:

12 11.02 (9) If the jurisdiction under sub. (3) is a metropolitan sewerage district,
13 the appropriate clerk is the secretary of the metropolitan sewerage district.

14 **SECTION 26.** 11.26 (1) (d) 2. of the statutes is amended to read:

15 11.26 (1) (d) 2. One cent times the number of inhabitants of the jurisdiction ~~or,~~
16 district, or subdistrict, according to the latest federal census or the census
17 information on which the district or subdistrict is based, as certified by the
18 appropriate filing officer, but not more than \$3,000.

19 **SECTION 27.** 11.26 (2) (e) 2. of the statutes is amended to read:

20 11.26 (2) (e) 2. Three-fourths of one cent times the number of inhabitants of
21 the jurisdiction ~~or,~~ district, or subdistrict, according to the latest federal census or the
22 census information on which the district, or subdistrict is based, as certified by the
23 appropriate filing officer, but not more than \$2,500.

24 **SECTION 28.** 11.31 (1) (g) 1. d. of the statutes is created to read:

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1 11.31 (1) (g) 1. d. Candidates for metropolitan sewerage commissioner,
2 \$17,250.

3 **SECTION 29.** 17.01 (11n) of the statutes is created to read:

4 17.01 (11n) By a member of the metropolitan sewerage commission, to the
5 secretary of the metropolitan sewerage district. The secretary shall immediately
6 give a copy of each resignation under this subsection to the elections board and to the
7 county and municipal clerk or board of election commissioners of each county and
8 municipality that has territory within the district.

9 **SECTION 30.** 17.13 (intro.) of the statutes is amended to read:

10 **17.13 Removal of village, town, town sanitary district, school district,**
11 **technical college and district, family care district, and metropolitan**
12 **sewerage district officers.** (intro.) Officers of towns, town sanitary districts,
13 villages, school districts, technical college districts ~~and~~, family care districts, and
14 metropolitan sewerage districts created under s. 200.23 may be removed as follows:

15 **SECTION 31.** 17.13 (3) of the statutes is amended to read:

16 17.13 (3) ALL OFFICERS. Any officer of a village, town, town sanitary district,
17 school district or, technical college district officer, or metropolitan sewerage district
18 created under s. 200.23, elective or appointive, including those embraced within
19 subs. (1) and (2), by ~~the~~ a judge of the circuit court of ~~the~~ a circuit wherein the village,
20 town, town sanitary district, school district ~~or,~~ technical college district, or
21 metropolitan sewerage district is situated, for cause.

22 **SECTION 32.** 17.27 (1g) of the statutes is created to read:

23 17.27 (1g) METROPOLITAN SEWERAGE COMMISSION SERVING 1ST CLASS CITY. Except
24 as provided in s. 9.10, a vacancy in the office of metropolitan sewerage commissioner
25 in any metropolitan sewerage district created under s. 200.23 may be filled by

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1 temporary appointment of the remaining members of the commission. The
2 temporary appointee shall serve for the residue of the unexpired term or until a
3 successor is elected and qualified under this subsection, whichever occurs first. If
4 the vacancy occurs in any year after the first Tuesday in April and on or before
5 December 1, the vacancy shall be filled for the residue of the unexpired term, if any,
6 on the date of the next spring election. If the vacancy occurs in any year after
7 December 1 or on or before the first Tuesday in April, the vacancy shall be filled for
8 the residue of the unexpired term, if any, at the 2nd succeeding spring election.

9 **SECTION 33.** 17.27 (1m) (title) of the statutes is amended to read:

10 17.27 **(1m)** (title) ~~METROPOLITAN~~ OTHER METROPOLITAN SEWERAGE COMMISSION
11 COMMISSIONS.

12 **SECTION 34.** 200.23 (2) of the statutes is repealed and recreated to read:

13 200.23 **(2)** COMPOSITION OF THE COMMISSION. (a) The commission is composed
14 of 11 members who are elected from 11 subdistricts within the district.

15 (b) Each commissioner shall be a resident of the subdistrict from which he or
16 she is elected. A commissioner who ceases to reside in the subdistrict from which he
17 or she was elected vacates his or her office.

18 (c) Commissioners shall be nominated by nomination papers. Candidates for
19 the office of commissioner shall specify on their nomination papers the subdistrict
20 number from which they seek office. The terms of commissioners shall be 2 years,
21 beginning on the 2nd Tuesday in July following their election, except that the terms
22 of the members who are initially elected to office representing even-numbered
23 subdistricts shall expire on the the 2nd Tuesday in July of the first even-numbered
24 year following their election, and the terms of the members who are initially elected

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1 to office representing odd-numbered subdistricts shall expire on the 2nd Tuesday of
2 July of the first odd-numbered year following their election.

3 (d) Commissioners may be removed from office, for cause, as provided in s.
4 17.13 (3) and may be recalled under s. 9.10. Vacancies in the office of commissioner
5 shall be filled as provided in s. 17.27 (1g).

6 (e) No later than 5 p.m. on the 2nd Tuesday in January, the secretary of the
7 district shall certify to the county clerk or board of election commissioners of each
8 county in which the district is contained the names of candidates who have filed valid
9 nomination papers for the office of commissioner and who are eligible to have their
10 names appear on the ballot under s. 8.30. If any municipality contained within the
11 district prepares its own ballots under s. 7.15 (2) (c), the secretary shall also certify
12 the names of candidates to the municipal clerk or board of election commissioners
13 of that municipality. In making these certifications, the secretary shall designate the
14 form of each candidate's name to appear on the ballot in the manner prescribed under
15 s 7.08 (2) (a). If a primary is held for the office of commissioner within any subdistrict
16 of the district, the secretary shall similarly certify the names of the candidates who
17 have won nomination to the office of commissioner and who are eligible to have their
18 names appear on the ballot in the manner prescribed in s. 7.08 (2) (a). The secretary
19 shall furnish one copy of the type A notice under s. 10.01 (2) (a) to each clerk or board
20 of election commissioners to whom a certification is required. If paper ballots are
21 used at a district election, the secretary shall provide each municipal clerk or board
22 of election commissioners with an adequate supply of ballots for the election at least
23 22 days before the election. The secretary shall issue certificates of election to
24 persons who are elected to the office of commissioner after each election in the
25 manner provided under s. 7.53 (4).

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1 **SECTION 35.** 200.25 (1) to (4) of the statutes are repealed.

2 **SECTION 36.** 200.25 (7) (a) of the statutes is repealed and recreated to read:

3 200.25 (7) (a) Within 60 days after the municipal governing body of each
4 municipality that is wholly or partly contained within the district enacts an
5 ordinance or resolution under s. 5.15 dividing the municipality into wards, if the
6 municipality is required to do so, or otherwise within 60 days after the population
7 count by block, established in the federal decennial census of population, and maps
8 showing the location and numbering of census blocks become available in printed
9 form from the federal government or are published for distribution by an agency of
10 this state, the commission shall, by a majority vote of the members of the
11 commission, adopt a revised plan for the apportionment of subdistricts within the
12 district. The subdistricts under the plan shall be assigned consecutive whole
13 numbers beginning with the number one. Each subdistrict under the plan shall
14 consist of contiguous whole wards or municipalities and shall be equal in population
15 insofar as practicable. For purposes of this paragraph, “island territory”, as defined
16 in s. 5.15 (2) (f) 3., shall be considered contiguous to the other parts of the
17 municipality to which it belongs. In developing the plan, the commission shall give
18 due consideration to maintaining the compactness of subdistricts, maintaining the
19 integrity of counties and municipalities within subdistricts, maintaining
20 communities of interest within subdistricts, and fostering politically competitive
21 subdistricts. The secretary of the commission shall certify and record an official copy
22 of the plan in the office of the district. The plan shall be effective until the commission
23 adopts a revised plan under this subsection following the next federal decennial
24 census, unless otherwise ordered by a court under par. (b).

25 **SECTION 37.** 200.25 (8) of the statutes is repealed.

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1 **SECTION 38.** 200.27 (1) of the statutes is amended to read:

2 200.27 (1) QUORUM. Six commissioners constitute a quorum for the transaction
3 of business. ~~If after reapportionment under s. 200.25 (7) the number of~~
4 ~~commissioners is increased to 12 or 13, 7 commissioners constitute a quorum, If after~~
5 ~~reapportionment under s. 200.25 (7) the number of commissioners is reduced to 9 or~~
6 ~~10, 5 commissioners constitute a quorum.~~

7 **SECTION 39.** 200.27 (3) of the statutes is amended to read:

8 200.27 (3) CHAIRPERSON. The At a commission's first meeting after an election
9 of commissioners the terms of whom begin on the 2nd Tuesday in July, the
10 commission shall elect one commissioner as chairperson of the commission, for a
11 one-year term specified by rule by the commission. The term shall begin on the date
12 the chairperson is elected and shall end one year later, except that if a successor has
13 not been elected by the end of the chairperson's term, the term shall end on the date
14 on which a successor is elected. The chairperson is removable at pleasure by a
15 majority vote of the members of the commission if a quorum is present at the meeting
16 at which the vote occurs. The chairperson shall preside over the meetings of the
17 commission and shall perform other duties imposed upon the chairperson by this
18 subchapter or assigned by the commission. The commission may also appoint a vice
19 chairperson who may exercise the powers and shall perform the duties of the
20 chairperson in the absence or disability of the chairperson.

21 **SECTION 40. Nonstatutory provisions.**

22 (1) Notwithstanding section 200.25 (7) (a) of the statutes, as affected by this act,
23 the initial plan of apportionment of subdistricts within any metropolitan sewerage
24 district created under section 200.23, 2001 stats., that is in existence on the effective
25 date of this subsection shall be prescribed in accordance with this subsection. For

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1 the purpose of implementing an initial plan of apportionment in any such district,
2 there is created a legislative special committee to be called the joint committee for
3 Milwaukee Metropolitan Sewerage District subdistricting. The committee shall
4 consist of 5 representatives to the assembly and 5 senators, with 4 members in each
5 house representing the majority party and one member in each house representing
6 the minority party. Members shall be appointed in the same manner as members of
7 standing committees are appointed in their respective houses. Each house shall
8 ensure that at least 3 of the members representing that house represent legislative
9 districts that include territory lying within the metropolitan sewerage district that
10 is being apportioned. The committee shall recommend an initial plan of
11 apportionment of the subdistricts within the metropolitan sewerage district in the
12 form of a bill which shall be introduced by the committee. The plan shall be based
13 upon the most recent federal decennial census of population on the effective date of
14 this subsection. In prescribing its recommended plan of apportionment, the
15 committee shall adhere to the same standards that are applicable to a metropolitan
16 sewerage commission in prescribing a plan of apportionment under section 200.25
17 (7) (a) of the statutes, as affected by this act. Each house of the legislature shall
18 consider the bill within 45 days of introduction. If the bill introduced by the
19 committee is passed by the legislature but does not become law, the committee shall
20 recommend an alternative bill prescribing subdistricts within the metropolitan
21 sewerage district which shall be considered in a like manner. The committee ceases
22 to exist upon enactment of a bill recommended by the committee.

23 (2) Notwithstanding section 200.25 (1), 2001 stats., the terms of office of the
24 members of each metropolitan sewerage commission created under section 200.23,
25 2001 stats., that is in existence on the effective date of this subsection shall expire

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1 on the date of commencement of the terms of office of their successors elected under
2 section 200.23 (2) of the statutes, as affected by this act.

3 **SECTION 41. Effective dates.** This act takes effect on November 15 following
4 the effective date of a plan of apportionment enacted in the manner described under
5 SECTION 40, except as follows:

6 (1) SECTION 40 of this act takes effect on the day after publication.

7 (END)