

2005-06 SESSION

COMMITTEE HEARING RECORDS

Assembly Committee on Campaigns & Elections (AC-CE)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ **05hr_AC-CE_Misc_pt26**

➤ Record of Comm. Proceedings ... RCP

➤ **



Al Ott

State Representative • 3rd Assembly District

AB 393
Standards for Local Recall
Assembly Committee on Campaigns and Elections
May 26, 2005

Thank you for the opportunity to testify on Assembly Bill 393 – Standards for Recall of Municipal and School District Officials.

My intent in authoring this bill is very simple – I want to see the re-establishment of a more reasonable approach to the local recall process.

A procedure for the recall of local officials was first instituted in Wisconsin in 1913. Local recall is a statutory provision, while the recall of state and county officials, members of Congress, and judges, is guaranteed under Article 13, sec. 12 of the state Constitution.

AB 393 applies only to elected town, village, city and school board officials. The bill has **no impact on county or state officials, members of Congress, or judges**, as Constitutional recall covers these offices. Further, AB 393 does not take away the ability to recall local officials. It simply aims to assure it is used when appropriate.

Prior to a change in the law in 1990 (1989 Wisconsin Act 192), a recall petition needed to contain a statement of grounds that constitute **cause** for the recall. **Cause is defined as inefficiency, neglect of duty, official misconduct, or malfeasance in office.** Additionally, the petition was subject to review by the circuit court in order to determine legitimacy of the recall effort.

Under current law, a petition for recall must only state a reason for the recall that is related to the official responsibility of the officer. The reason need not be substantiated or legitimate.

In recent years, a pattern has emerged of attempting to recall local officials based on one vote or viewpoint rather than actual misconduct in office. We are seeing more and more instances in which the power of recall is being abused. Consequently, qualified people are often discouraged from running for local office. The, "Not in My Backyard Syndrome" runs rampant in this state and makes the job of local elected officials all the more difficult.

I truly feel the current law is counterproductive to good decision-making, and ultimately fosters misguided policy. *Continuing on this course will result in very ineffective local governments.*

An elected official should be able to stand up for what they feel is right; citizens, in turn, should be able to cast their votes at election time if they are unhappy with the **views** of those they elected.

In an effort to ensure that the local recall process is used appropriately, AB 393 returns the local recall in Wisconsin to the system in place prior to 1990.

This bill implements a mechanism of checks and balances in the recall process by providing for a neutral party to make the distinction between misconduct, versus an unpopular decision, as sufficient grounds for removing a person from public office during their term. It should be noted, that the circuit court would not determine truth of the grounds for cause – but rather determine validity of the grounds if they were true. The goal here is to eliminate frivolous local recalls.

Recall elections are not only divisive, but costly to local governments. In this time of fiscal difficulty, costly recall elections are a waste of valuable resources.

Mayor of Menomonie – Dennis Kropp – contacted me and said it well when he stated, “With elections for these offices being held every two years, there is ample opportunity for the public to address candidates’ positions without the need for a separate, often divisive election.”

The following examples should illustrate why changes are needed:

- In November, 2004, a **personal dispute** between neighbors resulted in a recall election in the Brown County Village of Denmark – just five months shy of the end of the village trustee’s two-year term.

A disagreement regarding landscaping and fencing compelled one neighbor to file a recall petition against the other who serves on the village board. The neighbor filing the petition felt this person should not be on the board because they were displeased with how the personal dispute was being handled.

- Several incumbents on the Osseo-Fairchild school board faced a recall and were ousted in 2002, because they favored **phasing out the school’s Chieftain logo, as they felt it was possibly demeaning to Native Americans and could result in lawsuits against the district.**
- A similar situation, regarding the same issue, occurred in the Milton School District in the 1999-2000 school year, but those members survived the election
- In December of 1999, a member of the Parkview School District in Orfordville was removed from office because of the firing of a basketball coach. **The ousted member was, however, returned to the board in the April general election.**

The goal of AB 393 is to return reasonableness to the local recall process by providing a system of checks and balances.

Abuse of the current system is a major threat to sound local policy making. Recalls are costly, in more ways than one. Let our citizens exercise their right to recall local elected officials when it is necessary – in the cases of misconduct and malfeasance in office – not when selfish agendas or hot-headed differences of opinion dictate.

Thank you for your consideration of AB 393. I would be happy to take questions from the Committee.

STATE OF WISCONSIN

IRON
(Name of County)

CITY OF MONTREAL, WI
(Name of Municipality)

STATEMENT OF INTENT TO CIRCULATE RECALL PETITION

THE UNDERSIGNED RECALL PETITIONER, CHARLES K. MONCHER
(Print Name)

STATES HIS/HER INTENT TO CIRCULATE, PURSUANT TO S.9.10 OF THE WISCONSIN
STATUTES, A PETITION TO RECALL,

OR his successor
DALE WICKLUND MONTREAL COUNCELMAN WARD II
(Indicate the name of, and office held by, the official being recalled),

FOR THE FOLLOWING REASON OR REASONS RELATED TO THE OFFICIAL
RESPONSIBILITIES OF THE OFFICIAL SOUGHT TO BE RECALLED:

WE THE PEOPLE OF THE CITY OF MONTREAL WI. NO LONGER HAVE
CONFIDENCE IN MR. WICKLUND'S ABILITY TO HOLD THE OFFICE
OF COUNCILMAN WITH THE BEST INTEREST OF IT'S PEOPLE IN
MIND.

(This statement should be appended to the Campaign Registration Statement (CR-1) filed with the filing officer.)

Dated this 14 day of APR, 2005 Charles K Moncher
(Signature of Petitioner)

(Notary Not Required)

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