

2007 Assembly Bill 82

Date of enactment: **March 5, 2008**
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2007 WISCONSIN ACT 56

AN ACT *to amend* 9.10 (1) (a), 9.10 (2) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (title), 9.10 (4) (a), 9.10 (4) (h), 9.10 (7) and 60.75 (4) of the statutes; **relating to:** recall of elective town sanitary district commissioners.

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

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

9.10 (1) (a) The qualified electors of the state, of any county, city, village, or town, of any congressional, legislative, judicial, town sanitary, or school district, or of any prosecutorial unit may petition for the recall of any incumbent elective official by filing a petition with the same official or agency with whom nomination papers or declarations of candidacy for the office are filed demanding the recall of the officeholder.

SECTION 2. 9.10 (2) (b) of the statutes is amended to read:

9.10 (2) (b) A recall petition for a city, village, town, town sanitary district, or school district office shall contain a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought.

SECTION 3. 9.10 (2) (d) of the statutes is amended to read:

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

of the officer for whom recall is sought and, in the case of a petition for the recall of a city, village, town, town sanitary district, or school district officer, a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought. No petitioner may circulate a petition for the recall of an officer prior to completing registration. The last date that a petition for the recall of an officer may be offered for filing is 5 p.m. on the 60th day commencing after registration. After the recall petition has been offered for filing, no name may be added or removed. No signature may be counted unless the date of the signature is within the period provided in this paragraph.

SECTION 4. 9.10 (3) (a) of the statutes is amended to read:

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

SECTION 5. 9.10 (4) (title) of the statutes is amended to read:

9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, AND SCHOOL DISTRICT OFFICES.

SECTION 6. 9.10 (4) (a) of the statutes is amended to read:

9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town, town sanitary district, or

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

school district official, is offered for filing, the officer against whom the petition is filed may file a written challenge with the municipal clerk or board of election commissioners or school district clerk with whom it is filed, specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the challenge with the clerk or board of election commissioners within 5 days after the challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed may file a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the clerk or board of election commissioners shall file the certificate or an amended certificate. Within 31 days after the petition is offered for filing, the clerk or board of election commissioners shall determine by careful examination of the face of the petition whether the petition is sufficient and shall so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the clerk or board of election commissioners shall again carefully examine the face of the petition to determine sufficiency and shall attach to the petition a certificate stating the findings. Immediately upon finding an original or amended petition sufficient, except in cities over 500,000 population, the municipal clerk or school district clerk shall transmit the petition to the governing body or to the school board.

Immediately upon finding an original or amended petition sufficient, in cities over 500,000 population, the board of election commissioners shall file the petition in its office.

SECTION 7. 9.10 (4) (h) of the statutes is amended to read:

9.10 (4) (h) All candidates for any ~~town or village,~~ town, and town sanitary district office, other than the official against whom the recall petition is filed, shall file nomination papers, regardless of the method of nomination of candidates for town or village office under s. 8.05.

SECTION 8. 9.10 (7) of the statutes is amended to read:

9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of article XIII, section 12, of the constitution and to extend the same rights to electors of cities, villages, towns, town sanitary districts, and school districts.

SECTION 9. 60.75 (4) of the statutes is amended to read:

60.75 (4) VACANCIES. Any vacancy on an elective or appointive commission may be filled by appointment by the town board for the remainder of the unexpired term, except as provided in s. 9.10. Any vacancy on a commission consisting of town board supervisors remains vacant until a successor town board supervisor is appointed or elected.

SECTION 10. Initial applicability.

(1) This act first applies with respect to recall petitions that are initially circulated on the effective date of this subsection.