ASSEMBLY BILL 82 (LRB -0908)

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.

2007

02-22.	A.	Introduced by Representatives **Hubler** and **Ziegelbauer**; cosponsored by Senator **Jauch**, by request of Ron Helstern of Barronett, Wisconsin.	
02-22.	A.	Read first time and referred to committee on Elections and Constitutional Law	67
03-22.	A.	Public hearing held.	
04-19.	A.	Executive action taken.	
04-24.	A.	Report passage recommended by committee on Elections and Constitutional Law, Ayes 7, Noes 0	137
04-24.	A.	Referred to committee on Rules	137
10-18.	A.	Placed on calendar 10-23-2007 by committee on Rules.	
10-24.	A.	Read a second time	322
10-24.	A.	Ordered to a third reading	322
10-24.	A.	Rules suspended	322
10-24.	A.	Read a third time and **passed**	322
10-24.	A.	Ordered immediately messaged	322
10-25.	S.	Received from Assembly	371
11-02.	S.	Read first time and referred to committee on Labor, Elections and Urban Affairs	404
12-04.	S.	Public hearing held.	
12-04.	S.	Executive action taken.	
12-04.	S.	Report concurrence recommended by committee on Labor, Elections and Urban Affairs, Ayes 4, Noes 1	448
12-04.	S.	Available for scheduling.	

2008

01-09.	S.	Placed on calendar 1-15-2008 by committee on Senate Organization.
01-15.	S.	Read a second time.
01-15.	S.	Ordered to a third reading.
01-15.	S.	Rules suspended.
01-15.	S.	Read a third time and **concurred in**.
01-15.	S.	Ordered immediately messaged.
01-15.	A.	Received from Senate concurred in.

2007
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ *Orig*   ☐ *Engr*   __ SubAmdt __   07 _-0908_ / _1_

Amendments to above (if none, write "NONE"): _None_____

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Corrections – show date (if none, write "NONE"): _None_____

_____

Topic _Rel_____

_____

_1-16-08_   _[signature]_
Date   **Enrolling Drafter**

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2007 ASSEMBLY BILL 82

February 22, 2007 – Introduced by Representatives HUBLER and ZIEGELBAUER, cosponsored by Senator JAUCH, by request of Ron Helstern of Barronett, Wisconsin. Referred to Committee on Elections and Constitutional Law.

1   AN ACT *to amend* 9.10 (1) (a), 9.10 (2) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (title),

2   9.10 (4) (a), 9.10 (4) (h), 9.10 (7) and 60.75 (4) of the statutes; **relating to:** recall

3   of elective town sanitary district commissioners.

Analysis by the Legislative Reference Bureau

This bill extends the right of recall to electors of a town sanitary district for elective town sanitary district commissioners. Currently, the electors of a town have the right to recall elective town officers, but town sanitary district offices are not strictly town offices because town sanitary districts may encompass only portions of a town or portions of more than one town.

Under the bill, a petition for the recall of an elective town sanitary district commissioner must be signed by electors equal to at least 25 percent of the vote cast for the office of governor at the last election within the district. A recall petition must include a statement of a reason for the recall which is related to the official responsibilities of the commissioner for whom removal is sought, but the statement need not be proven. Under the bill, no petition for the recall of a town sanitary district commissioner may be filed prior to the expiration of one year after the beginning of the term of office for which the commissioner is elected, and once an election for recall of a commissioner is held, no further petition may be filed against the same commissioner during the term for which the commissioner is elected.

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

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

2   9.10 **(1)** (a) The qualified electors of the state, of any county, city, village, <u>or</u>

3   town, of any congressional, legislative, judicial<u>, town sanitary,</u> or school district, or

4   of any prosecutorial unit may petition for the recall of any incumbent elective official

5   by filing a petition with the same official or agency with whom nomination papers

6   or declarations of candidacy for the office are filed demanding the recall of the

7   officeholder.

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

9   9.10 **(2)** (b) A recall petition for a city, village, town<u>, town sanitary district,</u> or

10   school district office shall contain a statement of a reason for the recall which is

11   related to the official responsibilities of the official for whom removal is sought.

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

13   9.10 **(2)** (d) No petition may be offered for filing for the recall of an officer unless

14   the petitioner first files a registration statement under s. 11.05 (1) or (2) with the

15   filing officer with whom the petition is filed. The petitioner shall append to the

16   registration a statement indicating his or her intent to circulate a recall petition, the

17   name of the officer for whom recall is sought and, in the case of a petition for the recall

18   of a city, village, town<u>, town sanitary district,</u> or school district officer, a statement

19   of a reason for the recall which is related to the official responsibilities of the official

20   for whom removal is sought. No petitioner may circulate a petition for the recall of

21   an officer prior to completing registration. The last date that a petition for the recall

22   of an officer may be offered for filing is 5 p.m. on the 60th day commencing after

23   registration. After the recall petition has been offered for filing, no name may be

24   added or removed. No signature may be counted unless the date of the signature is

25   within the period provided in this paragraph.

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ASSEMBLY BILL 82   SECTION 4

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

2   9.10 **(3)** (a) This subsection applies to the recall of all elective officials other

3   than city, village, town, town sanitary district, and school district officials. City,

4   village, town, town sanitary district, and school district officials are recalled under

5   sub. (4).

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

7   9.10 **(4)** (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, AND SCHOOL DISTRICT

8   OFFICES.

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

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

11   town sanitary district, or school district official, is offered for filing, the officer

12   against whom the petition is filed may file a written challenge with the municipal

13   clerk or board of election commissioners or school district clerk with whom it is filed,

14   specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a

15   written rebuttal to the challenge with the clerk or board of election commissioners

16   within 5 days after the challenge is filed. If a rebuttal is filed, the officer against

17   whom the petition is filed may file a reply to any new matter raised in the rebuttal

18   within 2 days after the rebuttal is filed. Within 14 days after the expiration of the

19   time allowed for filing a reply to a rebuttal, the clerk or board of election

20   commissioners shall file the certificate or an amended certificate. Within 31 days

21   after the petition is offered for filing, the clerk or board of election commissioners

22   shall determine by careful examination of the face of the petition whether the

23   petition is sufficient and shall so state in a certificate attached to the petition. If the

24   petition is found to be insufficient, the certificate shall state the particulars creating

25   the insufficiency. The petition may be amended to correct any insufficiency within

1 5 days following the affixing of the original certificate. Within 2 days after the

2 offering of the amended petition for filing, the clerk or board of election

3 commissioners shall again carefully examine the face of the petition to determine

4 sufficiency and shall attach to the petition a certificate stating the findings.

5 Immediately upon finding an original or amended petition sufficient, except in cities

6 over 500,000 population, the municipal clerk or school district clerk shall transmit

7 the petition to the governing body or to the school board. Immediately upon finding

8 an original or amended petition sufficient, in cities over 500,000 population, the

9 board of election commissioners shall file the petition in its office.

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

11 9.10 (4) (h) All candidates for any ~~town or~~ village, town, and town sanitary

12 district office, other than the official against whom the recall petition is filed, shall

13 file nomination papers, regardless of the method of nomination of candidates for

14 town or village office under s. 8.05.

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

16 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of

17 article XIII, section 12, of the constitution and to extend the same rights to electors

18 of cities, villages, towns, town sanitary districts, and school districts.

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

20 60.75 (4) VACANCIES. Any vacancy on an elective or appointive commission may

21 be filled by appointment by the town board for the remainder of the unexpired term,

22 except as provided in s. 9.10. Any vacancy on a commission consisting of town board

23 supervisors remains vacant until a successor town board supervisor is appointed or

24 elected.

25 SECTION 10. Initial applicability.

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ASSEMBLY BILL 82   SECTION 10

1   (1) This act first applies with respect to recall petitions that are initially

2   circulated on the effective date of this subsection.

3   **(END)**