

## 2007 DRAFTING REQUEST

### Bill

Received: 11/27/2006

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Steve Engelbert

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Elections - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hubler@legis.wisconsin.gov

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Recall of town sanitary district officers

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### Instructions:

Per attached E mail, 11/15/06.

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 01/13/2007	kfollett 01/15/2007		_____			
/1			nmatzke 01/15/2007	_____	mbarman 01/16/2007	cduerst 02/06/2007	

FE Sent For: *none*

<END>

*per Steve @  
Hubler's office  
via phone*

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12/11	jkuesel 01/13/2007	lrb_editor 1/15	nwn 1/15	nwn/pj 1/15			
FE Sent For:							

<END>

## Kuesel, Jeffery

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**To:** Duerst, Christina  
**Subject:** Recall of town sanitary district officers

Steve,

I will take care of this request for you. I agree that a statutory change is required and I think I understand what to do.

---

**From:** Duerst, Christina  
**Sent:** Wednesday, November 15, 2006 3:47 PM  
**To:** Kuesel, Jeffery  
**Subject:** FW: Message for Jeff Kuesel

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**From:** Hubler, Mary  
**Sent:** Wednesday, November 15, 2006 3:30 PM  
**To:** LRB.Legal  
**Subject:** Message for Jeff Kuesel

Mr. Kuesel:

Representative Mary Hubler wants a bill drafted that would provide for the recall of elected officials of a sanitary district. SS 9.10 specifies which electors may petition for recall of elected officials. Sanitary districts are excluded. An attorney with the Legislative Council opined that there is no mechanism for recall of these officials.

Thank you

Steve Engelbert  
Office of Rep. Mary Hubler  
266-2519

IGF

Wanted by Wed 1/17

~~1999 BILL~~

1 AN ACT <sup>(regenerate)</sup> to amend 9.10 (1) (a) and (b), (2) (b) and (d) and (3) (a), 9.10 (4) (title),  
2 (a) and (h) and (7) and 60.75 (4) of the statutes; relating to: recall of elective  
3 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% <sup>percent</sup> of the vote cast for president 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. 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 office of Governor

Under the bill, no

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

\* LPS: only using p. 5 after this page from 99-0795/1

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0908/lins  
JTK.....

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

X  
9.10 (1) (a) The qualified electors of the state, of any county, city, village, town, <sup>or</sup> ~~town,~~ <sup>town sanitary district,</sup> of any congressional, legislative, judicial 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.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

~~SECTION 2. 9.10 (1) (b) of the statutes is amended to read:~~

9.10 (1) (b) Except as provided in par. (c), a petition for recall of an officer shall be signed by electors equal to at least 25% of the vote cast for the office of governor at the last election within the same district or territory as that of the officeholder being recalled.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

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

9.10 (2) (b) A recall petition for a city, village, town, <sup>town sanitary district,</sup> 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.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

SECTION 4. 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, <sup>town sanitary district,</sup> 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.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

**SECTION 5.** 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 <sup>town sanitary district,</sup> and school district officials. City, village, town <sup>town sanitary district,</sup> and school district officials are recalled under sub. (4).

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

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

9.10 (4) (title) CITY, VILLAGE, TOWN <sup>TOWN SANITARY DISTRICT,</sup> AND SCHOOL DISTRICT OFFICES. (CS)

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

**SECTION 7.** 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 <sup>town sanitary district,</sup> or 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.

**History:** 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

**SECTION 8.** 9.10 (4) (h) of the statutes is amended to read:

9.10 (4) (h) All candidates for any ~~town or~~ <sup>town, and town sanitary</sup> village office, other than the official <sup>district</sup> 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.

**History:** 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

**SECTION 9.** 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 <sup>town sanitary districts,</sup> and school districts.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451.

**SECTION 10. 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 <sup>except as provided in s. 9, 10</sup>. Any vacancy on a commission consisting of town board supervisors remains vacant until a successor town board supervisor is appointed or elected.

History: 1983 a. 532.



