

2011 DRAFTING REQUEST

Assembly Amendment (AA-SB275)

Received: 03/15/2012

Received By: jkuesel

Wanted: Today

Companion to LRB:

For: Frederick Kessler (608) 266-5813

By/Representing: Sharon Little

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Popular election of technical college district boards

Instructions:

Per 2007 LRB-1393/3.

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 03/15/2012	wjackson 03/15/2012		_____			
/1			rschluet 03/15/2012	_____	mbarman 03/15/2012	mbarman 03/15/2012	

FE Sent For:

<END>

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12/1	jkuesel 3/15/12	1 Wj 3/15		_____	_____	_____	_____
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FE Sent For:

<END>

Kuesel, Jeffery

From: Little, Sharon
Sent: Thursday, March 15, 2012 3:21 PM
To: Schmidt, Dan; Kuesel, Jeffery
Cc: Selkove, Vicky
Subject: oops, forwarding to Jeff Kuesel LRB re FW: 2 amendments requested to SB 275 (MATC) from Rep. Kessler

Attachments: 07-13933.pdf

Jeff,
Fred and Cory are working on a few amendments to SB 275. Here are 2, there's one more that I know of coming.
Shar

From: Rep.Kessler
Sent: Thursday, March 15, 2012 2:52 PM
To: Schmidt, Dan
Subject: 2 amendments requested to SB 275 (MATC) from Rep. Kessler



07-13933.pdf (66 KB)

Rep. Kessler asked for 2 amendments to SB 275 using the language from the attached 07-1393-3 draft.

The first would take the language that applies to Milwaukee (500,000+) and apply it to SB 275.
The 2nd would make the entire draft an amendment to SB 275.

Please let me know if you have any questions.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2998/2
JTK:.....

1
JW

NOW

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
ASSEMBLY AMENDMENT,
TO 2011 SENATE BILL 275

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 1. Page 1, line 5: delete ~~the line and~~ substitute "technical college district
4 boards and granting rule-making authority." (STET)

5 2. Page 1, line 6: delete the material beginning with that line and ending with
6 page 6, line 20 and substitute:

7 (END)

, including the material inserted by senate amendment 1,

2007 BILL

1 **AN ACT** *to repeal* 38.04 (15), 38.08 (1g), (2) and (2m) and 38.10; *to amend* 5.01
2 (3) (a), 5.02 (23), 5.62 (1) (a), 5.62 (1) (b) 2., 5.62 (2) (b), 5.62 (3), 5.64 (1) (ag), 5.64
3 (1) (ar) 1. a., 5.64 (1) (e) 2., 7.60 (4) (a), 7.60 (5) (a), 7.70 (3) (d), 9.10 (1) (a), 9.10
4 (2) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (title), 9.10 (4) (a) and (d) and (7), 11.26
5 (1) (c), 11.26 (2) (c), 11.31 (1) (f), 11.31 (1) (g) (intro.), 11.50 (1) (a) 1. and 2., 38.08
6 (1) (b) and 38.08 (3); *to repeal and recreate* 17.27 (3) and 38.08 (1) (a); and *to*
7 *create* 5.01 (3) (c), 7.70 (6), 8.15 (6) (ds), 17.01 (10m), 17.02 (2), 17.17 (2), 38.01
8 (12), 38.06 (6), 38.08 (1) (c) and 38.08 (6) of the statutes; **relating to:** popular
9 election of technical college district boards and granting rule-making
10 authority.

Analysis by the Legislative Reference Bureau

Currently, the technical college system is managed on the local level by district boards consisting of nine members in each of the state's 16 technical college districts. The members of the technical college district board for each district are appointed by an appointment committee consisting of local elected officials in accordance with a representation plan based upon population distribution within the district,

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including distribution of women and minorities. All members of district boards must be residents of the technical college district. Two members must be employers and two members must be employees. One member must be a school district administrator of a school district that lies within the technical college district. All members serve for staggered three-year terms.

This bill provides that, except in a district that includes territory within a county having a population of 500,000 or more, district boards consist of nine members who are elected at large to fill unnumbered seats. In each district that includes territory within a county having a population of 500,000 or more, the district board consists of eleven members who are elected from eleven election districts within the technical college district, except that the bill prescribes the boundaries of four initial election districts in each such district, and provides for a specified number of members ranging from two to four members to be elected at large from these initial election districts. Under the bill, all district board members are elected on a partisan ballot at the general election in each year in which a president is elected. In each district that includes territory within a county having a population of 500,000 or more, each district board member must be an elector of the election district from which he or she is elected. Terms are changed to four years. In districts that do not include territory within a county having a population of 500,000 or more, each elector has nine votes and the nine candidates who receive the greatest numbers of votes are elected, except that no more than six candidates representing the same political party may be certified as winners. Under the bill, current district board members serve until January 1, 2009, at which time district board members who are elected at the 2008 general election take office. Nomination paper signature requirements, contribution limits, and spending guidelines are the same as for the office of representative to the assembly. Candidates for the district board are not eligible to receive public grants to finance their campaigns.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

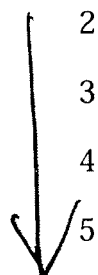
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.01 (3) (a) of the statutes is amended to read:

5.01 (3) (a) Except as provided in par. (b) pars. (b) and (c), in every election to choose any officer, each elector has one vote for each office unless clearly indicated otherwise. The person receiving the greatest number of legal votes for the office shall be declared elected, and the canvassers shall so determine and certify.

SECTION 2. 5.01 (3) (c) of the statutes is created to read:

Hard
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All



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1 5.01 (3) (c) In a regular election for members of the technical college district
 2 board in any district that does not include territory within a county having a
 3 population of 500,000 or more, each elector has 9 votes and the 9 candidates who
 4 receive the greatest numbers of votes shall be declared elected, except that if the
 5 election of candidates whose names appear on the ballot under the name of any single
 6 political party would cause that party to be represented on that district board by
 7 more than 6 members, the candidate or candidates receiving the next highest
 8 numbers of votes shall be declared elected. In a election to fill a vacancy in the
 9 membership of a technical college district board in such a district, each elector has
 10 one vote for each seat to be filled and the number of candidates equal to the number
 11 of seats being filled who receive the greatest numbers of votes shall be declared
 12 elected, except that if the election of candidates whose names appear on the ballot
 13 under the name of any single political party, together with the current members of
 14 the district board whose names appeared on the ballot under the name of the same
 15 party, would cause that party to be represented on that district board by more than
 16 6 members, the candidate or candidates receiving the next highest numbers of votes
 17 shall be declared elected.

18 **SECTION 3.** 5.02 (23) of the statutes is amended to read:

19 5.02 (23) "State office" means the offices of governor, lieutenant governor,
 20 secretary of state, state treasurer, attorney general, state superintendent, justice of
 21 the supreme court, court of appeals judge, circuit court judge, state senator, state
 representative to the assembly ~~and~~, district attorney, and member of a technical
college district board.

Handwritten notes in a circle:
 PMS
 3-22
 11-32
 (24)

24 ~~**SECTION 4.** 5.62 (1) (a) of the statutes is amended to read:~~

BILL

1 5.62 (1) (a) At September primaries, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, state and
3 county offices and independent candidates for state office in each ward. The ballot
4 shall be in the same form as prescribed by the board under s. 7.08 (1) (a), except as
5 authorized in s. 5.655. The ballots shall be made up of the several party tickets with
6 each party entitled to participate in the primary under par. (b) or sub. (2) having its
7 own ballot, except as authorized in s. 5.655. The independent candidates for state
8 office other than district attorney and technical college district board member shall
9 have a separate ballot for all such candidates as under s. 5.64 (1) (e), except as
10 authorized in s. 5.655. The ballots shall be secured together at the bottom. The party
11 ballot of the party receiving the most votes for president or governor at the last
12 general election shall be on top with the other parties arranged in descending order
13 based on their vote for president or governor at the last general election. The ballots
14 of parties qualifying under sub. (2) shall be placed after the parties qualifying under
15 par. (b), in the same order in which the parties filed petitions with the board. Any
16 ballot required under par. (b) 2. shall be placed next in order. The ballot listing the
17 independent candidates shall be placed at the bottom. At polling places where voting
18 machines are used, each party and the independent candidates shall be represented
19 in one or more separate columns or rows on the ballot. At polling places where an
20 electronic voting system is used other than an electronic voting machine, each party
21 and the independent candidates may be represented in separate columns or rows on
22 the ballot.

23 SECTION 5. 5.62 (1) (b) 2. of the statutes is amended to read:

24 5.62 (1) (b) 2. Subdivision 1. applies to a party within any assembly district,
25 election district within a technical college district or county at any September

BILL

1 primary election only if at least one candidate of the party for any national, state or
2 county office qualifies to have his or her name appear on the ballot under the name
3 of that party within that assembly district, election district within a technical college
4 district, or county. The county clerk or county board of election commissioners shall
5 provide a combined separate ballot or one or more separate columns or rows on the
6 ballot that will permit an elector to cast a vote for a write-in candidate for the
7 nomination of any such party for each national, state and county office whenever that
8 party qualifies to be represented on a separate primary ballot or in one or more
9 separate columns or rows under subd. 1. but does not qualify under this subdivision.
10 The ballot shall include the name of each party qualifying for a separate ballot or one
11 or more separate columns or rows on the ballot under each office, with the names of
12 the candidates for each such party appearing in the same order in which the ballots
13 of the parties would appear under par. (a).

14 **SECTION 6.** 5.62 (2) (b) of the statutes is amended to read:

15 5.62 (2) (b) Paragraph (a) applies to a party within any assembly district,
16 election district within a technical college district, or county at any September
17 primary election only if at least one candidate of the party for any national, state or
18 county office qualifies to have his or her name appear on the ballot under the name
19 of that party within that assembly district, election district within a technical college
20 district, or county. The county clerk or county board of election commissioners shall
21 provide a combined separate ballot or one or more separate columns or rows on the
22 ballot that will permit an elector to cast a vote for a write-in candidate for the
23 nomination of any such party for each national, state and county office whenever that
24 party qualifies to be represented on a separate primary ballot or in one or more
25 separate columns or rows under par. (a) but does not qualify under this paragraph.

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1 The ballot shall include the name of each party qualifying for a separate ballot or one
2 or more separate columns or rows on the ballot under each office, with the names of
3 the candidates for each such party appearing in the same order in which the ballots
of the parties would appear under sub. (1) (a).

4 11-3A
5 **SECTION 7.** 5.62 (3) of the statutes is amended to read:

6 5.62 (3) The board shall designate the official primary ballot arrangement for
7 statewide offices, technical college district board member within each election
8 district, and district attorney within each prosecutorial district by using the same
9 procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate column
10 or row on the ballot, the candidates for office shall be listed together with the offices
11 which they seek in the following order whenever these offices appear on the
12 September primary ballot: governor, lieutenant governor, attorney general,
13 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,
14 state senator, representative to the assembly, district attorney, technical college
15 district board member, and the county offices. Below the names of the independent
16 candidates shall appear the party or principle of the candidates, if any, in 5 words
17 or less, as shown on their nomination papers.

18 **SECTION 8.** 5.64 (1) (ag) of the statutes is amended to read:

19 5.64 (1) (ag) Except as authorized in s. 5.655, there shall be a separate ballot
20 giving the names of all candidates for president and vice president and for statewide,
21 congressional, legislative, technical college district, and county offices in the same
22 form as prescribed by the board under s. 7.08 (1) (a).

23 ~~**SECTION 9.** 5.64 (1) (ar) 1. a. of the statutes is amended to read:~~

BILL

1 ~~5.64 (1) (ar) 1. a. Vote a straight party ticket for president and vice president,~~
2 ~~whenever those offices are contested, and for all statewide, congressional,~~
3 ~~legislative, technical college district, and county offices.~~

4 **SECTION 10.** 5.64 (1) (e) 2. of the statutes is amended to read:

5 5.64 (1) (e) 2. There shall be a separate column for the candidates of each party
6 qualifying for that column under s. 5.62 (1) (b) or (2), except that if, within any
7 assembly district, election district within a technical college district, or county, there
8 are no candidates for any national, state or county office representing such a party
9 who qualify to have their names appear on the ballot under the name of that party
10 within that assembly district, election district within a technical college district, or
11 county, the county clerk or board of election commissioners shall provide a combined
12 separate column that will permit an elector to cast a vote for a write-in candidate
13 of any such party for each national, state and county office whenever that party
14 qualifies to be represented in a separate column but does not qualify under this
15 subdivision. The ballot shall include the name of each party qualifying for a separate
16 column under each office, with the names of the candidates for each such party
17 appearing in the same order in which the columns of the parties would appear under
18 par. (b).

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; members of the technical college district boards; circuit
24 judges; district attorneys; and metropolitan sewerage commissioners, if the
25 commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected

BILL

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.

67-A
11-2117

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 government accountability board, by 1st class mail, a certified copy of
 19 each statement of the county board of canvassers for president and vice president,
 20 state officials, senators and representatives in congress, state legislators, justice,
 21 court of appeals judge, members of the technical college district boards, circuit judge,
 22 district attorney, and metropolitan sewerage commissioners, if the commissioners
 23 are 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

BILL

1 combined wards. Following primaries the county clerk shall enclose on forms
2 prescribed by the government accountability board the names, party or principle
3 designation, if any, and number of votes received by each candidate recorded in the
4 same manner. The county clerk shall deliver or transmit the certified statement to
5 the government accountability board no later than 7 days after each primary except
6 the September primary, no later than 10 days after the September primary and any
7 other election except the general election, and no later than 14 days after the general
8 election. The board of canvassers shall deliver or transmit a certified copy of each
9 statement for any technical college district referendum to the secretary of the
10 ~~technical college district board~~

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

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

24 **SECTION 14.** 7.70 (6) of the statutes is created to read:

BILL

1 7.70 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS; DETERMINATIONS. The
2 government accountability board shall transmit to the secretary of the district board
3 a copy of the certified determination of the chairperson of the government
4 accountability board or his or her designee for the election of each member of any
5 technical college district board.

6 **SECTION 15.** 8.15 (6) (ds) of the statutes is created to read:

8.15 (6) (ds) For the office of member of a technical college district board, not
less than 200 nor more than 400 electors.

*JWS
07-56-8*

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

10 9.10 (1) (a) The qualified electors of the state, of any county, city, village, town,
11 of any congressional, legislative, judicial, technical college, or school district, of any
12 election district within a technical college district, or of any prosecutorial unit may
13 petition for the recall of any incumbent elective official by filing a petition with the
14 same official or agency with whom nomination papers or declarations of candidacy
15 for the office are filed demanding the recall of the officeholder.

07-56

16 **SECTION 17.** 9.10 (2) (b) of the statutes is amended to read:

17 9.10 (2) (b) A recall petition for a city, village, town, technical college district,
18 or school district office shall contain a statement of a reason for the recall which is
19 related to the official responsibilities of the official for whom removal is sought.

07-56

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

21 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
22 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
23 filing officer with whom the petition is filed. The petitioner shall append to the
24 registration a statement indicating his or her intent to circulate a recall petition, the
25 name of the officer for whom recall is sought and, in the case of a petition for the recall

BILL

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

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

10 9.10 (3) (a) This subsection applies to the recall of all elective officials other
11 than city, village, town, technical college district, and school district officials. City,
12 village, town, technical college district, and school district officials are recalled under
13 sub. (4).

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

15 9.10 (4) (title) CITY, VILLAGE, TOWN AND TECHNICAL COLLEGE AND SCHOOL DISTRICT
16 OFFICES.

17 **SECTION 21.** 9.10 (4) (a) and (d) and (7) of the statutes are amended to read:

18 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
19 technical college district, or school district official, is offered for filing, the officer
20 against whom the petition is filed may file a written challenge with the ~~municipal~~
21 ~~clerk or board of election commissioners or school district clerk~~ official or agency with
22 whom it is filed, specifying any alleged insufficiency. If a challenge is filed, the
23 petitioner may file a written rebuttal to the challenge with the ~~clerk or board of~~
24 ~~election commissioners~~ official or agency within 5 days after the challenge is filed.
25 If a rebuttal is filed, the officer against whom the petition is filed may file a reply to

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

21 (d) Promptly upon receipt of a certificate under par. (a), the governing body,
22 school board, ~~or board of election commissioners,~~ or government accountability board
23 shall call a recall election. The recall election shall be held on the Tuesday of the 6th
24 week commencing after the date on which the certificate is filed, ~~except that if~~

BILL

1 ~~Tuesday is a legal holiday~~ the recall election shall be held on the first day after
2 Tuesday which is not a legal holiday.

3 **(7) PURPOSE.** ~~The purpose of this section is to facilitate the operation of article~~
4 ~~XIII, section 12, of the constitution and to extend the same rights to electors of cities,~~
5 ~~villages, towns, technical college districts, and school districts.~~

6 **SECTION 22.** 11.26 (1) (c) of the statutes is amended to read:

7 11.26 **(1)** (c) Candidates for representative to the assembly or member of a
8 technical college district board, \$500.

9 **SECTION 23.** 11.26 (2) (c) of the statutes is amended to read:

10 11.26 **(2)** (c) Candidates for representative to the assembly or member of a
11 technical college district board, \$500.

12 **SECTION 24.** 11.31 (1) (f) of the statutes is amended to read:

13 11.31 **(1)** (f) Candidates for representative to the assembly or member of a
14 technical college district board, \$17,250 total in the primary and election, with
15 disbursements not exceeding \$10,775 for either the primary or the election.

16 **SECTION 25.** 11.31 (1) (g) (intro.) of the statutes is amended to read:

17 11.31 **(1)** (g) (intro.) In any jurisdiction or district, other than a technical college
18 district or judicial district or circuit, with a population of 500,000 or more according
19 to the most recent federal census covering the entire jurisdiction or district:

20 **SECTION 26.** ~~11.50 (1) (a) 1. and 2. of the statutes are amended to read:~~

21 11.50 **(1)** (a) 1. With respect to a spring or general election, any individual who
22 is certified under s. 7.08 (2) (a) as a ~~candidate in the spring election for justice or state~~
23 ~~superintendent, or an individual who receives at least 6% of the vote cast for all~~
24 ~~candidates on all ballots for any state office, except district attorney or technical~~
25 ~~college district board member, for which the individual is a candidate at the~~

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1 September primary and who is certified under s. 7.08 (2) (a) as a candidate for that
2 office in the general election, or an individual who has been lawfully appointed and
3 certified to replace either such individual on the ballot at the spring or general
4 election; and who has qualified for a grant under sub. (2).

5 2. With respect to a special election, an individual who is certified under s. 8.50
6 (1) (d) as a candidate in a special election for state superintendent, or an individual
7 who is certified under s. 8.50 (1) (d) as a candidate in a special election for any state
8 office, except district attorney or technical college district board member, on the
9 ballot or column of a party whose candidate for the same office at the preceding
10 general election received at least 6 percent of the vote cast for all candidates on all
11 ballots for the office, or an individual who has been lawfully appointed and certified
12 to replace either such individual on the ballot at a special election, or an individual
13 who receives at least 6 percent of the vote cast for all candidates on all ballots for any
14 state office, except district attorney or technical college district board member, at a
15 partisan special election; and who qualifies for a grant under sub. (2). Where the
16 boundaries of a district in which an individual seeks office have been changed since
17 the preceding general election such that it is not possible to calculate the exact
18 number of votes that are needed by that individual to qualify as an eligible candidate
19 prior to an election under this subdivision, the number of votes cast for all candidates
20 for the office at the preceding general election in each ward, combination of wards
21 or municipality which is wholly contained within the boundaries of the newly formed
22 district shall be calculated. If the candidate of the political party on whose ballot or
23 column the individual appears in the newly formed district obtained at least 6
24 percent of the number of votes calculated, the individual is deemed to qualify as an
25 eligible candidate prior to the election under this subdivision.

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1 **SECTION 27.** 17.01 (10m) of the statutes is created to read:

2 17.01 **(10m)** By a member of a technical college district board, to the secretary
3 of the district board.

4 **SECTION 28.** 17.02 (2) of the statutes is created to read:

5 17.02 **(2)** TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation of a member
6 of a technical college district board, by the secretary of the district board to the
7 government accountability board.

8 **SECTION 29.** 17.17 (2) of the statutes is created to read:

9 17.17 **(2)** TECHNICAL COLLEGE DISTRICT BOARD. In the office of member of a
10 technical college district board, by the secretary of the district board to the
11 government accountability board.

12 **SECTION 30.** 17.27 (3) of the statutes is repealed and recreated to read:

13 17.27 **(3)** TECHNICAL COLLEGE DISTRICT BOARD. Except as provided in s. 9.10, a
14 vacancy in the office of member of a technical college district board may be filled by
15 temporary appointment of the remaining members of the district board. The
16 temporary appointee shall be a resident of the technical college district and, if the
17 technical college district is apportioned into election districts, of the numbered
18 election district within the technical college district which he or she is appointed to
19 represent. The temporary appointee shall serve until a successor is elected and
20 qualifies. If the vacancy occurs during the period beginning on the first Monday of
21 January of the year following the year in which the president of the United States
22 is elected and ending on May 31 of the following year, the vacancy shall be filled for
23 the residue of the unexpired term, at the succeeding general election.

24 **SECTION 31.** 38.01 (12) of the statutes is created to read:

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1 38.01 (12) “Ward” means a municipal ward in effect on August 1 of the year
2 following the federal decennial census on which a districting plan is based.

3 **SECTION 32.** 38.04 (15) of the statutes is repealed.

4 **SECTION 33.** 38.06 (6) of the statutes is created to read:

5 38.06 (6) Promptly upon issuance of a reorganization order by the board, the
6 director of the board shall transmit a copy of the order to the government
7 accountability board.

8 **SECTION 34.** 38.08 (1) (a) of the statutes is repealed and recreated to read:

9 38.08 (1) (a) A district board shall administer the district and shall be composed
10 of 9 members who are residents of the district, except that in a district that includes
11 territory within a county having a population of 500,000 or more, the district board
12 shall be composed of 11 members who are residents of the district. The members
13 shall be elected at the general election at large by the electors of the district, except
14 that in a district that includes territory within a county having a population of
15 500,000 or more, the members shall be elected from election districts by the electors
16 of the respective election districts. In each such district, each member of the district
17 board shall be an elector of the election district within the technical college district
18 from which the member seeks office.

19 **SECTION 35.** 38.08 (1) (b) of the statutes is amended to read:

20 38.08 (1) (b) District board members shall take office on ~~July 1~~ the first Monday
21 in January and shall serve ~~staggered 3-year~~ 4-year terms.

22 **SECTION 36.** 38.08 (1) (c) of the statutes is created to read:

23 38.08 (1) (c) Promptly upon receipt of the determinations of the government
24 accountability board under s. 7.70 (6) and upon appointment of any person to fill a
25 temporary vacancy on the district board, the secretary of the district board shall send

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1 written notification of the name and address of each member and expiration date of
2 each member's term to the director of the board.

3 **SECTION 37.** 38.08 (1g), (2) and (2m) of the statutes are repealed.

4 **SECTION 38.** 38.08 (3) of the statutes is amended to read:

5 38.08 (3) The district board shall hold its annual organizational meeting on the
6 2nd Monday in ~~July~~ January at which it shall elect from among its members a
7 chairperson, vice chairperson, secretary and treasurer. If a vacancy occurs in any of
8 the district board officer positions after the annual organizational meeting, the
9 district board may elect an officer to fill the vacancy at any subsequent district board
10 meeting. No person may serve as chairperson for more than 2 successive annual
11 terms.

12 **SECTION 39.** 38.08 (6) of the statutes is created to read:

13 38.08 (6) ~~(a) In each district that includes territory within a county having a~~
14 ~~population of 500,000 or more on the effective date of this paragraph [revisor~~
15 ~~inserts date], the initial election districts are comprised of the following territory:~~

16 1. District 1 is comprised of that part of Milwaukee County comprising that
17 part of the city of Milwaukee comprising wards 1 to 56, 58 to 62, 65 to 131, 147 to 181,
18 258 to 261, 263 to 273, 275 to 289, and 297 to 314; and that part of Washington County
19 comprising that part of the city of Milwaukee comprising ward 262.

20 2. District 2 is comprised of that part of Milwaukee County comprising the city
21 of St. Francis and that part of the city of Milwaukee comprising wards 57, 63, 64, 132
22 to 146, 182 to 257, and 290 to 296.

23 3. District 3 is comprised of that part of Milwaukee County comprising the
24 cities of Cudahy, Franklin, Glendale, Greenfield, Oak Creek, South Milwaukee,
25 Wauwatosa, and West Allis; the villages of Fox Point, Greendale, Hales Corners,

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1 Shorewood, West Milwaukee, and Whitefish Bay; and that part of the village of
2 Bayside comprising Wards 1 to 5 and 7; and that part of Waukesha County
3 comprising that part of the city of New Berlin that lies within the Milwaukee Area
4 Technical College District.

5 4. District 4 is comprised of that part of Milwaukee County comprising the
6 villages of Brown Deer and River Hills; that part of Ozaukee County comprising the
7 cities of Mequon and Port Washington; the villages of Fredonia, Grafton, Saukville,
8 and Thiensville; that part of the village of Bayside comprising ward 6; that part of
9 the village of Newberg that lies within the Milwaukee Area Technical College
10 District; the towns of Grafton, Port Washington, and Saukville; and those parts of
11 the towns of Belgium and Fredonia that lie within the Milwaukee Area Technical
12 College District; and that part of Washington County comprising the village of
13 Germantown; the town of Germantown; and those parts of the towns of Jackson,
14 Polk, and Richfield that lie within the Milwaukee Area Technical College District.

15 (b) The following numbers of members shall be elected at large from the
16 districts specified in par. (a):

- 17 1. District 1 — 4 members.
- 18 2. District 2 — 2 members.
- 19 3. District 3 — 3 members.
- 20 4. District 4 — 2 members.

21 (c) The members who are elected from the districts specified in par. (a) shall be
22 succeeded by members who are elected from the districts prescribed under par. (d).

23 (d) ^(a) Beginning in ²⁰¹² 2011, in each district that includes territory within a county
24 having a population of 500,000 or more, within ³⁰ 90 days after the population count
25 by block, established in the decennial federal census of population, and maps

paragraph
the effective date of this subsection...
[LKB
insert date]
within 90 days after

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1 showing the location and numbering of census blocks become available in printed
2 form from the federal government or are published for distribution by an agency of
3 this state or within 90 days after alteration of the boundaries of an existing district,
4 the district board shall apportion and prescribe the boundaries of 11 numbered
5 election districts within the district, to be as nearly equal in population as possible.

6 ~~(d)~~ ^(h) Within 90 days after the creation of any new district that includes territory
7 within a county having a population of 500,000 or more, or within 90 days after such
8 a population count shows that the population of any county having territory within
9 an existing district has attained at least 500,000, the district board shall apportion
10 and prescribe the boundaries of 11 numbered election districts within that district
11 in the manner as provided in par. ~~(d)~~ ^a.

12 ~~(f)~~ ^(c) Alterations in election districts resulting from boundary changes to existing
13 districts may be made only to the extent required to facilitate the change.

14 ~~(g)~~ ^(d) Insofar as possible, each election district shall be compact and observe the
15 community of interest of existing neighborhoods. A detailed map and description of
16 each election district prescribed by a district board shall be prepared and
17 transmitted by the district board to the director of the board.

18 ~~(h)~~ ^(e) All proposed district boundaries established by a district board under par.
19 ~~(d)~~ ^{(a) or (b)} or ~~(e)~~ shall become effective only upon their approval by the board. If the board
20 disapproves the proposed boundaries, the district board shall submit a revised
21 districting plan for approval of the board. Upon approval of the election district
22 boundaries within any district the board shall promulgate the boundaries
23 established under par. ~~(d)~~ ^{(a) or (b)} or ~~(e)~~ as a rule under ch. 227. The boundaries shall become
24 effective on the effective date of the rule.

25 **SECTION 40.** 38.10 of the statutes is repealed.

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1 nomination papers are filed with the board shall be determined by the board by the
2 drawing of lots not later than the 2nd Tuesday in January, or the next day if the first
3 Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all
4 candidates for that office shall be held by or under the supervision of the board not
5 later than the 3rd day following the completion of the primary canvass to determine
6 the arrangement of candidates on the election ballot.

7 **||m** SECTION 6. 7.60 (4) (a) of the statutes is amended to read:

8 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
9 showing the numbers of votes cast for the offices of president and vice president; state
10 officials; U.S. senators and representatives in congress; state legislators; justice;
11 court of appeals judge; circuit judges; members of the technical college district
12 boards; district attorneys; and metropolitan sewerage commissioners, if the
13 commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected
14 under s. 755.01 (4) serves a municipality that is located partially within the county
15 and candidates for that judgeship file nomination papers in another county, the
16 board of canvassers shall prepare a duplicate statement showing the numbers of
17 votes cast for that judgeship in that county for transmittal to the other county. For
18 partisan candidates, the statements shall include the political party or principle
19 designation, if any, next to the name of each candidate. The board of canvassers shall
20 also prepare a statement showing the results of any county, technical college district,
21 or statewide referendum. Each statement shall state the total number of votes cast
22 in the county for each office; the names of all persons for whom the votes were cast,
23 as returned; the number of votes cast for each person; and the number of votes cast
24 for and against any question submitted at a referendum. The board of canvassers
25 shall use one copy of each duplicate statement to report to the government

5 -
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1 accountability board, technical college district board, or board of canvassers of any
2 other county and shall file the other statement in the office of the county clerk or
3 board of election commissioners.

4 SECTION ^{12m} 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Act 115,
5 is amended to read:

6 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
7 or transmit to the government accountability board a certified copy of each statement
8 of the county board of canvassers for president and vice president, state officials,
9 senators and representatives in congress, state legislators, justice, court of appeals
10 judge, circuit judge, members of the technical college district boards, district
11 attorney, and metropolitan sewerage commissioners, if the commissioners are
12 elected under s. 200.09 (11) (am). The statement shall record the returns for each
13 office or referendum by ward, unless combined returns are authorized under s. 5.15
14 (6) (b) in which case the statement shall record the returns for each group of
15 combined wards. Following primaries the county clerk shall enclose on forms
16 prescribed by the government accountability board the names, party or principle
17 designation, if any, and number of votes received by each candidate recorded in the
18 same manner. The county clerk shall deliver or transmit the certified statement to
19 the government accountability board no later than 9 days after each primary except
20 the partisan primary, no later than 10 days after the partisan primary and any other
21 election except the general election, and no later than 14 days after the general
22 election. The board of canvassers shall deliver or transmit a certified copy of each
23 statement for any technical college district referendum to the secretary of the
24 technical college district board.

~~25 SECTION 7m. 7.70 (3) (d) of the statutes is amended to read:~~

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1 SECTION **11** 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, or
3 town, of any congressional, legislative, judicial, technical college, town sanitary, or
4 school district, or of any prosecutorial unit may petition for the recall of any
5 incumbent elective official by filing a petition with the same official or agency with
6 whom nomination papers or declarations of candidacy for the office are filed
7 demanding the recall of the officeholder.

8 SECTION **12** 9.10 (2) (b) of the statutes is amended to read:

9 9.10 (2) (b) A recall petition for a city, village, town, technical college district,
10 town sanitary district, or school district office shall contain a statement of a reason
11 for the recall which is related to the official responsibilities of the official for whom
12 removal is sought.

13 SECTION **13** 9.10 (2) (d) of the statutes is amended to read:

14 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
15 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
16 filing officer with whom the petition is filed. The petitioner shall append to the
17 registration a statement indicating his or her intent to circulate a recall petition, the
18 name of the officer for whom recall is sought and, in the case of a petition for the recall
19 of a city, village, town, technical college district, town sanitary district, or school
20 district officer, a statement of a reason for the recall which is related to the official
21 responsibilities of the official for whom removal is sought. No petitioner may
22 circulate a petition for the recall of an officer prior to completing registration. The
23 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.
24 on the 60th day commencing after registration. After the recall petition has been

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1 offered for filing, no name may be added or removed. No signature may be counted
2 unless the date of the signature is within the period provided in this paragraph.

3 SECTION *14. 9.10m.* 9.10 (3) (a) of the statutes is amended to read:

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

8 SECTION *15. 20m.* 9.10 (4) (title) of the statutes is amended to read:

9 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, TECHNICAL COLLEGE
10 DISTRICT, AND SCHOOL DISTRICT OFFICES.

11 SECTION *16. section 21e* 9.10 (4) (a) of the statutes is amended to read:

12 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
13 technical college district, town sanitary district, or school district official, is offered
14 for filing, the officer against whom the petition is filed may file a written challenge
15 with the ~~municipal clerk or board of election commissioners or school district clerk~~
16 official or agency with whom it is filed, specifying any alleged insufficiency. If a
17 challenge is filed, the petitioner may file a written rebuttal to the challenge with the
18 ~~clerk or board of election commissioners~~ official or agency within 5 days after the
19 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed
20 may file a reply to any new matter raised in the rebuttal within 2 days after the
21 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
22 reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency
23 shall file the certificate or an amended certificate. Within 31 days after the petition
24 is offered for filing, the ~~clerk or board of election commissioners~~ official or agency
25 shall determine by careful examination of the face of the petition whether the

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1 petition is sufficient and shall so state in a certificate attached to the petition. If the
 2 petition is found to be insufficient, the certificate shall state the particulars creating
 3 the insufficiency. The petition may be amended to correct any insufficiency within
 4 5 days following the affixing of the original certificate. Within 2 days after the
 5 offering of the amended petition for filing, the ~~clerk or board of election~~
 6 ~~commissioners~~ official or agency shall again carefully examine the face of the petition
 7 to determine sufficiency and shall attach to the petition a certificate stating the
 8 findings. Immediately upon finding an original or amended petition sufficient,
 9 except in cities over 500,000 population and in technical college districts, the
 10 ~~municipal clerk or school district clerk~~ official shall transmit the petition to the
 11 governing body or to the school board. Immediately upon finding an original or
 12 amended petition sufficient, in cities over 500,000 population, the board of election
 13 commissioners shall file the petition in its office. Immediately upon finding an
 14 original or amended petition sufficient, in technical college districts, the government
 15 accountability board shall file the petition in its office.

16 SECTION ⁷ 9.10 (4) (d) of the statutes is amended to read:

17 9.10 (4) (d) Promptly upon receipt of a certificate under par. (a), the governing
 18 body, school board, ~~or board of election commissioners,~~ or government accountability
 19 board shall call a recall election. The recall election shall be held on the Tuesday of
 20 the 6th week commencing after the date on which the certificate is filed, except that
 21 if Tuesday is a legal holiday the recall election shall be held on the first day after
 22 Tuesday which is not a legal holiday.

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

24 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
 25 article XIII, section 12, of the constitution and to extend the same rights to electors

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1 of cities, villages, towns, technical college districts, town sanitary districts, and
2 school districts.

3 ~~SECTION 19. 11.26 (1) (c) of the statutes is amended to read:~~

4 ~~11.26 (1) (c) Candidates for representative to the assembly or member of a
5 technical college district board, \$500.~~

6 ~~SECTION 20. 11.26 (2) (c) of the statutes is amended to read:~~

7 ~~11.26 (2) (c) Candidates for representative to the assembly or member of a
8 technical college district board, \$500.~~

9 ~~SECTION 21. 11.31 (1) (f) of the statutes is amended to read:~~

10 ~~11.31 (1) (f) Candidates for representative to the assembly or member of a
11 technical college district board, \$17,250 total in the primary and election, with
12 disbursements not exceeding \$10,775 for either the primary or the election.~~

13 ~~SECTION 22. 11.31 (1) (g) (intro.) of the statutes is amended to read:~~

14 ~~11.31 (1) (g) (intro.) In any jurisdiction or district, other than a technical college
15 district or judicial district or circuit, with a population of 500,000 or more according
16 to the most recent federal census covering the entire jurisdiction or district:~~

17 ~~SECTION 23. 17.01 (10m) of the statutes is created to read:~~

18 ~~17.01 (10m) By a member of a technical college district board, to the secretary
19 of the district board.~~

20 ~~SECTION 24. 17.02 (2) of the statutes is created to read:~~

21 ~~17.02 (2) TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation of a member
22 of a technical college district board, by the secretary of the district board to the
23 government accountability board.~~

24 ~~SECTION 25. 17.17 (2) of the statutes is created to read:~~

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INS 3-23:

^{4m}
SECTION ^e 5.62 (1) (b) 2. of the statutes, as affected by 2011 Wisconsin Act 75,
is amended to read:

5.62 (1) (b) 2. Subdivision 1. applies to a party within any assembly district, election district within a technical college district, or county at any partisan primary election only if at least one candidate of the party for any national, state or county office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district, election district within a technical college district, or county. The county clerk or county board of election commissioners shall provide a combined separate ballot or one or more separate columns or rows on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state and county office whenever that party qualifies to be represented on a separate primary ballot or in one or more separate columns or rows under subd. 1. but does not qualify under this subdivision. The ballot shall include the name of each party qualifying for a separate ballot or one or more separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ballots of the parties would appear under par. (a).

^{e GM}
History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 189; 1999 a. 182; 2005 a. 149; 2007 a. 1; 2011 a. 32, 75; s. 35.17 correction in (1) (a).

SECTION ^e 5.62 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 75,
is amended to read:

5.62 (2) (b) Paragraph (a) applies to a party within any assembly district, election district within a technical college district, or county at any partisan primary election only if at least one candidate of the party for any national, state or county

office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district, election district within a technical college district, or county. The county clerk or county board of election commissioners shall provide a combined separate ballot or one or more separate columns or rows on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state and county office whenever that party qualifies to be represented on a separate primary ballot or in one or more separate columns or rows under par. (a) but does not qualify under this paragraph. The ballot shall include the name of each party qualifying for a separate ballot or one or more separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ballots of the parties would appear under sub. (1) (a).

History: 1971 c. 304 ss. 12, 29 (2); 1972 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1; 2011 a. 32, 75; s. 35.17 correction in (1) (a).

SECTION 5.62 (3) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

5.62 (3) The board shall designate the official primary ballot arrangement for statewide office, technical college district board member within each technical college district, and district attorney within each prosecutorial district by using the same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate column or row on the ballot, the candidates for office shall be listed together with the offices which they seek in the following order whenever these offices appear on the partisan primary ballot: governor, lieutenant governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S. representative in congress, state senator,

representative to the assembly, district attorney, technical college district board member, and the county offices.

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1; 2011 a. 32, 75; s. 35.17 correction in (1) (a).