

2019 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB(LRBx5368/1))

For: **Timothy Ramthun (608) 266-9175** Drafter: **mgallagh**

By: **Self** Secondary Drafters:

Date: **1/30/2020** May Contact:

Same as LRB: **s0249**

Submit via email: **YES**
 Requester's email: **Rep.Ramthun@legis.wisconsin.gov**
 Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**
Peggy.Hurley@legis.wisconsin.gov
joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Public notice of noncandidacy for incumbent local elected officials

Instructions:

Replace publishing requirement with requirement to post in three places within the jurisdiction of the office, etc., similar to the requirement for notice of open meetings of public bodies.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|-----------------------|----------------------|-----------------|-----------------|
| /? | mgallagh 1/30/2020 | csicilia 1/30/2020 | | | |
| /P1 | mgallagh 1/30/2020 | swinder 1/30/2020 | dwalker 1/30/2020 | | Local |
| /P2 | | | dwalker 1/30/2020 | | |
| /1 | | | | lparisi | |

Vers. Drafted

Reviewed

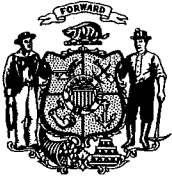
Submitted

Jacketed
2/5/2020

Required

FE Sent For:

<END>



Today, by noon Thanks!

LRBs0240/2
MPG:.

cjs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL (LRB-5368/1)**

1/21

1 **AN ACT to create** 8.05 (1) (j) 2m., 8.10 (2) (am), 8.15 (1m), 8.20 (8) (ae) and 120.06
2 (6) (b) 3m. of the statutes; **relating to:** public notice of noncandidacy for
3 incumbent local elected officials.

declaration

Analysis by the Legislative Reference Bureau

Under current law, there is no public notice requirement when an incumbent local elected official whose office is up for election either files a notification of noncandidacy or fails to file a notification of candidacy within a specified time frame.

Under this bill, if such an incumbent files a notification of noncandidacy or fails to file a notification of candidacy, that fact must be posted on the Internet and three different locations within the relevant jurisdiction. The bill's public notice requirement applies to the clerk or other officer or body with whom current law requires a notice of candidacy to be filed for a particular office.

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

declaration

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

SECTION 1. 8.05 (1) (j) 2m. of the statutes is created to read:

8.05 (1) (j) 2m. If, under subd. 2., an incumbent files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed by this paragraph, the clerk or other officer or body with whom the declaration of candidacy is required to be filed shall promptly provide public notice of that fact on the clerk or other officer or body's Internet site and by posting notices at least three different locations within the jurisdiction that the clerk or other officer or body serves.

SECTION 2. 8.10 (2) (am) of the statutes is created to read:

8.10 (2) (am) If, under par. (a), an incumbent holding local office files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed in par. (a), the clerk or other officer or body with whom the declaration of candidacy is required to be filed shall promptly provide public notice of that fact on the clerk or other officer or body's Internet site and by posting notices at least three different locations within the jurisdiction that the clerk or other officer or body serves.

SECTION 3. 8.15 (1m) of the statutes is created to read:

8.15 (1m) If, under sub. (1), an incumbent holding local office files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed in sub. (1), the clerk or other officer or body with whom the declaration of candidacy is required to be filed shall promptly provide public notice of that fact on the clerk or other officer or body's Internet site and by posting notices at least three different locations within the jurisdiction that the clerk or other officer or body serves.

SECTION 4. 8.20 (8) (ae) of the statutes is created to read:

1 8.20 (8) (ae) If, under par. (a), an incumbent holding local office files written
 2 notification that the incumbent is not a candidate for reelection to his or her office
 3 or fails to file a declaration of candidacy within the time prescribed in par. (a), the
 4 clerk or other officer or body with whom the declaration of candidacy is required to
 5 be filed shall promptly provide public notice of that fact on the clerk or other officer
 6 or body's Internet site and by posting notices at least three different locations within
 7 the jurisdiction that the clerk or other officer or body serves.

8 **SECTION 5.** 120.06 (6) (b) 3m. of the statutes is created to read:

9 120.06 (6) (b) 3m. If, under subd. 3., an incumbent files written notification that
 10 the incumbent is not a candidate for reelection to his or her office or fails to file a
 11 declaration of candidacy within the time prescribed by this paragraph, the school
 12 district clerk shall promptly provide public notice of that fact on the school
 13 Internet site and by posting notices at least three different locations within the
 14 district.

15 **SECTION 6. Initial applicability.**

16 (1) This act first applies to the April 5, 2021, election.

17 (END)

6

Gallagher, Michael

From: Gallagher, Michael
Sent: Thursday, January 30, 2020 12:15 PM
To: Rep.Ramthun
Subject: RE: LRB s0240/P1 Change

Will do. The answer to your question is yes, the bill would apply to the noncandidacy deadlines for the April 6, 2021 election.

From: Rep.Ramthun <Rep.Ramthun@legis.wisconsin.gov>
Sent: Thursday, January 30, 2020 12:13 PM
To: Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>
Subject: LRB s0240/P1 Change

Hi Michael,

Thank you very much for the sub amendment to our noncandidacy notice bill. We just have one slight change we'd like to make, one that creates language to only require the public postings in three places only if the office of record doesn't have or maintain an Internet site.

We just have one additional question. The initial applicability sections says "This act first applies to the April 6, 2021, election". That means that this bill would apply to noncandidacy deadlines in December 2020, since those deadlines are in place for the April 6th, 2021 election, correct?

Other than that, everything looks great. Thanks again!

Jared Heckman
Legislative Assistant
Office of State Representative Timothy Ramthun
59th Assembly District
[Email: Jared.Heckman@legis.wisconsin.gov](mailto:Jared.Heckman@legis.wisconsin.gov)
Phone: (608) 266-9175



1/30 Today
State of Wisconsin
2019 - 2020 LEGISLATURE

Thanks!
LRBs0240/P1
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL (LRB-5368/1)

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1 AN ACT *to create* 8.05 (1) (j) 2m., 8.10 (2) (am), 8.15 (1m), 8.20 (8) (ae) and 120.06
2 (6) (b) 3m. of the statutes; **relating to:** public notice of noncandidacy for
3 incumbent local elected officials.

Analysis by the Legislative Reference Bureau

Under current law, there is no public notice requirement when an incumbent local elected official whose office is up for election either files a notification of noncandidacy or fails to file a declaration of candidacy within a specified time frame.

Under this bill, if such an incumbent files a notification of noncandidacy or fails to file a declaration of candidacy, that fact must be posted on the Internet and three different locations within the relevant jurisdiction. The bill's public notice requirement applies to the officer or body with whom current law requires a declaration of candidacy to be filed for a particular office.

MIN

For further information see the *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:

if there is no internet site

SECTION 1. 8.05 (1) (j) 2m. of the statutes is created to read:

8.05 (1) (j) 2m. If, under subd. 2., an incumbent files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed by this paragraph, the officer or body with whom the declaration of candidacy is required to be filed shall promptly provide public notice of that fact on the officer's or body's Internet site and by posting notices in at least 3 different locations within the jurisdiction that the officer or body serves.

SECTION 2. 8.10 (2) (am) of the statutes is created to read:

8.10 (2) (am) If, under par. (a), an incumbent holding local office files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed in par. (a), the officer or body with whom the declaration of candidacy is required to be filed shall promptly provide public notice of that fact on the officer's or body's Internet site and by posting notices in at least 3 different locations within the jurisdiction that the officer or body serves.

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SECTION 4. 8.20 (8) (ae) of the statutes is created to read:

or if the officer or body does not maintain an Internet site

1 8.20 (8) (ae) If, under par. (a), an incumbent holding local office files written
2 notification that the incumbent is not a candidate for reelection to his or her office
3 or fails to file a declaration of candidacy within the time prescribed in par. (a), the
4 officer or body with whom the declaration of candidacy is required to be filed shall
5 promptly provide public notice of that fact on the officer's or body's Internet site and
6 by posting notices in at least 3 different locations within the jurisdiction that the
7 officer or body serves.

8 **SECTION 5.** 120.06 (6) (b) 3m. of the statutes is created to read:

9 120.06 (6) (b) 3m. If, under subd. 3., an incumbent files written notification that
10 the incumbent is not a candidate for reelection to his or her office or fails to file a
11 declaration of candidacy within the time prescribed by this paragraph, the school
12 district clerk shall promptly provide public notice of that fact on the school district's
13 Internet site and by posting notices in at least 3 different locations within the school
14 district.

15 **SECTION 6. Initial applicability.**

16 (1) This act first applies to the April 6, 2021, election.

17 (END)

SAME AS PAGE 2

or, if the school district does not maintain an Internet site;



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0240/P2
MPG:cjs&skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
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1 **AN ACT to create** 8.05 (1) (j) 2m., 8.10 (2) (am), 8.15 (1m), 8.20 (8) (ae) and 120.06
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Under this bill, if such an incumbent files a notification of noncandidacy or fails to file a declaration of candidacy, that fact must be posted on the Internet or in three different locations within the relevant jurisdiction if there is no Internet site. The bill's public notice requirement applies to the officer or body with whom current law requires a declaration of candidacy to be filed for a particular office.

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4 **SECTION 1.** 8.05 (1) (j) 2m. of the statutes is created to read:

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4 officer or body with whom the declaration of candidacy is required to be filed shall
5 promptly provide public notice of that fact on the officer's or body's Internet site or,
6 if the officer or body does not maintain an Internet site, by posting notices in at least
7 3 different locations within the jurisdiction that the officer or body serves.

8 **SECTION 5.** 120.06 (6) (b) 3m. of the statutes is created to read:

9 120.06 (6) (b) 3m. If, under subd. 3., an incumbent files written notification that
10 the incumbent is not a candidate for reelection to his or her office or fails to file a
11 declaration of candidacy within the time prescribed by this paragraph, the school
12 district clerk shall promptly provide public notice of that fact on the school district's
13 Internet site or, if the school district does not maintain an Internet site, by posting
14 notices in at least 3 different locations within the school district.

15 **SECTION 6. Initial applicability.**

16 (1) This act first applies to the April 6, 2021, election.

17 **(END)**