

1977 Assembly Bill 1188

Date published: June 26, 1978

CHAPTER 445, Laws of 1977
(Veto Overruled)

AN ACT to repeal 119.06 (3) (c); to renumber 5.60 (4); to amend 5.58 (2) (a) and (3), 8.10 (3) (i), 8.11 (2), 8.50 (intro.) and (1) (a), 17.26 (1), 119.06 (2), (3) (a) and (b), (4) (b), (5) and (6), 119.08, 119.10 (1) and (2) and 119.12 (3); and to create 5.60 (4) (b), 8.11 (2m), 17.26 (2m), 119.08 (1m) and 119.12 (3) (b) and (c) of the statutes, relating to the composition of school boards in cities of the 1st class and to the salary of board members.

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

SECTION 1. 5.58 (2) (a), as affected by chapter 187, laws of 1977, and (3) of the statutes are amended to read:

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5.58 (2) (a) There shall be one separate ballot for state superintendent, judicial officers, county executive under ss. 59.031 and 59.032 and county supervisors. In counties over 500,000 population the ballot also shall include those offices under s. 8.11 (2) and (2m). The arrangement of names for state superintendent, justices, court of appeals judge, circuit court judge, and for county judge where the district comprises more than one county, shall be determined by the board under s. 5.60. Arrangement of judicial candidates, county executive and county supervisors within a county shall be arranged by the county clerk, or by the executive secretary of the county election commission under s. 5.60. The ballot shall be in substantially the same form as annexed ballot "E" but titled, "Official Ballot for Judicial, State Superintendent of Public Instruction, County Executive and County Supervisor Primary", except that in counties having a population of 500,000 or more, it shall be titled "Official Ballot for County Officers, Judicial, State Superintendent of Public Instruction and School Board Primary".

(3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent, for any judicial office, and in cities of the 1st class only 2 candidates for any at-large seat and any combined aldermanic district seat as are to be elected to the board of school directors, and in counties over 500,000 population only 2 candidates for a member of the county board of supervisors in each district, and twice as many candidates as are to be elected members of ~~the board of school directors~~, the board of education or other elective officers receiving the highest number of votes at the primary shall be nominees for the office at the spring election ~~and only~~. Only their names shall appear on the official spring ballot.

SECTION 2. 5.60 (4) of the statutes is renumbered 5.60 (4) (a).

SECTION 3. 5.60 (4) (b) of the statutes is created to read:

5.60 (4) (b) In cities of the 1st class, there shall be a separate ballot giving the names of the candidates for any combined aldermanic district seat and any at-large member seat to be filled on the board of school directors. The names for the at-large seat shall be placed in the same column.

SECTION 4. 8.10 (3) (i) of the statutes is amended to read:

8.10 (3) (i) For city offices in 1st class cities, not less than 1,500 nor more than 3,000 electors for city-wide offices ~~and~~, not less than 200 nor more than 400 electors for aldermen elected from aldermanic districts and not less than 400 nor more than 800 electors for members of the board of school directors elected from combined aldermanic districts.

SECTION 5. 8.11 (2) of the statutes is amended to read:

8.11 (2) MILWAUKEE COUNTY. A primary shall be held in counties over 500,000 population whenever there are more than twice the number of candidates to be elected to any judicial office within the county or to the county board of supervisors from any one district. A primary shall be held in municipalities in counties over 500,000 population whenever there are more than twice the number of candidates to be elected to ~~the board of school directors or~~ board of education from any given area except in cities of the 1st class.

SECTION 6. 8.11 (2m) of the statutes is created to read:

8.11 (2m) PRIMARY. A primary shall be held in cities of the 1st class whenever there are more than 2 candidates for any at-large seat or any combined aldermanic district seat which is to be filled on the board of school directors in that year.

SECTION 7. 8.50 (intro.), and (1) (a), as affected by chapter 26, laws of 1977, of the statutes are amended to read:

8.50 Special elections. (intro.) Unless otherwise provided, this section applies to filling vacancies in the ~~United States~~ U.S. senate and house of representatives, executive and legislative state offices and county offices and in school boards of school districts organized under ch. 119. In addition to filling vacancies in public office by appointment, vacancies may be filled by election under this section, but no special

election shall be held after September 1 preceding the general election unless it is held on the same day as the general election. If the special election is held on the day of the general election, the primary, if any, for the special election shall be held on the day of the primary for the general election.

(1) (a) When there is to be a special election, the special election for governor shall be ordered by the attorney general; the special election for county clerk shall be ordered by the sheriff; the special election for any other county office shall be ordered by the county clerk except as provided in s. 17.21 (5); the special election for school board member in a school district organized under ch. 119 shall be ordered by the school board; and all other special elections shall be ordered by the governor. When the governor or attorney general issue the order, it shall be filed and recorded in the office of the board. When the county clerk or sheriff issue the order, it shall be filed and recorded in the office of the county clerk. When the school board of a school district organized under ch. 119 issues the order, it shall be filed and recorded in the office of the city board of election commissioners.

SECTION 8. 17.26 (1) of the statutes is amended to read:

17.26 (1) In the case of common, unified and union high school districts ~~and school districts organized under ch. 119,~~ by appointment by the remaining members. Such appointees shall hold office until a successor is elected and takes office ~~pursuant to~~ under s. ~~119.08 (4),~~ 120.06 (4) or 120.73 (1). The appointment shall not be for the unexpired term but shall be until such successor is elected and qualifies.

SECTION 9. 17.26 (2m) of the statutes is created to read:

17.26 (2m) In the case of a school district organized under ch. 119, by special election as provided under s. 119.08 (4).

SECTION 10. 119.06 (2), (3) (a) and (b), (4) (b), (5) and (6) of the statutes are amended to read:

119.06 (2) Within 5 ~~120~~ days after the date on which a city becomes a city of the 1st class, the mayor, the city treasurer, the city comptroller, the city attorney and the president of the common council of such city, acting as a commission for the city, shall meet and appoint a board of ~~15 members~~ one at-large member and 8 members from districts composed of combined aldermanic districts or parts thereof, with boundary lines to coincide as closely as possible with aldermanic districts as designated by the common council. The common council shall designate which aldermanic districts or parts thereof are to be combined for each seat on the board for members appointed from combined aldermanic districts. The combined aldermanic districts shall be substantially equal in population and the boundaries of the districts shall be drawn so as to reflect a balanced representation of citizens of all areas within the city. The person appointed to represent a combined aldermanic district shall reside within the boundaries of the district as determined by the common council under this subsection.

(3) (a) ~~Five~~ The at-large member and 4 of the combined aldermanic district members shall serve for a term beginning on the ~~first Tuesday~~ 4th Monday of the month next following their appointment and expiring on the ~~first Tuesday of July~~ 4th Monday in April in the 2nd year ~~next~~ following the year in which a city becomes a city of the 1st class.

(b) ~~Five~~ Four of the combined aldermanic district members shall serve for a term beginning on the ~~first Tuesday~~ 4th Monday of the month next following their appointment and expiring on the ~~first Tuesday of July~~ 4th Monday in April in the ~~3rd~~ 4th year following the year in which a city becomes a city of the 1st class.

(4) (b) ~~Of the~~ The board members elected at the special election, ~~5 each~~ shall be nominated and elected to succeed the board members appointed for the terms expiring under sub. (3) (a), and (b) ~~and (c)~~ and for the same terms. The terms of office of the board members elected at such special election shall begin on the ~~first Tuesday~~ 4th Monday of the month following the election.

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(5) The board first appointed under sub. (2) or first elected at a special election under sub. (4) shall hold an organizational meeting under s. 119.10 (2) on the ~~first Tuesday~~ 4th Monday of the month, or the next day if the ~~first Tuesday~~ 4th Monday is a legal holiday, following their appointment or election, and annually thereafter shall meet in accordance with s. 119.10 (2).

(6) Successors to board members appointed under sub. (3) or elected under sub. (4) shall be elected at the spring election immediately preceding the expiration of the terms of such board members and shall serve for ~~6-year~~ 4-year terms and until their successors are elected and qualified.

SECTION 11. 119.06 (3) (c) of the statutes is repealed.

SECTION 12. 119.08 of the statutes is amended to read:

119.08 Election of board members. (1) The board shall consist of ~~15 members from the city at large~~ one at-large member and 8 members from districts composed of combined aldermanic districts or parts thereof, with boundary lines to coincide as closely as possible with aldermanic districts selected in accordance with this chapter. Except as provided in sub. (1m), the common council shall designate which aldermanic districts or parts thereof are to be combined for each seat on the board for members elected from combined aldermanic districts or parts thereof. The combined aldermanic districts shall be substantially equal in population and the boundaries of the districts shall be drawn so as to reflect a balanced representation of citizens in all areas within the city. The boundaries of the districts shall be redrawn by the common council, at least decennially, to reflect population shifts. The person elected to represent a combined aldermanic district shall reside within the boundaries of the district. No person is eligible to be a member of the board if ~~he~~ that person holds an office in any political organization or a lucrative city, county or state office, other than the office of notary public. Before taking office, the members of the board shall take the official oath of office and file it, duly certified by the officer administering the oath, with the city clerk.

(2) The electors of each combined aldermanic district shall elect one member residing within the district to represent the district. The at-large member shall be elected by the electors of the city. Board members shall be electors of the city and shall be elected ~~biennially~~ at the spring election. Candidates shall file for full terms or for specific unexpired terms. The primary and spring elections for board members shall be conducted by the election officials for the election of judicial or other officers held on that date. The polling places for the state, municipal or judicial election shall be the polling places for the board election and the municipal election hours shall apply. At the board election the candidates receiving the highest number of votes for ~~the positions to be filled~~ each seat for which they are seeking election shall be declared elected.

(3) The regular terms of board members shall be ~~6~~ 4 years and until their successors have been elected and qualified.

(4) A vacancy on the board shall be filled by a ~~majority vote of the remaining board members. Members so selected shall serve until the first Tuesday in July following the next board election~~ special election ordered by the board. At such election the vacancy shall be filled for the unexpired term. ~~The election shall be held in the same manner as the regular board election.~~ The board shall follow procedures under s. 8.50, so far as applicable.

SECTION 13. 119.08 (1m) of the statutes is created to read:

119.08 (1m) In cities of the 1st class in existence on December 1, 1978, the combinations of aldermanic districts from which the 8 board members are first to be elected are as follows:

- (a) School board district 1 is composed of aldermanic districts 9 and 15.
- (b) School board district 2 is composed of aldermanic districts 2 and 5.
- (c) School board district 3 is composed of aldermanic districts 7 and 1.

- (d) School board district 4 is composed of aldermanic districts 6 and 3.
- (e) School board district 5 is composed of aldermanic districts 12 and 4.
- (f) School board district 6 is composed of aldermanic districts 10 and 16.
- (g) School board district 7 is composed of aldermanic districts 11 and 8.
- (h) School board district 8 is composed of aldermanic districts 13 and 14.

SECTION 14. 119.10 (1) and (2) of the statutes are amended to read:

119.10 (1) The board is a continuing body. Any unfinished business before the board or any of its standing or special committees on ~~June 30 the 4th Monday in April~~ shall be considered as pending before the board newly organized ~~at the following annual July meeting on such date.~~ At its annual ~~July~~ April meeting, after the election of the new board president, the secretary-business manager of the board shall report to the board items of business pending before the board as a whole. After the annual ~~July~~ April meeting, unless otherwise directed by the board, the secretary-business manager shall report items of business which had been pending before committees of the board to the corresponding committees of the board appointed by the new president. Matters thus reported may be acted upon by the board in the same manner and with the same effect as if the board had not been newly organized.

(2) Annually on the ~~first Tuesday in July~~ 4th Monday in April, or on the next day if the ~~first Tuesday~~ 4th Monday is a legal holiday, the board shall hold its organizational meeting and shall elect a president from among its members to serve for one year and until ~~his~~ a successor is chosen. In the absence or during the disability of the board president, the board shall elect a president pro tempore. The board president shall appoint standing committees to serve for one year.

SECTION 15. 119.12 (3) of the statutes is amended to read:

119.12 (3) Each member of the board shall be paid an annual salary of ~~\$600, to in~~ the amount set by the board. The salary shall be paid monthly.

SECTION 16. **Current members; salary.** Notwithstanding the treatment of section 119.12 (3) of the statutes by this act, current members of the board shall be paid an annual salary of \$600, to be paid monthly. Current members of the board shall set the amount of the salary to be paid to members of the board elected in accordance with this act.

SECTION 17. **Expiration of terms of current members.** The terms of members scheduled to expire on the first Tuesday in July in 1979, 1981 and 1983 shall expire on the 4th Monday in April in 1979, 1981 and 1983, respectively.

SECTION 18. **Election of members in existing 1st class cities.** The election of board members in existing cities of the 1st class under section 119.08 of the statutes, as affected by this act, shall take place as follows:

(1) At the expiration of the terms of the board members whose terms expire in 1979, the seats of the 5 members shall be abolished and the seats for school board districts 1, 2, 3 and 8, as created by this act, shall be filled by persons elected to 4-year terms at the 1979 spring election held to fill those seats.

(2) At the expiration of the terms of the board members whose terms expire in 1981, the seats of the 5 members shall be abolished and the seats for school board districts 4, 5, 6 and 7, as created by this act, shall be filled by persons elected to 4-year terms at the 1981 spring election held to fill those seats.

(3) At the expiration of the terms of the board members whose terms expire in 1983, the seats of the 5 members shall be abolished and the at-large seat, as created by this act, shall be filled by the person elected to a 4-year term at the 1983 spring election held to fill that seat.

SECTION 19. **Boundaries may be revised by common council after 1981 election.** After the election of members in 1981, the common council may proceed as provided in section 119.08 (1) of the statutes, as affected by this act, to revise the boundaries of the 8 district seats for future elections.

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SECTION 20. Effective date; applicability. This act shall take effect on December 1, 1978, except that the treatment of sections 8.50 (intro.) and (1) (a), 17.26 (1) and (2m) and 119.08 (4) of the statutes by this act relating to special elections to fill vacancies on school boards in school districts organized under chapter 119 of the statutes first applies to vacancies occurring in school board district seats and the at-large seat established under this act.
