



**SENATE AMENDMENT 38,  
TO ASSEMBLY BILL 40**

June 20, 2013 – Offered by Senator C. LARSON.

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

3           **1.** Page 982, line 2: after that line insert:

4           “**SECTION 1829b.** 118.60 (1r) of the statutes is created to read:

5           118.60 (1r) (a) In this subsection:

6           1. “Board” means the government accountability board.

7           2. “Circulator” has the meaning given for “qualified circulator” under s. 5.02  
8 (16g).

9           (b) No pupil who resides in a school district located in whole or in part in the  
10 county of Brown, Calumet, Chippewa, Clark, Dane, Door, Eau Claire, Fond du Lac,  
11 Grant, Iowa, Juneau, Kewaunee, LaFayette, Manitowoc, Marathon, Outagamie,  
12 Portage, Richland, Rusk, Sauk, Sawyer, Shawano, Sheboygan, Taylor, Winnebago,  
13 or Wood may attend a private school under this section until the school district

1 qualifies as provided under this subsection. A school district may not qualify under  
2 this subsection until a petition is certified as provided in this paragraph and the  
3 petition is approved at a referendum as provided in par. (d). A petition may not be  
4 certified unless all of the following occur:

5 1. An individual, committee, or group files a registration statement with the  
6 board to initiate a petition to have a school district located in whole or in part in a  
7 county identified under par. (b) (intro.) qualify under this subsection. The  
8 registration statement shall include the name and mailing address of the individual,  
9 committee, or group initiating the petition.

10 2. The individual, committee, or group circulates the petition and files the  
11 petition with the board no later than 60 days after the date on which the registration  
12 statement is filed under subd. 1. The certification of a circulator shall appear at the  
13 bottom of each petition filed with the board. The certification of the circulator shall  
14 include the name and mailing address of the individual, committee, or group  
15 initiating the petition and a statement that he or she personally circulated the  
16 petition and personally obtained each of the signatures; he or she knows the  
17 signatures are of qualified electors, as described in s. 6.02, of the school district that  
18 is the subject of the petition as the petition requires; he or she knows the signers  
19 signed the petition with full knowledge of its content; he or she knows the respective  
20 residences given for each signer; and he or she knows each signer signed on the date  
21 stated opposite his or her signature. The certification shall also include a statement  
22 that the circulator is a qualified elector of this state or, if not a qualified elector of this  
23 state, is a U.S. citizen age 18 or older who, if he or she were a resident of this state,  
24 would not be disqualified from voting under s. 6.03; that he or she intends to support  
25 the implementation of the program under this section in the school district that is

1 the subject of the petition; and that he or she is aware that falsifying the certification  
2 is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that he or  
3 she makes the certification next to his or her signature.

4 3. The board, within 31 days after a petition is filed under subd. 2., reviews the  
5 signatures to determine whether any signatures or petition sheets may not be  
6 counted for the reasons provided in par. (c). If, after review, the board determines  
7 that the petition contains a number of signatures of qualified electors in the school  
8 district that is the subject of the petition equal to not less than 25 percent of the  
9 number of pupils enrolled in the school district in the school year immediately  
10 preceding the date on which a registration statement is filed under subd. 1., the  
11 board shall certify that result to the school district clerk.

12 (c) 1. An individual signature on a petition sheet may not be counted if:

13 a. The signature is not dated.

14 b. The signature is dated outside the circulation period.

15 c. The signature is dated after the date of the certification contained on the  
16 petition sheet.

17 d. The residency of the signer of the petition sheet cannot be determined by the  
18 address given.

19 e. The signature is that of an individual who is not a resident of the school  
20 district that is the subject of the petition.

21 f. The signer has been adjudicated not to be a qualified elector on grounds of  
22 incompetency or limited incompetency as provided in s. 6.03 (3).

23 g. The signer is not a qualified elector by reason of age.

24 h. The circulator knew or should have known that the signer, for any other  
25 reason, was not a qualified elector.

1           2. No signature on the petition sheet may be counted if:

2           a. The circulator fails to sign his or her certification.

3           b. The circulator is not a qualified circulator.

4           (d) Within 10 days after the board certifies the petition under par. (b) 3., the  
5 school board shall notify the department of the scheduled date of the referendum and  
6 submit a copy of the petition and certification to the department. The school board  
7 shall call a special referendum for the purpose of submitting the petition to the  
8 electors of the school district for approval or rejection. In lieu of a special referendum,  
9 the school board may specify that the referendum be held at the next succeeding  
10 spring primary or election or September primary or general election, if such election  
11 is to be held not sooner than 42 days after the petition is certified by the board. The  
12 referendum shall be held in accordance with chs. 5 to 12. The form of the ballot shall  
13 correspond substantially with the standard form for referendum ballots prescribed  
14 by the board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be  
15 whether the program under this section shall be implemented in the school district.  
16 If a majority of those voting on the question approve, the school district that is the  
17 subject of the petition qualifies under this subsection. The school district clerk shall  
18 do all of the following:

19           1. Publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2).  
20 Notwithstanding s. 10.01 (2) (a), the type A notice shall include a copy of any  
21 certificate submitted to the school district clerk by the board under par. (b) 3. and the  
22 question to be submitted to the voters as provided in this paragraph. Section 5.01  
23 (1) applies in the event of failure to comply with the notice requirements of this  
24 paragraph.

25           2. Provide the election officials with all necessary election supplies.

