



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2898/1
JTK:cjs:ph

**ASSEMBLY AMENDMENT 23,
TO 2011 SENATE BILL 275**

March 15, 2012 – Offered by Representative HULSEY.

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 material beginning with that line and ending with
4 page 6, line 20, including the material inserted by senate amendment 1, and
5 substitute “the Fox Valley technical college district board, providing an exemption
6 from and extending the time limit for emergency rule procedures, and granting
7 rule-making authority.

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

8 **SECTION 1.** 5.02 (3), (5) and (23) of the statutes are amended to read:

9 5.02 (3) “Educational officer” means the state superintendent, a member of the
10 Fox Valley technical college district board, and a school board members member.

11 (5) “General election” means the election held in even-numbered years on the
12 Tuesday after the first Monday in November to elect United States senators,

1 representatives in congress, presidential electors, state senators, representatives to
2 the assembly, district attorneys, state officers other than the state superintendent,
3 members of the Fox Valley technical college district boards, and judicial officers, and
4 county officers other than supervisors and county executives.

5 (23) "State office" means the offices of governor, lieutenant governor, secretary
6 of state, state treasurer, attorney general, state superintendent, justice of the
7 supreme court, court of appeals judge, circuit court judge, state senator, state
8 representative to the assembly ~~and~~, district attorney, and member of the Fox Valley
9 technical college district board.

10 SECTION 2. 5.58 (2s) of the statutes is created to read:

11 5.58 (2s) FOX VALLEY TECHNICAL COLLEGE DISTRICT BOARD. In those years when
12 a primary is scheduled, there shall be a separate ballot for member of the Fox Valley
13 technical college district board. Arrangement of the names on the ballot shall be
14 determined by the government accountability board under s. 5.60 (1) (b). The ballot
15 shall be titled "Official Primary Ballot for Fox Valley Technical College District
16 Board."

17 SECTION 3. 5.58 (3) of the statutes, as affected by 2011 Wisconsin Act 62, is
18 amended to read:

19 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
20 for any judicial office, for any elected seat on a metropolitan sewerage commission
21 or town sanitary district commission, for member of the Fox Valley technical college
22 district board from any election district, in counties having a population of 750,000
23 or more, only 2 candidates for the office of comptroller, in counties having a
24 population of 500,000 or more only 2 candidates for member of the board of
25 supervisors within each district, in counties having a population of less than 500,000

1 only 2 candidates for each member of the county board of supervisors from each
2 district or numbered seat or only 4 candidates for each 2 members of the county board
3 of supervisors from each district whenever 2 supervisors are elected to unnumbered
4 seats from the same district, in 1st class cities only 2 candidates for any at-large seat
5 and only 2 candidates from any election district to be elected to the board of school
6 directors, in school districts electing school board members to numbered seats, or
7 pursuant to an apportionment plan or district representation plan, only 2 school
8 board candidates for each numbered seat or within each district, and twice as many
9 candidates as are to be elected members of other school boards or other elective
10 officers receiving the highest number of votes at the primary shall be nominees for
11 the office at the spring election. Only their names shall appear on the official spring
12 ballot.

13 **SECTION 4.** 5.60 (1) (title) of the statutes, as affected by 2011 Wisconsin Act 62,
14 is amended to read:

15 5.60 (1) (title) ~~STATE SUPERINTENDENT~~ NONPARTISAN STATE OFFICERS; JUDICIARY;
16 COUNTY EXECUTIVE; COUNTY COMPTROLLER; AND COUNTY ~~SUPERVISORS~~ SUPERVISOR.

17 **SECTION 5.** 5.60 (1) (am) of the statutes is created to read:

18 5.60 (1) (am) In those years when an election is scheduled, there shall be a
19 separate ballot for each member of the Fox Valley technical college district board. The
20 government accountability board shall determine the official ballot arrangement for
21 technical college district board candidates by using the same method as that used
22 under par. (b).

23 **SECTION 6.** 5.60 (1) (b) of the statutes is amended to read:

24 5.60 (1) (b) The board shall certify the candidates' names and designate the
25 official ballot arrangement for candidates for state superintendent, justice, court of

1 appeals judge, circuit judge, member of the Fox Valley technical college district
2 board, and, if commissioners are elected under s. 200.09 (11) (am), the metropolitan
3 sewerage commission. The arrangement of names of all candidates on the ballot
4 whose nomination papers are filed with the board shall be determined by the board
5 by the drawing of lots not later than the 2nd Tuesday in January, or the next day if
6 the first Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing
7 of all candidates for that office shall be held by or under the supervision of the board
8 not later than the 3rd day following the completion of the primary canvass to
9 determine the arrangement of candidates on the election ballot.

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

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

1 as returned; the number of votes cast for each person; and the number of votes cast
2 for and against any question submitted at a referendum. The board of canvassers
3 shall use one copy of each duplicate statement to report to the government
4 accountability board, technical college district board, or board of canvassers of any
5 other county and shall file the other statement in the office of the county clerk or
6 board of election commissioners.

7 **SECTION 8.** 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Acts 75
8 and 115 is amended to read:

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

1 statement for any technical college district referendum to the secretary of the
2 technical college district board.

3 **SECTION 9.** 7.70 (3) (d) of the statutes is amended to read:

4 7.70 (3) (d) When the certified statements and returns are received, the
5 chairperson of the board or the chairperson's designee shall proceed to examine and
6 make a statement of the total number of votes cast at any election for the offices
7 involved in the election for president and vice president; a statement for each of the
8 offices of governor, lieutenant governor, if a primary, and a joint statement for the
9 offices of governor and lieutenant governor, if a general election; a statement for each
10 of the offices of secretary of state, state treasurer, attorney general, and state
11 superintendent; for U.S. senator; representative in congress for each congressional
12 district; the state legislature; justice; court of appeals judge; circuit judge; Fox Valley
13 technical college district board member; district attorney; metropolitan sewerage
14 commission, if the commissioners are elected under s. 200.09 (11) (am); and for any
15 referenda questions submitted by the legislature.

16 **SECTION 10.** 7.70 (6) of the statutes is created to read:

17 7.70 (6) FOX VALLEY TECHNICAL COLLEGE DISTRICT BOARD MEMBERS;
18 DETERMINATIONS. The government accountability board shall transmit to the
19 secretary of the technical college district board a copy of the certified determination
20 of the chairperson of the government accountability board or his or her designee for
21 the election of each member of the Fox Valley technical college district board.

22 **SECTION 11.** 8.10 (3) (ae) of the statutes is created to read:

23 8.10 (3) (ae) For the office of member of the Fox Valley technical college district
24 board from any election district, not less than 200 nor more than 400 electors.

25 **SECTION 12.** 8.11 (6) of the statutes is created to read:

1 8.11 (6) FOX VALLEY TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. A primary
2 shall be held in an election for any seat on the Fox Valley technical college district
3 board whenever there are more than 2 candidates in any election district.

4 **SECTION 13.** 9.10 (1) (a) of the statutes is amended to read:

5 9.10 (1) (a) The qualified electors of the state, of any county, city, village, or
6 town, of any congressional, legislative, judicial, town sanitary, or school district, of
7 the Fox Valley technical college district, or of any prosecutorial unit may petition for
8 the recall of any incumbent elective official by filing a petition with the same official
9 or agency with whom nomination papers or declarations of candidacy for the office
10 are filed demanding the recall of the officeholder.

11 **SECTION 14.** 9.10 (2) (b) of the statutes is amended to read:

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

16 **SECTION 15.** 9.10 (2) (d) of the statutes is amended to read:

17 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
18 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
19 filing officer with whom the petition is filed. The petitioner shall append to the
20 registration a statement indicating his or her intent to circulate a recall petition, the
21 name of the officer for whom recall is sought and, in the case of a petition for the recall
22 of a city, village, town, Fox Valley technical college district, town sanitary district, or
23 school district officer, a statement of a reason for the recall which is related to the
24 official responsibilities of the official for whom removal is sought. No petitioner may
25 circulate a petition for the recall of an officer prior to completing registration. The

1 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.
2 on the 60th day commencing after registration. After the recall petition has been
3 offered for filing, no name may be added or removed. No signature may be counted
4 unless the date of the signature is within the period provided in this paragraph.

5 **SECTION 16.** 9.10 (3) (a) of the statutes is amended to read:

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

10 **SECTION 17.** 9.10 (4) (title) of the statutes is amended to read:

11 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, FOX VALLEY
12 TECHNICAL COLLEGE DISTRICT, AND SCHOOL DISTRICT OFFICES.

13 **SECTION 18.** 9.10 (4) (a) of the statutes is amended to read:

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

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

18 **SECTION 19.** 9.10 (4) (d) of the statutes is amended to read:

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

25 **SECTION 20.** 9.10 (7) of the statutes is amended to read:

1 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
2 article XIII, section 12, of the constitution and to extend the same rights to electors
3 of cities, villages, towns, the Fox Valley technical college district, town sanitary
4 districts, and school districts.

5 **SECTION 21.** 11.26 (1) (c) of the statutes is amended to read:

6 11.26 (1) (c) Candidates for representative to the assembly or member of the
7 Fox Valley technical college district board, \$500.

8 **SECTION 22.** 11.26 (2) (c) of the statutes is amended to read:

9 11.26 (2) (c) Candidates for representative to the assembly or member of the
10 Fox Valley technical college district board, \$500.

11 **SECTION 23.** 11.31 (1) (f) of the statutes is amended to read:

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

15 **SECTION 24.** 11.31 (1) (g) (intro.) of the statutes is amended to read:

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

20 **SECTION 25.** 17.01 (10m) of the statutes is created to read:

21 17.01 (10m) By a member of the Fox Valley technical college district board, to
22 the secretary of the district board.

23 **SECTION 26.** 17.02 (2) of the statutes is created to read:

1 17.02 (2) FOX VALLEY TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation of
2 a member of the Fox Valley technical college district board, by the secretary of the
3 district board to the government accountability board.

4 **SECTION 27.** 17.17 (2) of the statutes is created to read:

5 17.17 (2) FOX VALLEY TECHNICAL COLLEGE DISTRICT BOARD. In the office of member
6 of the Fox Valley technical college district board, by the secretary of the district board
7 to the government accountability board.

8 **SECTION 28.** 17.27 (3) of the statutes is repealed and recreated to read:

9 17.27 (3) FOX VALLEY TECHNICAL COLLEGE DISTRICT BOARD. Except as provided
10 in s. 9.10, a vacancy in the office of member of the Fox Valley technical college district
11 board may be filled by temporary appointment of the remaining members of the
12 district board. The temporary appointee shall serve until a successor is elected and
13 qualifies. If the vacancy occurs in any year after the first Tuesday in April and on
14 or before December 1, the vacancy shall be filled for the residue of the unexpired
15 term, if any, at the succeeding spring election. If the vacancy occurs in any year after
16 December 1 or on or before the first Tuesday in April, the vacancy shall be filled for
17 the residue of the unexpired term, if any, at the 2nd succeeding spring election.

18 **SECTION 29.** 38.06 (6) of the statutes is created to read:

19 38.06 (6) Promptly upon issuance of a reorganization order for the Fox Valley
20 technical college district by the board, the director of the board shall transmit a copy
21 of the order to the government accountability board.

22 **SECTION 30.** 38.08 (1) (a) 1. of the statutes is amended to read:

23 38.08 (1) (a) 1. ~~A~~ Except as provided in subd. 1m., a district board shall
24 administer the district and shall be composed of 9 members who are residents of the
25 district, including 2 employers, 2 employees, 3 additional members, a school district

1 administrator, as defined under s. 115.001 (8), and one elected official who holds a
2 state or local office, as defined in s. 5.02. The board shall by rule define “employer”
3 and “employee” for the purpose of this subdivision.

4 **SECTION 31.** 38.08 (1) (a) 1m. of the statutes is created to read:

5 38.08 (1) (a) 1m. The members of the Fox Valley district board shall be elected
6 to represent numbered election districts within the Fox Valley technical college
7 district by the electors of each election district at the spring election. Each member
8 of the district board shall be an elector of the numbered election district within the
9 technical college district for which he or she seeks office.

10 **SECTION 32.** 38.08 (1) (b) of the statutes is amended to read:

11 38.08 (1) (b) ~~District~~ Except as provided in par. (c), district board members shall
12 take office on July 1 and shall serve staggered 3-year terms.

13 **SECTION 33.** 38.08 (1) (c) of the statutes is created to read:

14 38.08 (1) (c) District board members in the Fox Valley technical college district
15 shall serve 4-year terms. Promptly upon receipt of the determinations from the
16 government accountability board under s. 7.70 (6) and upon appointment of any
17 person to fill a temporary vacancy on the district board, the secretary of the Fox
18 Valley technical college district board shall send written notification of the name and
19 address of each member and expiration date of each member’s term to the director
20 of the technical college system board.

21 **SECTION 34.** 38.08 (1g) of the statutes is repealed.

22 **SECTION 35.** 38.08 ((2) and (2m) of the statutes are amended to read:

23 38.08 (2) Members of a district board other than the Fox Valley technical
24 college district board shall serve until their successors are appointed and qualified.

25 A vacancy shall be filled for any unexpired term of more than 90 days in the manner

1 provided for the making of original appointments in s. 38.10, except that if a vacancy
2 occurs within 120 days preceding a spring election, the vacancy need not be filled
3 until 60 days after the spring election, in the manner provided in s. 38.10.

4 **(2m)** Any member of a district board other than the Fox Valley technical college
5 district board serving as an elected official under sub. (1) (a) 1. shall cease to be a
6 member upon vacating his or her office as an elected official.

7 **SECTION 36.** 38.08 (6) of the statutes is created to read:

8 38.08 **(6)** (a) Within 90 days after the population count by block, established
9 in the decennial federal census of population, and maps showing the location and
10 numbering of census blocks become available in printed form from the federal
11 government or are published for distribution by an agency of this state or within 90
12 days after alteration of the boundaries of an existing district, the district board of the
13 Fox Valley technical college district shall apportion and prescribe the boundaries of
14 9 numbered election districts within the district, to be as nearly equal in population
15 as possible. Alterations in election districts resulting from boundary changes to the
16 existing district may be made only to the extent required to facilitate the change.
17 Insofar as possible, each election district shall be compact and observe the
18 community of interest of existing neighborhoods. A detailed map and description of
19 each election district prescribed by the district board shall be prepared and
20 transmitted by the district board to the director of the technical college system board.

21 (b) All proposed district boundaries prescribed by the Fox Valley technical
22 college district board under par. (a) shall become effective only upon their approval
23 by the technical college system board. If the technical college system board
24 disapproves the proposed boundaries, the district board shall submit a revised
25 districting plan for approval of the technical college system board. Upon approval

1 of the election district boundaries within any district, the technical college system
2 board shall promulgate the boundaries established under par. (a) as a rule under ch.
3 227. The boundaries shall become effective on the effective date of the rule.

4 **SECTION 37.** 38.10 (1) (intro.) of the statutes is amended to read:

5 38.10 (1) (intro.) District board members in districts other than the Fox Valley
6 technical college district shall be appointed by an appointment committee
7 constituted as follows:

8 **SECTION 38. Nonstatutory provisions.**

9 (1) INITIAL ELECTION OF FOX VALLEY TECHNICAL COLLEGE DISTRICT BOARDS.
10 Notwithstanding section 38.08 (6) of the statutes, as created by this act, within 60
11 days after the effective date of this subsection, the appointment committee of the Fox
12 Valley technical college district shall adopt and transmit to the secretary of the
13 district board and the director of the technical college system board an initial
14 districting plan for election districts as required by section 38.08 (6) of the statutes,
15 as created by this act. The technical college system board shall review and determine
16 its approval or disapproval of the plan as promptly as possible. If the plan is rejected,
17 the appointment committee shall submit a new plan for approval. Notwithstanding
18 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the technical college system
19 board may promulgate the plan as an emergency rule under section 227.24 of the
20 statutes without providing evidence that promulgating a rule under this subsection
21 as an emergency rule is necessary for the preservation of the public peace, health,
22 safety, or welfare, and is not required to provide a finding of emergency for a rule
23 promulgated under this subsection. Notwithstanding section 227.24 (1) (c) of the
24 statutes, an emergency rule promulgated under this subsection applies until a rule
25 replacing that rule takes effect or until the actions specified in section 227.24 (1) (d)

1 of the statutes occur, whichever is sooner. Notwithstanding section 227.19 (4) to (6)
2 of the statutes, the rule replacing a valid emergency rule adopted under this
3 subsection may not contain any substantive change from the emergency rule.
4 Notwithstanding sections 227.135 (2) and (4) and 227.24 (1) (e) 1d. and 1g. of the
5 statutes, a proposed emergency rule promulgated under this subsection and the
6 statement of the scope of the proposed emergency rule are not subject to approval of
7 the governor.

8 (2) TRANSITIONAL TERMS. Notwithstanding chapter 269, laws of 1981, section 22,
9 and section 38.08 (1) (b) of the statutes, as affected by this act, the members of the
10 Fox Valley technical college district board who hold office on the effective date of this
11 subsection shall cease to hold office on July 1, 2013. At the 2013 spring election, 9
12 members shall be elected to the technical college district board for terms commencing
13 on July 1, 2013. Notwithstanding section 38.08 (1) (c) of the statutes, as created by
14 this act, the persons elected to represent election districts numbered 1 and 2 at that
15 election shall serve for terms of one year, the persons elected to represent election
16 districts numbered 3 and 4 at that election shall serve for terms of 2 years, the
17 persons elected to represent election districts numbered 5 and 6 at that election shall
18 serve for terms of 3 years, and the persons elected to represent election districts
19 numbered 7, 8, and 9 at that election shall serve for terms of 4 years.

20 (3) VACANCIES. Notwithstanding section 38.10 of the statutes, the appointment
21 committee of the Fox Valley technical college district shall not make any
22 appointment to the technical college district board for the purpose of filling a vacancy
23 resulting from expiration of a term of office after the effective date of this subsection.

24 **SECTION 39. Effective dates.** This act takes effect on August 1, 2012, except
25 as follows:

