



**ASSEMBLY AMENDMENT 70,  
TO 2011 SENATE BILL 275**

March 15, 2012 – Offered by Representatives KESSLER and MASON.

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 that line and substitute “technical college district  
4           boards and granting rule-making authority.”.

5           **2.** Page 1, line 6: delete the material beginning with that line and ending with  
6           page 6, line 20, including the material inserted by senate amendment 1, and  
7           substitute:

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

9           5.01 (3) (a) Except as provided in ~~par. (b)~~ pars. (b) and (c), in every election to  
10          choose any officer, each elector has one vote for each office unless clearly indicated  
11          otherwise. The person receiving the greatest number of legal votes for the office shall  
12          be declared elected, and the canvassers shall so determine and certify.

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

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  
22 representative to the assembly ~~and~~, district attorney, and member of a technical  
23 college district board.

24           **SECTION 4m.** 5.62 (1) (b) 2. of the statutes, as affected by 2011 Wisconsin Act  
25 75, is amended to read:

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

16           **SECTION 6m.** 5.62 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 75,  
17 is amended to read:

18           5.62 (2) (b) Paragraph (a) applies to a party within any assembly district,  
19 election district within a technical college district, or county at any partisan primary  
20 election only if at least one candidate of the party for any national, state or county  
21 office qualifies to have his or her name appear on the ballot under the name of that  
22 party within that assembly district, election district within a technical college  
23 district, or county. The county clerk or county board of election commissioners shall  
24 provide a combined separate ballot or one or more separate columns or rows on the  
25 ballot that will permit an elector to cast a vote for a write-in candidate for the

1 nomination of any such party for each national, state and county office whenever that  
2 party qualifies to be represented on a separate primary ballot or in one or more  
3 separate columns or rows under par. (a) but does not qualify under this paragraph.  
4 The ballot shall include the name of each party qualifying for a separate ballot or one  
5 or more separate columns or rows on the ballot under each office, with the names of  
6 the candidates for each such party appearing in the same order in which the ballots  
7 of the parties would appear under sub. (1) (a).

8 **SECTION 7m.** 5.62 (3) of the statutes, as affected by 2011 Wisconsin Act 32, is  
9 amended to read:

10 5.62 (3) The board shall designate the official primary ballot arrangement for  
11 statewide office, technical college district board member within each technical  
12 college district, and district attorney within each prosecutorial district by using the  
13 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate  
14 column or row on the ballot, the candidates for office shall be listed together with the  
15 offices which they seek in the following order whenever these offices appear on the  
16 partisan primary ballot: governor, lieutenant governor, attorney general, secretary  
17 of state, state treasurer, U.S. senator, U.S. representative in congress, state senator,  
18 representative to the assembly, district attorney, technical college district board  
19 member, and the county offices.

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

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

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

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

15           **SECTION 11m.** 7.60 (4) (a) of the statutes is amended to read:

16           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
17          showing the numbers of votes cast for the offices of president and vice president; state  
18          officials; U.S. senators and representatives in congress; state legislators; justice;  
19          court of appeals judge; circuit judges; members of the technical college district  
20          boards; district attorneys; and metropolitan sewerage commissioners, if the  
21          commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected  
22          under s. 755.01 (4) serves a municipality that is located partially within the county  
23          and candidates for that judgeship file nomination papers in another county, the  
24          board of canvassers shall prepare a duplicate statement showing the numbers of  
25          votes cast for that judgeship in that county for transmittal to the other county. For

1 partisan candidates, the statements shall include the political party or principle  
2 designation, if any, next to the name of each candidate. The board of canvassers shall  
3 also prepare a statement showing the results of any county, technical college district,  
4 or statewide referendum. Each statement shall state the total number of votes cast  
5 in the county for each office; the names of all persons for whom the votes were cast,  
6 as returned; the number of votes cast for each person; and the number of votes cast  
7 for and against any question submitted at a referendum. The board of canvassers  
8 shall use one copy of each duplicate statement to report to the government  
9 accountability board, technical college district board, or board of canvassers of any  
10 other county and shall file the other statement in the office of the county clerk or  
11 board of election commissioners.

12 **SECTION 12m.** 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Act 115,  
13 is amended to read:

14 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver  
15 or transmit to the government accountability board a certified copy of each statement  
16 of the county board of canvassers for president and vice president, state officials,  
17 senators and representatives in congress, state legislators, justice, court of appeals  
18 judge, circuit judge, members of the technical college district boards, district  
19 attorney, and metropolitan sewerage commissioners, if the commissioners are  
20 elected under s. 200.09 (11) (am). The statement shall record the returns for each  
21 office or referendum by ward, unless combined returns are authorized under s. 5.15  
22 (6) (b) in which case the statement shall record the returns for each group of  
23 combined wards. Following primaries the county clerk shall enclose on forms  
24 prescribed by the government accountability board the names, party or principle  
25 designation, if any, and number of votes received by each candidate recorded in the

1 same manner. The county clerk shall deliver or transmit the certified statement to  
2 the government accountability board no later than 9 days after each primary except  
3 the partisan primary, no later than 10 days after the partisan primary and any other  
4 election except the general election, and no later than 14 days after the general  
5 election. The board of canvassers shall deliver or transmit a certified copy of each  
6 statement for any technical college district referendum to the secretary of the  
7 technical college district board.

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

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

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

22 7.70 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS; DETERMINATIONS. The  
23 government accountability board shall transmit to the secretary of the district board  
24 a copy of the certified determination of the chairperson of the government

1 accountability board or his or her designee for the election of each member of any  
2 technical college district board.

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

4 8.15 (6) (ds) For the office of member of a technical college district board, not  
5 less than 200 nor more than 400 electors.

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

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

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

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

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

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



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

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

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

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

13 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, TECHNICAL COLLEGE  
14 DISTRICT, AND SCHOOL DISTRICT OFFICES.

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

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

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

20 **SECTION 21g.** 9.10 (4) (d) of the statutes is amended to read:

21 9.10 (4) (d) Promptly upon receipt of a certificate under par. (a), the governing  
22 body, school board, ~~or board of election commissioners,~~ or government accountability  
23 board shall call a recall election. The recall election shall be held on the Tuesday of  
24 the 6th week commencing after the date on which the certificate is filed, except that

1 if 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 **SECTION 21m.** 9.10 (7) of the statutes is amended to read:

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

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

9 11.26 (1) (c) Candidates for representative to the assembly or member of a  
10 technical college district board, \$500.

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

12 11.26 (2) (c) Candidates for representative to the assembly or member of a  
13 technical college district board, \$500.

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

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

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

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

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

23 17.01 (10m) By a member of a technical college district board, to the secretary  
24 of the district board.

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

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

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

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

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

9           17.27 (3) TECHNICAL COLLEGE DISTRICT BOARD. Except as provided in s. 9.10, a  
10 vacancy in the office of member of a technical college district board may be filled by  
11 temporary appointment of the remaining members of the district board. The  
12 temporary appointee shall be a resident of the technical college district and, if the  
13 technical college district is apportioned into election districts, of the numbered  
14 election district within the technical college district which he or she is appointed to  
15 represent. The temporary appointee shall serve until a successor is elected and  
16 qualifies. If the vacancy occurs during the period beginning on the first Monday of  
17 January of the year following the year in which the president of the United States  
18 is elected and ending on May 31 of the following year, the vacancy shall be filled for  
19 the residue of the unexpired term, at the succeeding general election.

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

21           38.01 (12) "Ward" means a municipal ward in effect on August 1 of the year  
22 following the federal decennial census on which a districting plan is based.

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

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

1           38.06 (6) Promptly upon issuance of a reorganization order by the board, the  
2 director of the board shall transmit a copy of the order to the government  
3 accountability board.

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

5           38.08 (1) (a) A district board shall administer the district and shall be composed  
6 of 9 members who are residents of the district, except that in a district that includes  
7 territory within a county having a population of 500,000 or more, the district board  
8 shall be composed of 11 members who are residents of the district. The members  
9 shall be elected at the general election at large by the electors of the district, except  
10 that in a district that includes territory within a county having a population of  
11 500,000 or more, the members shall be elected from election districts by the electors  
12 of the respective election districts. In each such district, each member of the district  
13 board shall be an elector of the election district within the technical college district  
14 from which the member seeks office.

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

16           38.08 (1) (b) District board members shall take office on ~~July 1~~ the first Monday  
17 in January and shall serve ~~staggered 3-year~~ 4-year terms.

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

19           38.08 (1) (c) Promptly upon receipt of the determinations of the government  
20 accountability board under s. 7.70 (6) and upon appointment of any person to fill a  
21 temporary vacancy on the district board, the secretary of the district board shall send  
22 written notification of the name and address of each member and expiration date of  
23 each member's term to the director of the board.

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

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

1           38.08 (3) The district board shall hold its annual organizational meeting on the  
2 2nd Monday in ~~July~~ January at which it shall elect from among its members a  
3 chairperson, vice chairperson, secretary and treasurer. If a vacancy occurs in any of  
4 the district board officer positions after the annual organizational meeting, the  
5 district board may elect an officer to fill the vacancy at any subsequent district board  
6 meeting. No person may serve as chairperson for more than 2 successive annual  
7 terms.

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

9           38.08 (6) (a) Beginning in 2012, in each district that includes territory within  
10 a county having a population of 500,000 or more, within 30 days after the effective  
11 date of this paragraph .... [LRB inserts date], and thereafter within 90 days after the  
12 population count by block, established in the decennial federal census of population,  
13 and maps showing the location and numbering of census blocks become available in  
14 printed form from the federal government or are published for distribution by an  
15 agency of this state or within 90 days after alteration of the boundaries of an existing  
16 district, the district board shall apportion and prescribe the boundaries of 11  
17 numbered election districts within the district, to be as nearly equal in population  
18 as possible.

19           (b) Within 90 days after the creation of any new district that includes territory  
20 within a county having a population of 500,000 or more, or within 90 days after such  
21 a population count shows that the population of any county having territory within  
22 an existing district has attained at least 500,000, the district board shall apportion  
23 and prescribe the boundaries of 11 numbered election districts within that district  
24 in the manner as provided in par. (a).

1 (c) Alterations in election districts resulting from boundary changes to existing  
2 districts may be made only to the extent required to facilitate the change.

3 (d) Insofar as possible, each election district shall be compact and observe the  
4 community of interest of existing neighborhoods. A detailed map and description of  
5 each election district prescribed by a district board shall be prepared and  
6 transmitted by the district board to the director of the board.

7 (e) All proposed district boundaries established by a district board under par.  
8 (a) or (b) shall become effective only upon their approval by the board. If the board  
9 disapproves the proposed boundaries, the district board shall submit a revised  
10 districting plan for approval of the board. Upon approval of the election district  
11 boundaries within any district, the board shall promulgate the boundaries  
12 established under par. (a) or (b) as a rule under ch. 227. The boundaries shall become  
13 effective on the effective date of the rule.

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

15 **SECTION 41. Nonstatutory provisions.**

16 (1) TRANSITIONAL TERMS. Notwithstanding chapter 269, laws of 1981, section 22,  
17 and section 38.08 (1) (b) of the statutes, as affected by this act, the members of each  
18 technical college district board who hold office on the effective date of this subsection  
19 shall cease to hold office on January 7, 2013. At the 2008 general election, new  
20 members shall be elected to each technical college district board for terms of 4 years  
21 commencing on January 7, 2013.

22 (2) VACANCIES. Notwithstanding section 38.10, 2009 stats., the appointment  
23 committee of each technical college district shall not make any appointment to a  
24 technical college district board for the purpose of filling a vacancy resulting from  
25 expiration of a term of office after the effective date of this subsection.

