



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 38.04 (15), 38.08 (1) (a) 1. a. to e., 38.08 (1) (a) 1g. a. to d., 38.08
2 (1) (a) 1r., 38.08 (1) (a) 2., 38.08 (2), 38.08 (2m) and 38.10; *to renumber and*
3 **amend** 38.08 (1) (a) 1. (intro.) and 38.08 (1) (a) 1g. (intro.); *to amend* 5.02 (3),
4 5.02 (5), 5.02 (23), 5.58 (3), 7.60 (4) (a), 7.60 (5) (a), 7.70 (3) (d), 9.10 (1) (a), 9.10
5 (2) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (title), 9.10 (4) (a), 9.10 (4) (d), 9.10 (7)
6 and 38.08 (1) (b); *to repeal and recreate* 17.27 (3); and *to create* 5.58 (2s), 5.60
7 (4s), 7.70 (6), 8.10 (3) (ku), 8.11 (6), 11.1101 (1) (i), 11.1101 (2) (i), 11.1101 (3) (L),
8 11.1101 (4) (L), 17.01 (11m), 17.17 (2), 38.06 (6) and 38.08 (1) (c) of the statutes;
9 **relating to:** popular election of members of technical college district boards.

Analysis by the Legislative Reference Bureau

Currently, the Technical College System is managed on the local level by district boards consisting of nine members in each of the state's 16 technical college districts. The members of the technical college district board for each district are appointed for three-year terms by an appointment committee consisting of certain local elected officials in accordance with a representation plan based upon population distribution within the district. All members of a district board must be residents of the district and, for the district board for the Milwaukee Area Technical College

(MATC), seven members must be residents of Milwaukee County. Except for the MATC district board, the district boards consist of the following members: two employers, two employees, one school district administrator, one elected official, and three additional members. The MATC district board consists of the following members: five employers that satisfy specified criteria, one school district administrator, one elected official, and two additional members.

This bill provides for the election of all members of district boards by the electors within each technical college district on a nonpartisan ballot at the spring election. Each member must be an elector of the election district from which he or she is elected. Terms are changed from three to four years. Under the bill, current district board members serve until July 1, 2021, at which time district board members who are elected at the 2021 spring election take office. The terms of the members are staggered so that no more than three seats are up for reelection at one time.

For further information see the *state and 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:

1 **SECTION 1.** 5.02 (3) of the statutes is amended to read:

2 5.02 (3) “Educational officer” means the state superintendent, a member of a
3 technical college district board, and school board members.

4 **SECTION 2.** 5.02 (5) of the statutes is amended to read:

5 5.02 (5) “General election” means the election held in even-numbered years on
6 the Tuesday after the first Monday in November to elect United States senators,
7 representatives in congress,
8 to the assembly,
9 superintendent and, judicial officers, and members of technical college district
10 boards; and county officers other than supervisors and county executives.

11 **SECTION 3.** 5.02 (23) of the statutes is amended to read:

12 5.02 (23) “State office” means the offices of governor, lieutenant governor,
13 secretary of state, state treasurer, attorney general, state superintendent, justice of

1 the supreme court, court of appeals judge, circuit court judge, state senator, state
2 representative to the assembly ~~and, district attorney, and members of a technical~~
3 college district board.

4 **SECTION 4.** 5.58 (2s) of the statutes is created to read:

5 5.58 (2s) TECHNICAL COLLEGE DISTRICT. There shall be a separate ballot for
6 members of a technical college district board when so required, except as authorized
7 in s. 5.655. Except as authorized in s. 5.655, there shall be a separate ballot for
8 members of a technical college district board. Arrangement of the names on the
9 ballot shall be determined by the elections commission.

10 **SECTION 5.** 5.58 (3) of the statutes is amended to read:

11 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
12 for any judicial office, for any elected seat on a metropolitan sewerage commission
13 or town sanitary district commission, for member of a technical college district board,
14 in counties having a population of 750,000 or more, only 2 candidates for the office
15 of comptroller and only 2 candidates for member of the board of supervisors within
16 each district, in counties having a population of less than 750,000 only 2 candidates
17 for each member of the county board of supervisors from each district or numbered
18 seat or only 4 candidates for each 2 members of the county board of supervisors from
19 each district whenever 2 supervisors are elected to unnumbered seats from the same
20 district, in 1st class cities only 2 candidates for any at-large seat and only 2
21 candidates from any election district to be elected to the board of school directors, in
22 school districts electing school board members to numbered seats, or pursuant to an
23 apportionment plan or district representation plan, only 2 school board candidates
24 for each numbered seat or within each district, and twice as many candidates as are
25 to be elected members of other school boards or other elective officers receiving the

1 highest number of votes at the primary shall be nominees for the office at the spring
2 election. Only their names shall appear on the official spring ballot.

3 **SECTION 6.** 5.60 (4s) of the statutes is created to read:

4 5.60 (4s) TECHNICAL COLLEGE DISTRICT. There shall be a separate ballot giving
5 the names of the candidates for the technical college district board when so required.
6 The elections board shall determine the official ballot arrangement for technical
7 college district board candidates by using the same method as that used under sub.
8 (1) (b).

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

10 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
11 showing the numbers of votes cast for the offices of president and vice president; state
12 officials; U.S. senators and representatives in congress; state legislators; justice;
13 court of appeals judge; circuit judges; district attorneys; members of the technical
14 college district boards; and metropolitan sewerage commissioners, if the
15 commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected
16 under s. 755.01 (4) serves a municipality that is located partially within the county
17 and candidates for that judgeship file nomination papers in another county, the
18 board of canvassers shall prepare a duplicate statement showing the numbers of
19 votes cast for that judgeship in that county for transmittal to the other county. For
20 partisan candidates, the statements shall include the political party or principle
21 designation, if any, next to the name of each candidate. The board of canvassers shall
22 also prepare a statement showing the results of any county, technical college district,
23 or statewide referendum. Each statement shall state the total number of votes cast
24 in the county for each office; the names of all persons for whom the votes were cast,
25 as returned; the number of votes cast for each person; and the number of votes cast

1 for and against any question submitted at a referendum. The board of canvassers
2 shall use one copy of each duplicate statement to report to the elections commission,
3 technical college district board, or board of canvassers of any other county and shall
4 file the other statement in the office of the county clerk or board of election
5 commissioners.

6 **SECTION 8.** 7.60 (5) (a) of the statutes is amended to read:

7 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
8 or transmit to the elections commission a certified copy of each statement of the
9 county board of canvassers for president and vice president, state officials, senators
10 and representatives in congress, state legislators, justice, court of appeals judge,
11 circuit judge, district attorney, members of the technical college district boards, and
12 metropolitan sewerage commissioners, if the commissioners are elected under s.
13 200.09 (11) (am). The statement shall record the returns for each office or
14 referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in
15 which case the statement shall record the returns for each group of combined wards.
16 Following primaries the county clerk shall enclose on forms prescribed by the
17 elections commission the names, party or principle designation, if any, and number
18 of votes received by each candidate recorded in the same manner. The county clerk
19 shall deliver or transmit the certified statement to the elections commission no later
20 than 9 days after each primary except the partisan primary, no later than 10 days
21 after the partisan primary and any other election except the general election, and no
22 later than 14 days after the general election. The board of canvassers shall deliver
23 or transmit a certified copy of each statement for any technical college district
24 referendum to the secretary of the technical college district board.

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

1 7.70 (3) (d) When the certified statements and returns are received, the
2 chairperson of the commission or the chairperson's designee shall proceed to
3 examine and make a statement of the total number of votes cast at any election for
4 the offices involved in the election for president and vice president; a statement for
5 each of the offices of governor, lieutenant governor, if a primary, and a joint statement
6 for the offices of governor and lieutenant governor, if a general election; a statement
7 for each of the offices of secretary of state, state treasurer, attorney general, and state
8 superintendent; for U.S. senator; representative in congress for each congressional
9 district; the state legislature; justice; court of appeals judge; circuit judge; district
10 attorney; technical college district board member; metropolitan sewerage
11 commission, if the commissioners are elected under s. 200.09 (11) (am); and for any
12 referenda questions submitted by the legislature.

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

14 7.70 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS; DETERMINATIONS. The
15 elections commission shall transmit to the technical college district board secretary
16 a copy of the certified determination of the commission chairperson or the
17 chairperson's designee for the election of each technical college district board
18 member.

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

20 8.10 (3) (ku) For the office of member of the technical college district board, not
21 less than 200 nor more than 400 electors.

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

23 8.11 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. A primary shall be held
24 in an election for any seat on a technical college district board whenever there are
25 more than 2 candidates for that seat.

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

2 9.10 (1) (a) The qualified electors of the state, of any county, city, village, or
3 town, of any congressional, legislative, judicial, technical college, town sanitary, or
4 school district, or of any prosecutorial unit may petition for the recall of any
5 incumbent elective official by filing a petition with the same official or agency with
6 whom nomination papers or declarations of candidacy for the office are filed
7 demanding the recall of the officeholder.

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

9 9.10 (2) (b) A recall petition for a city, village, town, town sanitary district,
10 technical college district, or school district office shall contain a statement of a reason
11 for the recall which is related to the official responsibilities of the official for whom
12 removal is sought.

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

14 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
15 the petitioner first files a registration statement under s. 11.0902 with the filing
16 officer with whom the petition is filed. The petitioner shall append to the registration
17 a statement indicating his or her intent to circulate a recall petition, the name of the
18 officer for whom recall is sought and, in the case of a petition for the recall of a city,
19 village, town, town sanitary district, technical college district, or school district
20 officer, a statement of a reason for the recall ~~which~~ that is related to the official
21 responsibilities of the official for whom removal is sought. No petitioner may
22 circulate a petition for the recall of an officer prior to completing registration. The
23 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.
24 on the 60th day commencing after registration. After the recall petition has been

1 offered for filing, no name may be added or removed. No signature may be counted
2 unless the date of the signature is within the period provided in this paragraph.

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

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

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

9 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, TECHNICAL COLLEGE
10 DISTRICT, AND SCHOOL DISTRICT OFFICES.

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

12 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
13 town sanitary district, technical college district, or school district official, is offered
14 for filing, the officer against whom the petition is filed may file a written challenge
15 with the ~~municipal clerk or board of election commissioners or school district clerk~~
16 official or agency with whom it is filed, specifying any alleged insufficiency. If a
17 challenge is filed, the petitioner may file a written rebuttal to the challenge with the
18 ~~clerk or board of election commissioners~~ official or agency within 5 days after the
19 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed
20 may file a reply to any new matter raised in the rebuttal within 2 days after the
21 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
22 reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency
23 shall file the certificate or an amended certificate. Within 31 days after the petition
24 is offered for filing, the ~~clerk or board of election commissioners~~ official or agency
25 shall determine by careful examination of the face of the petition whether the

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

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

17 9.10 (4) (d) Promptly upon receipt of a certificate under par. (a), the governing
18 body, school board, ~~or board of election commissioners,~~ or elections commission shall
19 call a recall election. The recall election shall be held on the Tuesday of the 6th week
20 commencing after the date on which the certificate is filed, except that if Tuesday is
21 a legal holiday the recall election shall be held on the first day after Tuesday ~~which~~
22 that is not a legal holiday.

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

24 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
25 article XIII, section 12, of the constitution and to extend the same rights to electors

1 of cities, villages, towns, town sanitary districts, technical college districts, and
2 school districts.

3 **SECTION 21.** 11.1101 (1) (i) of the statutes is created to read:

4 11.1101 (1) (i) Candidates for member of a technical college district board,
5 \$1,000.

****NOTE: This is the same limit applicable to candidates for representative to the
assembly. Please let me know if you would like to choose a different amount. MPG

6 **SECTION 22.** 11.1101 (2) (i) of the statutes is created to read:

7 11.1101 (2) (i) Candidates for member of a technical college district board,
8 \$1,000.

9 **SECTION 23.** 11.1101 (3) (L) of the statutes is created to read:

10 11.1101 (3) (L) Candidates for member of a technical college district board,
11 \$1,000.

12 **SECTION 24.** 11.1101 (4) (L) of the statutes is created to read:

13 11.1101 (4) (L) Candidates for member of a technical college district board,
14 \$1,000.

15 **SECTION 25.** 17.01 (11m) of the statutes is created to read:

16 17.01 (11m) By an elective member of a technical college district board, to the
17 secretary of the district board.

18 **SECTION 26.** 17.17 (2) of the statutes is created to read:

19 17.17 (2) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. In the office of member
20 of a technical college district board, by the secretary of the district board to the
21 elections commission.

22 **SECTION 27.** 17.27 (3) of the statutes is repealed and recreated to read:

1 17.27 (3) TECHNICAL COLLEGE DISTRICT BOARD. Except as provided in s. 9.10, a
2 vacancy in the office of an elective member of a technical college district board may
3 be filled by temporary appointment of the remaining members of the district board.
4 The temporary appointee shall serve until a successor is elected and qualifies. If in
5 any year the vacancy occurs after the first Tuesday in April and on or before
6 December 1, the vacancy shall be filled for the residue of the unexpired term, if any,
7 at the succeeding spring election. If in any year the vacancy occurs after December
8 1 or on or before the first Tuesday in April, the vacancy shall be filled for the residue
9 of the unexpired term, if any, at the 2nd succeeding spring election.

10 **SECTION 28.** 38.04 (15) of the statutes is repealed.

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

12 38.06 (6) Promptly upon issuance of a reorganization order by the board, the
13 director of the board shall transmit a copy of the order to the elections commission.

14 **SECTION 30.** 38.08 (1) (a) 1. (intro.) of the statutes is renumbered 38.08 (1) (a)
15 1. and amended to read:

16 38.08 (1) (a) 1. A district board shall administer the district and, except as
17 provided in subd. 1g., shall be composed of 9 members who are residents of the
18 district, ~~consisting of the following:~~ and elected at large by the electors of the district.

19 **SECTION 31.** 38.08 (1) (a) 1. a. to e. of the statutes are repealed.

20 **SECTION 32.** 38.08 (1) (a) 1g. (intro.) of the statutes is renumbered 38.08 (1) (a)
21 1g. and amended to read:

22 38.08 (1) (a) 1g. The district board governing the Milwaukee area technical
23 college shall be composed of 9 members who are residents of the district and elected
24 at large by the electors of the district, 7 of whom are residents of Milwaukee County,
25 ~~consisting of the following:~~

1 **SECTION 33.** 38.08 (1) (a) 1g. a. to d. of the statutes are repealed.

2 **SECTION 34.** 38.08 (1) (a) 1r. of the statutes is repealed.

3 **SECTION 35.** 38.08 (1) (a) 2. of the statutes is repealed.

4 **SECTION 36.** 38.08 (1) (b) of the statutes is amended to read:

5 38.08 (1) (b) District board members shall take office on July 1 and shall serve
6 staggered ~~3-year~~ 4-year terms.

7 **SECTION 37.** 38.08 (1) (c) of the statutes is created to read:

8 38.08 (1) (c) Promptly upon receipt of the determinations of the elections
9 commission under s. 7.70 (6) and upon appointment of any person to fill a vacancy
10 on the district board, the secretary of the district board shall send written
11 notification of the name and address of each member and expiration date of each
12 member's term to the director of the board.

13 **SECTION 38.** 38.08 (2) of the statutes is repealed.

14 **SECTION 39.** 38.08 (2m) of the statutes is repealed.

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

16 **SECTION 41. Nonstatutory provisions.**

17 (1) Notwithstanding s. 38.08 (1) (b), the members of each technical college
18 district board who hold office on the effective date of this subsection shall cease to
19 hold office on July 1, 2021. At the 2021 spring election, 3 members elected in each
20 technical college district shall serve for a term of 2 years; 3 members in each technical
21 college district shall serve for a term of 3 years; and 3 members in each technical
22 college district shall serve for a term of 4 years. Candidates for the office of district
23 board member within each technical college district shall designate on their
24 declarations of candidacy the term for which they seek election.

