



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0811/2
TKK:emw&jld

2017 BILL

1 **AN ACT** *to renumber and amend* 121.91 (3) (a); *to amend* 7.52 (8), 8.06, 67.05
2 (6a) (a) 2. a., 67.05 (6a) (am) 1. and 121.91 (3) (c); and *to create* 67.05 (6a) (a)
3 2. c. and 121.91 (3) (a) 2. of the statutes; **relating to:** scheduling of school
4 district referendums to exceed revenue limits.

Analysis by the Legislative Reference Bureau

With certain exceptions, this bill permits a school board to schedule a referendum for the purpose of increasing the school district's revenue limit only concurrent with a spring election or with the general election and only if the election falls no sooner than 70 days after the date on which the board adopts and files a resolution to that effect. With certain exceptions, this bill also permits a school board to submit to the electors of a school district a resolution seeking approval to borrow money through a bond issue only concurrent with a spring election or with the general election and only if the election falls no sooner than 70 days after the board adopts the resolution to issue a bond. A spring election is held annually on the first Tuesday in April. The general election occurs in even-numbered years on the Tuesday following the first Monday in November. Under the bill, if the school district experiences a natural disaster, including a fire, the school board may call a special election seeking approval to increase the school district's revenue limit or to issue a bond within the six months following the natural disaster but not sooner than 70 days after the date on which the board files the resolution.

Current law allows a school board to call a special referendum or to schedule a referendum for consideration by the electors concurrent with any primary or

BILL

election that falls no sooner than 70 days after the date on which the board files the resolution.

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

1 **SECTION 1.** 7.52 (8) of the statutes is amended to read:

2 7.52 (8) The board of absentee ballot canvassers shall make full and accurate
3 return of the votes cast for each candidate and proposition on the tally sheet forms.
4 Each tally sheet shall record the returns for each office or referendum by ward,
5 unless combined returns are authorized in accordance with s. 5.15 (6) (b), in which
6 case the tally sheet shall record the returns for each group of combined wards. After
7 recording the votes, the board of absentee ballot canvassers shall seal in a carrier
8 envelope outside the ballot bag or container one inspector's statement under sub. (4)
9 (d), one tally sheet, and one poll list for delivery to the county clerk, unless the
10 election relates only to ~~municipal or~~ school district offices or municipal offices or
11 referenda. The board of absentee ballot canvassers shall also similarly seal one
12 statement, one tally sheet, and one poll list for delivery to the municipal clerk.

13 **SECTION 2.** 8.06 of the statutes is amended to read:

14 **8.06 Special elections may be called.** Towns, cities, villages, and, subject
15 to ss. 67.05 (6a) (a) 2. and 121.91 (3) (a), school districts, may call special elections
16 for any purpose authorized by law. If an election is called for a special referendum,
17 the election shall be noticed under s. 8.55.

18 **SECTION 3.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

19 67.05 (6a) (a) 2. a. Direct the school district clerk to ~~call a special election for~~
20 ~~the purpose of submitting~~ submit the resolution to the electors for approval or
21 rejection, ~~or direct that the resolution be submitted~~ at the next regularly scheduled

BILL

1 ~~primary or~~ election to be held not earlier than 70 days after the adoption of the
2 resolution. The resolution shall not be effective unless adopted by a majority of the
3 school district electors voting at the referendum.

4 **SECTION 4.** 67.05 (6a) (a) 2. c. of the statutes is created to read:

5 67.05 **(6a)** (a) 2. c. For a school district that has experienced a natural disaster,
6 including a fire, that causes the school district's costs to increase, direct the school
7 district clerk to call a special referendum to be held within the 6-month period
8 immediately following the natural disaster, provided the special referendum is to be
9 held not sooner than 70 days after the adoption of the initial resolution. The
10 resolution shall not be effective unless adopted by a majority of the school district
11 electors voting at the referendum.

12 **SECTION 5.** 67.05 (6a) (am) 1. of the statutes is amended to read:

13 67.05 **(6a)** (am) 1. If the public hearing under par. (a) 2. b. is for informational
14 purposes only and, within 30 days after the public hearing, a petition is filed with the
15 school district clerk for a referendum on the resolution signed by at least 7,500
16 electors of the school district or at least 20 percent of the school district electors, as
17 determined under s. 115.01 (13), whichever is less, the resolution shall not be
18 effective unless adopted by a majority of the school district electors voting at the
19 referendum. The school board shall hold the referendum in accordance with par. (a)
20 2. a. The question submitted shall be whether the initial resolution shall or shall not
21 be approved.

22 **SECTION 6.** 121.91 (3) (a) of the statutes is renumbered 121.91 (3) (a) 1. and
23 amended to read:

24 121.91 **(3)** (a) 1. If a school board wishes to exceed the limit under sub. (2m)
25 otherwise applicable to the school district in any school year, it shall promptly adopt

BILL

1 a resolution supporting inclusion in the final school district budget of an amount
2 equal to the proposed excess revenue. The resolution shall specify whether the
3 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
4 proposed excess revenue is for both recurring and nonrecurring purposes, the
5 amount of the proposed excess revenue for each purpose. The resolution shall be filed
6 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
7 shall notify the department ~~of the scheduled date of the~~ that it will schedule a
8 referendum for the purpose of submitting the resolution to the electors of the school
9 district for approval or rejection and shall submit a copy of the resolution to the
10 department. ~~The~~ Except as provided in subd. 2., the school board shall call a special
11 ~~referendum for the purpose of submitting the resolution to the electors of the school~~
12 ~~district for approval or rejection.~~ ~~In lieu of a special referendum, the school board~~
13 ~~may specify that~~ schedule the referendum to be held at the next succeeding spring
14 ~~primary or election or partisan primary or general election, if~~ provided such election
15 is to be held not sooner than 70 days after the filing of the resolution of the school
16 board. The school district clerk shall certify the results of the referendum to the
17 department within 10 days after the referendum is held.

18 **SECTION 7.** 121.91 (3) (a) 2. of the statutes is created to read:

19 121.91 (3) (a) 2. The school board of a school district that experiences a natural
20 disaster, including a fire, that causes the school district's costs to increase may call
21 a special referendum to be held within the 6-month period immediately following the
22 natural disaster, provided the special referendum is to be held not sooner than 70
23 days after the filing of the resolution of the school board under subd. 1.

24 **SECTION 8.** 121.91 (3) (c) of the statutes is amended to read:

BILL

1 121.91 (3) (c) The A referendum under this subsection shall be held in
2 accordance with chs. 5 to 12. The school district clerk shall provide the election
3 officials with all necessary election supplies. The form of the ballot shall correspond
4 substantially with the standard form for referendum ballots prescribed by the
5 elections commission under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall
6 be whether the limit under sub. (2m) may be exceeded by a specified amount. If the
7 resolution provides that any of the excess revenue will be used for a nonrecurring
8 purpose, the ballot in the election shall so state and shall specify the amount that will
9 be used for a nonrecurring purpose. The limit otherwise applicable to the school
10 district under sub. (2m) is increased by the amount approved by a majority of those
11 voting on the question.

SECTION 9. Initial applicability.

12 (1) This act first applies to a resolution to issue a bond adopted by the school
13 board of a school district on the effective date of this subsection.
14

(END)

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