

# State of Wisconsin



2015 Assembly Bill 325

Date of enactment: **October 23, 2015**

Date of publication\*: **October 24, 2015**

## 2015 WISCONSIN ACT 63

**AN ACT** to repeal 17.26 (1m) (a); to renumber 17.26 (intro.), 17.26 (2) and 17.26 (4); to renumber and amend 17.26 (1) and 120.42 (1m) (b); to consolidate, renumber and amend 17.26 (1m) (intro.) and (b); to amend 17.26 (3), 120.06 (7) (b) and 120.42 (3); and to create 17.26 (1m) and 120.12 (28) of the statutes; relating to: filling certain vacancies on school boards of common, union high, and unified school districts, requiring a primary for the election of school board members to certain election districts, and requiring adoption of an apportionment plan after the decennial census.

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

**SECTION 1.** 17.26 (intro.) of the statutes is renumbered 17.26 (1g) (intro.).

**SECTION 2.** 17.26 (1) of the statutes is renumbered 17.26 (1g) (a) and amended to read:

17.26 (1g) (a) ~~In~~ Except as provided in sub. (1m), in a common, union high, or unified school district, by appointment by the remaining members. ~~Each~~ An appointee under this paragraph or sub. (1m) shall hold office until a successor is elected and takes office under s. 120.06 (4) or 120.42 (2). When a vacancy occurs in the office of a board member who is in the last year of his or her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the 2nd following spring election.

**SECTION 3.** 17.26 (1m) (intro.) and (b) of the statutes, as created by 2015 Wisconsin Act ... (this act), are consolidated, renumbered 17.26 (1m) and amended to read:

17.26 (1m) If the remaining members of a school board do not appoint an individual to fill a vacancy under sub. (1g) (a) within 60 days of the date on which the vacancy first exists, ~~all of the following apply:~~ (b) ~~Subject to par. (a),~~ the remaining members of the school board may fill the vacancy in accordance with the school board's policy under s. 120.12 (28).

**SECTION 4.** 17.26 (1m) of the statutes is created to read:

17.26 (1m) If the remaining members of the school board of a common, union high, or unified school district do not appoint an individual to fill a vacancy under sub. (1g) (a) within 60 days of the date on which the vacancy first exists, all of the following apply:

(a) If the vacancy is in a unified school district that encompasses a city with a population greater than 75,000 but less than 100,000 and that encompasses at least 2 villages, the school board president of the unified school district may appoint an individual to fill the vacancy.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(b) Subject to par. (a), the remaining members of the school board may fill the vacancy in accordance with the school board's policy under s. 120.12 (28).

**SECTION 5.** 17.26 (1m) (a) of the statutes, as created by 2015 Wisconsin Act .... (this act), is repealed.

**SECTION 6.** 17.26 (2) of the statutes is renumbered 17.26 (1g) (b).

**SECTION 7.** 17.26 (3) of the statutes is amended to read:

17.26 (3) Any person selected under sub. (1) ~~(1g) (a) or (1m)~~, upon being notified of his or her selection, shall be deemed to have accepted the selection unless within 5 days after notification he or she files with the clerk or director a written refusal to serve.

**SECTION 8.** 17.26 (4) of the statutes is renumbered 17.26 (1g) (c).

**SECTION 9.** 120.06 (7) (b) of the statutes is amended to read:

120.06 (7) (b) The school board shall require a primary election if there are more than 2 candidates for any seat on a 3-member board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members. In school districts in which a plan of apportionment of school board members under s. 120.02 (2), an apportionment plan that apportions the territory of the school district into election districts under s. 120.42 (1m), or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election it shall be held in conjunction with the spring primary.

**SECTION 10.** 120.12 (28) of the statutes is created to read:

120.12 (28) SCHOOL BOARD VACANCIES. By July 1, 2016, adopt a policy on how the school board will fill a vacancy on the school board if the remaining school board members do not fill the vacancy under s. 17.26 (1g) (a) within 60 days of the date on which the vacancy first exists.

**SECTION 11.** 120.42 (1m) (b) of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 120.42 (1m) (b) (intro.) and amended to read:

120.42 (1m) (b) (intro.) ~~Within~~ The school board shall adopt a district apportionment plan that apportions the territory of the school district into election districts pursuant to the representation plan as follows:

1. Within 60 days after establishing the representation plan under par. (a), ~~and decennially thereafter within,~~

2. Within 60 days after the population count by census block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, ~~the school board shall adopt a district apportionment plan that apportions the territory of the school district into election districts pursuant to the representation plan and decennially thereafter.~~

**SECTION 12.** 120.42 (3) of the statutes is amended to read:

120.42 (3) All vacancies shall be filled by appointment, in accordance with s. 17.26 ~~(1) (1g) (a) or (1m)~~.

**SECTION 13. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) SCHOOL BOARD PRESIDENT; POWER TO FILL A VACANCY. The repeal of section 17.26 (1m) (a) of the statutes and the consolidation, renumbering, and amendment of section 17.26 (1m) (intro.) and (b) of the statutes take effect on April 12, 2016.