

1 **AN ACT** *to amend* 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66 (3) (b), 24.66
2 (4), 32.72 (1), 38.15 (1), 59.08 (7) (b), 59.605 (3) (a) 1., 60.62 (2), 60.74 (5) (b),
3 61.187 (1), 61.46 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.0101 (8), 66.0217 (7) (a)
4 3., 66.0219 (4) (b), 66.0227 (3), 66.0619 (2m) (b), 66.0815 (1) (c), 66.0921 (2),
5 66.1103 (10) (d), 67.05 (4) and (5), 67.05 (6a) (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b),
6 67.12 (12) (e) 5., 81.01 (3) (b) (intro.), 86.21 (2) (a), 117.20, 119.48 (4) (b) and (c),
7 119.49 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b) and (2), 197.10 (2) and 198.19
8 (1); and *to create* 8.065 and 15.615 of the statutes; **relating to:** the timing of local
9 referenda elections.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This draft provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an odd-numbered year (no election is currently held on that date), or concurrently with the September primary (held in each even-numbered year) or general election (held in each even-numbered year). [The draft also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to substantially similar

subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period.]

[The draft also creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly, and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.]

The draft applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

The draft contains an effective date of January 1, 2006.

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

1 **SECTION 1.** 7.15 (2) (d) of the statutes is amended to read:

2 7.15 (2) (d) Whenever the governing body of any municipality submits any question
3 to a vote of the electors or whenever a proper recall petition and certificate are filed under s.
4 9.10, the municipal clerk shall issue a call for the election and prepare and distribute ballots
5 as required in the authorization of submission or as provided in s. 9.10. The date of the
6 referendum shall be established in accordance with s. 8.065, and shall be fixed by the
7 municipal clerk or board of election commissioners unless otherwise provided by law or
8 unless the governing body fixes a date. The ballot for any referendum shall conform to s. 5.64
9 (2). If there is already an official municipal referendum ballot for the election, the question
10 may appear on the same ballot.

11 **SECTION 2.** 8.05 (3) (d) and (e) of the statutes are amended to read:

12 8.05 (3) (d) The question of adoption of the nonpartisan primary under this subsection
13 may be submitted to the electors at any ~~regular~~ election authorized under s. 8.065 to be held
14 ~~in the town or at a special election called for the purpose.~~ When a petition requesting adoption

1 of the nonpartisan primary conforming to the requirements of s. 8.40 signed by at least 20
2 electors of the town is filed with the town clerk as provided in s. 8.37, the question shall be
3 submitted to a vote.

4 (e) Petitions requesting a vote on the question at a regular town election shall be filed
5 in accordance with s. 8.37 no later than 5 p.m. the last Tuesday in February. When the petition
6 is filed, the clerk shall check its sufficiency. ~~Whether at a regular or special election, the~~ The
7 clerk shall give separate notice by one publication in a newspaper at least 5 days before the
8 election.

9 **SECTION 3.** 8.06 of the statutes is amended to read:

10 **8.06 Special elections may be called.** Towns, cities, villages and school districts may
11 call special elections for any purpose whenever such action is authorized or required by law.
12 If an election is called for a special referendum, the election shall be called and noticed ~~under~~
13 as provided in s. 8.55.

14 **SECTION 4.** 8.065 of the statutes is created to read:

15 **8.065 Scheduling of referenda.** (1) In this section, “local governmental unit” has the
16 meaning given in s. 16.97 (7).

17 (2) Unless otherwise required by law [or unless authorized under sub. (3)], a referendum
18 held by any local governmental unit that is authorized or required by law to hold a referendum
19 may only be held concurrently with the spring primary, spring election, September primary,
20 or general election, or on the first Tuesday after the first Monday of November of an
21 odd-numbered year. [Unless otherwise required by law or unless authorized under sub. (3),
22 no referendum submitted by the same local governmental unit relating to substantially similar
23 subject matter or relating to authorization for the borrowing of money may be held more than
24 once in any 12-month period.]

1 [(3) If a local governmental unit wishes to hold a special referendum on a date that is
2 not concurrent with an election specified in s. 5.02 (5), (18), (21), or (22) or on a date other
3 than the first Tuesday after the first Monday in November of an odd-numbered year, the local
4 governmental unit may petition the referendum appeal board for a determination that an
5 emergency exists with respect to a particular question. The referendum appeal board shall
6 make a determination within 10 days after receipt of a petition under this subsection. If the
7 referendum appeal board finds, with the concurrence of at least 4 members, that an emergency
8 exists which requires a special referendum to be held by a local governmental unit on a date
9 that is not concurrent with an election specified in s. 5.02 (5), (18), (21), or (22) or on a date
10 other than the first Tuesday after the first Monday in November of an odd-numbered year, the
11 board may permit a referendum relating to the question specified in the petition to be held on
12 a date determined by the local governmental unit.]

COMMENT: SECTION 4 of the draft limits the dates on which local units of government may hold referenda. SECTIONS 4 and 6 also create a referendum appeal board in new s. 8.065 (3) to which a local unit of government may apply for permission to hold a referendum on a different day. This is a feature of past legislative efforts on this front. Does the committee wish to include the appeal board in this draft?

SECTION 4, in the second sentence of new s. 8.065 (2), also provides that a local unit of government may not submit a substantially similar referendum more than once in a 12-month period without approval from the appeal board. This, too, is a feature of past legislative efforts. Does the committee want to retain this feature?

13 **SECTION 5.** 9.20 (4) of the statutes is amended to read:

14 9.20 (4) The common council or village board shall, without alteration, either pass the
15 ordinance or resolution within 30 days following the date of the clerk's final certificate, or
16 submit it to the electors at the next ~~spring or general~~ election authorized under s. 8.065, if the
17 election is more than 6 weeks after the date of the council's or board's action on the petition

1 or the expiration of the 30-day period, whichever first occurs. If there are 6 weeks or less
2 before the election, the ordinance or resolution shall be voted on at the next election authorized
3 under s. 8.065 (2) or an election authorized under s. 8.065 (3) thereafter. The council or board
4 by a three-fourths vote of the members-elect may order a special election for the purpose of
5 voting on the ordinance or resolution at any time prior to the next election, but not more than
6 one special election for direct legislation may be ordered in any 6-month period.

7 **SECTION 6.** 15.615 of the statutes is created to read:

8 **15.615 Same; attached boards.**

9 **(2) REFERENDUM APPEAL BOARD.** There is created a referendum appeal board which is
10 attached to the elections board under s. 15.03. The referendum appeal board shall consist of
11 the governor, the senate majority leader, the senate minority leader, the speaker of the
12 assembly, and the assembly minority leader or the designees of these persons. Members of
13 the board shall serve for indefinite terms.

14 **SECTION 7.** 24.66 (3) (b) of the statutes is amended to read:

15 24.66 **(3) (b)** *For long-term loans by unified school districts.* Every application for a
16 loan, the required repayment of which exceeds 10 years, shall be approved and authorized for
17 a unified school district by a majority vote of the members of the school board at a regular or
18 special meeting of the school board. Every vote so required shall be by ayes and noes duly
19 recorded. In addition, the application shall be approved for a unified school district by a
20 majority vote of the electors of the school district at a special election referendum as provided
21 under sub. (4).

22 **SECTION 8.** 24.66 (4) of the statutes is amended to read:

23 24.66 **(4) POPULAR VOTE, WHEN REQUIRED.** If any municipality is not empowered by law
24 to incur indebtedness for a particular purpose without first submitting the question to its

1 electors, the application for a state trust fund loan for that purpose must be approved and
2 authorized by a majority vote of the electors at a ~~special election~~ referendum called, in
3 accordance with s. 8.065, and noticed and held in the manner provided for other ~~special~~
4 ~~elections~~ referenda. The question to be voted on shall be filed as provided in s. 8.37. The
5 notice of the ~~election~~ referendum shall state the amount of the proposed loan and the purpose
6 for which it will be used.

7 **SECTION 9.** 32.72 (1) of the statutes is amended to read:

8 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
9 question is submitted to the electors of the city at a ~~special election~~ referendum called in
10 accordance with s. 8.065 and adopted by a majority vote of the electors voting: "Shall
11 subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of, thus
12 allowing the city to acquire and condemn property for street widening and similar purposes,
13 financed through assessments of benefits and damages?". The question shall be filed as
14 provided in s. 8.37.

15 **SECTION 10.** 38.15 (1) of the statutes is amended to read:

16 38.15 (1) Subject to sub. (3), if the district board intends to make a capital expenditure
17 in excess of \$500,000, excluding moneys received from gifts, grants or federal funds, for the
18 acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if
19 costs exceed \$500,000 for the lifetime of the lease, building additions or enlargements or the
20 purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its
21 intention to do so and identifying the anticipated source of revenue for each project and shall
22 submit the resolution to the electors of the district for approval. The referendum may be held
23 at any election authorized under s. 8.065 and shall be noticed, called and conducted as
24 provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects

1 located on a single campus site within one district which are bid concurrently or which are
2 approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one
3 capital expenditure project.

4 **SECTION 11.** 59.08 (7) (b) of the statutes is amended to read:

5 59.08 (7) (b) The question of the consolidation of the counties shall be submitted to the
6 voters at the next election authorized under s. 8.065 (2) or an election authorized under s. 8.065
7 (3) to be held on the first Tuesday in April, or the next regular election, or at a special election
8 to be held on the day fixed in a date specified in the order which shall be no sooner than 45
9 days after the date of the order issued under par. (a), which day date shall be the same in each
10 of the counties proposing to consolidate. A copy of the order shall be filed with the county
11 clerk of each of the counties as provided in s. 8.37. If the question of consolidation is submitted
12 at a special election, it shall be held not less than 42 days nor more than 60 days from the
13 completion of the consolidation agreement, but not within 60 days of any spring or general
14 election.

15 **SECTION 12.** 59.605 (3) (a) 1. of the statutes is amended to read:

16 59.605 (3) (a) 1. If the governing body of a county wishes to exceed the operating levy
17 rate limit otherwise applicable to the county under this section, it shall adopt a resolution to
18 that effect. The resolution shall specify either the operating levy rate or the operating levy that
19 the governing body wishes to impose for either a specified number of years or an indefinite
20 period. The governing body shall call a special referendum for the purpose of submitting the
21 resolution to the electors of the county for approval or rejection. In lieu of a special
22 referendum, the governing body may specify that provide for the referendum to be held at the
23 next succeeding spring primary or election or September primary or general election to be held
24 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier

1 than 42 days after the adoption of the resolution of the governing body. The governing body
2 shall file the resolution to be submitted to the electors as provided in s. 8.37.

3 **SECTION 13.** 60.62 (2) of the statutes is amended to read:

4 60.62 (2) If the county in which the town is located has enacted a zoning ordinance
5 under s. 59.69, the exercise of the authority under sub. (1) is subject to approval by the town
6 meeting or by a referendum vote of the electors of the town to be held at the time of any regular
7 or special election in accordance with s. 8.065. The question for the referendum vote shall be
8 filed as provided in s. 8.37.

9 **SECTION 14.** 60.74 (5) (b) of the statutes is amended to read:

10 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by qualified
11 electors of the district equal to at least 20% of the vote cast for governor in the district at the
12 last gubernatorial election, requesting a change to appointment of commissioners, may be
13 submitted to the town board, subject to sub. (5m) (a). The petition shall be filed as provided
14 in s. 8.37. Upon receipt of the petition, the town board shall submit the question to a
15 referendum at the next ~~regular spring election or general election, or shall call a special~~
16 ~~election for that purpose~~ authorized under s. 8.065 (2) or an election authorized under s. 8.065
17 (3) to be held not sooner than 45 days after receipt of the petition by the town board. The
18 inspectors shall count the votes and submit a statement of the results to the commission. The
19 commission shall canvass the results of the election and certify the results to the town board
20 which has authority to appoint commissioners.

21 **SECTION 15.** 61.187 (1) of the statutes is amended to read:

22 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements of s. 8.40,
23 signed by at least one-third as many electors of any village as voted for village officers at the
24 next preceding election therefor, shall be presented to the village board, and filed as provided

1 in s. 8.37, praying for dissolution of the village corporation, such board shall submit to the
2 electors of such village, for determination by ballot in substantially the manner provided by
3 ss. 5.64 (2) and 10.02, at ~~a general election or at a special election called by them for that~~
4 purpose the next election authorized under s. 8.065 (2) or an election authorized under s. 8.065
5 (3) to be held not sooner than 45 days after presentation of the petition, the question whether
6 or not such village corporation shall be dissolved.

7 **SECTION 16.** 61.46 (1) of the statutes is amended to read:

8 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December 15 in
9 each year, by resolution to be entered of record, determine the amount of corporation taxes
10 to be levied and assessed on the taxable property in such village for the current year. Before
11 levying any tax for any specified purpose, exceeding one percent of the assessed valuation
12 aforesaid, the village board shall, and in all other cases may in its discretion, submit the
13 question of levying the same to the village electors at ~~any general or special~~ the next election
14 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held no sooner
15 than 45 days after adoption of the resolution by giving 10 days' notice thereof prior to such
16 election by publication in a newspaper published in the village, if any, and if there is none, then
17 by posting notices in 3 public places in said village, setting forth in such notices the object and
18 purposes for which such taxes are to be raised and the amount of the proposed tax. The village
19 board shall file the question as provided in s. 8.37.

20 **SECTION 17.** 62.09 (1) (a) of the statutes is amended to read:

21 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller, attorney,
22 engineer, one or more assessors unless the city is assessed by a county assessor under s. 70.99,
23 one or more constables as determined by the common council, a local health officer, as defined
24 in s. 250.01 (5), or local board of health, as defined in s. 250.01 (3), street commissioner, board

1 of police and fire commissioners except in cities where not applicable, chief of police, chief
2 of the fire department, board of public works, 2 alderpersons from each aldermanic district,
3 and such other officers or boards as are created by law or by the council. If one alderperson
4 from each aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance
5 adopted by a two-thirds vote of all its members and approved by the electors at ~~a general or~~
6 ~~special~~ any election authorized under s. 8.065, provide that there shall be 2 alderpersons from
7 each aldermanic district.

8 **SECTION 18.** 64.03 (1) of the statutes is amended to read:

9 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15, and every
10 petition for a ~~special election~~ referendum on the same, shall state the number of members of
11 which the council herein provided for shall be composed, the term of office of its members,
12 which term shall not exceed 2 years, whether they shall be nominated and elected from
13 aldermanic districts or from the city at large, and the compensation, if any, which they shall
14 receive.

15 **SECTION 19.** 64.39 (3) of the statutes is amended to read:

16 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit the
17 questions prescribed in sub. (1) at ~~a special~~ the next election authorized under s. 8.065 (2) or
18 an election authorized under s. 8.065 (3) to be held ~~at a time specified therein and within 2~~
19 ~~months~~ not sooner than 45 days after such petition is filed. The election upon such question
20 shall be conducted, the vote canvassed, and the result declared in the same manner as provided
21 by law for other city elections.

22 **SECTION 20.** 66.0101 (8) of the statutes is amended to read:

23 66.0101 (8) A charter ordinance enacted or approved by a vote of the electors controls
24 over any prior or subsequent act of the legislative body of the city or village. If the electors

1 of any city or village by a majority vote have adopted or determined to continue to operate
2 under either ch. 62 or 64, or have determined the method of selection of members of the
3 governing board, the question shall not again be submitted to the electors, nor action taken on
4 the question, within a period of 2 years. Any election to change or amend the charter of any
5 city or village, other than ~~a special~~ an election ~~as provided in~~ called under s. 9.20 (4), shall
6 be held at the time provided by statute for holding the spring election.

7 **SECTION 21.** 66.0217 (7) (a) 3. of the statutes is amended to read:

8 66.0217 (7) (a) 3. If the notice indicates that the petition is for a referendum on the
9 question of annexation, the clerk of the city or village shall file the notice as provided in s. 8.37.
10 If the notice indicates that the petition is for a referendum on the question of annexation, the
11 town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in
12 the area proposed for annexation to be held at the next election permitted under s. 8.065 (2)
13 or an election authorized under s. 8.065 (3), but not less than 42 days ~~nor more than 72 days~~
14 after the date of personal service or mailing of the notice required under this paragraph. If the
15 notice indicates that the petition is for direct annexation, no referendum shall be held unless
16 within 30 days after the date of personal service or mailing of the notice required under this
17 paragraph, a petition conforming to the requirements of s. 8.40 requesting a referendum is
18 filed with the town clerk as provided in s. 8.37, signed by at least 20% of the electors residing
19 in the area proposed to be annexed. If a petition requesting a referendum is filed, the clerk shall
20 give notice as provided in par. (c) of a referendum of the electors residing in the area proposed
21 for annexation to be held at the next election permitted under s. 8.065 (2) or an election
22 authorized under s. 8.065 (3), but not less than 42 days ~~nor more than 72 days~~ after the receipt
23 of the petition and shall mail a copy of the notice to the clerk of the city or village to which

1 the annexation is proposed. The referendum shall be held at a convenient place within the
2 town to be specified in the notice.

3 **SECTION 22.** 66.0219 (4) (b) of the statutes is amended to read:

4 66.0219 (4) (b) The referendum election shall be held at the next election permitted
5 under s. 8.065 (2) or an election authorized under s. 8.065 (3), but not less than 42 days ~~nor~~
6 ~~more than 72 days~~ after the filing of the order as provided in s. 8.37, in the territory proposed
7 for annexation, by the electors of that territory as provided in s. 66.0217 (7), so far as
8 applicable. The ballots shall contain the words “For Annexation” and “Against Annexation”.
9 The certification of the election inspectors shall be filed with the clerk of the court, and the
10 clerk of any municipality involved, but need not be filed or recorded with the register of deeds.

11 **SECTION 23.** 66.0227 (3) of the statutes is amended to read:

12 66.0227 (3) The governing body of a city, village or town involved may, or if a petition
13 conforming to the requirements of s. 8.40 signed by a number of qualified electors equal to
14 at least 5% of the votes cast for governor in the city, village or town at the last gubernatorial
15 election, demanding a referendum, is presented to it within 30 days after the passage of either
16 of the ordinances under sub. (2) shall, submit the question to the electors of the city, village
17 or town whose electors petitioned for detachment, at a referendum election ~~called for that~~
18 ~~purpose~~ held at the next election permitted under s. 8.065 (2) or an election authorized under
19 s. 8.065 (3) but not less than 42 days ~~nor more than 72 days~~ after the filing of the petition, or
20 after the enactment of either ordinance. The petition shall be filed as provided in s. 8.37. If
21 a number of electors cannot be determined on the basis of reported election statistics, the
22 number shall be determined in accordance with s. 60.74 (6). The governing body of the
23 municipality shall appoint 3 election inspectors who are resident electors to supervise the
24 referendum. The ballots shall contain the words “For Detachment” and “Against

1 Detachment''. The inspectors shall certify the results of the election by their attached
2 affidavits and file a copy with the clerk of each town, village or city involved, and none of the
3 ordinances may take effect nor be in force unless a majority of the electors approve the
4 question. The referendum election shall be conducted in accordance with chs. 6 and 7 to the
5 extent applicable.

6 **SECTION 24.** 66.0619 (2m) (b) of the statutes is amended to read:

7 66.0619 (2m) (b) If a referendum is to be held on a resolution, the municipal governing
8 body shall file the resolution as provided in s. 8.37 and shall direct the municipal clerk to call
9 a special election for the purpose of submitting submit the resolution to the electors for
10 approval of the electors at a referendum on approval or rejection. In lieu of a special election,
11 the municipal governing body may specify that the election be held at the next succeeding
12 spring primary or election or September primary or general election called in accordance with
13 s. 8.065.

14 **SECTION 25.** 66.0815 (1) (c) of the statutes is amended to read:

15 66.0815 (1) (c) An ordinance under sub. (1) may not take effect until 60 days after
16 passage and publication unless sooner approved by a referendum. Within the 60-day period
17 electors equal in number to 20% of those voting at the last regular municipal election may file
18 a petition requesting for a referendum. The petition shall be in writing and filed with the clerk
19 and as provided in s. 8.37. The petition shall conform to the requirements of s. 8.40, except
20 that each signer shall also state his or her. Each signer shall state his or her residence and
21 signatures shall be verified by the affidavit of an elector. The referendum shall be held at the
22 next regular municipal election, or at a special election within 90 days of the authorized under
23 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after
24 filing of the petition. The ordinance may not take effect unless approved by a majority of the

1 votes cast. This paragraph does not apply to extensions by a utility previously franchised by
2 the village, city or town.

3 **SECTION 26.** 66.0921 (2) of the statutes is amended to read:

4 66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint contract with
5 a nonprofit corporation organized for civic purposes and located in the municipality to
6 construct or otherwise acquire, equip, furnish, operate and maintain a facility to be used for
7 municipal and civic activities if a majority of the voters voting in a referendum at a special
8 ~~election or at a spring primary or election or September primary or general~~ an election
9 authorized under s. 8.065 approve the question of entering into the joint contract.

10 **SECTION 27.** 66.1103 (10) (d) of the statutes is amended to read:

11 66.1103 (10) (d) The governing body may issue bonds under this section without
12 submitting the proposition to the electors of the municipality for approval unless within 30
13 days from the date of publication of notice of adoption of the initial resolution for the bonds,
14 a petition conforming to the requirements of s. 8.40, and signed by a number of electors of the
15 municipality equal to not less than 5% of the registered electors ~~of the municipality~~, or, if there
16 is no registration of electors in the municipality, by 10% of the number of electors of the
17 municipality voting for the office of governor at the last general election as determined under
18 s. 115.01 (13), is filed with the clerk of the municipality and as provided in s. 8.37 requesting
19 a referendum upon the question of the issuance of the bonds. If such a petition is filed, the
20 bonds may not be issued until approved by a majority of the electors of the municipality voting
21 on the referendum at a ~~general or special election~~ referendum called in accordance with s.
22 8.065.

23 **SECTION 28.** 67.05 (4) and (5) of the statutes are amended to read:

1 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an initial
2 resolution for an issue of county bonds to provide for the original construction or for the
3 improvement and maintenance of highways, to provide railroad aid, or to construct, acquire
4 or maintain, or to aid in constructing, acquiring or maintaining a bridge over or across any
5 stream or other body of water bordering upon or intersecting any part of the county, the county
6 clerk is not required to submit the resolution for approval to the electors of the county at a
7 ~~special-election~~ referendum unless within 30 days after the adoption thereof there is filed with
8 the clerk a petition conforming to the requirements of s. 8.40 and requesting such submission,
9 signed by electors numbering at least 10% of the votes cast in the county for governor at the
10 last general election. If a petition is filed, the question submitted shall be whether the
11 resolution shall be or shall not be approved. No such resolution of a county board other than
12 those specified in this subsection need be submitted to county electors, except as provided
13 otherwise in sub. (7).

14 (5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial resolution has
15 been so adopted by the governing body of a town, the clerk of the municipality shall
16 immediately record the resolution and call a ~~special-election~~ referendum in accordance with
17 s. 8.065 for the purpose of submitting the resolution to the electors of the municipality for
18 approval. This paragraph does not apply to bonds issued to finance low-interest mortgage
19 loans under s. 62.237, unless a number of electors equal to at least 15% of the votes cast for
20 governor at the last general election in their town sign and file a petition conforming to the
21 requirements of s. 8.40 with the town clerk requesting submission of the resolution. Whenever
22 a number of electors cannot be determined on the basis of reported statistics, the number shall
23 be determined in accordance with s. 60.74 (6). If a petition is filed, the question submitted

1 shall be whether the resolution shall or shall not be approved. This paragraph is limited in its
2 scope by sub. (7).

3 (b) No city or village may issue bonds for any purposes other than for water systems,
4 lighting works, gas works, bridges, street lighting, street improvements, street improvement
5 funding, hospitals, airports, harbor improvements, river improvements, breakwaters and
6 protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of
7 sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and
8 band shells, veterans housing projects, paying the municipality's portion of the cost of
9 abolishing grade crossings, for the construction of police facilities and combined fire and
10 police safety buildings, for the purchase of sites for engine houses, for fire engines and other
11 equipment of the fire department, for construction of engine houses, and for pumps, water
12 mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment
13 for fire protection, for parking lots or other parking facilities, for school purposes, for libraries,
14 for buildings for the housing of machinery and equipment, for acquiring and developing sites
15 for industry and commerce as will expand the municipal tax base, for financing the cost of
16 low-interest mortgage loans under s. 62.237, for providing financial assistance to blight
17 elimination, slum clearance, community development, redevelopment and urban renewal
18 programs and projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337 or for
19 University of Wisconsin System college campuses, as defined in s. 36.05 (6m), until the
20 proposition for their issue for the special purpose has been submitted to the electors of the city
21 or village and adopted by a majority vote. Except as provided under sub. (15), if the common
22 council of any city or the village board of a village declares its purpose to raise money by
23 issuing bonds for any purpose other than those specified in this subsection, it shall direct by
24 resolution, which shall be recorded at length in the record of its proceedings, the clerk to call

1 a special election referendum in accordance with s. 8.065 for the purpose of submitting the
2 question of bonding to the city or village electors. If a number of electors of a city or village
3 equal to at least 15% of the votes cast for governor at the last general election in their city or
4 village sign and file a petition conforming to the requirements of s. 8.40 with the city or village
5 clerk requesting submission of the resolution, the city or village may not issue bonds for
6 financing the cost of low-interest mortgage loans under s. 62.237 ~~without calling a special~~
7 ~~election to submit the question of bonding to~~ unless the issuance is approved by the city or
8 village electors ~~for their approval at a referendum called in accordance with s. 8.065.~~

9 **SECTION 29.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

10 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a special election referendum
11 in accordance with s. 8.065 (2) or an election authorized under s. 8.065 (3) for the purpose of
12 submitting the resolution to the electors for approval or rejection, ~~or direct that the resolution~~
13 ~~be submitted at the next regularly scheduled primary or election permitted under s. 8.065 (2)~~
14 or an election authorized under s. 8.065 (3) to be held not earlier than 45 days after the adoption
15 of the resolution. The resolution shall not be effective unless adopted by a majority of the
16 school district electors voting at the referendum.

17 **SECTION 30.** 67.05 (6m) (b) of the statutes is amended to read:

18 67.05 **(6m)** (b) If a referendum is to be held on an initial resolution, the district board
19 shall direct the technical college district secretary to call a special election referendum in
20 accordance with s. 8.065 for the purpose of submitting the initial resolution to the electors for
21 ~~a referendum on approval or rejection. In lieu of a special election, the district board may~~
22 ~~specify that the election be held at the next succeeding spring primary or election or September~~
23 ~~primary or general election.~~

24 **SECTION 31.** 67.10 (5) (b) of the statutes is amended to read:

1 67.10 (5) (b) Any city having ~~voted~~ approved the issuance of bonds at a special
2 referendum election held in accordance with s. 8.065 and having sold a portion thereof may
3 negotiate, sell or otherwise dispose of the same in the manner provided by statute within 9
4 years of the date of the election voting the same.

5 **SECTION 32.** 67.12 (12) (e) 5. of the statutes is amended to read:

6 67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district board
7 of a resolution under subd. 1. to issue a promissory note for a purpose under s. 38.16 (2), the
8 secretary of the district board shall publish a notice of such adoption as a class 1 notice, under
9 ch. 985. The notice need not set forth the full contents of the resolution, but shall state the
10 amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the
11 resolution was adopted under this subsection and the place where and the hours during which
12 the resolution is available for public inspection. If the amount proposed to be borrowed is for
13 building remodeling or improvement and does not exceed \$500,000 or is for movable
14 equipment, the district board need not submit the resolution to the electors for approval unless,
15 within 30 days after the publication or posting, a petition conforming to the requirements of
16 s. 8.40 is filed with the secretary of the district board requesting a referendum ~~at a special~~
17 ~~election~~ to be called for that purpose. Such petition shall be signed by electors from each
18 county lying wholly or partially within the district. The number of electors from each county
19 shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c).
20 If a county lies in more than one district, the technical college system board shall apportion
21 the county's population as determined under s. 16.96 (2) (c) to the districts involved and the
22 petition shall be signed by electors equal to the appropriate percentage of the apportioned
23 population. ~~In lieu of a special election, the district board may specify that the referendum~~
24 ~~shall be held at the next succeeding spring primary or election or September primary or general~~

1 ~~election.~~ Any resolution to borrow amounts of money in excess of \$500,000 for building
2 remodeling or improvement shall be submitted to the electors of the district for approval. Any
3 referendum under this subdivision shall be called at the next election authorized under s. 8.065
4 (2) or an election authorized under s. 8.065 (3) occurring not sooner than 45 days after filing
5 of a petition or adoption of a resolution requiring the referendum. If a referendum is held or
6 required under this subdivision, no promissory note may be issued until the issuance is
7 approved by a majority of the district electors voting at such referendum. The referendum
8 shall be noticed, called and conducted under s. 67.05 (6a) insofar as applicable, except that
9 the notice of ~~special election~~ referendum and ballot need not embody a copy of the resolution
10 and the question which shall appear on the ballot shall be "Shall (name of district) be
11 authorized to borrow the sum of \$.... for (state purpose) by issuing its general obligation
12 promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?".

13 **SECTION 33.** 81.01 (3) (b) (intro.) of the statutes is amended to read:

14 81.01 (3) (b) (intro.) The town board by resolution submits to the electors of the town
15 as a referendum at ~~a general or special town~~ an election authorized under s. 8.065 the question
16 of exceeding the \$10,000 limit set under this subsection. A copy of the resolution shall be filed
17 as provided in s. 8.37. The board shall abide by the majority vote of the electors of the town
18 on the question. The question shall read as follows:

19 **SECTION 34.** 86.21 (2) (a) of the statutes is amended to read:

20 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this section,
21 a resolution authorizing the construction or acquisition thereof, and specifying the method of
22 payment therefor, shall be adopted by a majority of the members of the governing body of such
23 county, town, village or city at a regular meeting, after publication of said resolution, as a class
24 2 notice, under ch. 985. The resolution shall include a general description of the property it

1 is proposed to acquire or construct. Any county, town, village or city constructing or acquiring
2 a toll bridge under this section may provide for the payment of the same or any part thereof
3 from the general fund, from taxation, or from the proceeds of either municipal bonds, revenue
4 bonds or as otherwise provided by law. Such resolution shall not be effective until 15 days
5 after its passage and publication. If within said 15 days a petition conforming to the
6 requirements of s. 8.40 is filed with the clerk of such municipality, and filed as provided in
7 s. 8.37, signed by at least 20% of the electors thereof requesting that the question of acquiring
8 such toll bridge be submitted to the said electors, such question shall be submitted at ~~any~~
9 ~~general or regular municipal~~ the next election authorized under s. 8.065 (2) or an election
10 authorized under s. 8.065 (3) that is held not sooner than 42 days from the date of filing such
11 petition. ~~In case no such general or regular municipal election is to be held within such stated~~
12 ~~period, then the governing body of such municipality shall order a special election to be held~~
13 ~~within 30 days from the filing of such petition upon the question of whether such toll bridge~~
14 ~~shall be acquired by said municipality.~~ The question submitted to the electors shall specify
15 the method of payment for such toll bridge as provided in the resolution for the acquisition
16 thereof. If no such petition is filed, or if the majority of votes cast at such referendum election
17 are in favor of the acquisition of such toll bridge, then the resolution of the governing body
18 for the acquisition of such toll bridge shall be in effect.

19 **SECTION 35.** 117.20 of the statutes is amended to read:

20 **117.20 Referendum procedures.** (1) If a referendum is required under ss. 117.08 to
21 117.11, it shall be held on the Tuesday after the first Monday in November occurring not
22 sooner than 45 days following receipt of the petition or adoption of the resolution under s.
23 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a referendum is required under
24 s. 117.105, it shall be held on the Tuesday after the first Monday in the 2nd November

1 occurring not sooner than 45 days following receipt of the petition or adoption of the
2 resolution under s. 117.105 (1).

3 (2) The clerk of each affected school district shall publish notice, as required under s.
4 ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for school board elections
5 under s. 120.06 (5), (9), (11), (13) and (14) apply to a referendum held under this section. The
6 school board and school district clerk of each affected school district shall each perform, for
7 that school district, the functions assigned to the school board and the school district clerk,
8 respectively, under those subsections. The form of the ballot shall correspond to the form
9 prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected
10 school district shall file with the secretary of the board a certified statement prepared by the
11 school district board of canvassers of the results of the referendum in that school district.

12 **SECTION 36.** 119.48 (4) (b) and (c) of the statutes are amended to read:

13 119.48 (4) (b) The communication shall state the purposes for which the funds from the
14 increase in the levy rate will be used and shall request the common council to submit to the
15 voters of the city the question of exceeding the levy rate specified in s. 65.07 (1) (f) at the
16 ~~September election or a special~~ an election authorized under s. 8.065.

17 (c) Upon receipt of the communication, the common council shall file the
18 communication as provided in s. 8.37 and shall cause the question of exceeding the levy rate
19 specified under s. 65.07 (1) (f) to be submitted to the voters of the city at the ~~September election~~
20 ~~or at a special~~ next election authorized under s. 8.065 (2) or an election authorized under s.
21 8.065 (3) to be held not sooner than 45 days after receipt of the communication. The question
22 of exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted so that the vote
23 upon exceeding the levy rate specified in s. 65.07 (1) (f) is taken separately from any other
24 question submitted to the voters. If a majority of the electors voting on the question favors

1 exceeding the levy rate specified under s. 65.07 (1) (f), the common council shall approve the
2 increase in the levy rate and shall levy and collect a tax equal to the amount of money approved
3 by the electors.

4 **SECTION 37.** 119.49 (1) (b) and (2) of the statutes are amended to read:

5 119.49 (1) (b) The communication shall state the amount of funds needed under par.
6 (a) and the purposes for which the funds will be used and shall request the common council
7 to submit to the voters of the city at the next election authorized under s. 8.065 (2) or an election
8 authorized under s. 8.065 (3) to be held in the city not sooner than 45 days after receipt of the
9 communication the question of issuing school bonds in the amount and for the purposes stated
10 in the communication.

11 (2) Upon receipt of the communication, the common council shall file the
12 communication as provided in s. 8.37 and shall cause the question of issuing such school bonds
13 in the stated amount and for the stated school purposes to be submitted to the voters of the city
14 at the next election ~~held in the city~~ authorized under s. 8.065 (2) or an election authorized under
15 s. 8.065 (3) that occurs not sooner than 45 days after the date of receipt of the communication.

16 The question of issuing such school bonds shall be submitted so that the vote upon issuing such
17 school bonds is taken separately from any other question submitted to the voters. If a majority
18 of the electors voting on the school bond question favors issuing such school bonds, the
19 common council shall cause the school bonds to be issued immediately or within the period
20 permitted by law, in the amount requested by the board and in the manner other bonds are
21 issued.

22 **SECTION 38.** 121.91 (3) (a) of the statutes is amended to read:

23 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m) otherwise
24 applicable to the school district in any school year, it shall promptly adopt a resolution

1 supporting inclusion in the final school district budget of an amount equal to the proposed
2 excess revenue. The resolution shall specify whether the proposed excess revenue is for a
3 recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and
4 nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The
5 resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution,
6 the school board shall notify the department of the scheduled date of the referendum and
7 submit a copy of the resolution to the department. The school board shall call a special
8 referendum in accordance with s. 8.065 for the purpose of submitting the resolution to the
9 electors of the school district for approval or rejection. ~~In lieu of a special referendum, the~~
10 ~~school board may specify that the referendum be held at the next succeeding spring primary~~
11 ~~or election or September primary or general election, if such election is,~~ to be held not sooner
12 than 42 days after the filing of the resolution of the school board. The school district clerk shall
13 certify the results of the referendum to the department within 10 days after the referendum is
14 held.

15 **SECTION 39.** 197.04 (1) (b) and (2) of the statutes are amended to read:

16 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a petition
17 conforming to the requirements of s. 8.40 is filed with the clerk of the municipality as provided
18 in s. 8.37 and the petition has been signed by 5% of the electors of a 1st class city or by 10%
19 of the electors of all other municipalities requesting that the question of discontinuing the
20 proceeding to acquire the plant or equipment of the public utility be submitted to the electors
21 of the municipality, the applicable question under par. (c) shall be submitted to the electors at
22 any general or regular municipal the succeeding election authorized under s. 8.065 (2) or an
23 election authorized under s. 8.065 (3) that is held not less than 42 and not more than 47 days
24 from the date of the filing of the petition. ~~If no general election or regular municipal election~~

1 is to be held within the stated periods, the governing body of the municipality shall order the
2 holding of a special election, to be held not less than 42 days from the date of filing of the
3 petition, for the purpose of submitting the question to the electors.

4 (2) The governing body of the municipality may provide for notice of, the manner of
5 holding, the method of voting on, the method of making returns of, and the method of
6 canvassing and determining the result of, the election required under sub. (1). Notice of the
7 election to the electors shall be given by a brief notice of that fact once a week for 3 weeks
8 in some newspaper of general circulation published in the municipality. If no newspaper of
9 general circulation is published in the municipality, publication may be made in any
10 newspaper of general circulation in the county seat of the county in which the municipality
11 is located. ~~The notice of holding any special election shall be incorporated as a part of the~~
12 ~~notice given under this subsection.~~

13 **SECTION 40.** 197.10 (2) of the statutes is amended to read:

14 197.10 (2) Such contract when adopted by the common council of said city and accepted
15 by the owner or owners of such public utility shall be submitted to the public service
16 commission for its approval and upon such approval the same shall be filed as provided in s.
17 8.37 and submitted in such manner as the common council shall determine to a vote of the
18 electors of such city at the next regular municipal election ~~or at a special election called for~~
19 ~~that purpose~~ authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be
20 held not sooner than 45 days after approval of the commission, and such contract shall not
21 become binding upon such city until approved by a majority vote of the qualified electors of
22 such city voting thereon. No bonds shall in any case be issued by said city under the contract
23 or contracts mentioned in sub. (1), until the proposition of their issue shall have been submitted
24 to the people of such city and adopted by a majority of the electors voting thereon.

SECTION 41. 198.19 (1) of the statutes is amended to read:

198.19(1) Any territory, constituting one or more municipalities contiguous to a district may be annexed to and become a part of such district to all intents and purposes and with like effect as though originally included therein upon such terms and conditions as the board of directors of the district shall fix by ordinance adopted by the affirmative vote of two-thirds of the directors-elect, provided that before such ordinance becomes effective the same shall be accepted and ratified by the affirmative vote of a majority of the qualified electors entitled to vote and voting in a ~~special election~~ referendum called and held for that purpose, in accordance with s. 8.065, in each municipality proposed in such ordinance to be annexed to the district. Such ordinance shall be published and such election shall be noticed, held and conducted, as nearly as may be, in the manner provided by this chapter for the noticing, holding and conduct of elections upon the organization of a municipal power district, except that the returns of such election and the ballots therein shall be delivered to the clerk of the district. The results of said election shall be canvassed publicly by the directors of the district.

SECTION 42. Initial applicability.

(1) This act first applies with respect to referenda called on the effective date of this subsection.

SECTION 43. Effective date. This act takes effect on January 1, 2006.

(END)