



2021 ASSEMBLY BILL 1042

February 17, 2022 - Introduced by Representatives POPE, CONSIDINE, SHELTON, SPREITZER, HEBL, EMERSON, VRUWINK, B. MEYERS, MILROY, ANDERSON, SINICKI, HINTZ, CABRERA and SUBECK, cosponsored by Senators BEWLEY, ERPENBACH, LARSON, ROYS, RINGHAND, AGARD, SMITH, PFAFF and CARPENTER. Referred to Committee on Education.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 118.60 (4d) (b) 1. (intro.) and 121.91 (4) (n) 1.; and *to create*
2 118.60 (4e) of the statutes; **relating to:** state aid to the resident school district
3 of a pupil attending a private school under the Racine or statewide parental
4 choice program.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Public Instruction from making certain reductions in state aid paid to a school district until the electors of the school district have approved the reduction in state aid by a referendum vote. Current law requires DPI to reduce the state aid paid to a school district in a school year by the amount paid in that school year to a private school participating in the Racine or statewide parental choice program for each pupil who resides in that school district but who attends a private school under the Racine or statewide parental choice program.

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:

5 **SECTION 1.** 118.60 (4d) (b) 1. (intro.) of the statutes is amended to read:

ASSEMBLY BILL 1042**SECTION 1**

1 118.60 (4d) (b) 1. (intro.) Beginning in the 2015-16 school year, subject to sub.
2 (4e) and s. 121.085 (1), the department shall decrease a school district's state aid
3 payment under s. 121.08 by an amount calculated as follows:

4 **SECTION 2.** 118.60 (4e) of the statutes is created to read:

5 118.60 (4e) (a) In this subsection:

6 1. "Circulator" has the meaning given for "qualified circulator" under s. 5.02
7 (16g).

8 2. "Commission" means the elections commission.

9 (b) Beginning with state aid paid in the 2023-24 school year, the department
10 may not decrease a school district's state aid payment as provided under sub. (4d) (b)
11 until the school district qualifies as provided under this subsection. A school district
12 qualifies under this subsection when a petition to have the school district's state aid
13 reduced is certified as provided under par. (c) and approved at a referendum as
14 provided under par. (e).

15 (c) A petition to have a school district's state aid reduced as provided under sub.
16 (4d) (b) is certified when all of the following occur:

17 1. An individual, committee, or group files a registration statement with the
18 commission to initiate the petition. The registration statement shall include the
19 name and mailing address of the individual, committee, or group initiating the
20 petition.

21 2. The individual, committee, or group under subd. 1. circulates the petition
22 and files the petition with the commission no later than 60 days after the date on
23 which the registration statement is filed under subd. 1. The certification of a
24 circulator shall appear at the bottom of each petition sheet filed with the commission
25 and shall indicate the date that the circulator makes the certification next to the

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1 circulator's signature. The certification of the circulator shall include all of the
2 following:

3 a. The name and mailing address of the individual, committee, or group
4 initiating the petition.

5 b. A statement that the circulator personally circulated the petition and
6 personally obtained each of the signatures.

7 c. A statement that the circulator knows the signatures are of qualified
8 electors, as described under s. 6.02, of the school district that is the subject of the
9 petition.

10 d. A statement that the circulator knows the signers signed the petition with
11 full knowledge of its content.

12 e. A statement that the circulator knows the respective residences given for
13 each signer.

14 f. A statement that the circulator knows each signer signed on the date stated
15 opposite the signer's signature.

16 g. A statement that the circulator is a qualified elector of this state or, if not a
17 qualified elector of this state, is a U.S. citizen age 18 or older who, if the circulator
18 were a resident of this state, would not be disqualified from voting under s. 6.03.

19 h. A statement that the circulator intends to support the implementation of the
20 program under this section in the school district that is the subject of the petition.

21 i. A statement that the circulator is aware that falsifying the certification is
22 punishable under s. 12.13 (3) (a).

23 3. The commission certifies the results as provided in this subdivision. The
24 commission shall, within 31 days after a petition is filed under subd. 2., review the
25 signatures to determine whether the commission may not count any signatures or

ASSEMBLY BILL 1042**SECTION 2**

1 petition sheets under par. (d). If, after review, the commission determines that the
2 petition contains a number of signatures of qualified electors in the school district
3 that is the subject of the petition that is not less than 20 percent of the number of
4 electors voting in the last election of school board members in the school district, the
5 commission shall certify that result to the school district clerk.

6 (d) 1. The commission may not count an individual signature on a petition sheet
7 if any of the following applies:

8 a. The signature is not dated.

9 b. The signature is dated outside the circulation period.

10 c. The signature is dated after the date of the certification contained on the
11 petition sheet.

12 d. The residency of the signer of the petition sheet cannot be determined by the
13 address given.

14 e. The signature is that of an individual who is not a resident of the school
15 district that is the subject of the petition.

16 f. The signer has been adjudicated not to be a qualified elector on grounds of
17 incompetency or limited incompetency as provided in s. 6.03 (3).

18 g. The signer is not a qualified elector by reason of age.

19 h. The circulator knew or should have known that the signer, for any other
20 reason, was not a qualified elector.

21 2. The commission may not count any signatures on a petition sheet filed under
22 par. (c) 2. if the circulator fails to sign the circulator's certification.

23 3. The commission shall confirm that each individual who made a certification
24 under par. (c) 2. meets the definition of "circulator" under this subsection. The

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1 commission may not count any signatures on a petition sheet circulated by an
2 individual who does not meet the definition.

3 (e) Within 10 days after the commission certifies a petition under par. (c) 3., the
4 school board of the school district that is the subject of the petition shall notify the
5 department of the scheduled date of the referendum required under this paragraph
6 and submit a copy of the petition and certification to the department. The school
7 board shall call a special referendum for the purpose of submitting the petition to the
8 electors of the school district for approval or rejection. In lieu of a special referendum,
9 the school board may specify that the referendum be held at the next regularly
10 scheduled spring primary or election or partisan primary or general election, if such
11 election is to be held not sooner than 42 days after the petition is certified by the
12 commission. The referendum shall be held in accordance with chs. 5 to 12. The form
13 of the ballot shall correspond substantially with the standard form for referendum
14 ballots prescribed by the commission under ss. 5.64 (2) and 7.08 (1) (a). The question
15 submitted shall be whether the reduction in state aid to the school district under s.
16 121.08, as provided under sub. (4d) (b), shall be made. The school district clerk shall
17 do all of the following:

18 1. Publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2).
19 Notwithstanding s. 10.01 (2) (a), the type A notice shall include a copy of any
20 certificate the commission submitted to the school district clerk under par. (c) 3. and
21 the question to be submitted to the voters as provided in this paragraph. Section 5.01
22 (1) applies in the event of failure to comply with the notice requirements of this
23 paragraph.

24 2. Provide election officials with all necessary election supplies.

