



## 2023 ASSEMBLY BILL 516

October 18, 2023 - Introduced by Representatives C. ANDERSON, SHELTON, MADISON, JOERS, BALDEH, SUBECK, SINICKI and RATCLIFF, cosponsored by Senators HESSELBEIN, LARSON, SMITH, ROYS, AGARD, SPREITZER 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.

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### *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.

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*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 516****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 2024-25 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 who is 18 years of age or older and who,  
18 if the circulator were a resident of this state, would not be disqualified from voting  
19 under s. 6.03.

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

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

24 3. The commission certifies the petition as provided in this subdivision. The  
25 commission shall, within 31 days after a petition is filed under subd. 2., review the

**ASSEMBLY BILL 516****SECTION 2**

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

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

9 a. The signature is not dated.

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

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

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

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

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

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

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

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

24 3. The commission shall confirm that each individual who made a certification  
25 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 subsection  
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 the state aid payment to the school  
16 district under s. 121.08, as provided under sub. (4d) (b), shall be made. The school  
17 district clerk shall do all of the following:

18 1. Publish types 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 subdivision.

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

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1 (f) If a majority of those voting on the question submitted under par. (e) approve  
 2 the reduction in the state aid payment, the department shall make the reduction in  
 3 the state aid payment under s. 121.08 as provided under sub. (4d) (b) in the school  
 4 district that qualifies under this subsection in the first school year that begins after  
 5 the date on which the question is approved.

6 (g) A school district that qualifies under this subsection remains qualified  
 7 under this subsection.

8 **SECTION 3.** 121.91 (4) (n) 1. of the statutes is amended to read:

9 121.91 (4) (n) 1. The limit otherwise applicable to a school district under sub.  
 10 (2m) in any school year is increased by an amount equal to the amount ~~determined~~  
 11 ~~for that school district~~ the school district's state aid payment is decreased under ss.  
 12 115.7915 (4m) (f) and 118.60 (4d) (b) ~~1~~.

13 (END)