



A1 Ott

State Representative • 3rd Assembly District

AB 128
Local Recall Petition Requirements
Assembly Committee on Campaigns & Elections
May 21, 2013

Thank you for the opportunity to testify on behalf of Assembly Bill 128 (AB 128), which modifies the petition requirements for the recall of local elected officials.

Wisconsin has allowed for the recall of local elected officials since 1913. The recall of elected city, village, town, and sanitary district officials, as well as school board members, is provided for by statute. The recall of state, county and other officials is governed by the State Constitution.

Current law requires a petition for the recall of an elected municipal or school district official to simply state a reason for the recall. While the stated reason must be related to the responsibilities of the office, it is *not* limited to neglect of duty, misconduct, or malfeasance in office. Local recall can be initiated on any grounds related to the office, including a vote or viewpoint on a policy issue.

In recent years, a pattern of unwarranted local recall efforts has emerged. Local elected officials often become recall targets for simply doing their jobs, which sometimes involves having to make tough and potentially unpopular policy decisions. Simple disagreement on an issue should not be the basis for the recall of a local elected official. As you can well imagine, such a notion makes it difficult to attract quality – and in some cases, any – candidates for local office.

In an effort to assure local recall is used when most appropriate, AB 128 establishes a higher standard for the recall of local officials.

AB 128 provides that an elected city, village, town, sanitary district, or school board official cannot be recalled unless they have been officially charged with a crime, an ethics law violation under s. 19.59 (1) Wis. Stats., or a violation of a local ethics ordinance.

A copy of the criminal or civil complaint must be filed with the local clerk as part of the recall registration process. Further, any circulated recall petition must contain a statement indicating the official for whom the recall is sought has been charged with committing a crime or an ethics violation.

AB 128 is intended to parallel the provisions of 2012 AJR 25 and SJR 24, which would apply to the recall of state officials, county officials, judges, and others subject to the recall procedures dictated by Article 13, Section 12 of the Wisconsin State Constitution. The goal of this approach is to provide some level of consistency when it comes to the standards for all recall efforts in Wisconsin.

It should also be noted that this bill preserves the statutory mechanism to remove a local elected official for misconduct in office, neglect of duty, or malfeasance under Chapter 17 of the Wisconsin Statutes. Further, most local officials are elected to two-year terms, and state law specifies an official cannot be recalled until the second year of their term. This bill makes no changes to that provision.

Recall can be a valuable tool in maintaining the integrity of our government. AB 128 applies reasonable restrictions on the ability to recall local elected officials. The bill lets our citizens exercise their right to recall local elected officials when it is necessary – when local officials thumb their nose at the law or act in an unethical manner – not when dictated by selfish agendas or hot-headed differences of opinion.

Thank you for your time and for your consideration of AB 128.



State Senator Sheila Harsdorf

Date: May 21, 2013

To: Assembly Committee on Campaigns and Elections

Fr: Senator Sheila Harsdorf

Re: Assembly Bill 128 – requirements for recall petitions for local elected officials

Dear Chair Bernier and Committee Members,

Thank you for holding a public hearing on Assembly Bill 128 (AB 128), relating to the requirements for recalling local elected officials. I regret that I am unable to testify in support of this bill in person due to another committee meeting.

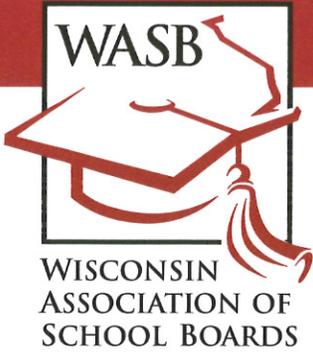
AB 128 would safeguard the ability of citizens to remove local elected officials for misconduct or ethics violations through the recall process, while ensuring that recalls would not be abused for political purposes. Those petitioning for a recall election would be required to meet a minimum threshold of criminal or ethical misconduct of a local elected official prior to a recall being certified.

It is my belief that recall elections are appropriate for removing those that have violated a code of ethics or criminal laws, but should not be used for differences over policies or decisions made by elected officials. General elections are the appropriate forum for voters to express their opposition or displeasure with policy decisions made by elected officials.

Given our state's experiences with recalls in recent years, many citizens have raised concerns that the recall process has been subverted for political gain, rather than for addressing corrupt behavior by elected officials. As we saw in the non-stop election cycle we found ourselves in during 2011 and 2012, special interests and activists are able to insist on election after election to further their political goals.

The recall requirements under AB 128 mirror those proposed in constitutional amendments offered last session and this session that would apply to recalls of Congressional, legislative, judicial, and county elected officials (2011 AJR 63 and 2013 SJR 24/AJR 25). AB 128 seeks to enact the same reforms to local recalls to ensure consistency with the recall process and fairness between elected officials at all levels.

I urge your support of this legislation as a step towards reforming recalls and thank you again for holding a hearing on this legislation.



122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 • TOLL-FREE: 877-705-4422
FAX: 608-257-8386 • WEBSITE: WWW.WASB.ORG

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members of the Assembly Committee on Campaigns and Elections
FROM: Joe Quick, Government Relations Specialist
RE: Assembly Bill 128, relating to recall petition requirements
DATE: May 21, 2013

The Wisconsin Association of School Boards (WASB) supports the provisions of AB 128, which restricts the use of a recall petition to an individual charged with committing a crime or violating a code of ethics law applicable to local officials.

The WASB has long been in support of narrowing the use of a recall petition to illegal or immoral activity. The members of the WASB, through the action of its member Delegate Assembly, voted in January of 2003 to support "...change in 9.10, *Wis. Stats.*, relating to recall of elected officials, in order to appropriately narrow permissive reasons for recalling school board members and other elected officials to ***illegal or immoral activity*** (emphasis added)."

With the exception of Milwaukee, where school board members serve four-year terms, school board members serve three-year terms. The WASB believes the use of a recall petition should be reserved for narrow, clearly defined circumstances, as provided in AB 128. Taking controversial stands on issues of the day, or promoting public policy opposed by a vocal minority should not subject an elected official to a recall; if some voters want change, the next regularly scheduled election is when that action should take place.

The WASB believes AB 128 reflects good public policy and accomplishes what school board members have supported for over a decade, and supports the bill as introduced.