



Legislation Details (With Text)

**File #:** 980874      **Version:** 0  
**Type:** Resolution      **Status:** Passed  
**File created:** 9/23/1998      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:** 10/9/1998

**Effective date:**

**Title:** Resolution seeking introduction and passage of state legislation requiring grounds and cause for the recall of local public officials.

**Sponsors:** ALD. KALWITZ, JUDICIARY & LEGISLATION COMMITTEE, ALD. JOHNSON-ODOM

**Indexes:** PUBLIC OFFICIALS, SOCIAL CONCERNS, STATE LEGISLATION

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
9/24/1998	0	COMMON COUNCIL	REFERRED TO		
9/29/1998	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/5/1998	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
10/9/1998	0	COMMON COUNCIL	ADOPTED	Pass	16:1
10/19/1998	0	MAYOR	SIGNED		

ORIGINAL

ALD. KALWITZ

Resolution seeking introduction and passage of state legislation requiring grounds and cause for the recall of local public officials.

- Analysis -

This resolution directs the Intergovernmental Relations Division - DOA to seek introduction and passage of state legislation to restore the pre-1990 statutory requirement that a recall petition for a city, village, town or school district office contain the grounds and the cause for which removal is sought.

Whereas, State law authorizes voters to recall elected public officials of a city, a village, town or school district by filing recall petitions as provided by law; and

Whereas, Until 1990, such petitions were required to specify the grounds and cause upon which removal was sought, and courts frequently scrutinized such petitions to determine whether the stated grounds and cause were sufficient, s. 9.10 (2)(b), Wis. Stats.; and

Whereas, In 1990, the "grounds" and "cause" requirements were repealed so that recall petitions for local officials need only state a reason for the recall, a much less stringent requirement; and

Whereas, The less stringent standard allows recall proponents to assert any "reason" for a recall without concern that judicial review will find the "reason" legally insufficient; and

Whereas, This new, less stringent standard increases the likelihood that local recall efforts may be commenced merely because of a close election or an official's unpopular current position on a single, volatile issue, which forces local taxpayers to bear the cost of excessive recall elections; and

Whereas, It is thus important to restore the local recall statute to its pre-1990 language requiring recall petitions to contain the grounds and cause for which removal is sought; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Relations Division - Department of Administration is directed to seek introduction and passage of state legislation to restore the pre-1990 statutory requirement that a recall petition for a city, village, town or school district office contain the grounds and the cause for which removal is sought, and to provide that "cause" has the meaning given under s. 17.16(2), Wis. Stats.

LRB98359.1  
CW  
9/18/98