

State of Wisconsin \ Government Accountability Board

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MEMORANDUM

DATE: November 25, 2015

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Michael Haas, Elections Division Administrator
David Buerger, Elections Specialist

SUBJECT: 2015 Act 79 – Posting of Certain Legal Notices on the Internet

2015 Wisconsin Act 79 (see attached) was signed by the Governor on November 11, 2015 and became effective on November 13, 2015. This Act provides the option for certain municipalities to post legal notices on their website and one other public place instead of posting in three public places. This memorandum is intended to provide a brief overview of the Act and its consequences on election administration.

Wisconsin Statutes Chapter 10 requires various election notices to be published in the weeks leading up to an election. However, current law allows certain villages and towns to opt to post some legal notices in lieu of publishing notices in a newspaper, if the jurisdiction is not required to designate an official newspaper. Cities may not post notices in lieu of publication and school districts may not post school board election notices in lieu of publication.

Prior to Act 79, a municipality or school district which opted to post a legal notice in lieu of publication was required to post the notice in at least three public places likely to give notice to persons affected. Under the Act, such a municipality or school district may now, instead of posting the notice in three public places, post the notice in one public place and publish the notice on the municipality's Internet site. While the Act generally applies to legal notices of a school district, it did not alter a separate statutory provision requiring school districts to publish election notices, and therefore school districts still may not post election notices in lieu of publication.

Please note that all notices for the same election should be given in the same manner. If a village or town publishes the Type A Notice for an election even though it is not required to do so, subsequent notices for the same election should be published rather than posted.

Many clerks have asked if this Act applies to all legal notices. While the G.A.B.'s jurisdiction is limited to elections, campaign finance, ethics, and lobbying; it is our understanding that Act 79 does apply equally to all other notices where posting was previously allowed. Please note that posting is specifically not permitted for certain types of notices. See Wis. Stat. § 985.05(1) for exceptions to the option to post notices. Also, Act 79 does not change the

requirement to publish other records, such as ordinances, where otherwise required by law. Please consult with your local municipal attorney to confirm your method of publication for any particular notice.

The G.A.B. manuals will be updated to reflect 2015 Act 79 by January 2016. Clerks administering any special elections in the meantime should keep this legislative change in mind. If you have any questions regarding this new legislation, please contact the G.A.B. Help Desk at gabhelpdesk@wi.gov or (608) 261-2028. Thank you.