



School Law FYI

JULY 13, 2020

Court's Durational Residency Decision Affects Annual Meetings

A recent decision by the Seventh Circuit Court of Appeals (*Luft v. Evers*, Case Nos. 16-3003 et. al) may have a slight effect on annual meetings. It will definitely have an effect on how school districts prepare their materials for an annual meeting.

By way of background, in 2011 the legislature increased the durational residency requirement for voting in all elections from 10 to 28 days. This meant that otherwise qualified voters who move into a new school district within 28 days before an election may not vote in the new district (other than for the office of president or vice president of the United States). This provision was challenged in federal court; the court struck down the increased durational residence requirement, thereby allowing persons to vote who resided in the district for at least 10 days.

What this meant for annual meetings is that an individual who wanted to vote on a matter at an annual meeting, if challenged by another elector at that meeting, would have to swear or affirm that they resided in the district for at least 10 days. For the last three years, even though the definition of an elector at an annual meeting in the statutes said 28 days, districts were advised that an elector was eligible only after 10 days of residence. As a result of the Court of Appeals' decision, the 28-day residency provision is back in effect.

From a practical standpoint, the number of electors who tried to vote at annual meetings and who had just moved into the district within the last 28 days was probably a pretty small number. However, districts do have to plan and prepare materials for the annual meetings. Therefore, as the "procedural manuals" that are handed out at the annual meetings are prepared for this year, they should now state that the residency standard is 28 days (per the statute).

For district administrators/superintendents or business managers who read this publication, we know that much of the planning for the annual meetings of electors in common and union high school districts is conducted by the secretary/administrative assistant to the district administrator/superintendent or business manager. Frequently, the materials that get handed out at the annual meeting or go on the website are frequently just copied from one year to the next. Therefore, districts should make sure that the individual who is responsible for compiling these materials makes sure to change the definition for voting eligibility to 28 days to reflect the Court's decision and the statutory language.

In another development concerning annual meetings, WASB has published an "Annual Meeting During the COVID-19 Pandemic" supplement to the May 2020 edition of "The Annual School District Meeting for

Common and Union High School Districts” and is available on the WASB’s website. This supplement may answer a number of questions districts may have as they prepare for their annual meetings.

If districts have questions about their annual meeting preparations, feel free to contact a Boardman & Clark attorney who can help guide you through that process.

Wrs Contribution Rates To Remain Stable In 2021

The Wisconsin Retirement System announced that the total rates paid for most employees and employers will remain unchanged for next year. For school employees, this means the employer and employee share will each remain at 6.75% effective January 1, 2021. Given the potential budget uncertainty, at least the rates did not increase.

Jim Ruhly Announces Retirement

Boardman & Clark is pleased to announce that Jim Ruhly has retired effective July 1, 2020. Jim has had a distinguished 52-year legal career and many school districts around the state and his colleagues here at Boardman & Clark have benefited from his wise counsel during those years. Jim was generous with his time to coworkers, friends and with many attorneys throughout the legal community and broader community as well. Jim was recognized for his service in the Wisconsin School Attorneys Association (for which he was honored with the George Tipler award in 2005); he served as a Director and President of the Labor Law Section of the State Bar; he served on the Boards of Directors for Big Brother Big Sisters, The Badger Chapter of the American Red Cross, Madison Opera, the Madison Library Foundation and the Overture Board. Jim was also very active in Downtown Madison Rotary, serving as its Program Chair for many years and also a stint as President. These are just a few among many, many service and leadership roles Jim accepted and excelled at throughout his career.

We wish Jim all the best as now he can spend more time with his grandson in Arizona and hopefully soon will be able to concentrate on rooting on the Milwaukee Brewers and the Badgers. Congratulations, Jim, on a great legal career!

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