

**WAUNAKEE COMMUNITY SCHOOL DISTRICT  
BOARD OF EDUCATION SPECIAL MEETING**

Monday, August 17, 2020

6:00 PM

Waunakee Community School District  
905 Bethel Circle  
Waunakee, WI 53597

**AGENDA**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. CLOSED SESSION - ADJOURN TO CLOSED SESSION PER WISCONSIN  
STATUTES 19.85 (1) (c) AND (f)**

A. Review Individual Co-Curricular Contract Recommendations

**IV. RETURN TO OPEN SESSION**

**V. PUBLIC COMMENTS**

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Individuals may use this time to comment on any items listed as part of the meeting agenda. A copy of Board Policy 187 —Public Participation at Board Meetings is enclosed for your reference. Past practice has allowed 30 minutes for this section of the agenda.

**VI. APPROVAL OF AGENDA AND ADDITIONS**

A motion will be necessary to approve the agenda as presented (or) with changes as recommended.

**VII. CONSIDERATION OF OPTIONS FOR REFERENDUM**

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**RESOLUTIONS**

The purpose of this agenda item is to consider resolutions for an operational referendum question in November. Please see the attachment from Quarles and Brady regarding the scope of their engagement in this process, and campaign practices. Please also see the information attached from Steve Summers, which provides additional information on this financial strategy.

**A. RESOLUTION AUTHORIZING THE SCHOOL DISTRICT BUDGET  
TO EXCEED REVENUE LIMIT BY \$2,127,502 FOR RECURRING  
PURPOSES**

**18**

**B. RESOLUTION PROVIDING FOR A REFERENDUM ELECTION ON  
THE QUESTION OF A RESOLUTION AUTHORIZING THE SCHOOL  
DISTRICT BUDGET TO EXCEED REVENUE LIMIT BY \$2,127,502  
FOR RECURRING PURPOSES**

**23**

**C. RESOLUTION AUTHORIZING THE SCHOOL DISTRICT BUDGET TO  
EXCEED REVENUE LIMIT BY \$2,127,502 PER YEAR FOR FIVE YEARS FOR  
NON-RECURRING PURPOSES**

**34**

D. RESOLUTION PROVIDING FOR A REFERENDUM ELECTION ON THE QUESTION OF THE APPROVAL OF A RESOLUTION AUTHORIZING THE SCHOOL DISTRICT BUDGET TO EXCEED REVENUE LIMIT BY \$2,127,502 PER YEAR FOR FIVE YEARS FOR NON-RECURRING-PURPOSES

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**VIII. INDIVIDUAL CO-CURRICULAR CONTRACT RECOMMENDATIONS**

The WIAA Board of Control is meeting on Friday, August 14th and part of their agenda is to determine guidance on coach/athlete contact time for sports that move from fall to spring.

We will use the outcome of this meeting to determine our recommendation for individual co-curricular contracts. We will bring this recommendation to the Board on Monday night.

**IX. FUTURE AGENDAS AND MEETINGS**

**X. ADJOURN**

“Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires assistance with access or materials should contact the Waunakee Community School District Office at 849-2000, 905 Bethel Circle Drive Waunakee, WI 53597, at least twenty-four hours prior to the commencement of the meeting so that necessary arrangements can be made to accommodate the request.”

# PUBLIC COMMENT PERIODS DURING BOARD MEETINGS

Policy 187

Waunakee Community School District

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While the public has the right to attend meetings of the Board of Education that have not been convened in a closed session, individuals or groups generally do not have a right to be included on a Board meeting agenda or a right to enter into the discussions or deliberations of the Board. However, without affecting the Board's discretion to authorize other forms of input or participation during Board meetings from persons who are not Board members, the Board expressly authorizes and directs limited public participation during duly-noticed public comment periods as follows:

1. The Superintendent and Board President shall ensure that the agenda and public notice of the Board's primary regular business meeting each month includes a period for public comment. During a public comment period noticed under this paragraph, interested persons may briefly address the Board on topics that are reasonably germane to some aspect of the District's policies, practices, programs, or operations, regardless of whether the speaker's topic is otherwise noticed as a specific subject matter of the meeting in question.
2. Subject to any more specific decision or directive of the Board, the Board President has discretion to include a period of public comment on the agenda and public notice of additional Board meetings. In exercising such discretion, the President may specify on the public notice of the meeting that speaker comments during the public comment period will be limited to topics that are sufficiently germane to the noticed subject matter of the meeting.

When a public comment period is expressly included on the public notice of a Board meeting and there is sufficient interest in addressing the Board, the period shall either include at least 10 individual speakers or extend for 30 actual minutes, whichever limitation permits the greater total number of speakers. However, the Board may extend the total duration of a noticed public comment period at any meeting by a majority vote.

The Superintendent, or his/her designee, will implement a viewpoint-neutral speaker registration process that establishes an order for speaking in the event that the interest in appearing before the Board at any meeting may exceed the time that is allocated for the public comment period. Each speaker, upon being recognized by the presiding officer, will state his/her name and identify his/her connection to the District (if any) and to any group they are representing in connection with their remarks.

Each speaker's presentation is normally limited to a maximum of 3 minutes. However, at a meeting the Board may vote to reduce the time limit to no shorter than 2 minutes per speaker in order to accommodate a greater total number of speakers. In addition, at the Board's discretion, a speaker's time may be briefly extended provided that, upon request, a similar extension shall be granted to other speakers at the same meeting. Any individual may speak only once during the public comment period at any meeting.

Speakers generally should not expect an immediate response or reaction to their comments from the Board. Further:

1. If, at applicable meetings, a speaker raises a topic during a public comment period that was not among the publicly-noticed subject matter of the meeting, the extent of any response to

# PUBLIC COMMENT PERIODS DURING BOARD MEETINGS

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the speaker and his/her remarks shall be limited in accordance with applicable law.

2. During a public comment period, Board members will not engage in a substantive discussion of or otherwise attempt to materially investigate or reach a Board resolution of either (a) complaints or grievances regarding the conduct of individual staff members or individual students; or (b) attempts to appeal staff or administrative decisions relating to individual District employees or students. A public comment period during a Board meeting is not the preferred or established means of processing such issues or bringing such matters to the Board's attention.
3. If time or other limitations preclude an interested person from addressing the Board at a specific meeting, the person may submit written information to the Board and/or attempt to utilize a public comment period at a future meeting.

Subject to an appeal to the Board that is made by a Board member, the presiding officer of the Board meeting shall have the authority to conduct and maintain proper order in connection with any authorized public comment period, including the authority to (1) recognize speakers; (2) enforce established time limits; (3) interject and request that speakers voluntarily redirect specific complaints, grievances, or attempted appeals to more appropriate District procedures; and (4) terminate the remarks of any individual who does not adhere to established rules and procedures for public participation, who speaks in a threatening or profane manner, whose comments are repetitive of that person's previous comments, or whose conduct is disruptive and impedes the Board's ability to conduct its business in an orderly and timely fashion.

Individuals who are permitted to address the Board during a meeting are responsible for the content of their comments. The forum represented by a public comment period does not exempt a speaker from any liability arising from his/her comments (e.g., for defamation or for any breach of legally-protected confidentiality).

This policy and any rules and/or procedures that may be adopted related to the administration of public comment periods under this policy are not intended to apply to the following:

1. A meeting or any portion of a meeting that constitutes a formal public hearing on a particular topic or issue.
2. Instances where the Board seeks or agrees, by majority vote, to accept input that is relevant to a noticed agenda item from a person who is not a Board member in order to (for example) resolve a formal or informal point of information that arises during the Board's discussion of an agenda item.
3. Meetings of any standing or ad hoc committee that may be established by the Board.

## Legal References:

### Wisconsin Statutes

- [Section 19.81](#) [state policy on open meetings]  
[Section 19.83\(2\)](#) [discussion during period of public comment]

# PUBLIC COMMENT PERIODS DURING BOARD MEETINGS

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[Section 19.84\(2\)](#) [public notice of board meetings, including public comment period]  
[Section 19.85](#) [exemptions to open meetings]

## Cross References:

WASB PRG 187 Sample Policy 4 (with substantial local adaptation)

## Adoption/Revision Date(s):

October 1989  
March 1994  
September 1994  
January 2000  
February 2002  
May 2020

**Financial Strategies for School Reopening Costs**

**Updated for the August 17<sup>th</sup>, 2020 Special Board Meeting**

**The following is additional information regarding financial strategy #1, as previously outlined to the School Board on August 3<sup>rd</sup>.**

1. Move \$2,127,502 from Fund 39 to Fund 10. This dollar amount is equal to the debt service defeasance that was approved in October of 2019, and is currently included in the 2020-21 Fund 39 budget. The “movement” of these Funds from Fund 39 to Fund 10 will require an operational referendum question in November. There are several positive aspects of this approach:
  - A. Moving these funds to Fund 10 will help if the State of WI reduces school funding for the 2020-21 school year due to a state budget deficit
  - B. Moving these funds will help with school reopening expenses. It is anticipated that these school reopening expenses will be more one-time, as opposed to permanent. This would mean that these funds could be shifted in future years to coincide with a capital referendum.
  - C. Moving these funds will have no impact to the taxpayers in the community. These funds are already built into the tax levy.
  - D. If an operational referendum question were not to pass in November, these funds should be levied again inside Fund 39, and this source of funds would not be available for the 2020-21 fiscal year in Fund 10.

The current tax levy included in the 4<sup>th</sup> draft of the budget looks like this:

The 2020-2021 tax levy increases to \$34,691,625 or \$1,108,505 higher than 2019-2020. This increase equates to a 3.3% increase. Two years of historical information and the proposed tax levy for this year is shown below.

<b>Proposed Property Tax Levy</b>			
<b>FUND</b>	<b>Audited</b>	<b>Unaudited</b>	<b>Proposed</b>
	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
General Fund	22,165,174.00	23,120,138.00	24,210,291.00
Referendum Debt Service Fund	7,319,769.00	9,519,686.00	9,521,947.00
Non-Referendum Debt Service Fund	0.00	0.00	0.00
Capital Expansion Fund	509,296.00	509,296.00	509,296.00
Community Service Fund	338,000.00	434,000.00	450,091.00
<b>TOTAL SCHOOL LEVY</b>	<b>30,332,239.00</b>	<b>33,583,120.00</b>	<b>34,691,625.00</b>
<b>PERCENTAGE INCREASE -- TOTAL LEVY FROM PRIOR YR</b>	<b>5.3%</b>	<b>10.7%</b>	<b>3.3%</b>

The 2020-2021 tax base is estimated to increase to \$3,169,960,671 or \$77,316,114 higher than 2019-2020. This change equates to a 2.5% increase. The 2020-2021 tax rate (tax levy/tax base) is estimated to increase from \$10.86 to \$10.94 as 2019-2020. The school tax on a \$360,000 home is estimated to increase from \$3,910 to \$3,938 (assuming home had assessment change of 0%).

An operational referendum question would shift the \$2,127,502 from the tax levy in the referendum debt service fund to the tax levy in the general fund. The total dollar amount will remain the same.

Please keep in mind that the proposed property tax levy included in the 4<sup>th</sup> draft of the budget will be updated in October to reflect the final financial information for the 2020-21 fiscal year, which will result in the property tax levy and tax rate changing one direction or the other.

If the School Board approves either resolution approach (recurring or non-recurring) to move this referendum forward to the voters in November, the following would happen in 2020-21:

1. If the referendum were to not pass, the \$2,127,502 would remain in the referendum debt service fund for paying down future debt through the debt defeasance process. This would be accomplished by asking the School Board to approve two tax levies at the October 26<sup>th</sup> special board meeting to approve the 4<sup>th</sup> draft of the budget.
2. If the referendum were to pass, the \$2,127,502 would be moved to the general fund, and the debt service fund would pay the current year obligations, and nothing more. The general fund would then have the flexibility to address school reopening costs and a likely state budget reduction for school districts. This would be accomplished by asking the School Board to approve two tax levies at the October 26<sup>th</sup> special board meeting to approve the 4<sup>th</sup> draft of the budget.

In future years, the recurring and non-recurring options result in different scenarios. These scenarios become challenging to predict, based on the likely 2020-21 state budget reduction for school districts. The most important question regarding state budget reductions is whether or not they are considered temporary for the 2020-21 school year only, or permanent in nature. As an example, if the state categorical per pupil aid is decreased by 50% (over \$1.5 million), what becomes the base per pupil aid amount for the 2021-23 state budget process? Is the original 2020-21 per pupil aid amount considered the base, and increased from there, or is the revised 2020-21 per pupil aid amount considered the base, and therefore, the budget reduction would be permanent?

The original thought process for an operational referendum was based on the concept of a recurring dollar amount, potentially shifting these funds in future years to capital referendum operational needs, and thereby eliminating the need for another operational referendum question. However, if a state budget reduction occurs in 2020-21, and if it is considered permanent, additional operational referendum questions will be required anyway, and that could be the opportunity to request a recurring operational referendum, based on the information that is available at the time.

I do believe that a non-recurring operational referendum, for a period of 5 years, fits the current situation that we are in, and will allow future School Boards/the community to weigh in on the circumstances that exist at that time. If possible, an approach that can be supported by the full School Board is more ideal than an approach that has partial support.

There are 4 resolutions for your consideration. The first 2 resolutions are tied to the concept of a recurring (permanent) operational referendum, while the last 2 resolutions are tied to the concept of a non-recurring (temporary) operational referendum, for a period of 5-years.

There is another property tax topic that will need to be considered as well for October, and will need further discussion by the Budget Committee. The proposed property tax levy included in

the 4<sup>th</sup> draft of the budget includes an estimated 2020-21 tax rate of \$10.94, compared to \$10.86 in 2019-20 and 2018-19. This estimated tax rate is based on an equalized value increase of only 2.5%, which is low based on our recent history. In October, the School Board will need to review if there is continued interest in tax rate consistency. If the answer is yes, and if the equalized value increases over 3.3%, the School Board will have an opportunity to start a new debt service defeasance process with the additional funds that would be available. This is not a conversation for August 17<sup>th</sup>, but it is tied to a long-term strategy of the School Board's approach to planning for tax levies and referendums.



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August 14, 2020

**VIA EMAIL**

Mr. Steve Summers  
Executive Director of Operations  
Waunakee Community School District  
905 Bethel Circle  
Waunakee, WI 53597

**Re: Waunakee Community School District - Referendum**

Dear Steve:

We appreciate the opportunity to work with you and the Waunakee Community School District (the "District") in connection with the District's proposed referendum election. As you prepare for the referendum, questions may arise regarding permissible campaign practices. This letter briefly overviews applicable law relevant to frequently asked questions. In particular, this letter discusses restrictions on the use of District funds to promote the referendum, the role of Board members and the administration with respect to the referendum, and the District's responsibilities regarding citizen groups formed in connection with the referendum.

**I. Use of District Funds for Referendum Materials**

**A. Prohibition Against Use of District Funds to Promote the Referendum**

The District is prohibited from using District funds to promote the referendum. The District has only those powers expressly provided by or implied from the Wisconsin Statutes. Although there is no Wisconsin court case that specifically addresses this issue, the generally held view is that there is no Wisconsin statutory provision that provides school districts, directly or by reasonable implication, the power to raise and spend money for political / promotional purposes. This view is consistent with court decisions from other states whose school district statutes resemble Wisconsin's. *See e.g., Stanson v. Mott*, 561 P.2d 1 (Cal. 1976); *Citizens to Protect Pub. Funds v. Bd. of Educ.*, 98 A.2d 673 (N.J. 1953).<sup>1</sup> It is also consistent with Wisconsin's "public

<sup>1</sup> *See also Rees v. Carlisle*, 113 Haw. 446 (2007); *Carter v. City of Las Cruces*, 121 N.M. 280 (Ct. App. 1996); *Palm Beach County*

purpose doctrine," which holds that expenditures may be made only for public purposes, as determined by the legislature and embodied in the statutes. *See, e.g., Town of Beloit v. Rock County*, 259 Wis. 2d 37 (2003) (general discussion of doctrine); *Davis v. Grover*, 166 Wis. 2d 501 (1992) (same).

### **B. Permissible Use of District Funds for Informational Materials**

In contrast to promotional materials, Wisconsin school districts may spend district funds to prepare and disseminate informational materials that inform the electorate of pertinent facts. This rule is established by many of the same cases that prohibit spending district funds for promotional materials. *See, e.g., Citizens*, 98 A.2d at 676 (the statutes "plainly embrace making reasonable expenditures for the purpose of giving voters relevant facts to aid them in reaching an informed decision" with respect to a bond referendum); *see also Rees v. Carlisle*, 113 Haw. 446, 454 (2007) (same). In Wisconsin, a long-standing Attorney General opinion further supports the conclusion that school districts may use district funds to produce informational materials. *See Attorney General Opinion 60-79* (May 30, 1979).

### **C. Distinguishing Promotional Materials from Informational Materials**

Because informational materials are permissible, but political / promotional materials are not, it is important to understand where the line between the two exists. The distinction is made not by defining what is or is not informational, but by defining what is impermissibly political / promotional. In particular, the cases which hold that public bodies have exceeded their authority by creating and disseminating promotional materials limit what constitutes prohibited promotional materials to those containing "express advocacy."<sup>2</sup> Express advocacy is language containing specific words such as: "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject," or the equivalent. *See Buckley v. Valeo*, 424 U.S. 1, 44, fn. 52 (1976).

Wisconsin courts have adhered to *Buckley's* definition of express advocacy. In the leading case, *Government Accountability Board v. Wisconsin Manufacturers & Commerce*, 227 Wis. 2d 650 (1999), the Wisconsin Supreme Court stated that "any standard of express advocacy must be consistent with *Buckley* in order to avoid invalidation on grounds of vagueness or overbreadth." *Id.* at 670. At issue in *Wisconsin Manufacturers & Commerce* was whether express advocacy could be defined not just by the actual language used in a communication, but by the context in

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v. *Hudspeth*, 540 So. 2d 147 (Fla. Dist. Ct. App. 1989); 2000 Ariz. AG 19; 1996; N.Y. Op. Att'y Gen. 34.

<sup>2</sup> By defining the point at which public bodies' implied statutory authority ends as the point at which express advocacy begins, the courts have drawn from a long line of First Amendment campaign finance cases holding that only communications containing express advocacy may be restricted. *See Buckley v. Valeo*, 424 U.S. 1, 43 (1976). The *Buckley* Court explained: "[T]o clearly mark the boundary between permissible and impermissible speech," the scope of communications that may be regulated must be "limited to communications that include explicit words of advocacy of election or defeat . . . ." *Id.*

which the communication was made – including the proximity in time of the communication to an election, the underlying intent of the communication, the effect of the communication, the audience, and the geographical area in which the communication is disseminated.

The Court rejected this context-based approach in light of the pertinent Wisconsin Statutes and regulations because those statutes and regulations do not define express advocacy based on context. Instead, the pertinent law in Wisconsin mirrors *Buckley*. Just as in *Buckley*, the Wisconsin Statutes limit the scope of regulated communications to those that expressly advocate and contain terms such as: "vote for," "elect," "support," "cast your ballot for," "Smith for (an elected office)," "vote against," "defeat," "reject," "cast your ballot against," or the equivalent. Wis. Stats. §11.0101(11).

## **II. Applicable Law Regarding the Role of Board Members and the Administration**

### **A. Board Members May Speak Freely in Favor of or Against the Referendum**

Although there is no specific law regarding the role of Board members, it is our view that they may speak freely in favor of or against the referendum. Board members may also form and participate in citizens committees and may engage in other activities to promote or oppose the referendum, so long as they follow the applicable laws (such as campaign finance laws or, if applicable, Wisconsin's Open Meetings Law) and do not spend district funds or use district resources.

Unlike administrators (discussed below), Board members are not district employees and hence do not use paid time when they speak in favor of or against the referendum. Further, because the Statutes require Board members to vote whether to call for the referendum, speaking in favor of or against a referendum is consistent with Board member's responsibilities. More generally, there is nothing associated with Board member service that would justify restricting Board members' First Amendment speech rights.

### **B. More Limited Role for District Administration**

As compared to the Board's role, the role of the administration is more limited. As employees who are paid with district funds, administrators should be careful not to engage in promotional activities during the course of the normal work day. Although there is no Wisconsin case on point, the general rule is supported by courts in other jurisdictions that have considered this issue. *See, e.g., Rees*, 113 Haw. 446, 453 fn. 5 (2007).

While administrators should not engage in promotional activities during working hours, they may serve as sources of information. Administrators may speak at civic meetings, provide informational materials, and answer questions about the referendum, whether or not during

working hours. The cases that restrict administrators' promotional activities support this distinction. *See id.* at 454 (government official may publicly comment on referenda and provide information, but may not advocate using public support).<sup>3</sup>

### **III. District Interaction with Referendum "Committees"**

It has become more and more common for citizen groups to form in order to support or oppose referenda. These groups are commonly referred to as "Yes" groups and "No" groups. The Statutes define such a group as "an entity that satisfies all of the following:

- It either (i) has the major purpose of making expenditures to support or defeat a referendum as specified in the entity's organizational or governing documents, bylaws, resolutions or registration statements; or (ii) uses more than 50 percent of its total spending in a 12-month period on expenditures made to support or defeat a referendum.<sup>4</sup>
- It is organized by any person, other than an individual, or by any permanent or temporary combination of two or more persons unrelated by marriage.
- It does not receive contributions or make disbursements or contributions for the purpose of influencing or attempting to influence a candidate's nomination or election." Wis. Stats. § 11.0101(28).

#### **A. General Separation Between Referendum Committees and the District**

Referendum committees are separate from the District and the School Board. Although referendum committees must comply with the provisions of Chapter 11 of the Statutes governing campaign finance, the District is not responsible for advising such groups or ensuring their compliance. We encourage the District to direct referendum committees that raise questions to the Ethics Commission. The Ethics Commission provides useful resource materials, both in hard copy and on its web site.

#### **B. District's Responsibilities Regarding Referendum Committees**

Although the District is not responsible for advising referendum committees, it is responsible for collecting their registrations and disclosure reports, for making necessary forms available, and for keeping track of filings and delinquencies.

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<sup>3</sup> The *Rees* court made this distinction clear: "The problem in this case is that [the government official's] conduct went far beyond providing information to the public on how the [local government] can be improved; he became a partisan advocate leading a battle campaign using public funds and other resources to tell voters how to vote." *Id.*

<sup>4</sup> Total spending for this purpose does not include a referendum committee's fundraising or administrative expenses.

*District Clerk Acts as Filing Officer.* Under the Statutes, the District Clerk is designated to act as the "filing officer" for referenda. Wis. Stats. § 11.0102(1)(g). Referendum committees are required to file pertinent filings with the District Clerk. Those filings consist of a registration statement and, where applicable, ongoing disclosure reports. Hence, the District Clerk should be familiar with the basic registration and reporting rules set forth in the paragraphs that follow.

*Registration Statement.* A referendum committee must register if it makes or accepts contributions, makes disbursements, or incurs obligations for the purpose of influencing a referendum vote in an aggregate amount in excess of \$10,000 in a calendar year. The registration must be filed within 10 business days of receipt of contributions in excess of \$10,000, and before making any disbursements or incurring any obligations exceeding that amount for the calendar year.

*Ongoing Disclosure Reports.* A referendum committee that accepts or makes contributions, makes disbursements, or incurs obligations in excess of \$10,000 is required to file ongoing disclosure reports.<sup>5</sup>

*Other Related Duties of the District Clerk as Filing Officer.* Section 11.0102(3) of the Statutes sets forth additional duties of the District Clerk as filing officer. In particular, the District Clerk is required to:

- (i) Obtain filing forms and manuals and furnish them without cost to those required to file (§§ 11.0102(3)(a), (c)) (as noted above, the proper forms are available from the Ethics Commission, and are posted at <http://gab.wi.gov>);
- (ii) Develop a filing, coding and cross-indexing system, maintain an electronic system with a current list of all reports and statements received by or pertaining to the committee, and make filings available for public inspection and copying at cost and commencing not later than the end of the second day following the day during which each report or statement is received (§§ 11.0102(3)(b), (g), (h), (i));
- (iii) Provide copies of manuals and election laws to persons other than those listed in (i) above, at cost (§ 11.0102(3)(d));

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<sup>5</sup> Registered committees that expect to not exceed \$2,000 in contributions, disbursements or obligations in a calendar year beyond the year of initial registration may file an amended registration statement, thereby suspending the requirement imposed upon the committee to file continuing reports. Wis. Stats. §§ 11.0802, 11.0804 and 11.0104.

Mr. Steve Summers  
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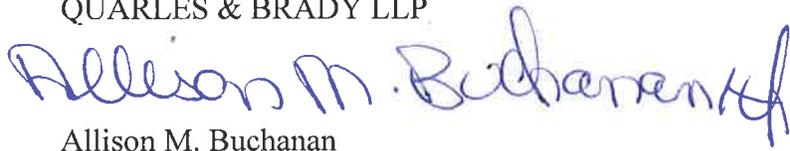
- (iv) Determine whether each report or statement required to be filed has been filed in the form and by the time prescribed by law, and whether it conforms to the requirements of Chapter 11 of the Wisconsin Statutes. The Clerk shall immediately send to the committee, if it is delinquent in filing or was not filed in the proper form, a notice that the committee has failed to comply with Chapter 11 of the Wisconsin Statutes (§ 11.0102(3)(j));
- (v) Notify the Ethics Commission, in writing, of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution (§ 11.0102(3)(e)) (note, however, that this provision does not imply that the District Clerk has the power or duty to affirmatively investigate); and
- (vi) Keep a list of delinquent filers and make it available for public inspection, and send delinquent filers notice when they fail to file or file improperly (§ 11.0102(3)(f)).

#### IV. Conclusion

We hope that this information is helpful to you. We understand that this background information will not address every question that may arise as you prepare for the referendum. If you have any questions, please do not hesitate to contact either Jeffrey D. Peelen, an attorney in our Public Finance Group who has extensive experience with campaign practices at (414) 277-5773 or me at (414) 277-5641 at any time.

Sincerely,

QUARLES & BRADY LLP



Allison M. Buchanan

AMB:tah  
#940252.00058

cc: Mr. Randy S. Guttenberg (via email)  
Ms. Rebecca McDonough (via email)  
Ms. LaDonna Radel (via email)  
Mr. Brian G. Lanser (via email)  
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August 14, 2020

**VIA EMAIL**

Mr. Steve Summers  
Executive Director of Operations  
Waunakee Community School District  
905 Bethel Circle  
Waunakee, WI 53597

**Re: Scope of Engagement for Waunakee Community School District -  
Referendum**

Dear Steve:

We are pleased to be working with you as your counsel in connection with the District's proposed referendum election. Outlined below is the scope of our services and our fees in connection with the proposed referendum. We will perform the following services:

1. Prepare the proceedings for the School Board to submit the question of exceeding the revenue limit to the electors;
2. Prepare the necessary election notices to be published by the District;
3. Prepare the ballot form to be printed by the District and provided by the District to the appropriate municipal officials;
4. Outline the permitted campaign practices;
5. Prepare necessary checklists and make follow-up calls to the District regarding the timing of the publications and the ballot printing; and
6. Prepare the materials for the Board of Canvassers.

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Page 2

Services provided in connection with a referendum election will be billed on an hourly basis at our current hourly rates. It is our experience from past referendums that fees incurred range from \$2,750 to \$5,000 depending upon individual circumstances. In addition, we will expect to be reimbursed for all out-of-pocket expenses, including travel costs, photocopying, faxes, deliveries, filing fees, and other necessary office disbursements. We estimate that such out-of-pocket expenses will be in the range of \$75 to \$100. We will bill the District.

Our firm is a limited liability partnership ("LLP"). Because we are an LLP, no partner of the firm has personal liability for any debts or liabilities of the firm except as otherwise required by law, and except that each partner can be personally liable for his or her own malpractice and for the malpractice of persons acting under his or her actual supervision and control. As an LLP we are required by our code of professional conduct to carry at least \$10,000,000 of malpractice insurance; currently, we carry coverage with limits substantially in excess of that amount. Please call me if you have any questions about our status as a limited liability partnership.

If the foregoing terms of this engagement are acceptable to you, please so indicate by returning a copy of this letter dated and signed by an appropriate officer, retaining the original for your files. If we do not hear from you within thirty (30) days, we will assume that these terms are acceptable to you, but we would prefer to receive a signed copy of this letter from you.

Mr. Steve Summers  
August 14, 2020  
Page 3

We are looking forward to working with you and the District in this regard.

Sincerely,

QUARLES & BRADY LLP



Allison M. Buchanan

AMB:tah  
#940252.00058

cc: Mr. Randy S. Guttenberg (via email)  
Ms. Rebecca McDonough (via email)  
Ms. LaDonna Radel (via email)  
Mr. Brian G. Lanser (via email)  
Ms. Tisha Hodgins (via email)

Accepted and Approved:

WAUNAKEE COMMUNITY SCHOOL  
DISTRICT

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Title

Date: \_\_\_\_\_



411 East Wisconsin Avenue  
Suite 2350  
Milwaukee, Wisconsin 53202-4426  
414.277.5000  
Fax 414.271.3552  
[www.quarles.com](http://www.quarles.com)

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August 14, 2020

**VIA EMAIL**

Mr. Steve Summers  
Executive Director of Operations  
Waunakee Community School District  
905 Bethel Circle  
Waunakee, WI 53597

**Re: Waunakee Community School District - Referendum - Option I (Recurring)**

Dear Steve:

Attached please find the **Revenue Limit Resolution** and **Referendum Resolution** to be considered by the School Board in connection with the referendum. We have prepared these Resolutions with the information you provided to us. Please review them carefully.

**ADOPTION**

It is our understanding that these Resolutions will be considered by the School Board at its meeting on August 17, 2020.

**OPEN MEETING LAW**

The titles of the Resolutions should be on the agenda for the meeting. **If the meeting will be a virtual meeting, please be sure to include on the agenda and the notices the dial-in number or other information necessary for the public and the media to access and monitor the meeting.** Please then:

- (i) post the agenda in at least three public places; and
- (ii) provide the agenda to the official newspaper of the District (or if the District has no official newspaper, to a news medium likely to give notice in the area) and to any other requesting media at least twenty-four hours prior to the meeting (see Section 19.84(1)(b), Wisconsin Statutes).

Please complete the attached **Certificate of Compliance with Open Meeting Law** in connection with the meeting at which the Resolutions are adopted.

### VOTE REQUIRED

A vote of at least a majority of a quorum of the School Board is necessary to adopt the Resolutions. Unless the District has adopted special rules regarding the adoption of referendum resolutions, the Resolutions should be adopted in the same manner as other resolutions of the District are adopted. Please complete the attached **Excerpts of Minutes** form to record the attendance at the meeting and the vote on the Resolutions.

### PUBLICATIONS REQUIRED

The notices which are attached to the Referendum Resolution should be published as follows:

- (a) The Notice of Election (which is attached to the Referendum Resolution as Exhibit A) should be published in the issue of the Waunakee Tribune published immediately prior to the fourth Tuesday before the referendum election (**October 1, 2020**). This is the Type A Notice. (Since November 3, 2020 is a regularly scheduled election, the municipal clerks will be publishing the required Type E Notice regarding absentee ballots.)
- (b) The Notice of Referendum, including the facsimile ballot (which is attached to the Referendum Resolution as Exhibit B) (the Type B, C & D Notice) should be published in the issue of the Waunakee Tribune published immediately prior to the referendum election (**October 29, 2020**). **Please note that the municipal clerks' names need to be added to this Notice before it is published.** This Notice must also be posted in each polling place on election day.

*Please ask the newspaper to provide affidavits of publication of the notices and forward them to us.*

### BALLOT

The Ballot (which is attached to the Referendum Resolution as Exhibit C) is the form to be printed. The municipal clerks can assist in the printing arrangements. If the District prepares the ballots, they should be delivered to the municipal clerks running the referendum election at least 52 days prior to the November general election, to allow the municipal clerks to comply with their obligation to provide absentee ballots under Section 7.15, Wisconsin Statutes. *Please provide us with a sample of the absentee ballot when it is prepared.*

### **FILING OF BALLOT**

Under Section 8.37, Wisconsin Statutes, the ballot must be filed with (i) the official responsible for providing the ballots for the election and (ii) the clerk of each county having territory within the District at least 70 days prior to the election. This filing must be made by **August 25, 2020**. The requirement can be satisfied by sending a form of the ballot (which is attached to the Referendum Resolution as Exhibit C) to the official responsible for providing the ballots and to the clerk of each county having territory within the District.

### **ELECTION SUPPLIES**

The municipal clerks of each municipality in which a polling place is located are required to provide the necessary equipment for the polling place.

### **DOCUMENTATION**

Following the adoption of the Resolutions, please return one executed copy of each of them to us together with executed copies of the Excerpts of Minutes and the Certificate of Compliance with the Open Meeting Law. *Please ask the newspaper to provide you with the affidavits of publication of the referendum notices and then forward them to us as soon as you receive them. Please also provide us with a sample of the absentee ballot.*

Prior to the election, we will provide you with materials which may be used by your Board of Canvassers in determining the election results.

We are also attaching a **Municipal Information Questionnaire**. Please review, correct, if necessary, complete and return this questionnaire to us at your earliest convenience.

### **NOTIFICATION TO DPI**

The District must notify the Department of Public Instruction ("DPI") of the date of the referendum election and provide the Department a copy of the Revenue Limit Resolution and the form of ballot within 10 days after it is adopted. The District is also required to provide the results of the referendum election to DPI within 10 days of the referendum election date. This notification can be provided online via the DPI School Finance Reporting Portal <https://apps5.dpi.wi.gov/sfssafr/default.aspx>. If you have questions about DPI's procedure you should contact Roger Kordus, Consultant at (608) 267-3752 or [roger.kordus@dpi.wi.gov](mailto:roger.kordus@dpi.wi.gov). Mr. Kordus would also like to have the Certificate of the Board of Canvassers faxed to him at (608) 266-2840.

Mr. Steve Summers  
August 14, 2020  
Page 4

**NOTIFICATION TO MUNICIPAL CLERKS**

As soon as possible, please notify the municipal clerks of the scheduled date of the referendum election and, as indicated above, the ballot.

Please feel free to contact me at (414) 277-5641 or any member of the Quarles & Brady LLP public finance team if you have any questions or comments.

Very truly yours,

QUARLES & BRADY LLP

  
Allison M. Buchanan

AMB:tah  
Enclosures  
#940252.00058

cc: Mr. Randy S. Guttenberg (w/enc. via email)  
Ms. Rebecca McDonough (w/enc. via email)  
Ms. LaDonna Radel (w/enc. via email)  
Mr. Brian G. Lanser (w/enc. via email)  
Ms. Tisha Hodgins (w/enc. via email)

RESOLUTION AUTHORIZING THE SCHOOL  
DISTRICT BUDGET TO EXCEED REVENUE  
LIMIT BY \$2,127,502 FOR RECURRING  
PURPOSES

BE IT RESOLVED by the School Board of the Waunakee Community School District, Dane County, Wisconsin that the revenues included in the School District budget be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses.

Adopted and recorded August 17, 2020.

\_\_\_\_\_  
David Boetcher  
District President

ATTEST:

\_\_\_\_\_  
Judith Engebretson  
District Clerk

(SEAL)

RESOLUTION PROVIDING FOR A REFERENDUM  
ELECTION ON THE QUESTION OF A RESOLUTION  
AUTHORIZING THE SCHOOL DISTRICT BUDGET TO  
EXCEED REVENUE LIMIT BY \$2,127,502 FOR RECURRING  
PURPOSES

WHEREAS, the School Board of the Waunakee Community School District, Dane County, Wisconsin (the "District"), has heretofore duly adopted a resolution entitled: "Resolution Authorizing the School District Budget to Exceed Revenue Limit by \$2,127,502 for Recurring Purposes" (the "Revenue Limit Resolution"); and

WHEREAS, the School Board deems it to be desirable and in the best interest of the District to direct the District Clerk to submit the Revenue Limit Resolution to the electors for approval or rejection at the regularly scheduled election to be held on November 3, 2020.

NOW, THEREFORE, BE IT RESOLVED by the School Board of the District as follows:

Section 1. Referendum Election Date. The District Clerk is hereby directed to call a referendum election to be held in the District at the regularly scheduled election to be held on November 3, 2020 for the purpose of submitting to the qualified electors of the District the proposition of whether the Revenue Limit Resolution shall be approved.

Section 2. Notice to Electors. The District Clerk is directed to give notice by:

- (a) causing a Notice of Election in substantially the form attached hereto as Exhibit A to be published in the Waunakee Tribune in the issue published immediately prior to the fourth Tuesday before the referendum election.
- (b) causing a Notice of Referendum (which includes the facsimile of the sample ballot) in substantially the form attached hereto as Exhibit B to be published in the Waunakee Tribune in the issue published immediately preceding the referendum election. This Notice shall also be posted in each polling place on election day.

If any of the municipalities within the District use an electronic voting system employing a ballot label and ballot card, the Notice of Referendum set forth in Exhibit B shall also include a true, actual-size copy of the ballot label and ballot card in the form in which they will appear on election day.

Section 3. Polling Places and Hours. The District electors must vote at the referendum election at the times and polling places at which they cast their ballots in regularly scheduled elections.

Section 4. Referendum Election Officials. The election officials appointed in each of the municipalities within the District shall conduct the election.

Section 5. Official Referendum Ballot Form. The ballot to be used at the referendum election shall be prepared in accordance with the provisions of Sections 5.64(2) and 7.08(1)(a), Wisconsin Statutes. The ballot shall be substantially in the form attached hereto as Exhibit C.

The District Clerk shall cause to be printed sufficient ballots for use at said referendum election, both as actual ballots in those polling places which do not use voting machines and as absentee ballots where voting machines are used and as specimen ballots (the latter to be of a different and easily identifiable color from the actual ballot). The form of the ballot shall be filed with the official responsible for providing the ballots for the election, and the District Clerk shall file a copy of the ballot with the clerk of each county having territory within the District, as soon as possible after the date hereof but in no event later than 70 days prior to the election, as provided in Section 8.37, Wisconsin Statutes. If the District prepares the ballots, they should be delivered to the municipal clerks running the election at least 52 days prior to the election, to allow the municipal clerks to comply with their obligation to provide absentee ballots under Section 7.15, Wisconsin Statutes.

The municipal clerks of the municipalities within the District shall receive applications for absentee ballots and initial the same when issued to qualified absentee voters.

Section 6. Canvass. The returns of the referendum election shall be canvassed by the Board of Canvassers of each municipality within the District. Each Board of Canvassers shall certify the returns of the referendum election to the District Clerk. The District Clerk and two other reputable citizens appointed by the District Clerk prior to the date of the referendum election shall act as the District's Board of Canvassers for this referendum election. This Board of Canvassers shall meet in open session no later than 9:00 a.m. on the Tuesday after the election to determine the result of the referendum election. The canvass shall be open to the public and the District Clerk is directed to give due notice of said meeting.

Section 7. DPI Notice. Pursuant to the provisions of Section 121.91(3), Wisconsin Statutes, the District Clerk shall notify the Department of Public Instruction of the date of the referendum election and shall provide the Department with copies of the Revenue Limit Resolution within 10 days after the adoption of the Revenue Limit Resolution and shall further notify the Department of the results of the referendum within 10 days following the election using the method prescribed by the Department.

Adopted and recorded August 17, 2020.

---

David Boetcher  
District President

ATTEST:

---

Judith Engebretson  
District Clerk

(SEAL)

EXHIBIT A

NOTICE OF ELECTION  
WAUNAKEE COMMUNITY SCHOOL DISTRICT  
NOVEMBER 3, 2020

NOTICE IS HEREBY GIVEN, that at an election to be held in the Waunakee Community School District on Tuesday, November 3, 2020, the following question will be submitted to a vote of the people:

"Shall the Waunakee Community School District, Dane County, Wisconsin be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses?"

A copy of the entire text of the resolution directing submission of the question set forth above to the electorate and information concerning District boundaries can be obtained from the District Clerk at the School District offices located at 905 Bethel Circle, Waunakee, Wisconsin.

**Acceptable photo ID will be required to vote at this election. If you do not have a photo ID you may obtain a free ID for voting from the Division of Motor Vehicles.**

Persons with questions regarding the referendum election should contact Randy S. Guttenberg, District Administrator.

Done in the Waunakee Community School District  
on October 1, 2020  
Judith Engebretson  
District Clerk

EXHIBIT B

NOTICE OF REFERENDUM  
WAUNAKEE COMMUNITY SCHOOL DISTRICT  
NOVEMBER 3, 2020

NOTICE IS HEREBY GIVEN, that at an election to be held in the Waunakee Community School District on November 3, 2020, the following proposed Revenue Limit Resolution of the School Board will be submitted to a vote of the people:

RESOLUTION AUTHORIZING THE SCHOOL  
DISTRICT BUDGET TO EXCEED REVENUE  
LIMIT BY \$2,127,502 FOR RECURRING  
PURPOSES

BE IT RESOLVED by the School Board of the Waunakee Community School District, Dane County, Wisconsin that the revenues included in the School District budget be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses.

The question will appear on the ballot as follows:

"Shall the Waunakee Community School District, Dane County, Wisconsin be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses?"

EXPLANATORY STATEMENT AND EFFECT OF VOTE

The referendum election ballot will ask District electors to vote "yes" or "no" on the referendum election question as set forth above.

A "yes" vote on the question is a vote to authorize the Waunakee Community School District budget to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses.

A "no" vote on the question is a vote to deny the Waunakee Community School District the authority to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses.

In the event a majority of the electors voting on the question vote "yes", the District will be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses; if a majority vote "no" on the question set forth above, the District will not be so authorized.

### LOCATION AND HOURS OF POLLING PLACES

Information as to the location of the polling places is available in the District Office at 905 Bethel Circle, Waunakee, Wisconsin.

**ALL POLLING PLACES WILL BE OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.**

If you have any questions concerning your polling place, contact the municipal clerk:

(Name Of Municipal Clerk)	(Name Of Municipal Clerk)
(Address)	(Address)
(Telephone)	(Telephone)
(Office Hours)	(Office Hours)

**All polling places are accessible to elderly and disabled voters.<sup>1</sup>**

### NOTICE OF MEETING OF THE SCHOOL DISTRICT BOARD OF CANVASSERS

By no later than 9 a.m. on the Tuesday after the election, the school district board of canvassers shall convene, pursuant to the provisions of Wis. Stat. § 19.84, for the purpose of conducting the school district canvass pursuant to Wis. Stat. § 7.53(3). This meeting will be open to the public pursuant to Wis. Stat. §§ 19.81-89.

### INFORMATION TO ELECTORS<sup>2</sup>

Upon entering the polling place, an elector shall state his or her name and address, show an acceptable form of photo identification and sign the poll book before being permitted to vote. If an elector does not have acceptable photo identification the elector may obtain a free photo ID for voting from the Division of Motor Vehicles. If an elector is not registered to vote, an elector may register to vote at the polling place serving his or her residence, if the elector presents proof of residence in a form specified by law. Where ballots are distributed to electors, the initials of two inspectors must appear on the ballot.<sup>3</sup> Upon being permitted to vote, the elector shall retire alone to a voting booth and cast his or her ballot except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the

<sup>1</sup> THIS NOTICE MUST CONTAIN A STATEMENT ABOUT THE ACCESSIBILITY TO THE ELDERLY AND DISABLED FOR EACH POLLING PLACE. IF ANY POLLING PLACES ARE NOT ACCESSIBLE OR IN COMPLIANCE WITH FEDERAL LAW, CONTACT THE ELECTIONS COMMISSION.

<sup>2</sup> This section should be adapted depending upon what type of voting procedure is used.

<sup>3</sup> Remove this sentence if only touch screen voting system(s) are used.

elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

On referendum questions where **paper ballots** are used, the elector shall make a mark (**X**) in the square next to "yes" if in favor of the question, or the elector shall make a mark (**X**) in the square next to "no" if opposed to the question.

When using a *tactile ballot marking device (Vote-PAD)* to mark a **paper** ballot, the elector shall obtain from the inspectors, the assistive device and any audio or dexterity aids if required. On referendum questions, the elector shall fill in the oval or connect the arrow next to "yes" if in favor of the question, or the elector shall fill in the oval or connect the arrow next to "no" if opposed to the question.

On referendum questions where **optical scan** voting systems are used, the elector shall fill in the oval or connect the arrow next to "yes" if in favor of the question, or shall fill in the oval or connect the arrow next to "no" if opposed to the question.

When using an *electronic ballot marking device ("Automark", "ExpressVote", Clear Access or ImageCast Evolution-ICE")* to mark an **optical scan** ballot, the elector shall touch the screen at "yes" if in favor of the question, or the elector shall touch the screen at "no" if opposed to the question.

On referendum questions where **touch screen** voting systems are used, the elector shall touch the screen or use the keypad to select "yes" if in favor of the question, or the elector shall touch the screen or use the keypad to select "no" if opposed to the question.

The vote shall not be cast in any other manner. Not more than five minutes' time shall be allowed inside a voting booth. Sample ballots or other materials to assist the elector in marking his or her ballot may be taken into the booth and copied. The sample ballot shall not be shown to anyone so as to reveal how the ballot is marked.

If the elector spoils a **paper or optical scan** ballot, he or she shall return it to an election official who shall issue another ballot in its place, but not more than three ballots shall be issued to any one elector. If the ballot has not been initialed by two inspectors or is defective in any other way, the elector shall return it to the election official, who shall issue a proper ballot in its place.<sup>4</sup>

The elector may spoil a **touch screen** ballot at the voting station before the ballot is cast.

After an official **paper** ballot is marked, it shall be folded so the inside marks do not show, but so the printed endorsements and inspectors' initials on the outside do show. The elector shall deposit the voted ballot in the ballot box or deliver the ballot to an election inspector for deposit, and deposit any unvoted ballots in the discard box. The elector shall leave the polling place promptly.

---

<sup>4</sup> Remove this sentence if only touch screen voting system(s) are used.

After an official **optical scan** ballot is marked, it shall be inserted in the security sleeve so the marks do not show. The elector shall insert the ballot in the voting device and discard the sleeve, or deliver the ballot to an inspector for deposit. Where a central count system is used, the elector shall insert the ballot in the ballot box and discard the sleeve or deliver it to an inspector for deposit. The elector shall leave the polling place promptly.

After an official **touch screen** ballot is cast, the elector shall leave the polling place promptly.

An elector may select an individual to assist in casting his or her vote if the elector declares to the presiding official that he or she is unable to read, has difficulty reading, writing or understanding English or that due to disability is unable to cast his or her ballot. The selected individual rendering assistance may not be the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector.

The following is a sample of the official ballot:

OFFICIAL REFERENDUM BALLOT

November 3, 2020

**Notice to Voters:** If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials.

**Instructions to Voters**

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote in favor of a question, make an "X" or other mark in the square next to "Yes," like this:

To vote against a question, make an "X" or other mark in the square next to "No," like this:

Referendum	
Shall the Waunakee Community School District, Dane County, Wisconsin be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses?	
<input type="checkbox"/>	YES
<input type="checkbox"/>	NO

Persons with questions regarding the referendum election should contact Randy S. Guttenberg, District Administrator.

Done in the Waunakee Community School District  
on October 29, 2020  
Judith Engebretson  
District Clerk

EXHIBIT C

OFFICIAL REFERENDUM BALLOT

November 3, 2020

**Notice to Voters:** If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See back of ballot for initials).

**Instructions to Voters**

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote in favor of a question, make an "X" or other mark in the square next to "Yes," like this:

To vote against a question, make an "X" or other mark in the square next to "No," like this:

Referendum	
Shall the Waunakee Community School District, Dane County, Wisconsin be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 beginning with the 2020-2021 school year, for recurring purposes consisting of operational and maintenance expenses?	
<input type="checkbox"/>	YES
<input type="checkbox"/>	NO

(Reverse Side of Ballot)

---

OFFICIAL REFERENDUM BALLOT

November 3, 2020

for

Waunakee Community School District, Wisconsin

Municipality and ward number(s): \_\_\_\_\_

---

Ballot issued by

\_\_\_\_\_

Initials of Inspectors of Election

---

Absentee Ballot issued by

\_\_\_\_\_  
Initials of Municipal Clerk or  
Deputy Clerk  
(If issued by SVDs, both SVDs must initial.)

---

Certification of Voter Assistance

I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.

---

Signature of assistor

---



411 East Wisconsin Avenue  
Suite 2350  
Milwaukee, Wisconsin 53202-4426  
414.277.5000  
Fax 414.271.3552  
[www.quarles.com](http://www.quarles.com)

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Scottsdale  
Tampa  
Tucson  
Washington, D.C.

August 14, 2020

**VIA EMAIL**

Mr. Steve Summers  
Executive Director of Operations  
Waunakee Community School District  
905 Bethel Circle  
Waunakee, WI 53597

**Re: Waunakee Community School District - Referendum - Option II (Non-Recurring)**

Dear Steve:

Attached please find the **Revenue Limit Resolution** and **Referendum Resolution** to be considered by the School Board in connection with the referendum. We have prepared these Resolutions with the information you provided to us. Please review them carefully.

**ADOPTION**

It is our understanding that these Resolutions will be considered by the School Board at its meeting on August 17, 2020.

**OPEN MEETING LAW**

The titles of the Resolutions should be on the agenda for the meeting. **If the meeting will be a virtual meeting, please be sure to include on the agenda and the notices the dial-in number or other information necessary for the public and the media to access and monitor the meeting.** Please then:

- (i) post the agenda in at least three public places; and
- (ii) provide the agenda to the official newspaper of the District (or if the District has no official newspaper, to a news medium likely to give notice in the area) and to any other requesting media at least twenty-four hours prior to the meeting (see Section 19.84(1)(b), Wisconsin Statutes).

Please complete the attached **Certificate of Compliance with Open Meeting Law** in connection with the meeting at which the Resolutions are adopted.

**VOTE REQUIRED**

A vote of at least a majority of a quorum of the School Board is necessary to adopt the Resolutions. Unless the District has adopted special rules regarding the adoption of referendum resolutions, the Resolutions should be adopted in the same manner as other resolutions of the District are adopted. Please complete the attached **Excerpts of Minutes** form to record the attendance at the meeting and the vote on the Resolutions.

**PUBLICATIONS REQUIRED**

The notices which are attached to the Referendum Resolution should be published as follows:

- (a) The Notice of Election (which is attached to the Referendum Resolution as Exhibit A) should be published in the issue of the Waunakee Tribune published immediately prior to the fourth Tuesday before the referendum election (**October 1, 2020**). This is the Type A Notice. (Since November 3, 2020 is a regularly scheduled election, the municipal clerks will be publishing the required Type E Notice regarding absentee ballots.)
- (b) The Notice of Referendum, including the facsimile ballot (which is attached to the Referendum Resolution as Exhibit B) (the Type B, C & D Notice) should be published in the issue of the Waunakee Tribune published immediately prior to the referendum election (**October 29, 2020**). **Please note that the municipal clerks' names need to be added to this Notice before it is published.** This Notice must also be posted in each polling place on election day.

*Please ask the newspaper to provide affidavits of publication of the notices and forward them to us.*

**BALLOT**

The Ballot (which is attached to the Referendum Resolution as Exhibit C) is the form to be printed. The municipal clerks can assist in the printing arrangements. If the District prepares the ballots, they should be delivered to the municipal clerks running the referendum election at least 52 days prior to the November general election, to allow the municipal clerks to comply with their obligation to provide absentee ballots under Section 7.15, Wisconsin Statutes. *Please provide us with a sample of the absentee ballot when it is prepared.*

### **FILING OF BALLOT**

Under Section 8.37, Wisconsin Statutes, the ballot must be filed with (i) the official responsible for providing the ballots for the election and (ii) the clerk of each county having territory within the District at least 70 days prior to the election. This filing must be made by **August 25, 2020**. The requirement can be satisfied by sending a form of the ballot (which is attached to the Referendum Resolution as Exhibit C) to the official responsible for providing the ballots and to the clerk of each county having territory within the District.

### **ELECTION SUPPLIES**

The municipal clerks of each municipality in which a polling place is located are required to provide the necessary equipment for the polling place.

### **DOCUMENTATION**

Following the adoption of the Resolutions, please return one executed copy of each of them to us together with executed copies of the Excerpts of Minutes and the Certificate of Compliance with the Open Meeting Law. *Please ask the newspaper to provide you with the affidavits of publication of the referendum notices and then forward them to us as soon as you receive them. Please also provide us with a sample of the absentee ballot.*

Prior to the election, we will provide you with materials which may be used by your Board of Canvassers in determining the election results.

We are also attaching a **Municipal Information Questionnaire**. Please review, correct, if necessary, complete and return this questionnaire to us at your earliest convenience.

### **NOTIFICATION TO DPI**

The District must notify the Department of Public Instruction ("DPI") of the date of the referendum election and provide the Department a copy of the Revenue Limit Resolution and the form of ballot within 10 days after it is adopted. The District is also required to provide the results of the referendum election to DPI within 10 days of the referendum election date. This notification can be provided online via the DPI School Finance Reporting Portal <https://apps5.dpi.wi.gov/sfssafr/default.aspx>. If you have questions about DPI's procedure you should contact Roger Kordus, Consultant at (608) 267-3752 or [roger.kordus@dpi.wi.gov](mailto:roger.kordus@dpi.wi.gov). Mr. Kordus would also like to have the Certificate of the Board of Canvassers faxed to him at (608) 266-2840.

Mr. Steve Summers  
August 14, 2020  
Page 4

**NOTIFICATION TO MUNICIPAL CLERKS**

As soon as possible, please notify the municipal clerks of the scheduled date of the referendum election and, as indicated above, the ballot.

Please feel free to contact me at (414) 277-5641 or any member of the Quarles & Brady LLP public finance team if you have any questions or comments.

Very truly yours,

QUARLES & BRADY LLP

  
Allison M. Buchanan

AMB:tah  
Enclosures  
#940252.00058

cc: Mr. Randy S. Guttenberg (w/enc. via email)  
Ms. Rebecca McDonough (w/enc. via email)  
Ms. LaDonna Radel (w/enc. via email)  
Mr. Brian G. Lanser (w/enc. via email)  
Ms. Tisha Hodgins (w/enc. via email)

RESOLUTION AUTHORIZING THE SCHOOL  
DISTRICT BUDGET TO EXCEED REVENUE  
LIMIT BY \$2,127,502 PER YEAR FOR FIVE YEARS  
FOR NON-RECURRING PURPOSES

BE IT RESOLVED by the School Board of the Waunakee Community School District, Dane County, Wisconsin that the revenues included in the School District budget be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses.

Adopted and recorded August 17, 2020.

\_\_\_\_\_  
David Boetcher  
District President

ATTEST:

\_\_\_\_\_  
Judith Engebretson  
District Clerk

(SEAL)

RESOLUTION PROVIDING FOR A REFERENDUM  
ELECTION ON THE QUESTION OF THE APPROVAL OF A  
RESOLUTION AUTHORIZING THE SCHOOL DISTRICT  
BUDGET TO EXCEED REVENUE LIMIT BY \$2,127,502 PER  
YEAR FOR FIVE YEARS FOR NON-RECURRING PURPOSES

WHEREAS, the School Board of the Waunakee Community School District, Dane County, Wisconsin (the "District"), has heretofore duly adopted a resolution entitled: "Resolution Authorizing the School District Budget to Exceed Revenue Limit by \$2,127,502 Per Year for Five Years for Non-Recurring Purposes" (the "Revenue Limit Resolution"); and

WHEREAS, the School Board deems it to be desirable and in the best interest of the District to direct the District Clerk to submit the Revenue Limit Resolution to the electors for approval or rejection at the regularly scheduled election to be held on November 3, 2020.

NOW, THEREFORE, BE IT RESOLVED by the School Board of the District as follows:

Section 1. Referendum Election Date. The District Clerk is hereby directed to call a referendum election to be held in the District at the regularly scheduled election to be held on November 3, 2020 for the purpose of submitting to the qualified electors of the District the proposition of whether the Revenue Limit Resolution shall be approved.

Section 2. Notice to Electors. The District Clerk is directed to give notice by:

- (a) causing a Notice of Election in substantially the form attached hereto as Exhibit A to be published in the Waunakee Tribune in the issue published immediately prior to the fourth Tuesday before the referendum election.
- (b) causing a Notice of Referendum (which includes the facsimile of the sample ballot) in substantially the form attached hereto as Exhibit B to be published in the Waunakee Tribune in the issue published immediately preceding the referendum election. This Notice shall also be posted in each polling place on election day.

If any of the municipalities within the District use an electronic voting system employing a ballot label and ballot card, the Notice of Referendum set forth in Exhibit B shall also include a true, actual-size copy of the ballot label and ballot card in the form in which they will appear on election day.

Section 3. Polling Places and Hours. The District electors must vote at the referendum election at the times and polling places at which they cast their ballots in regularly scheduled elections.

Section 4. Referendum Election Officials. The election officials appointed in each of the municipalities within the District shall conduct the election.

Section 5. Official Referendum Ballot Form. The ballot to be used at the referendum election shall be prepared in accordance with the provisions of Sections 5.64(2) and 7.08(1)(a), Wisconsin Statutes. The ballot shall be substantially in the form attached hereto as Exhibit C.

The District Clerk shall cause to be printed sufficient ballots for use at said referendum election, both as actual ballots in those polling places which do not use voting machines and as absentee ballots where voting machines are used and as specimen ballots (the latter to be of a different and easily identifiable color from the actual ballot). The form of the ballot shall be filed with the official responsible for providing the ballots for the election, and the District Clerk shall file a copy of the ballot with the clerk of each county having territory within the District, as soon as possible after the date hereof but in no event later than 70 days prior to the election, as provided in Section 8.37, Wisconsin Statutes. If the District prepares the ballots, they should be delivered to the municipal clerks running the election at least 52 days prior to the election, to allow the municipal clerks to comply with their obligation to provide absentee ballots under Section 7.15, Wisconsin Statutes.

The municipal clerks of the municipalities within the District shall receive applications for absentee ballots and initial the same when issued to qualified absentee voters.

Section 6. Canvass. The returns of the referendum election shall be canvassed by the Board of Canvassers of each municipality within the District. Each Board of Canvassers shall certify the returns of the referendum election to the District Clerk. The District Clerk and two other reputable citizens appointed by the District Clerk prior to the date of the referendum election shall act as the District's Board of Canvassers for this referendum election. This Board of Canvassers shall meet in open session no later than 9:00 a.m. on the Tuesday after the election to determine the result of the referendum election. The canvass shall be open to the public and the District Clerk is directed to give due notice of said meeting.

Section 7. DPI Notice. Pursuant to the provisions of Section 121.91(3), Wisconsin Statutes, the District Clerk shall notify the Department of Public Instruction of the date of the referendum election and shall provide the Department with copies of the Revenue Limit Resolution within 10 days after the adoption of the Revenue Limit Resolution and shall further notify the Department of the results of the referendum within 10 days following the election using the method prescribed by the Department.

Adopted and recorded August 17, 2020.

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David Boetcher  
District President

ATTEST:

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Judith Engebretson  
District Clerk

(SEAL)

EXHIBIT A

NOTICE OF ELECTION  
WAUNAKEE COMMUNITY SCHOOL DISTRICT  
NOVEMBER 3, 2020

NOTICE IS HEREBY GIVEN, that at an election to be held in the Waunakee Community School District on Tuesday, November 3, 2020, the following question will be submitted to a vote of the people:

"Shall the Waunakee Community School District, Dane County, Wisconsin be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses?"

A copy of the entire text of the resolution directing submission of the question set forth above to the electorate and information concerning District boundaries can be obtained from the District Clerk at the School District offices located at 905 Bethel Circle, Waunakee, Wisconsin.

**Acceptable photo ID will be required to vote at this election. If you do not have a photo ID you may obtain a free ID for voting from the Division of Motor Vehicles.**

Persons with questions regarding the referendum election should contact Randy S. Guttenberg, District Administrator.

Done in the Waunakee Community School District  
on October 1, 2020  
Judith Engebretson  
District Clerk

EXHIBIT B

NOTICE OF REFERENDUM  
WAUNAKEE COMMUNITY SCHOOL DISTRICT  
NOVEMBER 3, 2020

NOTICE IS HEREBY GIVEN, that at an election to be held in the Waunakee Community School District on November 3, 2020, the following proposed Revenue Limit Resolution of the School Board will be submitted to a vote of the people:

RESOLUTION AUTHORIZING THE SCHOOL  
DISTRICT BUDGET TO EXCEED REVENUE  
LIMIT BY \$2,127,502 PER YEAR FOR FIVE  
YEARS FOR NON-RECURRING PURPOSES

BE IT RESOLVED by the School Board of the Waunakee Community School District, Dane County, Wisconsin that the revenues included in the School District budget be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses.

The question will appear on the ballot as follows:

"Shall the Waunakee Community School District, Dane County, Wisconsin be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses?"

EXPLANATORY STATEMENT AND EFFECT OF VOTE

The referendum election ballot will ask District electors to vote "yes" or "no" on the referendum election question as set forth above.

A "yes" vote on the question is a vote to authorize the Waunakee Community School District budget to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses.

A "no" vote on the question is a vote to deny the Waunakee Community School District the authority to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by

\$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses.

In the event a majority of the electors voting on the question vote "yes", the District will be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses; if a majority vote "no" on the question set forth above, the District will not be so authorized.

### LOCATION AND HOURS OF POLLING PLACES

Information as to the location of the polling places is available in the District Office at 905 Bethel Circle, Waunakee, Wisconsin.

**ALL POLLING PLACES WILL BE OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.**

If you have any questions concerning your polling place, contact the municipal clerk:

(Name Of Municipal Clerk)	(Name Of Municipal Clerk)
(Address)	(Address)
(Telephone)	(Telephone)
(Office Hours)	(Office Hours)

**All polling places are accessible to elderly and disabled voters.<sup>1</sup>**

### NOTICE OF MEETING OF THE SCHOOL DISTRICT BOARD OF CANVASSERS

By no later than 9 a.m. on the Tuesday after the election, the school district board of canvassers shall convene, pursuant to the provisions of Wis. Stat. § 19.84, for the purpose of conducting the school district canvass pursuant to Wis. Stat. § 7.53(3). This meeting will be open to the public pursuant to Wis. Stat. §§ 19.81-89.

### INFORMATION TO ELECTORS<sup>2</sup>

Upon entering the polling place, an elector shall state his or her name and address, show an acceptable form of photo identification and sign the poll book before being permitted to vote. If an elector does not have acceptable photo identification the elector may obtain a free photo ID for voting from the Division of Motor Vehicles. If an elector is not registered to vote, an elector may register to vote at the polling place serving his or her residence, if the elector presents proof of

<sup>1</sup> THIS NOTICE MUST CONTAIN A STATEMENT ABOUT THE ACCESSIBILITY TO THE ELDERLY AND DISABLED FOR EACH POLLING PLACE. IF ANY POLLING PLACES ARE NOT ACCESSIBLE OR IN COMPLIANCE WITH FEDERAL LAW, CONTACT THE ELECTIONS COMMISSION.

<sup>2</sup> This section should be adapted depending upon what type of voting procedure is used.

residence in a form specified by law. Where ballots are distributed to electors, the initials of two inspectors must appear on the ballot.<sup>3</sup> Upon being permitted to vote, the elector shall retire alone to a voting booth and cast his or her ballot except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

On referendum questions where **paper ballots** are used, the elector shall make a mark (X) in the square next to "yes" if in favor of the question, or the elector shall make a mark (X) in the square next to "no" if opposed to the question.

When using a *tactile ballot marking device (Vote-PAD)* to mark a **paper** ballot, the elector shall obtain from the inspectors, the assistive device and any audio or dexterity aids if required. On referendum questions, the elector shall fill in the oval or connect the arrow next to "yes" if in favor of the question, or the elector shall fill in the oval or connect the arrow next to "no" if opposed to the question.

On referendum questions where **optical scan** voting systems are used, the elector shall fill in the oval or connect the arrow next to "yes" if in favor of the question, or shall fill in the oval or connect the arrow next to "no" if opposed to the question.

When using an *electronic ballot marking device ("Automark", "ExpressVote", Clear Access or ImageCast Evolution-ICE")* to mark an **optical scan** ballot, the elector shall touch the screen at "yes" if in favor of the question, or the elector shall touch the screen at "no" if opposed to the question.

On referendum questions where **touch screen** voting systems are used, the elector shall touch the screen or use the keypad to select "yes" if in favor of the question, or the elector shall touch the screen or use the keypad to select "no" if opposed to the question.

The vote shall not be cast in any other manner. Not more than five minutes' time shall be allowed inside a voting booth. Sample ballots or other materials to assist the elector in marking his or her ballot may be taken into the booth and copied. The sample ballot shall not be shown to anyone so as to reveal how the ballot is marked.

If the elector spoils a **paper or optical scan** ballot, he or she shall return it to an election official who shall issue another ballot in its place, but not more than three ballots shall be issued to any one elector. If the ballot has not been initialed by two inspectors or is defective in any other way, the elector shall return it to the election official, who shall issue a proper ballot in its place.<sup>4</sup>

The elector may spoil a **touch screen** ballot at the voting station before the ballot is cast.

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<sup>3</sup> Remove this sentence if only touch screen voting system(s) are used.

<sup>4</sup> Remove this sentence if only touch screen voting system(s) are used.

After an official **paper** ballot is marked, it shall be folded so the inside marks do not show, but so the printed endorsements and inspectors' initials on the outside do show. The elector shall deposit the voted ballot in the ballot box or deliver the ballot to an election inspector for deposit, and deposit any unvoted ballots in the discard box. The elector shall leave the polling place promptly.

After an official **optical scan** ballot is marked, it shall be inserted in the security sleeve so the marks do not show. The elector shall insert the ballot in the voting device and discard the sleeve, or deliver the ballot to an inspector for deposit. Where a central count system is used, the elector shall insert the ballot in the ballot box and discard the sleeve or deliver it to an inspector for deposit. The elector shall leave the polling place promptly.

After an official **touch screen** ballot is cast, the elector shall leave the polling place promptly.

An elector may select an individual to assist in casting his or her vote if the elector declares to the presiding official that he or she is unable to read, has difficulty reading, writing or understanding English or that due to disability is unable to cast his or her ballot. The selected individual rendering assistance may not be the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector.

The following is a sample of the official ballot:

OFFICIAL REFERENDUM BALLOT

November 3, 2020

**Notice to Voters:** If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials.

**Instructions to Voters**

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote in favor of a question, make an "X" or other mark in the square next to "Yes," like this:

To vote against a question, make an "X" or other mark in the square next to "No," like this:

Referendum	
Shall the Waunakee Community School District, Dane County, Wisconsin be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses?	
<input type="checkbox"/>	YES
<input type="checkbox"/>	NO

Persons with questions regarding the referendum election should contact Randy S. Guttenberg, District Administrator.

Done in the Waunakee Community School District  
on October 29, 2020  
Judith Engebretson  
District Clerk

EXHIBIT C

OFFICIAL REFERENDUM BALLOT

November 3, 2020

**Notice to Voters:** If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See back of ballot for initials).

**Instructions to Voters**

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote in favor of a question, make an "X" or other mark in the square next to "Yes," like this:

To vote against a question, make an "X" or other mark in the square next to "No," like this:

Referendum	
Shall the Waunakee Community School District, Dane County, Wisconsin be authorized to exceed the revenue limit specified in Section 121.91, Wisconsin Statutes, by \$2,127,502 per year for five years beginning with the 2020-2021 school year and ending with the 2024-2025 school year, for non-recurring purposes consisting of operational and maintenance expenses?	
<input type="checkbox"/>	YES
<input type="checkbox"/>	NO

(Reverse Side of Ballot)

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OFFICIAL REFERENDUM BALLOT

November 3, 2020

for

Waunakee Community School District, Wisconsin

Municipality and ward number(s): \_\_\_\_\_

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Ballot issued by

\_\_\_\_\_  
\_\_\_\_\_  
Initials of Inspectors of Election

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Absentee Ballot issued by

\_\_\_\_\_  
\_\_\_\_\_  
Initials of Municipal Clerk or  
Deputy Clerk  
(If issued by SVDs, both SVDs must initial.)

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Certification of Voter Assistance

I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.

\_\_\_\_\_  
Signature of assistor

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