

# SUPREME COURT OF WISCONSIN

## NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 19-03

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In the matter of the Petition to amend Supreme Court Rule (SCR) Chapter 10, Regarding Conduct of Voting in State Bar Elections and Referenda

**FILED**

**JUN 12, 2019**

Sheila T. Reiff  
Clerk of Supreme Court  
Madison, WI

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The State Bar of Wisconsin seeks the option of electronic voting for State Bar elections of officers and members of the Board of Governors and for referenda. Implementing this change required minor modifications to both the State Bar's bylaws and Supreme Court Rule (SCR) 10.08.

On February 19, 2019, the Board of Governors of the State Bar of Wisconsin passed a motion to amend Article III, Sections 5-8, of the State Bar's bylaws.<sup>1</sup> The bylaw changes were duly filed with the clerk of supreme court pursuant to Supreme Court Rule (SCR) 10.13(2)<sup>2</sup> and

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<sup>1</sup> The State Bar of Wisconsin's bylaws govern most of the procedures by which the State Bar conducts its elections. See SCR 10.05.

<sup>2</sup> The process for amending State Bar bylaws is described in SCR 10.13(2), which provides:

The provisions of the bylaws of the state bar of Wisconsin are subject to amendment or abrogation by resolution adopted by vote of two-thirds of the members of

Article IX of the State Bar bylaws. On the same day, March 11, 2019, the State Bar of Wisconsin, by its president, Christopher E. Rogers, filed an administrative rule petition asking the court to amend SCR 10.08.

The court discussed the petition in a closed administrative rules conference on April 8, 2019. The court voted to hold the matter pending expiration of the 60-day period of time during which State Bar members may request review of a bylaw change. No petition for review of the State Bar bylaw change was filed during this period of time.

The court then discussed the rule petition in a closed administrative rules conference on June 6, 2019.

Supreme Court Rule 10.08 affects the manner in which referenda are conducted and as written. It references "mailing" of ballots to State Bar active members at the time of officer elections. The proposed amendments do not affect the rules governing referenda with

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the board of governors, or action of the members of the association expressed through the referendum procedure defined in SCR 10.08. When any change in the bylaws has been made by the board of governors the executive director shall publish notice of the change, including a copy of the amendatory resolution, in an official state bar publication pursuant to SCR 10.12 and shall file a certified copy thereof with the clerk of the supreme court. A petition for review of any such change in the bylaws will be entertained by the court if signed by 25 or more active members of the association and filed with the clerk of the court within 60 days after publication of notice of the change. Hearing upon such a petition will be pursuant to notice in such manner as the court directs.

the exception of authorizing the use of electronic ballots. In view of the narrow, technical nature of the rule change, the court voted to decide the petition without seeking public comment or conducting a public hearing. The court then voted to grant the petition. Therefore,

IT IS ORDERED that, effective July 1, 2019, the Supreme Court Rules are amended as follows:

**SECTION 1.** Supreme Court Rule 10.08(4) is amended to read:

(4) Governors may initiate. The board of governors may, by the affirmative vote of two-thirds of its membership, refer to the active members of the association for determination by ~~mail~~ ballot any appropriate question of public policy, as provided in sub. (3).

**SECTION 2.** Supreme Court Rule 10.08(9) is amended to read:

(9) Publication of question. As to all questions to be submitted to the members by referendum, space in a reasonable amount shall be provided to both the proponents and the opponents of the proposition. This space shall be made available without charge in the state bar's official publication one month prior to ~~mailing~~ distribution of the referendum ballots or in another state bar ~~mailing~~ distribution to all eligible voters. State bar mailing lists shall be equally available at the same costs to both proponents and opponents of any referendum.

**SECTION 3.** Supreme Court Rule 10.08(10) is amended to read:

(10) Conduct of election. The ~~mailing~~ distribution of the ballots, the return of the ballots, the counting of the ballots and the reporting of the results shall be conducted in the same manner as

set forth in article 3, sections 4 through 8 of the bylaws for the election of the board of governors.

IT IS FURTHER ORDERED that notice of the above amendments be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's web site. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 12th day of June, 2019.

BY THE COURT:

Sheila T. Reiff  
Clerk of Supreme Court

