

### **When 60th day falls on a weekend**

We have reviewed the relevant statutes and concluded that Wis. Stat. s. 9.20 and Chapter 990 does not extend the date for filing or gathering signatures for direct legislation petitions. Unlike the recall statutes, which set a deadline for submission of petitions 60 days after the recall committee registers, Wis. Stat. s. 9.20 does not establish such a deadline; it only requires that signatures be gathered within 60 days of the date the petitions are submitted. Section 9.20(2m) reads: “No signature may be considered valid or counted unless the date is less than 60 days before the date offered for filing.”

While the deadline for the Fond du Lac petitioners would be June 29<sup>th</sup> in order to include signatures dated May 1<sup>st</sup>, that is a deadline created by the petitioners’ choice to start collecting signatures on May 1<sup>st</sup>, or at least to include signatures collected on May 1<sup>st</sup>. The statute counts backward from the date the petition is submitted. It does not establish any submission deadline. The petitioners have full control over the particular period of time they wish to capture. They could choose to submit the petition on June 30<sup>th</sup> and include signatures dated from May 2<sup>nd</sup> and subsequently, or they could submit the petition on June 27<sup>th</sup> and include signatures dated from April 29<sup>th</sup> and subsequently. The petition drive could have begun before May 1<sup>st</sup> and it could continue after June 30<sup>th</sup>, and the only question is which 59-day period the petitioners decide to include.

Therefore this circumstance is not equivalent to the recall provision in Wis. Stat. s. 9.10(2)(d) which uses the committee registration date to trigger a hard deadline for submission 60 days later. That is a statutory deadline that is subject to extension pursuant to Wis. Stat. s. 990.001(4)(b). The direct legislation statute does not establish a specific deadline that can be extended if it falls on a weekend or holiday.

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