

1977 Senate Bill 192

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## CHAPTER 149, Laws of 1977

AN ACT to renumber 17.23 (1) (b); to amend 17.23 (1) (a); and to create 17.23 (1) (b) of the statutes, relating to the method of filling vacancies in the office of mayor and member of the common council in cities of the 1st class.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 17.23 (1) (a) of the statutes is amended to read:

17.23 (1) (a) In cities of the 2nd, 3rd or 4th class, in the office of mayor, except as provided in s. 9.10, by appointment by the common council. In the office of alderman ~~in cities of the 1st class, by the mayor, and in cities of 2nd, 3rd and 4th class, by the common council, except in both cases~~ as provided in s. 9.10. A person so appointed shall hold office until ~~his~~ a successor is elected and qualified. ~~His~~ A successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens 90 days or more before such day, but if such vacancy happens within 90 days before such ~~first Tuesday of April day~~, then ~~such~~ the successor shall be elected on the ~~first Tuesday of April of the next ensuing year following such date~~; but no election to fill a vacancy in such office shall be held at the time of holding the regular election for ~~such~~ that office.

SECTION 2. 17.23 (1) (b) of the statutes is renumbered 17.23 (1) (c).

SECTION 3. 17.23 (1) (b) of the statutes is created to read:

17.23 (1) (b) In cities of the 1st class, in the office of mayor, except as provided in s. 9.10, the vacancy shall be filled by the president of the common council as acting mayor until a special election can be held under this paragraph. In such case, the acting mayor may continue to serve as president of the common council, in addition to exercising the powers and responsibilities of the office of mayor, until such time as a new mayor is elected, but the acting mayor shall not take part in any vote of the common council during that period. In the office of alderman, by special election, except as provided in s. 9.10. A person so appointed shall hold office until a successor is elected and qualified. When a mayor is temporarily appointed, or when an

aldermanic seat becomes vacant, a successor shall be elected for the residue of the unexpired term on the first Tuesday of April or the Tuesday after the first Monday in November next after the vacancy happens, in case it happens earlier than 90 days before such day, but if such vacancy happens on or after 90 days before such day, then the successor shall be elected on the following such date; but no election to fill a vacancy in such office shall be held at the time of holding the regular election for that office. In addition, the president of the common council of any city of the 1st class may at any time order a special election to fill a vacant aldermanic seat prior to the time when such seat is required to be filled under this paragraph whenever he or she deems it advisable. If a special election is held under this paragraph after a redistricting plan is adopted, the election shall be held in the aldermanic district as it existed when the office was filled at the last preceding election. The common council may at any time order a special election for the office of mayor when said office is temporarily filled by the president of the common council prior to the time when such election is required to be held under this paragraph.

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