



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 8**

February 24, 1997 – Offered by Representatives PORTER, GARD, M. LEHMAN, LADWIG, URBAN, SERATTI, ZIEGELBAUER, GOETSCH, HAHN, OWENS, OLSEN, GUNDERSON and ALBERS.

1 **AN ACT to amend** 17.21 (3), 17.23 (1) (a), 17.24 (1), 17.25 (1), 17.26 (1), 59.10 (1)
2 (d), 59.10 (3) (e), 59.17 (7), 59.25 (2) (b) and 60.75 (4); and **to create** 17.205 of
3 the statutes; **relating to:** the procedure for filling vacancies in certain elective
4 local offices.

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

5 **SECTION 1.** 17.205 of the statutes is created to read:

6 **17.205 Procedure for filling vacancies in elective local offices.** (1) In
7 this section, “local office” has the meaning given in s. 5.02 (9).

8 **(2)** Except as provided in sub. (4), whenever a vacancy in an elective local office
9 occurs and the law permits the vacancy to be filled by an elective body, the body shall
10 not fill the vacancy during the period beginning on the date of the spring election at
11 which any seat on that body is to be filled by the electorate and ending on the date
12 on which all persons who are elected at that election take office.

1 **(3)** Except as provided in sub. (4), whenever a vacancy in an elective local office
2 is permitted by law to be filled by a body, the body shall not make any appointment
3 to fill the vacancy unless the body first publishes or posts notice of the vacancy in
4 accordance with this subsection and accepts an application for the office submitted
5 by any person who qualifies for the office. The body shall publish or post notice of
6 the vacancy, in the jurisdiction where the vacancy occurs, not less than 10 days before
7 the vacancy is filled. Each notice shall provide that, subject to any applicable
8 qualifications for office, any person may submit an application for the position to be
9 filled, and shall specify the location and the latest date and time for submitting an
10 application. The body is not limited to appointing an applicant under this subsection.

11 **(4)** This section does not apply to vacancies filled under s. 60.30 (2) (d) or (5)
12 (a), 61.27, 62.09 (1) (d) or 64.29 (2).

13 **SECTION 2.** 17.21 (3) of the statutes is amended to read:

14 17.21 **(3)** COUNTY CLERK, TREASURER AND SURVEYOR. In the office of county clerk,
15 treasurer or surveyor, by appointment by the county board for the residue of the
16 unexpired term, in accordance with s. 17.205.

17 **SECTION 3.** 17.23 (1) (a) of the statutes is amended to read:

18 17.23 **(1)** (a) In cities of the 2nd, 3rd or 4th class, in the office of mayor, except
19 as provided in s. 9.10, by appointment by the common council in accordance with s.
20 17.205. In the office of alderperson, by the common council, in accordance with s.
21 17.205, except as provided in s. 9.10. A person so appointed shall hold office until a
22 successor is elected and qualified. A successor shall be elected for the residue of the
23 unexpired term on the first Tuesday of April next after the vacancy happens, in case
24 it happens no later than December 1 preceding the first Tuesday in April, but if the
25 vacancy happens after December 1 preceding the first Tuesday in April and before

1 that day, then the successor shall be elected on the first Tuesday in April of the next
2 ensuing year; but no election to fill a vacancy in such office may be held at the time
3 of holding the regular election for that office.

4 **SECTION 4.** 17.24 (1) of the statutes is amended to read:

5 17.24 (1) Except as provided in s. 9.10, a vacancy in any elective village office
6 may be filled by appointment by a majority of the members of the village board for
7 the residue of the unexpired term or until a special election is held under s. 8.50 (4)
8 (fm) or sub. (2), in accordance with s. 17.205. A vacancy in an appointive office shall
9 be filled in the same manner as the original appointment.

10 **SECTION 5.** 17.25 (1) of the statutes is amended to read:

11 17.25 (1) In the town board, by the remaining supervisors and the town clerk
12 in accordance with s. 17.205, except as provided in s. 9.10 and except when the
13 vacancy is caused by removal by the circuit judge as provided by law, which latter
14 vacancy shall be filled by appointment by that judge. Vacancies in other elective
15 town offices shall be filled by appointment by the town board in accordance with s.
16 17.205, except as provided in ss. 8.50 (4) (fm) and 9.10 and except for vacancies
17 caused by removal by the judge of the circuit court which latter vacancy shall be filled
18 by that judge. Persons appointed under this subsection to fill vacancies shall hold
19 office for the residue of the unexpired term, except persons appointed to fill vacancies
20 as members of the water or light commission, which persons shall hold office only
21 until their successors are elected and qualify and such successors shall be elected at
22 the annual town meeting next after the vacancy occurs if the vacancy occurs 12 days
23 or more prior to the meeting; otherwise at the annual town meeting held in the year
24 next succeeding; but no election to fill a vacancy in the office may be held at the time
25 of holding the regular election for the office.

1 **SECTION 6.** 17.26 (1) of the statutes is amended to read:

2 17.26 (1) In a common, union high or unified school district, by appointment
3 by the remaining members in accordance with s. 17.205. Each appointee shall hold
4 office until a successor is elected and takes office under s. 120.06 (4) or 120.42 (2).
5 When a vacancy occurs in the office of a board member who is in the last year of his
6 or her term, or when a vacancy occurs after the spring election but on or before the
7 last Tuesday in November in the office of a board member who is not in the last year
8 of his or her term, the successor shall be elected at the next spring election. When
9 a vacancy occurs after the last Tuesday in November and on or before the date of the
10 next spring election in the office of a board member who is not in the last year of his
11 or her term, the successor shall be elected at the 2nd following spring election.

12 **SECTION 7.** 59.10 (1) (d) of the statutes is amended to read:

13 59.10 (1) (d) *Vacancies.* ~~A~~ Subject to the requirements of s. 17.205, a board
14 may determine the procedure for filling a vacancy.

15 **SECTION 8.** 59.10 (3) (e) of the statutes is amended to read:

16 59.10 (3) (e) *Vacancies.* If a vacancy occurs on the board, the board chairperson,
17 with the approval of the board and in accordance with s. 17.205, shall appoint a
18 person who is a qualified elector and resident of the supervisory district to fill the
19 vacancy for the unexpired portion of the term to which the person is appointed and
20 until his or her successor is elected and qualified.

21 **SECTION 9.** 59.17 (7) of the statutes is amended to read:

22 59.17 (7) **REMOVAL FROM OFFICE; VACANCY, HOW FILLED.** The county executive may
23 be removed from office by the governor for cause under s. 17.16. A vacancy in the
24 office of county executive shall be filled temporarily, within 30 days of the date of the
25 vacancy, by appointment by the chairperson of the board, subject to confirmation by

1 the board, from among electors of the county. The appointment is subject to the
2 requirements of s. 17.205. Within 7 days following the occurrence of the vacancy, the
3 clerk shall order a special election to be held under s. 8.50 to fill the vacancy. If the
4 vacancy occurs after October 31 but not later than 49 days before the day of the spring
5 primary, the special election shall be held concurrently with the spring primary and
6 election.

7 **SECTION 10.** 59.25 (2) (b) of the statutes is amended to read:

8 59.25 (2) (b) If any county treasurer is incapable of discharging the duties of
9 the office of treasurer, the board may, if it sees fit, appoint a person to serve as
10 treasurer, in accordance with s. 17.205, who shall serve until such disability is
11 removed. A person so appointed or appointed to fill a vacancy in the office of
12 treasurer, upon giving an official bond with like sureties as are required of such
13 treasurer, shall perform all the duties of such office, and thereupon the powers and
14 duties of any deputy performing the duties of the last treasurer shall cease.

15 **SECTION 11.** 60.75 (4) of the statutes is amended to read:

16 60.75 (4) VACANCIES. Any vacancy on an elective or appointive commission may
17 be filled by appointment by the town board for the remainder of the unexpired term.
18 If the commission is elective, an appointment is subject to the requirements of s.
19 17.205. Any vacancy on a commission consisting of town board supervisors remains
20 vacant until a successor town board supervisor is appointed or elected.

21 **SECTION 12. Initial applicability.**

22 (1) This act first applies with respect to vacancies occurring on the effective
23 date of this subsection.

24 (END)