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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2005 Wisconsin Act 248**  
[2005 Senate Bill 34]

**Filling Specified County or  
Municipal Office Vacancies by  
Special Election**

2005 Wisconsin Act 248 allows the local governing body for a county or municipality (city, village, or town) to order a special election to fill a vacancy in specified county or municipal elective offices, if the vacancy occurs before June 1 in the year preceding the expiration of the term of office.

*Prior to enactment of 2005 Wisconsin Act 248*, the specified vacancies were filled by appointment. In general, *2005 Wisconsin Act 248* gives the local governing bodies (the county board of supervisors, the common council, the village board of trustees, or the town board of supervisors) the option of filling the following vacancies by ordering a special election, provided that the vacancy is under its jurisdiction and occurs before June 1 in the year preceding the expiration of the term of office:

- On the county board of supervisors or in the office of county clerk, treasurer, or surveyor.
- On the common council or in any other elective office in a city or in a village.
- On the town board of supervisors, *if* the town board has more than three members.

If the local governing body orders the election during the period beginning on June 1 and ending on November 30 of any year, the special election must be held concurrently with the succeeding spring election. If the local governing body orders the special election during the period beginning on December 1 and ending on May 31 of the succeeding year, the special election must be held on the Tuesday after the first Monday in November following the date of the order. The Act first applies to vacancies occurring on April 13, 2006 (the effective date of the Act).

**Effective Date:** The Act takes effect on April 13, 2006.

**Prepared by:** Mary Offerdahl, Staff Attorney

April 19, 2006

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.