

# State of Wisconsin



2019 Senate Bill 108

Date of enactment: **March 3, 2020**  
Date of publication\*: **March 4, 2020**

## 2019 WISCONSIN ACT 164

AN ACT *to repeal* 17.23 (1) (a) and 17.24 (2); *to renumber and amend* 17.23 (1) (intro.), 17.23 (1) (b), 17.23 (1) (d) and 17.24 (1); and *to amend* 8.50 (4) (fm), 17.23 (2) (a) 1., 17.27 (1m) and 64.05 (2) of the statutes; **relating to:** vacancies in elective offices in cities and villages.

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

**SECTION 1.** 8.50 (4) (fm) of the statutes is amended to read:

8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body, or, if the judge is elected under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the judge. The office shall then be permanently filled by special election, which shall be held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the 2nd succeeding spring election, and except that the governing body of a city or village or, if the judge is elected under s. 755.01 (4), the governing bodies of the participating cities or villages may, if the vacancy occurs before April 15 in the year preceding expiration of the term of office, order a special election to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

**SECTION 2.** 17.23 (1) (intro.) of the statutes is renumbered 17.23 (1) and amended to read:

17.23 (1) GENERAL AND SPECIAL CHARTER CITIES. Vacancies Except as provided in sub. (1b) and s. 9.10, vacancies in offices of mayor or alderperson of cities operating under the general law or special charter shall may be filled as follows: by the common council, by majority vote, appointing a successor to serve for the residue of the unexpired term or until a special election is held, as ordered by the common council under s. 8.50, or an office may remain vacant until an election is held.

**SECTION 3.** 17.23 (1) (a) of the statutes is repealed.

**SECTION 4.** 17.23 (1) (b) of the statutes is renumbered 17.23 (1b) and amended to read:

17.23 (1b) FIRST CLASS CITIES. In 1st class cities, 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 and qualified, but the acting mayor may not take part in any vote of the common council during that period. In A vacancy in the office of alderperson, shall be filled by special election, except as provided in s. 9.10. When a mayor is temporarily appointed, the common

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

council shall order a special election for the office of mayor under s. 8.50 as promptly as possible, unless the vacancy occurs within 120 days of the expiration of the mayor's term of office. 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 no later than December 1 or June 1 preceding that day, but if the vacancy happens after December 1 or June 1 preceding that day, then the successor shall be elected on the following first Tuesday in April or Tuesday after the first Monday in November,~~ but no election to fill a vacancy in such office may be held at the time of holding the regular election for that office. ~~In addition, the~~ The president of the common council of any 1st class city may shall order a special election to be held under s. 8.50 to fill a vacant aldermanic seat ~~prior to the time when that seat is required to be filled under this paragraph.~~ If a special election is held under this ~~paragraph~~ subsection 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.

**SECTION 6.** 17.23 (1) (d) of the statutes is renumbered 17.23 (1m) and amended to read:

17.23 (1m) APPOINTIVE OFFICES. ~~In~~ Vacancies in appointive offices; in cities may be filled by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto.

**SECTION 7.** 17.23 (2) (a) 1. of the statutes is amended to read:

17.23 (2) (a) 1. In the office of mayor or other member of the council, except as provided in s. 9.10, in the

manner provided in sub. (1) (a). In the office of municipal judge, in the manner provided in s. 8.50 (4) (fm). On failure of the council to make an appointment ~~under sub. (1) (a)~~ for 30 days after the vacancy exists the city engineer shall be a temporary acting member of the council until such vacancy is filled in the manner provided by law, and shall have all the powers, prerogatives and duties of the vacant office except the right to vote to fill a vacancy in the office of mayor or council member.

**SECTION 8.** 17.24 (1) of the statutes is renumbered 17.24 and amended to read:

**17.24 Vacancies in village offices.** Except as provided in s. 9.10, a vacancy in any elective village office may be filled by appointment by a majority of the members of the village board for the residue of the unexpired term or until a special election is held ~~under s. 8.50 (4) (fm) or sub. (2),~~ as ordered by the village board, or an office may remain vacant until an election is held. A vacancy in an appointive office shall be filled in the same manner as the original appointment.

**SECTION 9.** 17.24 (2) of the statutes is repealed.

**SECTION 10.** 17.27 (1m) of the statutes is amended to read:

17.27 (1m) METROPOLITAN SEWERAGE COMMISSION. Vacancies in the office of any directly elected member of a metropolitan sewerage commission under s. 200.09 (11) (am) shall be filled by temporary appointment of the governor until a successor is elected and qualified. A successor shall be elected in the manner prescribed for filling vacancies in elective city offices under s. 17.23 (1) (a).

**SECTION 11.** 64.05 (2) of the statutes is amended to read:

64.05 (2) A vacancy in the office of council member shall be filled as provided in s. 17.23 (1) (a).