



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0052/1
CMH:cdc

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 108**

1 **AN ACT** *to repeal* 17.23 (1) (a) and 17.24 (2); *to renumber and amend* 17.23 (1)
2 (intro.), 17.23 (1) (b), 17.23 (1) (d) and 17.24 (1); and *to amend* 8.50 (4) (fm),
3 17.23 (2) (a) 1., 17.27 (1m) and 64.05 (2) of the statutes; **relating to:** vacancies
4 in elective offices in cities and villages.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 8.50 (4) (fm) of the statutes is amended to read:
6 8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled
7 by temporary appointment of the municipal governing body, or, if the judge is elected
8 under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the
9 judge. The office shall then be permanently filled by special election, ~~which shall be~~

1 ~~held concurrently with the next spring election following the occurrence of the~~
2 ~~vacancy, except that a vacancy occurring during the period after December 1 and on~~
3 ~~or before the date of the spring election shall be filled at the 2nd succeeding spring~~
4 ~~election, and except that the governing body of a city or village or, if the judge is~~
5 ~~elected under s. 755.01 (4), the governing bodies of the participating cities or villages~~
6 ~~may, if the vacancy occurs before April 15 in the year preceding expiration of the term~~
7 ~~of office, order a special election to be held on the Tuesday after the first Monday in~~
8 ~~November following the date of the order. A person so elected shall serve for the~~
9 ~~residue of the unexpired term.~~

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

12 17.23 (1) GENERAL AND SPECIAL CHARTER CITIES. Vacancies Except as provided
13 in sub. (1b) and s. 9.10, vacancies in offices of mayor or alderperson of cities operating
14 under the general law or special charter shall may be filled as follows: by the common
15 council, by majority vote, appointing a successor to serve for the residue of the
16 unexpired term or until a special election is held, as ordered by the common council
17 under s. 8.50, or an office may remain vacant until an election is held.

18 **SECTION 3.** 17.23 (1) (a) of the statutes is repealed.

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

21 17.23 (1b) FIRST CLASS CITIES. In 1st class cities, in the office of mayor, except
22 as provided in s. 9.10, the vacancy shall be filled by the president of the common
23 council as acting mayor until a special election can be held under this paragraph.
24 In such case, the acting mayor may continue to serve as president of the common
25 council, in addition to exercising the powers and responsibilities of the office of

1 mayor, until such time as a new mayor is elected and qualified, but the acting mayor
2 may not take part in any vote of the common council during that period. ~~In A vacancy~~
3 ~~in the office of alderperson, shall be filled~~ by special election, except as provided in
4 s. 9.10. When a mayor is temporarily appointed, the common council shall order a
5 special election for the office of mayor under s. 8.50 as promptly as possible, unless
6 the vacancy occurs within 120 days of the expiration of the mayor's term of office.
7 When an aldermanic seat becomes vacant, a successor shall be elected for the residue
8 of the unexpired term ~~on the first Tuesday of April or the Tuesday after the first~~
9 ~~Monday in November next after the vacancy happens, in case it happens no later~~
10 ~~than December 1 or June 1 preceding that day, but if the vacancy happens after~~
11 ~~December 1 or June 1 preceding that day, then the successor shall be elected on the~~
12 ~~following first Tuesday in April or Tuesday after the first Monday in November;~~, but
13 no election to fill a vacancy in such office may be held at the time of holding the
14 regular election for that office. ~~In addition, the~~ The president of the common council
15 of any 1st class city may ~~may~~ shall order a special election to be held under s. 8.50 to fill
16 a vacant aldermanic seat ~~prior to the time when that seat is required to be filled~~
17 ~~under this paragraph~~. If a special election is held under this ~~paragraph~~ subsection
18 after a redistricting plan is adopted, the election shall be held in the aldermanic
19 district as it existed when the office was filled at the last preceding election.

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

22 17.23 (1m) APPOINTIVE OFFICES. ~~In Vacancies in~~ in cities may
23 be filled by appointment for the residue of the unexpired term by the appointing
24 power and in the manner prescribed by law for making regular full term
25 appointments thereto.

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

2 17.23 **(2)** (a) 1. In the office of mayor or other member of the council, except as
3 provided in s. 9.10, in the manner provided in sub. (1) ~~(a)~~. In the office of municipal
4 judge, in the manner provided in s. 8.50 (4) (fm). On failure of the council to make
5 an appointment ~~under sub. (1) (a)~~ for 30 days after the vacancy exists the city
6 engineer shall be a temporary acting member of the council until such vacancy is
7 filled in the manner provided by law, and shall have all the powers, prerogatives and
8 duties of the vacant office except the right to vote to fill a vacancy in the office of
9 mayor or council member.

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

11 **17.24 Vacancies in village offices.** Except as provided in s. 9.10, a vacancy
12 in any elective village office may be filled by appointment by a majority of the
13 members of the village board for the residue of the unexpired term or until a special
14 election is held ~~under s. 8.50 (4) (fm) or sub. (2), as ordered by the village board, or~~
15 an office may remain vacant until an election is held. A vacancy in an appointive
16 office shall be filled in the same manner as the original appointment.

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

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

19 17.27 **(1m)** METROPOLITAN SEWERAGE COMMISSION. Vacancies in the office of any
20 directly elected member of a metropolitan sewerage commission under s. 200.09 (11)
21 (am) shall be filled by temporary appointment of the governor until a successor is
22 elected and qualified. A successor shall be elected in the manner prescribed for filling
23 vacancies in elective city offices under s. 17.23 (1) ~~(a)~~.

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

