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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Assembly Bill 89**

**Assembly Substitute  
Amendment 1, as Amended**

### 2019 ASSEMBLY BILL 89

Assembly Bill 89 makes formatting changes to statutes regarding the filling of vacancies in city and village elected offices and expressly allows a city or village office to remain vacant until an election is held. The bill reorganizes existing statutory provisions, but generally maintains current law specifying when a special election to fill a vacancy in a city or village office may be held. For example, under current law and Assembly Bill 89, if a vacancy in the office of alderperson in a 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> class city happens no later than December 1 preceding the spring election, the city must hold the special election concurrently with the spring election.

### ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 provides that a vacancy in a city or village office may: (a) be filled by appointment for the rest of the unexpired term; (b) be filled by appointment until a special election is held, as ordered by the city council or village board; or (c) remain vacant until an election is held. The substitute amendment deletes current law specifying particular timelines for holding a special election for city or village office.

### ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Amendment 1 to Assembly Substitute Amendment 1 (“the simple amendment”) makes changes related to filling vacancies in city offices, and also reverses other changes made by the substitute amendment and instead maintains current law. The simple amendment provides that for vacancies in cities other than Milwaukee, the offices of **mayor or alderperson** may: (a) be filled by appointment by the common council for the rest of the unexpired term; (b) be filled by appointment until a special election is held, as ordered by the common council; or (c) remain vacant until an election is held.

The simple amendment retains current law requiring that a vacant aldermanic seat in the City of Milwaukee must be filled by election for the rest of the unexpired term, and requiring the common council president to order a special election to fill the vacant aldermanic seat. The simple amendment also retains a cross-reference to the procedure for filling municipal judge vacancies and retains the current procedures for filling any other elective city office.

### BILL HISTORY

Assembly Substitute Amendment 1 was introduced by Representative Brooks on June 4, 2019; Assembly Amendment 1 to Assembly Substitute Amendment 1 was introduced by Representative Brooks on September 20, 2019. The Assembly Committee on Campaigns and Elections adopted Assembly Amendment 1 to Assembly Substitute Amendment 1 and Assembly Substitute Amendment 1, as amended, on January 30, 2020, on a vote of Ayes, 8; Noes, 0. The committee then voted for passage of Assembly Bill 89, as amended, on a vote of Ayes, 8; Noes, 0.

PJH:jal