

1979 Assembly Bill 166

Date published: July 17, 1979

CHAPTER 27, Laws of 1979

AN ACT to renumber 8.50 (4) (d) and (e); to amend 8.50 (intro.) and (1) (c) and 17.19 (1); and to create 8.50 (4) (e) of the statutes, relating to authorization to call special elections to fill certain anticipated legislative vacancies.

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

SECTION 1. 8.50 (intro.) and (1) (c) of the statutes are amended to read:

8.50 Special elections. (intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive, judicial and legislative state offices and county offices and in school boards of school districts organized under ch. 119. State legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (e). In addition to filling vacancies in public office by appointment, vacancies may be filled by election under this section, but no special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after September 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the September primary. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

(1) (c) The order and notice shall specify the office to be filled, ~~the name of the officer before the vacancy, how the vacancy occurred,~~ the expiration date of the remaining term of office, the date of the election, the earliest date for circulating and deadline for filing nomination papers, ~~and the area involved in the election, the name of the incumbent before the vacancy occurred and a description of how the vacancy occurred, or for an election held under sub. (4) (e), the name of the incumbent and a description of how and when the vacancy is expected to occur.~~

SECTION 2. 8.50 (4) (d) and (e) of the statutes are renumbered 8.50 (4) (c) and (d), respectively.

SECTION 3. 8.50 (4) (e) of the statutes is created to read:

8.50 (4) (e) Whenever a member of the legislature is elected to another office after the commencement of his or her term, and the term of the new office or the period during which the legislator is eligible to assume that office commences prior to the end of the legislator's original term of office, the governor may call a special election to fill the seat of the member in anticipation of a vacancy, upon receipt of a written resignation from that member which is effective on a date not later than the date of the proposed special election.

SECTION 4. 17.19 (1) of the statutes is amended to read:

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17.19 (1) MEMBERS OF LEGISLATURE. In the office of state senator or representative to the assembly, by election, as provided in s. 8.50, for the residue of the unexpired term. In addition, an anticipated vacancy in the office of state senator or representative to the assembly may be filled as provided in s. 8.50 (4) (e).
