



## 2013 ASSEMBLY BILL 268

July 23, 2013 – Introduced by Representatives C. TAYLOR, GENRICH, BERCEAU, BERNARD SCHABER, HEBL, KAHL, MASON, OHNSTAD, POPE, RINGHAND, SINICKI and WRIGHT, cosponsored by Senators WIRCH, HANSEN and SHILLING. Referred to Committee on Government Operations and State Licensing.

1     **AN ACT to renumber and amend** 8.50 (4) (d) of the statutes; **relating to:**  
2           legislative vacancies.

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***Analysis by the Legislative Reference Bureau***

Currently, under the Wisconsin Constitution, when there is a vacancy in the membership of the senate or assembly, the governor is directed to call a special election to fill the vacancy. There is no deadline for issuing the order, but the directive is enforceable through the court system. Under the statutes, with a limited exception relating to legislative session scheduling, if the vacancy occurs before the second Tuesday in May in the year in which the office is regularly filled, the vacancy must be filled “as promptly as possible.”

This bill changes the statutes to specify that the special election to fill a vacancy that occurs before the specified second Tuesday in May must be ordered within 60 days after the vacancy occurs, subject to the current exception related to legislative session scheduling.

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

3           **SECTION 1.** 8.50 (4) (d) of the statutes is renumbered 8.50 (4) (d) 1. and amended  
4           to read:

**ASSEMBLY BILL 268**

1           8.50 (4) (d) 1. ~~Any~~ Except as provided in subd. 2., any vacancy in the office of  
2 state senator or representative to the assembly occurring before the 2nd Tuesday in  
3 May in the year in which a regular election is held to fill that seat shall be filled as  
4 ~~promptly as possible by~~ at a special election. ~~However, any~~ ordered within 60 days  
5 of the date that the vacancy occurs.

6           2. Any vacancy in the office of state senator or representative to the assembly  
7 occurring after the close of the last regular floorperiod of the legislature held during  
8 his or her term shall be filled only if a special session or extraordinary floorperiod of  
9 the legislature is called or a veto review period is scheduled during the remainder  
10 of the term. The special election to fill the vacancy shall be ordered, if possible, so  
11 the new member may participate in the special session or floorperiod.

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(END)