

1985 Senate Bill 27

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1985 Wisconsin Act 89

AN ACT to amend 5.60 (1) (b), 7.10 (1) (a), 7.60 (4) (a) and (5), 7.70 (3) (d), 8.10 (6) (a), 755.01 (2), 755.03 (2), 755.05 and 755.12; and to create 5.58 (1c), 5.60 (2), 17.015, 755.01 (4) and 800.11 (4) of the statutes, relating to municipal courts serving 2 or more municipalities.

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

SECTION 1. 5.58 (1c) of the statutes is created to read:

5.58 (1c) MUNICIPAL JUDGE. There shall be a separate ballot for municipal judges if they are elected under s. 755.01 (4). Arrangement of the names on the ballot shall be determined by the board. The ballot shall be entitled "Official Primary Ballot for Municipal Judge".

SECTION 2. 5.60 (1) (b) of the statutes is amended to read:

5.60 (1) (b) The board shall certify the candidates' names and designate the official ballot arrangement for candidates for justice, court of appeals judge, circuit judge, state superintendent, municipal judge elected under s. 755.01 (4) and, if commissioners are elected under s. 66.23 (11) (am), the metropolitan sewerage commission. The arrangement of names of all candidates on the ballot whose nomination papers are filed with the board shall be determined by the board by the drawing of lots not later than the 7th day following the deadline for filing nomination papers. Whenever a primary is held for an office, a 2nd drawing of all candidates for that office shall be held by or under the supervision of the board not later than the 3rd day following the completion of the primary canvass to determine the arrangement of candidates on the election ballot.

SECTION 3. 5.60 (2) of the statutes is created to read:

5.60 (2) MUNICIPAL JUDGE. If the election is under s. 755.01 (4), there shall be a separate ballot listing the names of all of the candidates.

SECTION 4. 7.10 (1) (a) of the statutes is amended to read:

7.10 (1) (a) Each county clerk shall provide ballots for every election in the county for all national, state and county offices, including metropolitan sewerage commission elections under s. 66.23 (11) (am), for municipal judges elected under s. 755.01 (4) and for state and county referenda. The official and sample ballots shall be prepared in substantially the same form as those prescribed by the board under s. 7.08 (1) (a).

SECTION 5. 7.60 (4) (a) and (5) of the statutes are amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judges; municipal judges, if they are elected under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). The board of canvassers shall also prepare a statement showing the results of any county, vocational district or statewide referendum. Each statement shall state in numbers written out the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any referendum question. One copy of the statement shall be used to report to the elections board or vocational district board and the other statement shall be filed in the office of the county clerk or board of election commissioners.

(5) REPORTING. Immediately following the canvass the county clerk shall send to the elections board, by certified mail with return receipt requested, a certified copy of each statement of the county board of canvassers for president and vice president; state officials; senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judge; municipal judge, if elected under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on blanks furnished by the elections board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall transmit the certified statement to the elections board no later than 7 days after each primary and no later than 13 days after any other election. The board of canvassers shall transmit a certified copy of each statement for any vocational district referendum to the secretary of the district board of vocational, technical and adult education.

SECTION 6. 7.70 (3) (d) of the statutes is amended to read:

7.70 (3) (d) When the certified statements and returns are received, the board of state canvassers shall proceed to examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president; a statement for each of the offices of governor, lieutenant governor, if a primary, and a joint statement for the offices of governor and lieutenant governor, if a general election; a statement for each of the offices of secretary of state, state treasurer, attorney general, and state superintendent; for U.S. senator; representative in congress for each congressional district; the state legislature; justice; court of appeals judge; circuit judge; municipal judge, if he or she is elected under s. 755.01 (4); metropolitan sewerage commission, if the commissioners are elected under s. 66.23 (11) (am); and for any referenda questions submitted by the legislature.

SECTION 7. 8.10 (6) (a) of the statutes is amended to read:

8.10 (6) (a) For state offices; municipal judges, if they are elected under s. 755.01 (4); or seats on a metropolitan sewerage commission, if the commissioners are elected under s. 66.23 (11) (am), in the office of the board.

SECTION 8. 17.015 of the statutes is created to read:

17.015 Municipal judge: multiple resignations. If a municipal judge is elected under s. 755.01 (4), the judge shall submit resignations to each applicable officer or board under s. 17.01.

SECTION 9. 755.01 (2) of the statutes is amended to read:

755.01 (2) The governing body may by ordinance or bylaw abolish the municipal court at the end of any term for which the judge has been elected. The governing body may not abolish the municipal court while an agreement under sub. (4) is in effect.

SECTION 10. 755.01 (4) of the statutes is created to read:

755.01 (4) Two or more cities, towns or villages of this state may enter into an agreement under s. 66.30 for the joint exercise of the power granted under sub. (1), except that for purposes of this subsection, any agreement under s. 66.30 shall be effected by the enactment of identical ordinances by each affected city, town or village. Electors of each municipality entering into the agreement shall be eligible to vote for the judge of the municipal court so established. Each

such municipality shall adopt an ordinance or bylaw under sub. (1) prior to entering into the agreement. The contracting municipalities need not be contiguous and need not all be in the same county.

SECTION 11. 755.03 (2) of the statutes is amended to read:

755.03 (2) The clerk of the circuit court shall, within 10 days after a municipal judge files the oath and bond, execute and mail to the clerk of the city, town or village, where the judge was elected, a certified copy of the bond, which shall be filed and preserved in the office by the city, town or village clerk. The certified copy is presumptive evidence of its execution by the judge and sureties. If the municipal judge is elected under s. 755.01 (4), the clerk of circuit court shall file copies of the bond with each applicable municipal clerk. The clerk of the circuit court shall file a certified copy of the oath with the office of director of state courts within the 10-day time period.

SECTION 11m. 755.05 of the statutes is amended to read:

755.05 Territorial jurisdiction. Every judge has countywide jurisdiction. If elected in a city or village lying in more than one county, the judge shall qualify and have jurisdiction in each county, the same as though the municipality lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. If elected under s. 755.01 (4) and the contracting municipalities lie in more than one county, the judge shall qualify and have jurisdiction in each county and may hold court in one county while exercising jurisdiction in another county.

SECTION 12. 755.12 of the statutes is amended to read:

755.12 Delivery of books to municipal clerk. When a municipal court ceases to operate, the docket, books of account, case files, moneys and bonds belonging to the court shall be delivered to the municipal clerk within 10 days after the vacancy occurs by the person who is in possession. If the municipal court was established under s. 755.01 (4), the person shall separate the dockets, books, files, moneys and bonds according to the municipalities involved and deliver them to the appropriate municipal clerk.

SECTION 13. 800.11 (4) of the statutes is created to read:

800.11 (4) If the municipal judge is elected under s. 755.01 (4), the judge shall keep a separate docket for each municipality.