

2007 ASSEMBLY BILL 152

1 AN ACT *to amend* 8.05 (4) (a) and 8.05 (5); *to repeal and recreate* 8.05 (4) (title);
2 and *to create* 8.11 (1m) of the statutes; **relating to:** the method of election of
3 village officers.

Analysis by the Legislative Reference Bureau

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

4 SECTION 1. 8.05 (4) (title) of the statutes is repealed and recreated to read:
5 8.05 (4) (title) NOMINATION IN VILLAGES.
6 SECTION 2. 8.05 (4) (a) of the statutes is amended to read:
7 8.05 (4) (a) ~~A~~ If a primary is provided for the nomination of candidates for
8 elective village offices under s. 8.11 (1m) (b) or (c), candidates for those offices shall
9 file nomination papers. In any other case, a majority of the governing body of any
10 village may provide under s. 8.11 (1) (a) and (b) that candidates for elective village

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1 office shall be nominated by ~~a nonpartisan primary, under sub. (5)~~ nomination
2 papers. Determination of the governing body to provide for such ~~primary under s.~~
3 ~~8.11 (1) (a)~~ nomination of candidates by nomination papers shall be made not later
4 than December 1 preceding the election. If nomination by nomination papers is not
5 provided for under this paragraph and no primary is provided for under s. 8.11 (1m)
6 (b) or (c), a village shall nominate candidates by caucus.

7 **SECTION 3.** 8.05 (5) of the statutes is amended to read:

8 **8.05 (5) WHEN PRIMARY IS HELD.** Towns and villages adopting the nonpartisan
9 primary to nominate candidates, ~~under subs. (3) and (4),~~ shall hold a primary only
10 when the number of candidates for an elective office in the municipality exceeds
11 twice the number to be elected to the office. A primary for the office of municipal
12 judge under s. 755.01 (4) shall be held whenever there are more than 2 candidates
13 for that office. Those offices for which a primary has been held shall have only the
14 names of candidates nominated at the primary appear on the official spring election
15 ballot. When the number of candidates for an office does not exceed twice the number
16 to be elected, their names shall appear on the official ballot for the election without
17 a primary.

18 **SECTION 4.** 8.11 (1m) of the statutes is created to read:

19 **8.11 (1m) VILLAGE.** (a) If a village has provided under s. 8.05 (4) (a) for the filing
20 of nomination papers by candidates for village offices for a specific election, the
21 governing body of the village may, no later than 3 days after the deadline for filing
22 nomination papers, provide for nomination of candidates for village offices at the
23 spring primary.

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1 (b) Any village may provide by charter ordinance, under s. 66.0101, that
2 whenever 3 or more candidates file nomination papers for a village office, a primary
3 to nominate candidates for the office shall be held.

4 (c) Whenever the electors of a village, equal to at least 10 percent of the vote
5 for governor in a village at the last general election, file a petition conforming to the
6 requirements of s. 8.40 with the village clerk requesting a primary no later than
7 December 1 preceding the spring election, there shall be a primary for any specific
8 election.

9 (d) When the number of candidates for any village office does not exceed twice
10 the number to be elected to the office, no primary may be held for the office and the
11 candidates' names shall appear on the ballot for the ensuing election.

12 **SECTION 5. Initial applicability.**

13 (1) This act first applies with respect to nomination of candidates for village
14 offices at the 2009 spring election.

15 (END)