

2007 Assembly Bill 152

Date of enactment: **March 12, 2008**
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2007 WISCONSIN ACT 83

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

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

SECTION 1. 8.05 (4) (title) of the statutes is repealed and recreated to read:

8.05 (4) (title) NOMINATION IN VILLAGES.

SECTION 2. 8.05 (4) (a) of the statutes is amended to read:

8.05 (4) (a) ~~A- If a primary is provided for the nomination of candidates for elective village offices under s. 8.11 (1m) (b) or (c), candidates for those offices shall file nomination papers. In any other case, a majority of the governing body of any village may provide under s. 8.11 (1) (a) and (b) that candidates for elective village office shall be nominated by a nonpartisan primary, under sub. (5) nomination papers. Determination of the governing body to provide for such primary under s. 8.11 (1) (a) nomination of candidates by nomination papers shall be made not later than December 1 preceding the election. If nomination by nomination papers is not provided for under this paragraph and no primary is provided for under s. 8.11 (1m) (b) or (c), a village shall nominate candidates by caucus.~~

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

8.05 (5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan primary to nominate candidates, ~~under subs. (3) and (4), shall hold a primary only~~

when the number of candidates for an elective office in the municipality exceeds twice the number to be elected to the office. A primary for the office of municipal judge under s. 755.01 (4) shall be held whenever there are more than 2 candidates for that office. Those offices for which a primary has been held shall have only the names of candidates nominated at the primary appear on the official spring election ballot. When the number of candidates for an office does not exceed twice the number to be elected, their names shall appear on the official ballot for the election without a primary.

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

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

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

(c) Whenever the electors of a village, equal to at least 10 percent of the vote for governor in a village at the last general election, file a petition conforming to the requirements of s. 8.40 with the village clerk requesting

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

a primary no later than December 1 preceding the spring election, there shall be a primary for any specific election.

(d) When the number of candidates for any village office does not exceed twice the number to be elected to the office, no primary may be held for the office and the

candidates' names shall appear on the ballot for the ensuing election.

SECTION 5. Initial applicability.

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