



2011 SENATE BILL 176

September 7, 2011 – Introduced by Senators SHILLING, S. COGGS, HANSEN, C. LARSON and TAYLOR, cosponsored by Representatives POCAN, C. TAYLOR, BERCEAU, BERNARD SCHABER, BEWLEY, E. COGGS, FIELDS, GRIGSBY, HEBL, HINTZ, MASON, POPE-ROBERTS, RINGHAND, TOLES and TURNER. Referred to Committee on Transportation and Elections.

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

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 must be ordered within 60 days after the vacancy occurs, subject to the current exception.

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

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

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

