



2011 ASSEMBLY BILL 506

January 31, 2012 - Introduced by Representatives BERNIER, NASS, THIESFELDT, KRUG, ENDSLEY, TAUCHEN, WEININGER, KESSLER and BALLWEG, cosponsored by Senators LEIBHAM and KEDZIE. Referred to Committee on Election and Campaign Reform.

1 **AN ACT** *to amend* 66.0213 (4) (a) and 66.0213 (4) (b) of the statutes; **relating to:**
2 requiring the county clerk to organize the first election of officers following the
3 incorporation of a city or village.

Analysis by the Legislative Reference Bureau

Under current law, upon the incorporation of a town as a city or village, the clerk of the circuit court of the county in which the incorporation petition was filed is required to organize the first election for officers of the newly incorporated city or village. Under this bill, the responsibility for organizing the election is changed to the county clerk of the county in which the petition was filed.

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

4 **SECTION 1.** 66.0213 (4) (a) of the statutes is amended to read:
5 66.0213 (4) (a) Within 10 days after incorporation of the village or city, the clerk
6 of the circuit court with whom county clerk of the county in which the petition was
7 filed shall fix a time for the first election, and where appropriate designate the
8 polling place or places, and name 3 inspectors of election for each place. The time for

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1 the election shall be fixed no less than 40 nor more than 50 days after the date of the
2 certificate of incorporation issued by the secretary of state, irrespective of any other
3 provision in the statutes. Nomination papers shall conform to ch. 8 to the extent
4 applicable. Nomination papers shall be signed by not less than 5% nor more than
5 10% of the total votes cast at the referendum election, and be filed no later than 15
6 days before the time fixed for the election. Ten days' previous notice of the election
7 shall be given by the ~~clerk of the circuit court~~ county clerk by publication in the
8 newspapers selected under s. 66.0211 (2) and by posting notices in 3 public places in
9 the village or city, but failure to give notice does not invalidate the election.

10 **SECTION 2.** 66.0213 (4) (b) of the statutes is amended to read:

11 66.0213 (4) (b) The election shall be conducted as prescribed by ch. 6, except
12 that no registration of voters may be required. The inspectors shall make returns
13 to the ~~clerk of the circuit court~~ county clerk who shall, within one week after the
14 election, canvass the returns and declare the result. The clerk shall notify the
15 officers–elect and issue certificates of election. If the first election is on the first
16 Tuesday in April the officers elected and their appointees shall commence and hold
17 their offices as for a regular term. Otherwise they shall commence within 10 days
18 and hold their offices until the regular village or city election and the qualification
19 of their successors and the terms of their appointees expire as soon as successors
20 qualify.

21 **SECTION 3. Initial applicability.**

22 (1) This act first applies to a city or village that is incorporated on the effective
23 date of this subsection.

24 (END)