

**CHAPTER 249, Laws of 1979**

AN ACT to renumber 12.60 (1) (c); to amend 8.10 (5), 8.15 (4) (b), 8.20 (6) and 17.03 (4); and to create 8.28, 12.13 (3) (am) and 12.60 (1) (c) of the statutes, relating to declarations of residency by candidates and challenges to residency qualifications of persons elected to state and local offices, and providing a penalty.

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

SECTION 1. 8.10 (5) of the statutes is amended to read:

8.10 (5) Each candidate shall file with his or her nomination papers a sworn declaration ~~in the manner prescribed by s. 8.15 (4) (b)~~ that the candidate will qualify for the office, if elected, and a declaration of residence as provided in s. 8.15 (4) (b). A subsequent declaration shall be filed by the candidate in the event that a candidate changes his or her residence to a location outside the jurisdiction or district in which the candidate seeks office as provided in s. 8.15 (4) (b).

SECTION 2. 8.15 (4) (b) of the statutes is amended to read:

8.15 (4) (b) Each candidate shall file with his or her nomination papers, a declaration, sworn to before any officer authorized to administer oaths, that the candidate meets or will at the time he or she assumes office meet applicable age, citizenship, residency or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state, and that he or she will otherwise qualify for office if nominated and elected. ~~In the case of candidates~~ Each candidate for state and local office, the candidate shall also swear that he or she has not been convicted of any felony for which he or she has not been pardoned. Each candidate for state or local office shall also file a sworn declaration with his or her nomination papers that discloses his or her residence for voting purposes, including street and number, if any. The nomination papers and the candidate's sworn declaration are valid with or without the seal impression of the authorized officer who administered the oath. A candidate for state or local office shall file a subsequent oath with the officer or agency with whom nomination papers are filed if he or she changes his or her residence for voting purposes to a location outside the jurisdiction or district in which the candidate seeks office at any time after the original declaration is filed and prior to assuming office or being defeated for election or nomination.

SECTION 3. 8.20 (6) of the statutes is amended to read:

8.20 (6) Each candidate shall file with his or her nomination papers a sworn declaration ~~in the manner prescribed in s. 8.15 (4) (b)~~ that the candidate will qualify for the office, if elected. Each candidate for state or local office shall also file with such papers a declaration of residence as provided in s. 8.15 (4) (b). A subsequent declaration shall be filed by the candidate in the event that a candidate changes his or her residence to a location outside the jurisdiction or district in which the candidate seeks office as provided in that paragraph.

SECTION 4. 8.28 of the statutes is created to read:

**8.28 Challenge to residency qualifications.** (1) Any person who believes that a person holding or elected to public office in this state is not a resident or inhabitant of this state or of the jurisdiction or district in which he or she serves, whenever such qualification is required by the constitution of this state or by any applicable law, may file a verified complaint with the attorney general alleging such facts as may cause him or her to believe

that the person is not qualified to hold office because of failure to meet a residency requirement.

(2) The attorney general may thereupon investigate whether such allegations are true. If the attorney general finds that the allegations of the complaint are true or for any other reason finds that the subject person who is holding or elected to office is not qualified because of failure to meet a residency requirement, the attorney general may commence an action under ch. 784 for a writ of quo warranto to have the subject person's office declared vacant or to restrain any person not entitled to take office from assuming it. In the case of a person who is elected to office in the legislature, the clerk of court shall transmit a copy of the judgment to the presiding officer of the appropriate house, and the house shall determine whether the person is qualified to be seated or whether a vacancy exists.

SECTION 5. 12.13 (3) (am) of the statutes is created to read:

12.13 (3) (am) Fail to file an oath as required by s. 8.15 (4) (b) with respect to residency or a change in residency for voting purposes within 3 days of the time such oath becomes due for filing; or file a false oath with respect to residency or a change in residency under s. 8.15 (4) (b). This paragraph applies only to candidates for state or local office.

SECTION 6. 12.60 (1) (c) of the statutes is renumbered 12.60 (1) (d).

SECTION 7. 12.60 (1) (c) of the statutes is created to read:

12.60 (1) (c) Whoever violates s. 12.13 (3) (am) may be required to forfeit not more than \$500.

SECTION 8. 17.03 (4) of the statutes is amended to read:

17.03 (4) His or her ceasing to be an inhabitant of this state; or if the office is legislative, his or her ceasing to be an inhabitant of the district from which he or she is elected; or if the office is local, his or her ceasing to be an inhabitant of the district, county, city, village, town, aldermanic district or school district for which he or she was elected or within which the duties of his or her office are required to be discharged; and in the case of a school district officer, and in addition to the foregoing, his or her being and remaining absent from the district for a period exceeding 60 days.

SECTION 9. **Program citation.** Under the listing of program responsibilities specified for the department of justice in section 15.251 (intro.) of the statutes, reference to section "8.28" is inserted.

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