



1997 ASSEMBLY BILL 699

January 8, 1998 - Introduced by Representative WALKER, cosponsored by Senator ROSENZWEIG. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT** *to renumber and amend* 8.03 (2m); *to amend* 8.03 (1); and *to create*
2 8.03 (2m) (b) of the statutes; **relating to:** simultaneous candidacy for more than
3 one seat on the same governmental body.

Analysis by the Legislative Reference Bureau

Currently, a candidate may qualify to appear on the ballot for more than one local nonpartisan office at the same election. However, under the common law doctrine of compatibility of offices, the same person may not serve in more than one seat on the same governmental body.

This bill provides that no candidate may appear on the ballot for more than one seat on the same governmental body. Under the bill, if nomination papers or a declaration of candidacy are filed on behalf of the same candidate for more than one seat on the same governmental body, the candidate may select any numbered seat for which he or she wants to appear on the ballot and if the candidate fails to do so, the candidate's filing officer must make the choice. The bill provides that if a candidate is nominated for a seat on a governmental body by nomination papers or a declaration of candidacy filed by the candidate and is also nominated for another numbered seat on the same governmental body by write-in votes, the write-in nomination is void.

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

ASSEMBLY BILL 699**SECTION 1**

1 **SECTION 1.** 8.03 (1) of the statutes is amended to read:

2 8.03 (1) The name of any candidate who is nominated to the same office by more
3 than one party or primary ~~or~~, nominated for more than one partisan or state
4 nonpartisan office or nominated for more than one seat on the same governmental
5 body shall appear under the party first nominating him or her or under the office or
6 seat to which he or she was first nominated. If the double nomination is
7 simultaneous, the candidate who is nominated, before the deadline for filing
8 ~~nomination papers~~ a declaration of candidacy shall file a written statement with the
9 same person officer with whom he or she files ~~nomination papers~~ a declaration of
10 candidacy stating the person's party ~~or~~, office or seat preference. If the candidate
11 fails to select the party ~~or~~, office or seat, the filing officer shall place the candidate's
12 name on the ballot under either party ~~or~~, office or seat, but may not permit it to
13 appear more than once. If a candidate is nominated at a primary election for a
14 partisan office ~~or~~, nonpartisan state office or for a seat as a member of a governmental
15 body on a ballot where his or her name appears or by nomination papers or a
16 declaration of candidacy filed by the candidate, and is also nominated by write-in
17 votes at the primary election to another partisan or state nonpartisan office, to
18 another seat on the same governmental body or to the same office as the candidate
19 of a different party, the candidate does not have a choice, but shall be placed on the
20 ballot for the election under the office ~~and~~, seat or party for which the candidate's
21 name appeared on the primary ballot or for which the candidate had filed nomination
22 papers or a declaration of candidacy.

23 **SECTION 2.** 8.03 (2m) of the statutes is renumbered 8.03 (2m) (a) and amended
24 to read:

