

State of Misconsin 2007 - 2008 LEGISLATURE

2007 ASSEMBLY BILL 152

March 5, 2007 – Introduced by Representatives GOTTLIEB, ALBERS, MURSAU and Vos, cosponsored by Senators GROTHMAN and SCHULTZ. Referred to Committee on Elections and Constitutional Law.

1 AN ACT to amend 8.05 (4) (a) and 8.05 (5); to repeal and recreate 8.05 (4) (title); 2 and to create 8.11 (1m) of the statutes; relating to: the method of election of 3 village officers.

Analysis by the Legislative Reference Bureau

Currently, candidates for village offices at the spring election are nominated by caucus unless the majority of a governing body of a village provides, no later than December 1 preceding a spring election, for the nomination of candidates at the spring primary. In such case, nomination papers are used to nominate candidates.

This bill permits the majority of a governing body of a village to provide for the nomination of candidates for village offices by nomination papers for a specific election. The bill also provides that whenever the governing body of a village provides by charter ordinance that if three or more candidates file nomination papers for a village office, or whenever electors of a village, equal to at least 10 percent of the vote for governor in the village at the last general election file a petition so requesting, a primary shall be held for the nomination of candidates for village offices. Under the bill, nomination of candidates for village offices continues to be by caucus unless a majority of the governing body of a village makes a timely affirmative decision to nominate candidates by nomination papers or unless a primary is required by charter ordinance or a timely petition is filed requesting a primary.

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

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1	SECTION 1. 8.05 (4) (title) of the statutes is repealed and recreated to read:
2	8.05 (4) (title) NOMINATION IN VILLAGES.
3	SECTION 2. 8.05 (4) (a) of the statutes is amended to read:
4	8.05 (4) (a) -A- If a primary is provided for the nomination of candidates for
5	elective village offices under s. 8.11 (1m) (b) or (c), candidates for those offices shall
6	file nomination papers. In any other case, a majority of the governing body of any
7	village may provide under s. 8.11 (1) (a) and (b) that candidates for elective village
8	office shall be nominated by -a nonpartisan primary, under sub. (5) nomination
9	<u>papers</u> . Determination of the governing body to provide for such primary under s.
10	8.11 (1) (a) nomination of candidates by nomination papers shall be made not later
11	than December 1 preceding the election. <u>If nomination by nomination papers is not</u>
12	provided for under this paragraph and no primary is provided for under s. 8.11 (1m)
13	(b) or (c), a village shall nominate candidates by caucus.
$13\\14$	(b) or (c), a village shall nominate candidates by caucus. SECTION 3. 8.05 (5) of the statutes is amended to read:
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14 15 16	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
14 15 16 17	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
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14 15 16 17 18 19 20 21 22	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

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

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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.

6 (b) Any village may provide by charter ordinance, under s. 66.0101, that 7 whenever 3 or more candidates file nomination papers for a village office, a primary 8 to nominate candidates for the office shall be held.

9 (c) Whenever the electors of a village, equal to at least 10 percent of the vote 10 for governor in a village at the last general election, file a petition conforming to the 11 requirements of s. 8.40 with the village clerk requesting a primary no later than 12 December 1 preceding the spring election, there shall be a primary for any specific 13 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.

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SECTION 5. Initial applicability.

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

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(END)