



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on SB 108

May 7, 2019

Chairwoman Bernier, members of the Senate Committee on Elections, Ethics and Rural Issues, thank you for holding a public hearing on SB 108. At present, the laws that govern the filling of vacancies in elected city and village offices are a complete patchwork, cobbled together in a rather byzantine fashion.

The bill before you today does not make substantive changes to the two current mechanisms for filling vacant offices. Rather, it seeks to clarify and re-organize what is currently in statute. Through such legislative housekeeping we hope to make it easier for local governments to understand how the process works and how best to carry it out. This also has the added benefit of making the process easier for the public to understand.

Under current law, broadly speaking, officials who leave office before the end of their term may be replaced by someone else who serves for the remainder of their term or a special election may be held to determine who will occupy the office until the next regularly scheduled election for that office. If a special election is to be held to fill the vacancy, the timing of the election depends upon when the vacancy occurs.

Offices that go vacant prior to December 1 may be filled via a special election held concurrently with the next April election. Offices that go vacant prior to June 1 may be filled concurrent with the November general election. For vacancies that occur after those deadlines, the special election takes place in the following year. That is current law, and that will stay in place under this bill with one exception. Senate Amendment 1 was developed with further input from local government stakeholders and it would change the June 1 deadline to May 1, allowing ample time for candidates to gain access to the ballot and local clerks to ensure that ballots are correctly prepared for the election.

This bill is a collaborative process, and I appreciate the feedback and support Rep. Rob Brooks and I have received from the League of Wisconsin Municipalities and others. We both look forward to working with our colleagues to ensure that this portion of state statute is more easily understood and complied with well into the future.

Thank you.



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

Hearing Testimony

Senate Committee on Elections, Ethics, and Rural Issues

May 7, 2019

Chairwoman Bernier and members of the Senate Committee on Elections, Ethics, and Rural Issues, thank you for affording me with the opportunity to testify on behalf of Senate Bill 108.

Senate Bill 108 was drafted at the behest of a local municipality and clarifies state statute as it relates to filling vacancies in elected offices at the city and village. Representatives from the aforementioned municipality will be testifying later and will provide a first-hand case study as to why this bill is necessary. Currently, state statutes are convoluted and difficult for readers—including elected officials—to understand.

This legislation, in addition to making the statute easier to understand, applies the same procedures for filling vacancies to villages as cities. There is a lack of uniformity in the current process for filling vacated offices in those jurisdictions.

Current law and this bill stipulates that a special election to fill a vacancy in a city or village may be held as follows:

1. If the vacancy occurs no later than December 1, the municipality holds the special election concurrently with the spring election.
2. If the vacancy occurs after December 1, the municipality holds the special election concurrently with the spring election in the following year.
3. If the vacancy occurs no later than June 1, the municipality holds the special election concurrently with the special election.
4. If the vacancy occurs after June 1, the municipality holds the special election concurrently with the general election in the following year.

Senate Bill 108 clarifies that a vacancy in an elective office may be filled by appointing a successor to serve for the remainder of an unexpired term or until a special election is held or the office may remain vacant until an election is held.

To alleviate concerns brought forth by several municipalities, Senator Stroebel and I drafted an amendment changing the June 1 deadline to May 1, to give candidates a



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full month to circulate nomination papers. This is a common-sense amendment that has the support of municipalities of all sizes.

Senate Bill 108 is a much-needed, common-sense fix to an antiquated and confusing statute. I urge my colleagues to support this legislation and am happy to answer any might questions you might have.



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To: Senate Committee on Elections, Ethics, and Rural Issues
From: Curt Witynski, J.D., Deputy Executive Director, League of Wisconsin Municipalities
Date: May 7, 2019
Re: **SB 108, Clarifying Process for Filling Vacancies in City and Village Elective Offices**

The League of Wisconsin Municipalities urges you to support SB 108, authored by Sen. Stroebel and Rep. Brooks. The bill makes a confusing statute clearer and city and village law consistent with regard to filling vacancies in elective offices.

The current law outlining the procedural options and timing for filling vacancies on city councils, in the office of mayor, and other elective city offices is difficult to read and understand. The language and structure of the statute leads to confusion whenever city officials turn to it for guidance in filling vacancies. This bill is an effort by the authors working in conjunction with the League and other stakeholders to provide clarity and consistency.

We were informed yesterday that staff for the Wisconsin Elections Commission has several good suggestions for improving the bill. We've also been informed that the City of Milwaukee may propose tweaks to the bill. Our goal is to work with the authors and all interested parties to clean-up any remaining ambiguities about the current statute and address any confusion or questions regarding the bill draft. It appears likely that an amendment to the bill will be forthcoming.

We urge you to vote to recommend passage of an amended version of the SB 108 once it is presented to you at a future executive session. Thanks for considering our comments.