

No. 341, A.]

[Published July 12, 1911.]

**CHAPTER 635.**

AN ACT to create section 94j—1 of the statutes, providing for the removal of city officers, and the election of their successors.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is added to the statutes a new section to read: Section 94j—1. 1. Any city officer holding an elective office, whether by election or appointment, may be removed at any time after he has actually held office for six months. The procedure to effect such removal shall be as follows: A petition shall be filed with the city clerk demanding the election of a successor to the person sought to be removed. Such petition shall contain a general statement of the grounds upon which the removal is sought, and shall be signed by electors entitled to vote for a successor to the incumbent, equal in number to at least one-third of the entire vote cast in such city for all candidates for governor at the last preceding general election. Signatures to such petition may be upon different pieces of paper bearing the same or substantially similar headings.

2. Each signer shall add to his signature his place of residence, giving the street and number, and the date upon which the petition was signed, and one signer of each paper of such petition shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. After the filing of the petition, no name shall be erased or removed therefrom. No signature shall be valid or be counted in considering such petition unless it is signed and filed in conformity with the provisions of this section, and unless the date of signing is less than one month preceding the date of filing the petition.

3. Within ten days from the date of filing such petition, the clerk shall examine and ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination.

4. If by the clerk's certificate the petition is shown to be insufficient, the particulars of such insufficiency shall be set forth in such certificate, and it may be amended by the addition of sig-

natures or otherwise, within ten days from the date of said certificate.

5. If the petition shall be found to be sufficient, the clerk shall certify and submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the election, not less than forty nor more than fifty days, from the date of the clerk's certificate to the council that a sufficient petition is filed.

6. The name of the person sought to be removed shall be placed upon the official ballot without nomination, unless he shall request otherwise in writing. Such a request shall constitute a resignation of his office. If there is more than one candidate, exclusive of the person sought to be removed, in any election where the person sought to be removed is a candidate, or if there are more than two candidates in any election where the person sought to be removed is not a candidate, a primary shall be held two weeks before such election.

7. If the person sought to be removed is a candidate as hereinbefore provided, the name of the person receiving the highest number of votes at such primary shall be placed upon the ballot at such special election with the name of the person sought to be removed, but if the person sought to be removed is not a candidate, the two persons receiving the highest number of votes at such primary election shall be deemed nominated.

8. The council shall publish notice of and make arrangements for holding such primary and election, and the same shall be conducted, and return of the result thereof, shall be made and declared in all respects as in the case of other municipal elections, and the candidate receiving the highest number of votes shall be declared elected. If the incumbent receives the highest number of votes he shall continue in office. If one other than incumbent receives the highest number of votes at such election, the incumbent shall thereupon be deemed removed from the office.

9. The successor of the officer so removed shall qualify within ten days after receiving notification of election, and shall hold office during unexpired term of his predecessor, subject to removal, as provided by law.

10. This method of removal shall be in addition to other methods provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved July 11, 1911.