

No. 398, S.]

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CHAPTER 362.

AN ACT to renumber and revise the sections of chapter 17 of the statutes, relating to resignations, vacancies and removals from office; to assemble therein pertinent local provisions scattered throughout the statutes; to remove inconsistencies and conflicts in and to harmonize sections and provisions of the statutes; to renumber sections and subsections and to amend other sections and subsections therein named from which pertinent local provisions have been removed for consolidation into chapter 17; and generally to consolidate, revise and provide uniform provisions relating to resignations and removals from and vacancies in offices of the state, counties, towns, and of cities, villages and school districts.

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

CHAPTER 17.

RESIGNATIONS, VACANCIES, AND REMOVALS FROM OFFICE.

SECTION 1. The first clause of section 17.01 is amended to read: (17.01) (first clause) RESIGNATIONS TO WHOM MADE; WHEN EFFECTIVE. Resignations of *public officers* shall be made as follows:

SECTION 2. Subsection (1) of section 17.01 is amended to read: (17.01) (1) By the governor, * * * lieutenant governor or any officer appointed by the legislature, to the legislature, *if in session; otherwise by the governor or lieutenant governor, to the secretary of state, and by an officer appointed by the legislature, to the governor.*

SECTION 3. Subsection (2) of section 17.01 of the statutes is amended to read: (17.01) (2) By the secretary of state, treasurer, attorney-general, state superintendent, * * * and all officers appointed by the governor alone or by him by and with the advice and consent of the senate, * * * to the governor.

SECTION 4. Subsections (6), (7), (8), and (9) of section 17.01 of the statutes are renumbered to be subsections (9), (10), (11) and (12), respectively of said section.

SECTION 5. The two unnumbered paragraphs of section 17.01 of the statutes immediately following subsection (5) of said section are numbered subsections (6) and (7), respectively, of said section.

SECTION 6. A new subsection is added to section 17.01 of the statutes to read: (17.01) (8) By the mayor or alderman or councilman of a city, however organized, to the council; by other elective officers thereof, to the mayor; and by other city officers, to the officer or body having power to appoint in their stead.

SECTION 7. New subsection (9) (old subsection (6)) of section 17.01 and section 817 of the statutes are consolidated as subsection (9) of said section 17.01 and are revised to read: (17.01) (9) By a town officer, to the town board.

SECTION 8. New subsection (10) (old subsection (7)) of section 17.01 and the last sentence of section 878 of the statutes are consolidated as subsection (10) of said section 17.01 and are revised to read: (17.01) (10) By officers of a village, however organized, to the village board.

SECTION 9. New subsection (12) (old subsection (9)) of section 17.01 of the statutes is amended to read: (17.01) (12) By all other officers, to the *officer or body* * * * having power to appoint in their stead.

SECTION 10. A new subsection is added to section 17.01 of the statutes to read: (17.01) (13) Resignations shall be made in writing, shall be addressed and delivered to the officer or body prescribed in this section and shall take effect, in the case of an officer whose term of office continues by law until his successor is chosen and qualifies, upon the qualification of his successor; and in the case of other officers, at the time indicated in the written resignation, or if no time is therein indicated, then upon delivery of the written resignation. Delivery shall be made by leaving a copy of the written resignation with the officer to whom it is required to be addressed and delivered at his public office or his usual place of business, or if required to be addressed and delivered to a body, by leaving a copy with the following officer at his public office or his usual place of business:

(a) If required to be addressed and delivered to the legislature, with the presiding officer of each house, or if required to be addressed and delivered to but one house, to the presiding officer of that house.

(b) If required to be addressed and delivered to the county board, city council or to the village, town or school district board, to the clerk thereof, except the resignation of the county, city, village, town or school district clerk which shall be delivered to the chairman of the county board, mayor, village president, town chairman, or director, as the case may be.

(c) If required to be addressed and delivered to any other body, to the secretary or clerk thereof, if any, and if none, to any member of such body.

SECTION 11. That part of section 9.03, commencing with the first word and ending with the word "state" in the third line thereof; the next to the last sentence of section 177; and that part of subsection (4) of section 832 of the statutes commencing with the word "and" in the fifth line and ending with the word "thereof" in the sixth line of said subsection are consolidated as section 17.02 of the statutes and are revised to read:

17.02 NOTICE OF RESIGNATIONS. Notice of resignations, in addition to those provided for in section 17.01, shall be given forthwith as follows:

(1) SENATORS AND MEMBERS OF CONGRESS. Of the resignation of a United States Senator or Member of Congress from this state, by him to the secretary of state.

(2) NOTARIES PUBLIC. Of the resignation of a notary public, by the secretary of state to the clerk of the circuit court of the county wherein such officer resided when appointed.

(3) JUSTICES OF THE PEACE. Of the resignation of justices of the peace in any city or village, however organized, or in any town, by the city, village or town clerk, as the case may be, to the clerk of the circuit court for his county.

SECTION 12. Section 17.02 of the statutes is renumbered to be section 17.03 and the first clause thereof is amended to read:

(17.03) (first clause) VACANCIES. HOW CAUSED.
 * * * *Any public office, including offices of cities, villages and school districts, however organized, shall become vacant upon the happening of either of the following events:*

SECTION 13. Subsection (4) of new section 17.03; subsection (3) of section 40.24; subsection (3) of section 40.46; and that part of section 925—31 of the statutes commencing with the first word and ending with the word "ward" where it occurs for the second time in the second line of said section are consolidated as subsection (4) of said new section 17.03 and are revised to read: (17.03) (4) His ceasing to be an inhabitant of this state; or if the office is local, his ceasing to be an inhabitant of the district, county, city, village, town, ward or school district for which he was elected or within which the duties of his office are required to be discharged; and in the case of a school district officer, and in addition to the foregoing, his being and remaining absent from the district for a period exceeding sixty days.

SECTION 14. Subsection (5) of new section 17.03 and sections 4507 and 4935 of the statutes are consolidated as subsection (5) of said new section 17.03 and are revised to read:

(17.03) (5) His conviction by a state or United States court of and sentence for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or his conviction by any such court of and sentence for any offense involving a violation of his official oath, in either case whether or not sentenced to imprisonment. A vacancy so created shall in no case be affected by a stay of execution of judgment. Reversal of the judgment against such officer shall forthwith restore him to office, if the term for which he was elected or appointed has not expired, but, in any event, shall entitle him to the emoluments of the office for all the time he would have served therein had he not been so convicted and sentenced; but pardon shall not restore him to office or entitle him to any of the emoluments thereof.

SECTION 15. Subsection (7) of new section 17.03; the proviso of section 701 commencing with the word "provided" in the 9th line and ending with the word "neglect" in the twelfth line of said section; all of section 925—34 following the word "appointment" in the fourth line of said section; all that part of section 925—31 commencing with the word "or" following the word "ward" in the second line of said section and ending with the word "and" preceding the word "whenever" in the fifth line of said section; the last sentence of section 876; the last sentence of section 809; and the next to the last sentence of subsection (1) of section 40.19 of the statutes are consolidated as subsection (7) of said new section 17.03 and are revised to read: (17.03) (7) The neglect or refusal of any person elected or appointed or re-elected or re-appointed to any office to take and file his official oath or to execute or renew his official bond, if required, or to file the same or either thereof in the manner and within the time prescribed by law.

SECTION 16. Section 178 of the statutes is renumbered and amended to read:

17.04 NOTARIES PUBLIC; OFFICE HOW VACATED.

* * * *If a notary public * * * removes* out of the county in which he resided at the time of * * * appointment he shall be deemed to have resigned his office; and his power to act as such notary public shall cease immediately upon such removal.

SECTION 17. Section 17.03 of the statutes is renumbered and amended to read:

17.05 GOVERNOR MAY DECLARE VACANCIES.

* * * The governor may * * * declare vacant the office of * * * *any state* officer required by law to execute an

official bond whenever a judgment * * * is obtained against such officer for a breach of the conditions of such bond.

SECTION 18. A new section is added to the statutes to read :

17.06 REMOVAL STATE OFFICERS; IMPEACHMENT; ADDRESS. Any civil officer of this state may be removed from office by impeachment for corrupt conduct in office, or for crimes and misdemeanors as provided by section 1, article VII of the constitution; and any supreme court justice or circuit court judge may also be removed from office by address of both houses of the legislature as provided in section 13, article VII of the constitution.

SECTION 19. That part of section 11.01 commencing with the word "who" and ending with the word "time" both in the seventh line of said section; that part of subsection (3) of section 15.03, commencing with the first word and ending with the word "office" in the second line; the first sentence of subsection (7) of section 16.02; section 17.10; that part of section 17.11 commencing with the first word of said section and ending with the word "legislature" in the sixth line thereof; sections 17.12 and 17.13; the first sentence of subsection (2) of section 23.09; that part of subsection (1) of section 33.02 commencing with the first word of the last sentence and ending with the word "officer" in the fifth line of said subsection; that part of section 34.01 commencing with the word "but" and ending with the word "hearing" in the sixth line thereof; that part of section 36.02 commencing with the word "unless" in the ninth line and ending with the word "governor" in the tenth line thereof; the first sentence of section 37.06; the words "at its will" in the second line of section 43.02; the words "and who shall serve at the will of the commission" in the seventh line of section 43.09; that part of subsection 2 of section 1087m—8 commencing with the word "unless" in the third line and ending with the word "provided" in the fourth line; that part of subsection 3 of section 1087m—8 commencing with the word "and" and ending with the word "office" both in the second line thereof; that part of section 1421a commencing with the first word of the last sentence and ending with the word "office" in the said last sentence; subsection 4 of section 1421d; the next to the last sentence of section 1435c—1; the first sentence of subsection 1 of section 1458; that part of section 1636—19 commencing with the word "and" and ending with the word "remove" both in the second line thereof; subsection 4 of section 1636—202; that part of the last sentence of section 1747—3 commencing with the first word of said sentence and ending with the word "governor" in the next to the last line of said section; the first sentence of paragraph (b)

of section 1797—1; and that part of subsection 1 of section 2016 commencing with the word “unless” in the fourth line and ending with the word “senate” in the fifth line of said subsection are consolidated as section 17.07 of the statutes and are revised to read:

17.07 REMOVALS; LEGISLATIVE AND APPOINTIVE STATE OFFICERS. Removals from office of legislative and appointive state officers may be made as follows:

(1) Officers elected by either house of the legislature, by the house that elected them, at pleasure.

(2) State officers appointed by the legislature, by that body, at pleasure; or by the governor during the recess of the legislature, for cause.

(3) State officers appointed by the governor by and with the advice and consent of the senate, or appointed by any other officer or body subject to the concurrence of the governor, by the governor at any time, for cause; but the commissioner of banking may be so removed only by and with the consent of a majority of the members of the senate.

(4) State officers appointed by the governor alone for a fixed or indefinite term or to supply a vacancy in any office, elective or appointive, except justices of the supreme court and judges, by the governor at pleasure; and all officers appointed by the governor during the recess of the legislature whose appointments are required to be later confirmed by the senate shall be deemed to be appointed by the governor alone until so confirmed.

(5) Other state officers appointed by any officer or body without the concurrence of the governor, by the officer or body that appointed them, at pleasure, except officers appointed according to merit and fitness under and subject to or whose removal is governed by chapter 16 of the statutes who may be removed only in conformity with the provisions of said chapter.

(6) A member of the board of normal regents, in addition to being subject to removal as provided in subsection (4), may be removed from office by the normal regents, for cause, by a vote of two-thirds of all the regents.

SECTION 20. A new section is added to the statutes to read:

17.08 SUSPENSION OF RECEIVER OF MONEYS. (1)

The governor may summarily suspend from office any appointive state officer who collects, receives or handles public moneys, if it appears to him by reason of action, proceedings, charges or credible information that the officer has in any particular willfully neglected his duty in connection with such moneys. The suspension shall continue until the final determination of the action or proceedings or of the investigation of such charges or infor-

mation, or pending any proceedings to remove such officer from office as provided by law for any such neglect of duty, and a competent person shall be appointed, in the manner and by the appointing power prescribed for filling vacancies in such office, to discharge the duties of such officer during his suspension. If it is determined in the action or proceedings or is found upon investigation that the officer has not in any particular wilfully neglected his duty in connection with such moneys, and such fact is certified to the secretary of state by the judge, governor or other officer who conducted such action, proceedings or investigation, the suspended officer, unless he has been removed from office for any cause provided by law, shall thereby be restored to office, if the term for which he was elected or appointed has not expired, and shall thereby become entitled to the emoluments of the office for all of the time he would have served therein had he not been suspended as herein provided.

(2) This section in no manner impairs or restricts the power of the governor or other officer or body to remove any officer from office as provided by law.

SECTION 21. That part of section 17.08 commencing with the first word thereof and ending with the words "district attorney" in the second line thereof; that part of section 17.14 commencing with the first word thereof and ending with the word "law" in the second line of subsection (4) of said section; that part of section 17.15 commencing with the first word thereof and ending with the word "removal" in the sixth line thereof; the first sentence of subsection (11) of section 39.04; all of subsection 3 of section 2441; and the next to the last sentence of section 2523—3 of the statutes are consolidated as section 17.09 and are revised to read:

17.09 REMOVAL OF ELECTIVE COUNTY OFFICERS. Elective county officers may be removed from office as follows:

(1) **COUNTY CLERK; TREASURER; SURVEYOR.** The county clerk, county treasurer or surveyor, by the county board, for cause, by a vote of two-thirds of all the supervisors entitled to seats on such board.

(2) **CLERK OF CIRCUIT COURT.** The clerk of the circuit court, by the judge or a majority of judges of the circuit court for his county, in term time or vacation, for cause.

(3) **COUNTY SUPERINTENDENT.** The county or district superintendent of schools, by the judge or any judge of the circuit court for the county in which such superintendent was elected, in term time or vacation, for cause as defined in section 17.16 or for acting as agent for or receiving any fee or reward from any author, publisher, bookseller, or dealer in schoolbooks, maps

or charts or school library books or school furniture or apparatus.

(4) **JUDGES.** The county judge, by address of both houses of the legislature in the manner provided in the constitution for the removal of justices of the supreme court or judges of the circuit courts. The judge of any municipal, superior, district, civil or other special court, created by special act or under the general law, with jurisdiction throughout the county, by the governor, for cause.

(5) **OTHER ELECTIVE COUNTY OFFICERS.** The sheriff, coroner, register of deeds or district attorney, by the governor, for cause.

SECTION 22. Section 10.67; the first sentence of subsection 6 of section 573—2; that part of section 697b commencing with the word “unless” in the fifth line and ending with the word “cause” in the sixth line thereof; that part of the first sentence of subsection 1 of section 697y—3 commencing with the first word thereof and ending with the word “supervisors” in the third line of said section; that part of the last sentence of section 697—3 preceding the word “but” in the next to the last line of said section; that part of section 697—45 commencing with the word “Any” in the thirty-eighth line and ending with the word “governor” where it occurs for the second time in the forty-first line thereof; that part of subsection 6 of section 697—60 commencing with the first word and ending with the word “office” in the second line thereof; that part of section 1271a commencing with the word “In” in the twenty-ninth line thereof and ending with the word “shown” in the thirty-second line thereof; that part of the last sentence of subsection 1 of section 1317m—6 preceding the word “upon” in the thirteenth line of said subsection; that part of paragraph (b) of subsection 2 of section 1317m—6 commencing with the word “unless” in the second line and ending with the word “board” in the third line thereof; that part of section 1520 commencing with the word “subject” and ending with the word “thereof” both in the fifth line; that part of section 2360h commencing with the word “but” in the eighth line and ending with the word “county” in the tenth line thereof; the words “unless sooner removed by the court or judge appointing him” in the ninth line of section 113.14; and that part of section 2464a commencing with the word “The” where the same occurs for the last time in the eleventh line and ending with the word “judge” in the twelfth line thereof, are consolidated as section 17.10 of the statutes and are revised to read:

17.10 REMOVAL OF APPOINTIVE COUNTY OFFICERS. Appointive county officers may be removed as follows:

(1) **APPOINTED BY GOVERNOR.** County officers of any county appointed by the governor, by him, for cause.

(2) **APPOINTED BY COUNTY BOARD.** County officers appointed by the county board, by that body, for cause, except the county superintendent of the poor who may be removed by the board at pleasure. All such removals may be made by an affirmative vote of two-thirds of the supervisors entitled to seats on such board. The county highway commissioner may also be removed by the state highway commission, for cause.

(3) **APPOINTED BY CHAIRMAN OF COUNTY BOARD.** County officers appointed by the chairman of the county board and confirmed by the said board, or appointed by him alone, by such chairman, for cause, except members of the county civil service commission who may be removed by the county board, for cause, as provided in subsection (2). A county commissioner of elections so removed may appeal to the county board within ten days after such removal, and the county board shall conduct a hearing in such manner as shall be determined by it and determine the question of removal on such appeal.

(4) **APPOINTED BY THE CIRCUIT JUDGE.** County officers appointed by a judge or judges of the circuit court, by the judge or a majority of the judges authorized to appoint their successors, at pleasure.

(5) **APPOINTED BY THE COUNTY JUDGE.** County officers appointed by the county judge, by him, at pleasure, except sidepath commissioners who may be removed for cause only.

(6) **OTHERS.** All other appointive county officers, by the officer, or body that appointed them, at pleasure, except probation officers and their substitutes appointed pursuant to section 573—2 who may be removed for cause only. Removals by a body, other than the county board, consisting of three or more members may be made by an affirmative vote of two-thirds of all the members thereof.

(7) **GENERAL EXCEPTION.** But no county officer appointed according to merit and fitness under and subject to a civil service law, or whose removal is governed by such a law, shall be removed otherwise than as therein provided.

SECTION 23. Section 750a (1907) of the statutes is renumbered to be section 17.11 and is amended to read:

17.11 SUSPENSION OF DISTRICT ATTORNEY. (1) If any district attorney * * * is arrested for or charged with any offense against the laws of this state, or if the governor

* * * is credibly informed that any district attorney is guilty of any such offense, or that proceedings are pending before any court or officer involving any criminal charge against him, or that any district attorney wilfully neglects or refuses to perform his duties, * * * the governor * * * shall suspend him from office until such charge shall be investigated and finally determined, * * * and shall appoint the attorney-general or one of his assistants or some competent attorney of the state to discharge the duties of such office during * * * such suspension.

(2) * * * The county in which an attorney is so temporarily appointed district attorney shall pay such appointee for his services and expense, such amount as * * * is determined and fixed by the governor and certified by him to the county clerk of such county.

(3) * * * Any attorney so temporarily appointed shall have all the power and * * * discharge all the duties of the district attorney and he shall speedily bring to a hearing and determination any charges made against the district attorney so suspended.

(4) *If it is determined in such action or proceedings or is found upon such investigation that the district attorney so suspended is not guilty of any offense, or has not wilfully neglected or refused to perform his duties, as charged, and such fact is certified to the county clerk by the governor, he shall thereby become entitled to the emoluments of his office for all of the time he would have served therein had he not been suspended as herein provided, and shall be restored to office if the term for which he was elected or appointed has not expired.*

(5) *This section in no manner affects provisions of law relating to the removal from office of the district attorney.*

SECTION 24. Section 10.30; subsection (2) of section 10.33; all of section 925—36 except that part commencing with the word "but" in the third line and ending with the word "defense" in the fourth line of said section; that part of section 925—115 commencing with the word "unless" in the 8th line and ending with the word "board" in the ninth line thereof; subsection 7 of section 925m—308; subsection 3 of section 925m—309; the words "for cause" in the fifth line of section 959—57; that part of section 1480a commencing with the word "unless" in the eighth line and ending with the word "him" in the ninth line thereof are consolidated as section 17.12 of the statutes and are revised to read:

17.12 REMOVAL AND SUSPENSION OF CITY OFFICES. (1) GENERAL AND SPECIAL CHARTER. Officers of

cities operating under the general law or under special charter including school officers, may be removed as follows:

(a) *Elective*. Elective officers, except judges of municipal courts created by special act and with jurisdiction throughout the city only, by recall as provided in section 10.44, or by the common council, for cause.

(b) *Judges special courts*. Judges of municipal courts, included within the exception of paragraph (a), by the governor, for cause.

(c) *Appointive*. Appointive officers, by whomsoever appointed, by the common council, for cause, except officers appointed by the council who may be removed by that body, at pleasure. Officers appointed by any other officer or body without confirmation or concurrence by the council, by the officer or body that appointed them, at pleasure, except commissioners of election in cities of the first class who may be removed by the mayor for cause only, and any such commissioner may appeal to the common council within ten days after removal. The council may conduct a hearing thereon by a committee which committee shall proceed in such manner as may be determined by it and make full report to the council, which shall determine the question upon such appeal.

(d) *Votes required*. Removals by the common council may be made only by an affirmative vote of three-fourths of all the members thereof, and by any other body consisting of three or more members, by an affirmative vote of two-thirds of all the members thereof.

(2) COMMISSION FORM. Officers of cities operating under the commission form of government may be removed as follows:

(a) *Elective*. Elective officers, except judges of municipal courts created by special act and with jurisdiction throughout the city only, by recall as provided in section 10.44.

(b) *Judges special courts*. Judges of municipal courts included within the exception of paragraph (a), by the governor, for cause.

(c) *Appointive*. Appointive officers, by whomsoever appointed, by the council, at pleasure, by a majority vote; and officers appointed by any officer or body other than the council may also be removed from office by the officer or body that appointed them, at pleasure, by vote as provided in paragraph (c) of subsection (1).

(3) SUSPENSION. The mayor of any city may summarily suspend from office any officer thereof whose removal is sought and against whom charges have been preferred therefor, and may appoint an officer to discharge the duties of such office until such

charges have been disposed of. If such charges are dismissed, the officer so suspended shall thereby be restored to office and be entitled to the emoluments of the office for all of the time he would have served therein had he not been suspended.

(4) **GENERAL EXCEPTION.** But no officer of any city, appointed according to merit and fitness under and subject to a civil service or to a police and fire commission law, or whose removal is governed by such a law, shall be removed otherwise than as therein provided.

SECTION 25. The first sentence of section 17.17; the first sentence of subsection (5) of section 40.23; that part of section 875 of the statutes commencing with the word "and" in the ninth line and ending with the word "trustees" in the tenth line thereof; the last sentence of section 887 (886); the next to the last sentence of section 1229; that part of section 1231 commencing with the first word of the section and ending with the word "office" in the fourth line thereof; and that part of section 1238f commencing with the word "unless" in the eighth line and ending with the word "board" in the ninth line thereof are consolidated as section 17.13 of the statutes and are revised to read:

17.13 REMOVAL OF VILLAGE, TOWN AND SCHOOL DISTRICT OFFICERS. Officers of towns, and of villages and school districts, however organized, may be removed as follows:

(1) **APPOINTIVE OFFICERS.** Any appointive village, town or school district officer, by the officer or body that appointed him, at pleasure. Removal of any such officer by a body shall be by a majority vote of all the members thereof.

(2) **VILLAGE JUSTICES.** The village police justice or justice of the peace, by the trustees, for cause, by a vote of the president and four trustees.

(3) **ALL OFFICERS.** Any village, town or school district officer, elective or appointive, including those embraced within the provisions of subsections (1) and (2), by the judge of the circuit court of the circuit wherein the village, town or school district is situated, in term time or vacation, for cause.

SECTION 26. Sections 1059a, 1059b, 1059c and 1059d of the statutes are consolidated as section 17.14 and are revised to read:

17.14 REMOVAL; ASSESSORS; BOARDS OF REVIEW; PROCEDURE. Any assessor and any member of a board of review or of a county board of supervisors, in addition to being removable as otherwise provided, may be removed by the presiding judge of the circuit court for his county, in term time or vacation, as follows:

(1) **ASSESSORS.** Any assessor for one or more of the following causes:

(a) Wilful or intentional assessment of property at other than its true cash value with the intent to subject such property to more or less than its lawful share of taxes.

(b) Wilful or intentional omission of taxable property from the assessment roll with intent to permit the same to escape taxation.

(c) Wilful or intentional assessment of the property of one person at a lower value than the property of another or others whereby favoritism or discrimination between taxpayers in the district is shown.

(d) Solicitation or receipt of any favor, reward, money or other thing of value of or from the owner of any taxable property in his assessment district for the assessment or valuation of property at other than its true cash value.

(e) Solicitation or demand by any assessor of any owner of property liable to assessment in his assessment district to aid, assist or promote the business or interests of such assessor by means of which and by virtue of his office he shall gain or receive pecuniary profit or advantage that he could not otherwise have gained or received.

(f) Any violation of law in the valuation or assessment of property in his assessment district.

(2) MEMBERS OF BOARDS OF REVIEW AND COUNTY BOARD. Any supervisor, alderman, trustee or other officer who acts as a member of a board of review or of the county board of supervisors, for one or more of the following causes:

(a) Wilful or intentional valuation or equalization of property of persons or towns, cities or villages at other than the true cash value thereof, with the intent to subject the property of persons or of towns, cities or villages to more or less than their lawful share of taxes.

(b) Aiding, abetting or assisting in any understanding, combination or conspiracy to value or equalize the property in towns, cities or villages in a county at other than the true cash value, with intent to subject the property in one or more towns, cities or villages to more or less than its lawful share of taxes for state or county purposes or both.

(c) Any violation of law in the valuation or equalization of property in towns, cities or villages or in the discharge of official duties.

(3) PROCEDURE. Removals under this section may be made by the circuit judge in term time or vacation, by order specifying the cause thereof, a copy of which order shall be certified by the circuit judge to the proper town, village or city clerk. Such removal shall be made only upon a duly verified petition signed by

a freeholder and taxpayer of the county setting forth fully the charges preferred against such officer. The district attorney of the county upon complaint showing cause therefor shall prepare the petition and have the same duly verified by the complainant. The judge, upon the presentation of the petition, shall by an order to show cause, which shall be served upon such officer personally at least ten days prior to the hearing, fix a time and place for hearing the matters alleged in the petition. The testimony shall be taken and the proceedings conducted under such reasonable regulations as the judge shall prescribe. The district attorney shall attend the hearing and conduct the proceedings on behalf of the petitioner. The removal of such officer shall disqualify him from holding such office for three years from the date of the order of removal.

(4). **COSTS.** If the presiding judge, after a hearing on the merits, dismisses the petition and further finds the complaint was wilful and malicious and without probable cause, such judge shall order judgment in favor of the officer and against the petitioner for ten dollars attorney's fees and for the costs and fees of witnesses and officers incurred on behalf of such officer. The judgment shall be signed by the clerk of the circuit court and entered and docketed in his office as the judgment of the circuit court in term. An execution may be issued thereon against the property of the petitioner in the same mode as upon a judgment entered in the circuit court in civil actions founded in tort. Upon the return of such execution unsatisfied in whole or in part, an execution against the person of the petitioner may be issued in the manner and with the force and effect of an execution against the person as provided in sections 2965 to 2975, inclusive, of the statutes. In all other cases the judge may, in his discretion, order that the expenses incurred in procuring witnesses and other needed actual expenses, be paid out of the treasury of the county in which such officer resides upon certificates of the clerk of said court.

SECTION 27. The last sentence of section. 1421—19 and that part of section 2533a commencing with the word "and" immediately following the semi-colon in the 13th line and ending with the word "will" in the 14th line thereof are consolidated as section 17.15 of the statutes and are revised to read:

17.15 REMOVALS OTHER OFFICERS. (1) **JOINT COUNTY INSTITUTIONS.** Any member of the governing body of any joint county school, hospital, sanatorium, asylum or other joint county institution, appointed by the county board of any county, may be removed by said county board, for cause; and any other officer of any such institution may be removed by the officer or body that appointed him, for cause.

(2) **JURY COMMISSIONERS.** Jury commissioners may be removed from office by the judge or a majority of the judges authorized to appoint them, at pleasure.

(3) **JUDGES SPECIAL COURTS.** The judge of any special municipal court or other special court created by special act and with jurisdiction over an area less than a county but more than a city, village or town, may be removed by the governor, for cause.

SECTION 28. That part of subsection (3) of section 15.03 commencing with the words "in the same" in the second line and ending with the last word of said section; the second and third sentences of subsection (2) of section 23.09; the second and third sentences of subsection 1 of section 1458; that part of the last sentence of section 1747—3 commencing with the word "in" in the next to the last line of said section and ending with the last word of said sentence and section; the second and third sentences of paragraph (b) of section 1797—1; all of section 17.08 following the words "district attorney" in the second line thereof; all of section 17.09; that part of section 17.14 commencing with the word "but" in the second line of subsection (4) of said section and ending with the last word of said section; that part of section 17.15 commencing with the word "but" in the sixth line and ending with the last word of said section; the last two sentences of subsection (11) of section 39.04; all that part of the first sentence of subsection 1 of section 697y—3 following the word "supervisors" in the third line of said section; that part of the last sentence of section 697—3 following the word "board" in the next to the last line of said section; that part of subsection 6 of section 697—60 following the word "office" in the second line of said subsection; that part of the last sentence of subsection 1 of section 1317m—6 following the word "cause" in the last sentence of said subsection; that part of section 697—45 commencing with the word "but" in the forty-first line and ending with the word "heard" in the forty-third line thereof; that part of section 925—36 commencing with the word "but" in the third line and ending with the word "defense" in the fourth line thereof; the second sentence of section 17.17; and all of subsection (5) of section 40.23 of the statutes except the first sentence thereof are consolidated as section 17.16 of the statutes and are revised to read:

17.16 REMOVALS; DEFINITION; PROCEDURE; DISQUALIFICATION. (1) Removals from office at pleasure shall be made by order, a copy of which shall be filed as provided by subsection (8) of this section, except that a copy of the order of removal of a court commissioner, a jury commissioner or

divorce counsel shall be filed in the office of the clerk of the circuit court.

(2) The word "cause," as used in this chapter, unless qualified, means inefficiency, neglect of duty, official misconduct or malfeasance in office.

(3) Removals from office for cause under this chapter, except as provided in section 17.14, shall be made as provided in this section, and may be made only upon written verified charges preferred by a taxpayer and resident of the governmental unit of which the person against whom the charges are filed is an officer, and after a speedy public hearing whereat said officer shall have full opportunity to be heard in his defense, personally and by counsel. A copy of the charges and written notice of the time and place for the hearing thereon shall be given such officer by the removing power by delivery to such officer in person or by mailing the same to him at his last and usual post-office address not less than ten days prior to such hearing. The officer may within ten days from service of such charges file with the removing power his verified answer thereto. The hearing shall be conducted and investigation made by the removing power with due dispatch, but the governor, in case of charges preferred to him, may appoint a commissioner to conduct the hearing, make the investigation and report the testimony and proceedings to him, and the council of any city having a membership of more than twenty, in case of charges preferred to it, may appoint a committee of not less than five of its members, to conduct the hearing, make investigation and report the testimony and proceedings to it. Such commissioner or committee shall have the same power and authority as the governor or the council, as the case may be, in the conduct of the hearing on and investigation of such charges.

(4) The removing power may, before acting upon any charges preferred against any officer, require the person preferring the same to execute and deliver to such power a bond in the sum of one thousand dollars with one or more sureties to be approved by such power, conditioned for the payment of all costs and expenses actually incurred by the state, county or other unit of which the person charged is an officer and by the removing power in the hearing and investigation of such charges.

(5) The removing power, and in case such power consists of more than one person, each such person is authorized to administer oaths and to issue subpoenas for the attendance of witnesses and the production of evidence, and may make and enforce such orders and rules as are necessary to properly conduct

such hearing and may appoint and fix the compensation of a stenographer to take testimony thereat.

(6) If any witness fails or refuses to obey a subpoena issued by the removing power or refuses to testify to any matter concerning which he may lawfully be interrogated, the circuit court of the county in which such witness is summoned to appear or the judge thereof, upon application by the removing power, shall issue an order requiring such person to comply with such subpoena and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(7) No person shall be excused from testifying or from producing evidence on such hearing for the reason that the testimony, documentary or otherwise, required of him may tend to incriminate him, but no person so testifying shall be prosecuted for or on account of any transaction, matter or thing concerning which he may have so testified or produced any documentary evidence, except for perjury committed in giving such testimony.

(8) Removals from office for cause shall be by order, a certified copy of which, together with a complete transcript of the testimony and proceedings at the hearing and a statement of the cause or causes for which removal is made, shall be filed by the removing power as follows:

(a) In the case of a state officer, in the office of the secretary of state.

(b) In the case of other officers, in the office of the clerk of the unit of which the person removed was an officer.

(c) In the case of officers of joint county institutions, in the office of the county clerk of the county wherein the buildings of such institution are located.

(d) In the case of judges of special municipal or other special courts with jurisdiction over an area less than a county but more than a city, village or town, in the office of the county clerk of the county wherein such court is located.

(9) In the case of procedure for removals by the governor, all expenses incurred shall be paid upon vouchers duly certified by him and shall be charged to the appropriation provided in subsection (7) of section 20.02. In the case of procedure for removals by any other state officer or body, such expenses shall be paid out of the appropriation to the officer or body invested with power to remove. In case of procedure for removals by other officers or bodies, the expenses thereof shall be paid by the unit of government of which the person against whom charges are preferred was an officer. But if the removing power finds that the complaint was wilful and malicious and without prob-

able cause all such expenses shall be paid by the person who preferred the charges and may be collected in an action against him or on the bond furnished by him.

(10) A person lawfully removed from office shall be ineligible to appointment or election to fill the vacancy caused by such removal.

SECTION 29. That part of section 9.03 commencing with the word "and" immediately following the semi-colon in the third line thereof and ending with the last word of said section, and that part of section 1271a commencing with the word "Whenever" in the sixteenth line and ending with the word "appointed" in the twentieth line thereof, are consolidated as section 17.17 of the statutes and are revised to read:

17.17 NOTICE OF VACANCIES. Notice of vacancies occurring otherwise than by resignation shall be given forthwith as follows:

(1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States senator or member of congress from this state, by the county clerk of the county wherein such officer resided at the time of election, to the secretary of state.

(2) NOTARIES PUBLIC. In the office of a notary public, by the secretary of state to the clerk of the circuit court of the county wherein such officer resided when appointed.

(3) VACANCIES BY JUDGMENTS. In any office occurring by virtue of a judgment of a court of this state convicting the incumbent of and sentencing him for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or convicting him of and sentencing him for any offense involving a violation of his official oath; or declaring the election or appointment of any officer to be void or that the office of any officer has been forfeited, or become vacant; or adjudging any officer to be insane, by the clerk of such court to the officer or body authorized to fill such vacancies, or if such vacancies are required to be filled only by election, then to the officer authorized to give notice thereof.

(4) SIDEPATH COMMISSIONER. In the office of a sidepath commissioner, by the secretary of the board to the county judge, and such notice shall specify the name of the commissioner, the place of his residence and the term for which his successor shall be appointed.

(5) OTHER VACANCIES. In city; village, town or school district offices, other than those of which notice is required by subsections (3) and (4), by the clerk or in his absence by the treasurer thereof, and in state, county and other offices other than those of which notice is required by subsection (3), by the county

clerk of the county wherein the officer resided at the time of election or appointment, or in his absence by the sheriff, to the officer or body authorized to fill such vacancies, or if such vacancies are required to be filled only by election, then to the officer authorized to give notice thereof.

SECTION 30. A new section is added to the statutes to read:

17.18 VACANCIES, UNITED STATES SENATOR AND MEMBER OF CONGRESS; HOW FILLED. Vacancies in the office of United States senator or member of congress from this state shall be filled by election, as provided in section 7.01, for the residue of the unexpired term.

SECTION 31. Section 17.05; that part of section 113.01 commencing with the word "and" in the third line and ending with the word "qualified" in the sixth line thereof; and that part of section 2397 commencing with the word "and" in the third line and ending with the word "election" in the fifth line thereof are consolidated as section 17.19 and are revised to read:

17.19 VACANCIES, ELECTIVE STATE OFFICES; HOW FILLED. Vacancies in elective state offices shall be filled as follows:

(1) **MEMBERS OF LEGISLATURE.** In the office of state senator or assemblymen, by election, as provided in section 7.01, for the residue of the unexpired term.

(2) **JUDICIAL.** In the office of justice of the supreme court or judge of the circuit court, by temporary appointment by the governor, which shall continue until a successor is elected, as provided in section 8.03, and qualifies. When so elected such successor shall hold his office for the residue of the unexpired term and shall take office as follows:

(a) A supreme court justice, on the first day of the first regular term of the supreme court next succeeding such election.

(b) A circuit court judge, on the first Monday of June next succeeding such election.

(3) **PRESIDENTIAL ELECTORS.** In the office of presidential elector, by the remaining electors present in the manner prescribed by section 9.06.

(4) **OTHER ELECTIVE STATE OFFICERS.** In the office of secretary of state, treasurer, attorney-general or state superintendent, by appointment by the governor, and a person so appointed shall hold office until his successor is elected, as provided in section 7.01, and qualifies, but if no such election is held, the person so appointed shall hold office for the residue of the unexpired term.

SECTION 32. That part of section 11.01 commencing with the word “and” and ending with the word “vacancies” both in the seventh line thereof; the last sentence of section 13.31; subsection (2) of section 15.03; the last sentence of subsection (7) of section 16.02; section 17.06; that part of section 17.11 commencing with the word “and” in the sixth line and ending with the word “legislature” in the eighth line thereof; the next to the last sentence of subsection (1) of section 23.09; that part of subsection (1) of section 33.02 commencing with the words “and by appointment” in the fifth line and ending with the word “term” in the sixth line thereof; that part of section 34.01 commencing with the word “whenever” in the second line, and ending with the word “occurs” in the third line and also the words “to fill the vacancy” in the fourth line of said section; that part of section 36.02 commencing with the word “but” in the tenth line and ending with the word “only” in the eleventh line thereof; the last sentence of section 37.01; that part of subsection (1) of section 38.01 commencing with the word “except” in the sixth line and ending with the word “meets” in the eighth line thereof; the last sentence of subsection (2) of section 38.01; that part of subsection (2) of section 41.13 commencing with the word “which” and ending with the word “term” both in the sixth line thereof; the last sentence of section 41.27; subsection (4) of section 42.01; the second sentence of section 43.09; the last sentence of subsection 1 of section 561a; the last two sentences of section 1087—33; the next to the last sentence of subsection 1 of section 1317m—1; the last sentence of section 1404; that part of subsection 1 of section 1409b commencing with the word “vacancies” and ending with the word “term” both in the last line thereof; the second sentence of section 1410; the next to the last sentence of subsection 1 of section 1410e; that part of section 1421a commencing with the words “and fill” in the seventh line and ending with the word “term” in the eighth line thereof; that part of section 1435c—1 commencing with the words “and shall” in the fourteenth line and ending with the word “term” in the fifteenth line thereof; that part of subsection 3 of section 1435f—35 commencing with the word “Appointments” in the tenth and eleventh lines and ending with the word “governor” in the twelfth line thereof; the last sentence of section 1457; that part of section 1458—2 commencing with the word “which” and ending with the word “only” both in the ninth line thereof; the last sentence of subsection 1 of section 1492ab; the last sentence of subsection 2 of section 1636—202; the next to the last sentence of subsection 1 of section 1636—241; the last sentence of section 1731; the

next to the last sentence of section 1747—3; the last sentence of the first paragraph of section 1797—1; the last sentence of subsection 1 of section 1966y; the second sentence of section 2016; that part of section 2394—42 commencing with the word “Vacancies” and ending with the word “terms” both in the sixth line thereof; that part of subsection (6) of section 2586 commencing with the words “and said court” in the sixth line and ending with the word “board” in the seventh line thereof; and section 4893 of the statutes are consolidated as section 17.20 and are revised to read:

17.20 VACANCIES IN APPOINTIVE STATE OFFICES; HOW FILLED; TERMS. (1) **GENERAL.** Vacancies in appointive state offices shall be filled by appointment by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, and appointees to fill vacancies therein shall hold office for the residue of the unexpired term or, if no definite term of office is fixed by law, until their successors are appointed and qualify.

(2) **INTERIM VACANCIES; TERMS.** (a) Vacancies occurring during the recess of the legislature in the office of any officer appointed by the legislature shall be filled by appointment by the governor. Persons so appointed shall hold office until their successors are appointed by the legislature at the next regular session thereof and qualify.

(b) Vacancies occurring during the recess of the legislature in the office of any officer appointed by the governor by and with the advice and consent of the senate shall be filled by appointment by the governor for the residue of the unexpired term, subject to confirmation by the senate at the next regular session thereof if the term for which the person was so appointed has not expired. Any such appointment subject to confirmation by the senate shall be in full force until acted upon by the senate, and when confirmed by the senate shall continue for the residue of the unexpired term.

(c) Vacancies in the board of trustees of the teachers' insurance and retirement fund occurring between the annual meetings of the members of said fund, shall be filled by appointment by the said board of trustees. Persons so appointed shall hold office until their successors are elected for the residue of the unexpired term by the next succeeding annual meeting of the members of said fund.

SECTION 33. Section 17.07; subsection (10) of section 39.04; the last sentence of subsection 1 of section 663a; the first sentence of section 699; the first sentence of section 707; the first sentence of section 712; section 767; that part of subsection 2

of section 2441 commencing with the first word and ending with the word "and" immediately following the semi-colon in the sixth line of said section; and that part of section 2523—3 commencing with the word "and" immediately following the word "qualified" in the tenth line and ending with the word "thereof" in the thirteenth line thereof, are consolidated as section 17.21 of the statutes and are revised to read:

17.21 VACANCIES IN ELECTIVE COUNTY OFFICES; HOW FILLED; TERM. Vacancies in elective county offices shall be filled in the manner and for terms as follows:

(1) **SHERIFF, CORONER, ETC.** In the office of sheriff, coroner, register of deeds or district attorney, by appointment by the governor for the residue of the unexpired term.

(2) **JUDGES.** In the office of county judge, or judge of a municipal, superior, district, civil or other special court created under the general law or by special act and with jurisdiction throughout the county, by appointment by the governor. Persons so appointed shall hold office until the first Monday of June next succeeding an election held as provided in section 8.03 to fill such vacancy for the residue of the unexpired term, and the provisions of said section 8.03 applicable to the election of a county judge to fill a vacancy shall apply to elections to fill vacancies in the office of the judge of a special court included within the provisions of this subsection. In case an election cannot be held to fill such vacancy, because of the limitations of section 8.03, the appointee shall hold office for the residue of the unexpired term.

(3) **COUNTY CLERK, TREASURER AND SURVEYOR.** In the office of county clerk, treasurer or surveyor, by appointment by the county board for the residue of the unexpired term.

(4) **COUNTY SUPERINTENDENT.** In the office of county or district superintendent of schools, by appointment by the state superintendent of public instruction for the residue of the unexpired term.

(5) **SUPERVISORS SPECIAL COUNTIES.** In the office of county supervisor of counties having a population of at least two hundred fifty thousand, according to the last state or United States census, by appointment by the chairman of the county board from among the electors of the assembly district for which such vacancy occurs, subject to approval by a majority of the members of the county board at the next session thereof. Persons so appointed and approved shall hold office until their successors are elected at the next succeeding general election at which supervisors are elected in such county and qualify.

SECTION 34. That part of section 10.63 commencing with the words "In case" in the 13th line and ending with the word "term" in the 16th line thereof; subsection (2) of section 27.02; subsection (3) of section 39.13; subsection (4) of section 40.31; that part of section 41.37 commencing with the word "Vacancies" in the 7th line and ending with the word "board" in the 13th line thereof; that part of section 41.48 commencing with the word "Vacancies" in the 8th line and ending with the word "board" in the 14th line thereof; the next to the last sentence of section 43.17; that part of the second paragraph of section 45.12 commencing with the word "shall" and ending with the word "and" both in the second line thereof; the third sentence of section 604a; the next to the last sentence of section 697b; section 697m; the last sentence of subsection 1 of section 697y—2; the next to the last sentence of section 697—2; the fourth and fifth sentences of section 697—21; the third sentence of section 697—22; that part of section 697—45 commencing with the words "and any" in the 30th line and ending with the word "rule" in the 31st line thereof; subsection 5 of section 697—60; the last sentence of section 772—1; that part of section 1271a commencing with the words "A commissioner" in the 14th line and ending with the word "officer" where it occurs for the first time in the 16th line thereof; the third and fourth sentences of paragraph (1) of subsection 8 of section 1317m—5; all of paragraph (e) of subsection 2 of section 1317m—6 except the last sentence of said paragraph; that part of subsection 1 of section 1421—11 commencing with the word "caused" in the 7th line and ending with the word "term" in the 8th line thereof; that part of section 1520 commencing with the words "and all" in the 5th line and ending with the word "only" in the 8th line thereof; and that part of section 2464a commencing with the words "and any" in the 12th line and ending with the word "him" in the 13th line thereof are consolidated as section 17.22 and are revised to read:

17.22 VACANCIES IN APPOINTIVE COUNTY OFFICES; HOW FILLED. (1) Vacancies in any appointive county office shall be filled by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto; but the term of any person appointed by the county board to fill a vacancy in the office of county highway commissioner shall terminate the first Monday of January of the second year next succeeding the appointment. All appointments, subject to confirmation by the county board, made while the board

is not in session, shall be acted upon by said board at its meeting next following such appointment.

(2) Vacancies in the offices of officers appointed by the county board, occurring when the board is not in session, shall be filled in manner and for terms as follows:

(a) In the office of superintendent of the county workhouse, by appointment by the committee on workhouse for the residue of the unexpired term, subject to the approval of the county board at its next regular meeting.

(b) In the office of the county highway commissioner, by appointment by the county state road and bridge committee. A person so appointed shall hold office until the first Monday of January next succeeding his appointment, and his successor shall be appointed by the county board at its first regular meeting next succeeding such appointment and shall take office on the Tuesday following the first Monday of January next succeeding and shall hold office for term as prescribed in subsection (1).

(c) In the office of a member of the county state road and bridge committee, by the chairman of the county board for the residue of the unexpired term.

(d) In the office of any other officer appointed by the county board, by temporary appointment by the chairman of the county board. A person so appointed shall hold office until his successor is appointed and qualifies, and such successor shall be appointed by the county board for the residue of the unexpired term at its meeting next after such vacancy occurred.

(3) Vacancies in the office of any member of the county board of education occurring between the annual meetings of the county school board convention shall be temporarily filled by appointment by the remaining members of said board. A person so appointed shall hold office until the vacancy is filled for the residue of the unexpired term by the county school board convention at its annual meeting held next after such vacancy occurs.

SECTION 35. That part of section 10.01 commencing with the words "In case" in the 13th line and ending with the word "term" in the 14th line thereof; that part of section 17.18 relating to cities and not included in new sections 17.24 or 17.25; that part of subsection (4) of section 27.09 commencing with the words "In case" in the 8th line and ending with the word "council" in the 10th line thereof; the last sentence of subsection (3) of section 27.10; the first two sentences of paragraph (c) of subsection (2) of section 27.11; the last sentence of section 41.08; the next to the last sentence of subsection (1) of section 43.27; subsection (3) of section 925m—304; that part of

section 925—31 commencing with the words “and whenever” in the 5th line and ending with the word “instance” in the 9th line thereof; section 925—31b; section 925—33; section 925—40m; that part of section 925—61 commencing with the word “vacancies” in the 11th line and ending with the word “election” in the 14th line; the next to the last sentence of subsection 6 of section 925—XX; the next to the last sentence of subsection 5 of section 925—113n; that part of the third paragraph of section 926—101j commencing with the word “such” and ending with the word “term” both in the last sentence of said paragraph; the next to the last sentence of subsection 5 of section 926—117p; the last sentence of section 959—40; the last sentence of subsection 2 of section 959—41L and the last sentence of section 959—17d of the statutes are consolidated as section 17.23 of the statutes and are revised to read:

17.23 VACANCIES IN CITY OFFICES; HOW FILLED.

(1) GENERAL AND SPECIAL CHARTER CITIES. Vacancies in offices of cities operating under the general law or special charter shall be filled as follows:

(a) In the office of mayor or alderman, except as provided in section 10.44, by appointment by the common council. A person so appointed shall hold office until his successor is elected and qualified. His successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens thirty days or more before such day, but if such vacancy happens within thirty days before such first Tuesday of April, then such successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in such office shall be held at the time of holding the regular election for such office.

(b) In the office of any other elective officer, except the judge of a municipal court created by special act with jurisdiction throughout the city only, and except as provided in section 10.44, by appointment by the mayor subject to confirmation by the council, except that in case of vacancies in the office of any such officer of a city of the first class who is authorized by law to have a deputy, such deputy shall perform the duties and be entitled to the emoluments of such office until the vacancy is filled as provided in paragraph (a). A person so appointed and confirmed shall hold office until his successor is elected and qualifies. His successor shall be elected as provided in paragraph (a).

(c) In the office of the judge of a municipal court created by special act, with jurisdiction throughout the city only, by appointment by the governor. A person so appointed shall hold

office for the term provided in subsection (2) of section 17.21 and his successor shall be elected for the residue of the unexpired term as provided in said subsection.

(d) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except that vacancies in the office of any member of the board of trustees of the public school teachers' annuity and retirement fund shall be filled by the remaining members of said board.

(2) **COMMISSION FORM.** Vacancies in offices of cities operating under the commission form of government shall be filled as follows:

(a) In the office of mayor or other member of the council, except as provided in section 10.44, in the manner prescribed in paragraph (a) of subsection (1).

(b) In the office of the judge of a municipal court created by special act, with jurisdiction throughout the city only, by appointment by the governor for the term prescribed by paragraph (c) of subsection (1) and the successor to such appointee shall be elected for the residue of the term as provided in said paragraph.

(c) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto.

SECTION 36. The last sentence of section 17.17; that part of section 17.18 relating to villages and not included in new sections 17.23 and 17.25; that part of sections 43.28 commencing with the word "All" in the tenth line and ending with the word "terms" in the twelfth line thereof; that part of section 852c commencing with the word "if" and ending with the word "election" both in the seventh line thereof; that part of section 875a commencing with the word "except" in the tenth line and ending with the word "term" in the eleventh line thereof; that part of section 878 commencing with the words "and all" in the third line and ending with the word "board" in the sixth line thereof; the last sentence of section 882; the next to the last sentence of section 886 (885); the next to the last sentence of subsection 1 of section 887 (886) are consolidated as section 17.24 of the statutes and are revised to read:

17.24 VACANCIES IN VILLAGE OFFICES; HOW FILLED. Vacancies in offices of villages operating under the general law or special charter shall be filled as follows:

(1) In elective offices, by appointment by the village board, except vacancies caused by removals from office by the circuit judge as provided by law, which latter vacancies shall be filled by appointment by the said judge. Persons appointed by the village board or the circuit judge to fill vacancies shall hold office for the residue of the unexpired term, except persons appointed to fill vacancies in the office of police justice, justice of the peace or member of the water or light commission, which latter appointee shall hold office only until their successors are elected and qualify, and their successors shall be elected for the residue of the unexpired term as provided in paragraph (a) of subsection (1) of section 17.23.

(2) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except vacancies caused by removal by the judge of the circuit court which shall be filled for the residue of the unexpired term by the said judge.

SECTION 37. The last sentence of section 17.17; all of section 17.18 not incorporated in sections 17.23 and 17.24; that part of subsection (3) of section 41.15 commencing with the word "except" in the 5th line and ending with the word "term" in the 6th line thereof; the last sentence of section 811; the first sentence of section 818 and the words "be vacant" in the 7th line of said section; the last two sentences of section 845; the last sentence of subsection 3 of section 927—5; and the last sentence of section 1229 are consolidated as section 17.25 of the statutes and are revised to read:

17.25 VACANCIES IN TOWN OFFICES; HOW FILLED. Vacancies in town offices shall be filled as follows:

(1) In the town board, by the remaining supervisors and the town clerk, except when the vacancy is caused by removal by the circuit judge as provided by law, which latter vacancy shall be filled by appointment by the said judge. Vacancies in other elective town offices shall be filled by appointment by the town board, except vacancies caused by removal by the judge of the circuit court which latter vacancy shall be filled by the said judge. Persons appointed under the provisions of this subsection to fill vacancies shall hold office for the residue of the unexpired term, except persons appointed to fill vacancies in the office of town supervisor in towns wherein the term of such office is three years, justice of the peace and member of the water or light commission, which persons shall hold office only until their successors are elected and qualify and such successors

shall be elected at the annual town meeting next after the vacancy occurs.

(2) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except vacancies caused by removals by the judge of the circuit court which shall be filled for the residue of the unexpired term by the said judge.

SECTION 38. Subsection (2) of section 40.24; subsection (5) of section 40.46; subsection (5) of section 40.48; the next to the last sentence of subsection 5 of section 925—113n; and the next to the last sentence of subsection 5 of section 926—117p are consolidated as section 17.26 and are revised to read:

17.26 VACANCIES IN SCHOOL DISTRICT BOARDS AND BOARDS OF EDUCATION; HOW FILLED. Vacancies in school district boards and boards of education operating under the general law or under special charters shall be filled as follows:

(1) In boards the members of which are elected at the annual school district meeting, by appointment by the remaining members of the boards within ten days after the vacancy occurs. If the vacancy is not so filled, the town, village or city clerk, and in case of joint districts, the clerk of the town, village or city in which the schoolhouse is situated, shall fill such vacancy by appointment. Any person upon being notified of his appointment shall be deemed to have accepted the same unless within five days thereafter he files with the clerk or director a written refusal to serve; and any person so appointed shall hold office until the next annual meeting at which meeting the electors shall fill such vacancy for the residue of the unexpired term.

(2) In boards the members of which are elected otherwise than as provided in subsection (1) or are appointed, by appointment by the mayor for the residue of the unexpired term, subject to confirmation by the council, except in cities of the first class however organized, wherein such vacancies shall be filled by the board, a majority of the remaining members being necessary to a choice, and members so chosen shall serve until the first Monday of July following the next school election at which election the vacancy shall be filled for the residue of the unexpired term.

SECTION 39. That part of section 604j commencing with the word "except" in the sixth line and ending with the word "term" in the seventh line of said section; that part of section 697—29 commencing with the word "except" in the 9th line and ending with the word "term" in the 10th line thereof; and the

next to the last sentence of section 1421—19 are consolidated as section 17.27 of the statutes and are revised to read:

17.27 VACANCIES OTHER OFFICES; HOW FILLED.

(1) **JOINT COUNTY INSTITUTIONS.** Vacancies in the office of any member of the governing body of any joint county school hospital, sanatorium, asylum or other joint county institution, or in the office of any other officer of any such institution, shall be filled by appointment by the appointing power and in the manner prescribed by law for making regular full term appointments thereto. A vacancy in the office of any such officer appointed by the county board, occurring while the board is not in session, shall be filled by appointment by the chairman of the county board. A person so appointed shall hold office until his successor is appointed for the residue of the unexpired term by the county board at its first regular meeting held next after the vacancy occurs and qualifies.

(2) **JURY COMMISSIONERS.** Vacancies in the office of any jury commissioner shall be filled for the remainder of the unexpired term by the judge or a majority of the judges authorized to make regular full term appointments thereto.

(3) **JUDGES OF SPECIAL COURTS.** Vacancies in the office of the judge of any special municipal or other special court created by special act with jurisdiction throughout an area comprising less than a county, but more than a city, village or town shall be filled by appointment by the governor. A person so appointed shall hold office for the term provided in subsection (2) of section 17.21 and his successor shall be elected for the unexpired term, as provided in said subsection.

SECTION 40. The last sentence of section 699 and all of section 17.04 of the statutes are consolidated as section 17.28 of the statutes and are revised to read:

17.28 WHEN OFFICERS MAY TAKE OFFICE. When no different provision is made in respect thereto, any officer elected or appointed to fill a vacancy shall qualify in the manner required by law of the officer in whose stead he was elected or appointed and shall enter upon the duties of his office immediately thereafter and shall hold office for the residue of the unexpired term and until his successor is elected or appointed and qualifies, or, if no definite term of office is prescribed by law, until his successor is elected and qualifies.

SECTION 41. A new section is added to the statutes to read:

17.29 EFFECT OF CHAPTER. The provisions of this chapter supersede all contrary provisions in either the general law or in special acts, except the provisions of chapters 6 and 10 of the statutes relating to election officers appointed for the

election precincts or polling places in the state; the provisions of chapter 21 of the statutes relating to the military staff of the governor and to officers of the Wisconsin national guard; and the provisions of chapter 22 of the statutes relating to officers of the Wisconsin naval militia; and shall govern in the case of all offices hereafter created, either by general law or special act, unless otherwise specially provided.

SECTION 42. Old section 17.19 of the statutes is renumbered to be section 960.

SECTION 43. Old section 17.20 of the statutes is renumbered to be section 961.

SECTION 44. Old section 17.21 of the statutes is renumbered to be section 962.

SECTION 45. Old section 17.22 of the statutes is renumbered to be section 963.

SECTION 46. Subsection 2 of section 1229m of the statutes is amended to read:

(1229m) 2. This section shall apply only in towns in which but one superintendent of highways is appointed. Such superintendent, as to the mode of his appointment, the giving of bond and removal * * *, shall be subject to and there shall be applicable to his tenure of office, the provisions of sections 17.08, 1229, 1230 and 1231 of the statutes.

SECTION 47. Section 1231 of the statutes is amended to read:

Section 1231. * * * When no other penalty is prescribed by law * * * *the superintendent of highways of any town shall * * * forfeit the sum of ten dollars for every neglect or refusal to perform any of the duties imposed upon him by law or lawfully enjoined upon him by the supervisors of his town; and said supervisors shall forthwith prosecute such superintendent for the recovery of such penalty.*

SECTION 48. The last sentence of paragraph (e) of subsection 2 of section 1317m—6 of the statutes is amended to read: (1317m—6. 2. (e)) (last sentence) * * * *The salary of the county highway commissioner shall be as fixed by the county board or county committee at the time of his election or appointment.*

SECTION 49. Section 1946h of the statutes is amended to read:

Section 1946h. The commissioner of insurance shall be ex officio state fire marshal. He is hereby empowered and required to appoint one chief assistant fire marshal and such deputy fire marshals, clerical and stenographic assistants as are needed for the carrying out of the duties of the office. The deputy commissioner of insurance may be appointed chief assistant fire marshal

and his salary apportioned by the commissioner of insurance between the appropriation to the department of insurance and the appropriation to the state fire marshal. The duties of said chief assistant and deputies shall be to assist the state fire marshal. The state fire marshal shall have the power to retain and assign to their duties any or all the officers, subordinates or clerks of the state fire marshal's department. In the event of a vacancy in the office of the state fire marshal, or during the absence or disability of that officer, the chief assistant shall perform the duties of the office *until such vacancy is filled as provided by law or until such officer returns or such disability is removed.*

SECTION 50. This act shall take effect upon passage and publication.

Approved June 17, 1919.

No. 418, S.]

[Published June 20, 1919.

CHAPTER 363.

AN ACT to amend section 10.25 of the statutes, relating to the board of election commissioners for cities having one hundred thousand or more inhabitants.

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

SECTION 1. Section 10.25 of the statutes is amended to read: 10.25 The board of election commissioners shall be the board of canvassers of the primary *and* election returns for such city, and shall perform all the duties in regard to the canvass of votes for city officers and upon city questions that are required by law to be performed by any city officers or the chairmen of party committees except such as are required by law to be performed by the election inspectors, and shall issue certificates of nomination and election to such persons as the canvass shall show are entitled to the same.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 17, 1919.