
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: November 6, 2019

Contact: Katie Bender-Olson, Senior Staff Attorney

2019 Senate Bill 108

**Senate Substitute
Amendment 1, as Amended**

2019 SENATE BILL 108

Senate Bill 108 makes formatting changes to statutes regarding the filling of vacancies in city and village elected offices and expressly allows a city or village office to remain vacant until an election is held. The bill reorganizes existing statutory provisions, but generally maintains current law specifying when a special election to fill a vacancy in a city or village office may be held. For example, under current law and Senate Bill 108, if a vacancy in the office of alderperson in a 2nd, 3rd, or 4th class city happens no later than December 1 preceding the spring election, the city must hold the special election concurrently with the spring election.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 provides that a vacancy in a city or village office may: (a) be filled by appointment for the rest of the unexpired term; (b) be filled by appointment until a special election is held, as ordered by the city council or village board; or (c) remain vacant until an election is held. The substitute amendment deletes current law specifying particular timelines for holding a special election for city or village office.

SENATE AMENDMENT 1 TO SENATE SUBSTITUTE AMENDMENT 1

Senate Amendment 1 to Senate Substitute Amendment 1 (“the simple amendment”) makes changes related to filling vacancies in city offices, and also reverses other changes made by the substitute amendment and instead maintains current law. The simple amendment provides that for vacancies in cities other than Milwaukee, the offices of **mayor or alderperson** may: (a) be filled by appointment by the common council for the rest of the unexpired term; (b) be filled by appointment until a special election is held, as ordered by the common council; or (c) remain vacant until an election is held.

The simple amendment retains current law requiring that a vacant aldermanic seat in the City of Milwaukee must be filled by election for the rest of the unexpired term, and requiring the common council president to order a special election to fill the vacant aldermanic seat. The simple amendment also retains a cross-reference to the procedure for filling municipal judge vacancies and retains the current procedures for filling any other elective city office.

BILL HISTORY

Senate Substitute Amendment 1 was offered by Senator Stroebel on June 5, 2019. The Senate Committee on Elections, Ethics, and Rural Issues adopted Senate Substitute Amendment 1 on June 17, 2019, on a vote of Ayes, 5; Noes, 0. The committee then voted for passage of Senate Bill 108, as amended, on a vote of Ayes, 5; Noes, 0.

Senate Amendment 1 to Senate Substitute Amendment 1 was introduced by Senator Stroebel on October 28, 2019. The Senate adopted Senate Amendment 1 and Senate Substitute Amendment 1, as amended, on November 5, 2019. The Senate then passed Senate Bill 108 on the same date.

KBO:ty