



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5804/1

MPG:emw

2023 ASSEMBLY BILL 1214

April 11, 2024 - Introduced by Representatives J. ANDERSON, SNODGRASS and STUBBS, cosponsored by Senators LARSON and SPREITZER. Referred to Committee on Campaigns and Elections.

AN ACT to amend 8.05 (1) (a), 8.05 (3) (a), 8.05 (4) (a), 8.05 (4) (b), 8.10 (2) (a), 8.11 (1m) (c), 8.50 (4) (f) 1., 8.50 (4) (f) 2., 11.1111 (1) (a) 1., 17.21 (3), 17.21 (5), 17.245, 17.25 (1) (d) and 59.10 (3) (e) of the statutes; **relating to:** the first date on which nomination papers may be circulated for the spring election.

Analysis by the Legislative Reference Bureau

Under current law, the first date on which nomination papers may be circulated for the spring election is the December 1 preceding the election. The spring election is the election held on the first Tuesday in April to elect nonpartisan judicial, educational, and local officers. The presidential preference primary is also held at the spring election. Nomination papers for the spring election must generally be filed no later than 5 p.m. on the first Tuesday in January preceding the election.

This bill changes the first date on which nomination papers may be circulated for the spring election to the November 16 preceding the election. The bill makes a similar change to a number of other provisions of law with dates that track with that date.

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

SECTION 1. 8.05 (1) (a) of the statutes is amended to read:

8.05 (1) (a) When nomination papers are not used, there shall be a caucus to nominate candidates. The governing body shall between ~~December 1~~ November 16 and January 1 decide the date of the caucus. The date of the caucus may be established between January 2 and January 21. When possible, preference should be given to having the caucus on January 21.

SECTION 2. 8.05 (3) (a) of the statutes is amended to read:

8.05 (3) (a) In lieu of sub. (1), the electors either by referendum or at the town meeting may provide for nomination of elective town office candidates at a nonpartisan primary conducted as provided in sub. (5). The nomination papers shall be signed by not less than 20 nor more than 100 electors of the town. The nomination papers shall be circulated not sooner than ~~December 1~~ November 16 preceding the election and shall be filed with the town clerk not later than 5 p.m. the first Tuesday in January, or the next day if Tuesday is a holiday.

SECTION 3. 8.05 (4) (a) of the statutes is amended to read:

8.05 (4) (a) If a primary is provided for the nomination of candidates for elective village offices under s. 8.11 (1m) (b) or (c), candidates for those offices shall file nomination papers. In any other case, a majority of the governing body of any village may provide that candidates for elective village office shall be nominated by nomination papers. Determination of the governing body to provide for nomination of candidates by nomination papers shall be made not later than ~~December 1~~ November 16 preceding the election. If nomination by nomination papers is not

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provided for under this paragraph and no primary is provided for under s. 8.11 (1m)

(b) or (c), a village shall nominate candidates by caucus.

SECTION 4. 8.05 (4) (b) of the statutes is amended to read:

8.05 (4) (b) Nomination papers shall be signed by not less than 20 nor more than 100 electors of the village. The papers shall be circulated not sooner than ~~December 1~~ November 16 preceding the election and shall be filed with the village clerk not later than 5 p.m. the first Tuesday in January, or the next day if Tuesday is a holiday.

SECTION 5. 8.10 (2) (a) of the statutes is amended to read:

8.10 (2) (a) Nomination papers for offices to be filled at the spring election may be circulated no sooner than ~~December 1~~ November 16 preceding the election and may be filed no later than 5 p.m. on the first Tuesday in January preceding the election, or the next day if Tuesday is a holiday, except as authorized in this paragraph. If an incumbent fails to file nomination papers and a declaration of candidacy by the time prescribed in this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the

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incumbent does not file nomination papers for that office within the time prescribed in this paragraph.

SECTION 6. 8.11 (1m) (c) of the statutes is amended to read:

8.11 **(1m)** (c) Whenever the electors of a village, equal to at least 10 percent of the vote for governor in a village at the last general election, file a petition conforming to the requirements of s. 8.40 with the village clerk requesting a primary no later than ~~December 1~~ November 16 preceding the spring election, there shall be a primary for any specific election.

SECTION 7. 8.50 (4) (f) 1. of the statutes is amended to read:

8.50 **(4)** (f) 1. Except as provided in subds. 2. and 3., a vacancy in the office of justice, court of appeals judge or circuit judge occurring in any year after the date of the spring election and on or before ~~December 1~~ November 16 shall be filled, if in the office of circuit judge, at the succeeding spring election; if in the office of court of appeals judge, at the first succeeding spring election when no other court of appeals judge is to be elected from the same court of appeals district; or, if in the office of justice, at the first succeeding spring election when no other justice is to be elected. A vacancy in the office of justice, court of appeals judge or circuit judge occurring after ~~December 1~~ November 16 and on or before the date of the succeeding spring election shall be filled, if in the office of circuit judge, at the 2nd succeeding spring election; if in the office of court of appeals judge, at the first spring election, beginning with the 2nd succeeding spring election, when no other court of appeals judge is to be elected from the same court of appeals district; or, if in the office of

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justice, at the first spring election, beginning with the 2nd succeeding spring election, when no other justice is to be elected.

SECTION 8. 8.50 (4) (f) 2. of the statutes is amended to read:

8.50 (4) (f) 2. If a vacancy in the office of justice, court of appeals judge or circuit judge occurs after ~~December 1~~ November 16 and on or before the date of the succeeding spring election as the result of the resignation of the incumbent, if an election for that seat is scheduled to be held at the succeeding spring election and if the incumbent is not a candidate to succeed himself or herself, the vacancy shall be filled at the regularly scheduled election.

SECTION 9. 11.1111 (1) (a) 1. of the statutes is amended to read:

11.1111 (1) (a) 1. The period beginning on ~~December 1~~ November 16 and ending on the date of the spring election.

SECTION 10. 17.21 (3) of the statutes is amended to read:

17.21 (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 unless a special election is ordered by the county board, in which case the person appointed shall serve until his or her successor is elected and qualified. The county board may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill the vacancy. If the county board orders a special election during the period beginning on June 1 and ending on ~~November 30~~ November 15 of any year, the special election shall be held concurrently with the succeeding spring election. If the county board orders a special election during the period beginning on ~~December 1~~ November 16 and

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ending on May 31 of the succeeding year, the special election shall be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

SECTION 11. 17.21 (5) of the statutes is amended to read:

17.21 (5) SUPERVISORS, POPULOUS COUNTIES. In the office of county supervisor of counties having a population of at least 750,000, according to the last U.S. census, by election for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens no later than ~~December 1~~ November 16 preceding the first Tuesday in April, but if the vacancy happens after ~~December 1~~ November 16 preceding the first Tuesday in 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 the office may be held at the time of holding the regular election for such office. In addition to the elections required under this subsection, the county executive may order a special election to be held under s. 8.50 to fill the vacancy. If an assembly district in the county is altered by legislative redistricting effective prior to the end of an existing supervisor term and a vacancy happens, the person elected to fill that vacancy for the residue of the unexpired term shall be an elector of the assembly district as it existed prior to redistricting.

SECTION 12. 17.245 of the statutes is amended to read:

17.245 New city, village or town office, filling. Whenever an elective office is created in a city, village or town pursuant to law or ordinance, the office shall not be deemed vacant until it has first been filled by the electorate, except that if a city, village or town enacts an ordinance or bylaw creating a municipal court

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under s. 755.01 before the ~~December 1~~ November 16 preceding the spring election the office of municipal judge for that court shall be considered vacant and a temporary appointment may be made by the city, village or town governing body pending the election of the initial elected occupant of the office.

SECTION 13. 17.25 (1) (d) of the statutes is amended to read:

17.25 (1) (d) Any town board having more than 3 members may, if a vacancy in the office of supervisor occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill the vacancy. If the town board orders a special election during the period beginning on June 1 and ending on ~~November 30~~ November 15 of any year, the special election shall be held concurrently with the succeeding spring election. If the town board orders a special election during the period beginning on ~~December 1~~ November 16 and ending on May 31 of the succeeding year, the special election shall be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

SECTION 14. 59.10 (3) (e) of the statutes is amended to read:

59.10 (3) (e) *Vacancies.* If a vacancy occurs on the board, the board chairperson, with the approval of the board, shall appoint a person who is a qualified elector and resident of the supervisory district to fill the vacancy. The successor shall serve for the unexpired portion of the term to which the person is appointed, unless the board orders a special election to fill the vacancy, in which case the person appointed shall serve until his or her successor is elected and qualified. The board may, if a vacancy occurs before June 1 in the year preceding

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expiration of the term of office, order a special election to fill the vacancy. If the board orders a special election during the period beginning on June 1 and ending on ~~November 30~~ November 15 of any year, the special election shall be held concurrently with the succeeding spring election. If the board orders a special election during the period beginning on ~~December 1~~ November 16 and ending on May 31 of the succeeding year, the special election shall be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

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