



Wisconsin Elections Commission

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MEMORANDUM

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Meagan Wolfe
Administrator

DATE: March 19, 2020

SUBJECT: Legislative Update – Filling Vacancies and Election Certificates

Governor Evers recently signed into law the following two election-related bills passed by the Legislature:

1. 2019 Act 164: This legislation was introduced as Senate Bill 108 and was intended to simplify and clarify the statutes related to filling vacancies in local elective offices. One significant change resulting from the legislation is that Wis. Stat. § 8.50(4)(fm) as well as §§ 17.23 and 17.24 no longer specify when a special election for municipal judge, mayor, alderperson or village board member must take place based upon the date of the vacancy. The previous language was somewhat confusing and restricted the options for scheduling special elections to fill vacancies in those offices. The legislation also clarifies that common councils have the option to leave the office of mayor and alderperson vacant until an election is held, and village boards have that option for any elective offices.
2. 2019 Act 182: This legislation was introduced as Senate Bill 422 at the request of the Wisconsin Elections Commission. Act 182 states that municipal clerks, county clerks and the WEC need not wait to issue a certificate of election until the expiration of the time allowed to file a recount petition if there is no aggrieved party qualified to request a recount. Wis. Stat. § 9.01(1)(a)5. provides that a candidate may request a recount petition only when 1) they trail the leading candidate by no more than 40 votes when 4,000 or fewer votes are cast for the office or 2) they trail the leading candidate by no more than 1 percent of the total votes cast for the office when more than 4,000 votes are cast.

Copies of Act 164 and 182 are attached. You may wish to notify your municipal attorney of these changes, especially the new provisions related to filling vacancies in Act 164.

If you have questions regarding this communication, please contact the Help Desk at 608-261-2028 or elections@wi.gov.

Wisconsin Elections Commissioners

Dean Knudson, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
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