



Nominations

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Municipal governing bodies will hold organizational meetings after the spring election is complete. Newly elected and re-elected governing body members begin their terms on the third Tuesday in April.¹ In cities, the common council holds its organizational meeting on the third Tuesday in April; the council elects the council president at that meeting.² Some cities elect other officers as well (e.g., vice president). The statutes governing villages don't set a date for the board's organizational meeting or provide for the election of specific officers; however, some villages elect a vice president (sometimes referred to as the president pro tem) or other officers.

Sturgis Standard Code of Parliamentary Procedure 3rd Ed. (Sturgis) notes: "The process of nominating and electing officers is vital to every organization because the abilities and talents of the leaders largely determine the achievements of the group."³ Because the statutes provide no guidance on the procedure for electing such governing body officers, this month we discuss the nominating and voting process used to elect officers of governmental bodies.

Rules and Procedures

If the governmental body has established nomination and election procedures, it should use them. A member may also make a motion to determine the nominations procedure.⁴ If there are no established procedures, the body can use outside rules of procedure such as *Robert's Rules of Order Newly Revised 11th Ed.* (RONR); *Sturgis*; or *Welty's Book of Procedures for Meetings, Boards, Committees & Officers*. Each has a similar application. This article reflects the RONR⁵ election procedures as follows:

Quorum

A quorum must be present to conduct the election.

Nominations

Nominations are a formal proposal to the voting body in an election to fill a particular position with a particular person.⁶

RONR describes several methods for nominating candidates including: from the floor, by the chair, by a nominating committee, by ballot, by mail, and by a petition.⁷ Nominations from the floor and by a nominating committee are most common. Most governmental bodies use floor nominations.

Floor nominations: The chair, or presiding officer, asks: "Are there any nominations for the office of ____?" Then individual body members may nominate a person for the particular office. A member may nominate him/herself and the same person may be nominated for more than one office (if elected to more than one, the member must choose). Nominations may be made by saying: "I nominate ____ for the office of ____." One does not need to be recognized by the chair to make a nomination and nominations need not be seconded (though members sometimes second to signal endorsement).⁸ After each nomination, the chair asks: "Are there any further nominations?" This continues until no more nominations are received at which time the chair may say, "Nominations are closed." Generally, a motion to close nominations is unnecessary.⁹

Election

After nominations are complete, the governmental body votes. A majority of a quorum is typically required, absent a local rule requiring an extraordinary majority. If there are multiple offices being elected, the voting procedure can elect each office separately or elect an entire slate. If there is more than



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one nomination for each position, we suggest a separate vote for each position. The voting may be by voice vote, ayes and nays by each member or by ballot. A limited exception in Wis. Stat. § 19.88(1) allows a governmental body to use secret ballots when electing the

body's officers. RONR details the various ballot procedures.¹⁰ The voting process continues until the winner receives a majority of the votes.

The election is final when the chair announces the result. If the candidate

does not immediately decline, s/he immediately assumes the office.¹¹

1. Wis. Stat. §§ 61.23(2) and 62.09(5).

2. Wis. Stat. §§ 62.09(5) and (8)(e) and 62.11(2).

3. Sturgis Standard Code of Parliamentary Procedure, Chapter 18, (3rd Ed.), page 140.

4. RONR (11th Ed.) § 31, pages 287-288.

5. RONR (11th Ed.), §46, page 430-446.

6. Robert's Rules of Order Newly Revised "In Brief," (2nd Ed.), page 78.

7. RONR (11th Ed.), § 46, page 432-433.

8. RONR (11th Ed.), § 46, page 432.

9. Robert's Rules of Order Newly Revised "In Brief," (2nd Ed.), page 78.

10. RONR (11th Ed.) § 46, pages 439-440.

11. Robert's Rules of Order Newly Revised "In Brief," (2nd Ed.), pages 79-80.



Did you know? The published Legal FAQs are taken directly from the extensive library of resources on the League's website. Have a question? Try the search function on the website and get an answer. <http://www.lwm-info.org>

Employees FAQ 20

Does a municipal employer have to provide notice, a hearing or some

other process before ending an employment relationship with a municipal employee?

Generally, no. In Wisconsin, municipal employees are generally classified as "at will" employees. In the absence of a civil service ordinance or law, or a contract or collective bargaining agreement or other document stating otherwise such as a personnel policy or employee handbook, "at will" employees may be terminated with or without cause and with or without notice by the employer. See *State ex rel. Epping v. City of Neilsville*, 218 Wis. 2d 516, 581 N.W.2d 548, 552; (Ct. App. 1998); *Vorwald v. School District*, 167 Wis. 2d 549, 482 N.W.2d 93, 96 (1992). However, a municipal employee may not be discharged for unlawful

reasons (e.g., discrimination based on, among other things, race, gender, age, or national origin).

A contract, state law, local ordinance or other document (e.g., employee handbook) may alter an employee's at-will status. If the municipality and an employee enter into an express or implied contract, any discharge must be done pursuant to the contract terms. State law also protects certain municipal employees from being fired at the will of the municipality. For example, municipalities must comply with certain statutory due process procedures when seeking to terminate police or fire department personnel. See Wis. Stat. §§ 62.13(5), 62.13(6m), 61.65(1)(am). (rev. 1/20)

Legal Captions

Employees 359

HR Matters column by Lisa Bergersen discusses employee use of marijuana, THC, and CBD and how employers can manage issues in the workplace, including drug and alcohol policies, training managers and staff to recognize and address impairment, and conducting drug and alcohol testing.

Public Utilities 356

Legal comment by Attorneys Richard Heinemann and Jared Walker Smith, Boardman & Clark, LLP, discusses options, and related responsibilities, for municipal utility governance, including utility commissions under Wis. Stat. § 66.0805, boards of public works, and other alternatives such as a committee

of the governing body or a new utility board or other commission not expressly given the powers of a Wis. Stat. § 66.0805 commission.