

Compatibility of Offices Law

The Village has received several questions about the election circumstances described below, and has provided the following information to clarify for voters the public policy issues which arise from those circumstances.

On the ballot for the Spring Election to be held April 5, 2011 voters will be confronted with the possibly confusing situation of one candidate running at the same time for the offices of Village President and Village Trustee. While unusual there is nothing improper about running simultaneously for two offices.

It is not legal, however, for one person to actually hold two municipal elected offices at the same time. If this candidate should be elected as both Village President and Village Trustee, therefore, he would have to resign one of the positions. The nearly full two year term of the vacated position would then have to be filled by either holding a special election or by appointment made by the Village Board. If the candidate should be elected to just one of the offices, no other action would be required.

A further complication, however, is that the same candidate who is running for the two offices is currently a paid employee of the Village. Wisconsin Statutes prohibit the same person from holding an elected office and an employee position where one post is superior to the other or where, from a public policy perspective, it is improper for the same person to hold both. If elected to either or both of the offices for which he is running, the candidate would thus be required to either quit his job with the Village or resign from the elected office.

For further information, go to http://www.lwm-info.org/index.asp?Type=B_BASIC&SEC={2A963F61-334A-4FD3-BE7F-86844A73B0F5}&DE={8998F399-F34E-4248-91EF-742ABF160A9F} .