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November 15, 2020

Memorandum

To: Common Council
From: Brian Running
Re: Residency Requirements for Council Members

This is a brief refresher on the requirements for Council members to reside in their districts. All citations are to Wisconsin Statutes.

- Council members must be residents of the district in which they are elected, as of the time they are elected. §62.09(2)(a).
- Council members must remain residents of the district in which they are elected. If they cease to be a resident of their district, their office becomes vacant. §17.03(4)(c).
- To be a “resident,” a person has to base the majority of his or her life there. Residency is comprised of a number of factors, but it boils down to *where you live*, in the common, everyday understanding of that term.
- Having more than one dwelling does not disqualify you from being a member of the Council. You can have a cottage up north, or a condo in Florida. What’s important is that the dwelling in your district has to be the place where you actually base the majority of your life.
- Relevant factors include:
 - Where the person spends most of his or her non-working time.
 - Where the person’s family spends most of their time.
 - Where the person’s children attend school.
 - Where the person is registered to vote.
 - The address on the person’s driver’s license, bank accounts, tax returns, and vehicle registration.
 - The relative amounts of time the person spends at multiple dwellings.
 - The person’s intent to return to a location after a temporary relocation.

The determination of your residency must be made in good faith, and not with your “fingers crossed behind your back.”

The City relies on Council members’ representation of their residency. However, if evidence is presented that shows a member’s residency is not as represented, further inquiry will have to be made. The Common Council can conduct an investigation of any of its members’ compliance with residency requirements. A determination by the Council requires a due-process hearing with the presentation of evidence and an opportunity for the accused member to present rebutting evidence.

Violations of the residency requirements can also be reported to, and investigated by, the Attorney General’s office. §8.28(1).

Please review these rules carefully. If you have any questions about any of this, please contact me or other members of my staff.