

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0629/1dn
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This draft provides in proposed s. 119.07 (1) for the one-time extension of the terms of incumbent school board members in existing 1st class cities who are elected at the 2001 spring election by approximately one and a half years. As city officers, article XIII, section 9, of the Wisconsin Constitution requires school board members in a 1st class city to be elected by the electors of the city or appointed by other city officers. The Wisconsin Supreme Court has held that the "continuance of a person in office by legislative interference, beyond the specific term for which he was elected or appointed, is equivalent to a new appointment to the office, and void if the office be one that the legislature cannot fill by direct appointment or election". *O'Connor v. City of Fond du Lac*, 109 Wis. 253, 268 (1901). See also 32 *Op. Att'y Gen.* 398 (1943).

If you wish, this issue could be addressed by removing the provisions of the draft providing for term extensions and substituting provisions for one-time election of school board members to shortened terms of approximately one and a half years.

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