February 21, 2018 - Introduced by Senator DARLING, cosponsored by
Representatives HUTTON, SANFELIPPO, KOYENG, THIESFELDT, TUSLER and
SPIROS. Referred to Committee on Elections and Utilities.

AN ACT to amend 757.02 (2) of the statutes; relating to: prohibiting a judge from
holding a nonjudicial office of public trust while serving in the office to which
the judge was appointed or elected.

Analysis by the Legislative Reference Bureau

This bill provides that a judge of any court of record in this state, including a
justice of the state supreme court, may not hold an office of public trust, other than
a judicial office, while serving in the judicial office to which the judge was appointed
or elected. Current law prohibits a judge from holding an office of public trust during
the term for which the judge or justice was elected. The Wisconsin Supreme Court,
in Wagner v. Milwaukee County Election Commission, 2003 WI 103, has interpreted
this provision of current law to prohibit a judge from seeking elected office for the
duration of the term, regardless of whether the judge resigns from his or her judicial
office.

The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:

SECTION 1. 757.02 (2) of the statutes is amended to read:
757.02 (2) The judge of any court of record in this state shall be ineligible to hold any office of public trust, except a judicial office, during the term for which he or she while serving in the judicial office to which the judge was elected or appointed.

(END)