



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1278/P2
MPG:skw

DOA:.....Rice, BB0288 - Senate Confirmation of Certain Board or Council
Nominations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Vacancies in certain appointive offices

Under current law, vacancies in public office may occur in a number of ways, including when the incumbent resigns, dies, or is removed from office, or, in the case of elected office, when the incumbent's term expires. However, as the Wisconsin Supreme Court held in *State ex rel. Kaul v. Prehn*, 2022 WI 50, expiration of an incumbent's term of office does not create a vacancy if the office is filled by appointment for a fixed term. Absent a vacancy or removal for cause, these incumbents may remain in office until their successors are appointed and qualified.

Under this bill, a vacancy in public office is created if the office is filled by appointment of the governor by and with the advice and consent of the senate for a fixed term and the incumbent's term expires or the governor submits his or her nomination for the office to the senate, whichever is later.

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

SECTION 1. 17.03 (10m) of the statutes is created to read:

17.03 **(10m)** If the office is filled by appointment of the governor for a fixed term by and with the advice and consent of the senate, the incumbent's term expires or, if later, the governor submits his or her nomination for the office to the senate.

(END)