



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 401**  
[2005 Senate Bill 473]

**County Highway Commissioners**

2005 Wisconsin Act 401 modifies the statutes relating to terms of office and vacancies in the office of county highway commissioner.

### **Term of Office**

Under *prior law*, upon a county highway commissioner's first election, he or she served until the first Monday in January of the second year succeeding the year of the election. If the county highway commissioner was re-elected, the term was two years. The county board could establish a different term of service by ordinance.

*Act 401* provides that a county highway commissioner serves a term of two years unless the county board establishes a different term of service. The Act also provides that, upon a county highway commissioner's first election or appointment, the county highway commissioner serves until the first Monday in January of the second year succeeding the year of the election or appointment unless the county board establishes a different term of service.

### **Vacancies**

Under *prior law*, an appointment to fill a vacancy in the office of county highway commissioner terminated the first Monday of January of the second year next succeeding the appointment. If a vacancy occurred while the county board was not in session, the county highway committee was required to make a temporary appointment. A person appointed on a temporary basis held office until the first Monday of January next succeeding the person's appointment. The person's successor was required to be appointed by the county board at its first regular meeting next succeeding such appointment and the successor was required to take office on the Tuesday following the first Monday of January next succeeding.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

Under *Act 401*, a person elected or appointed to fill a permanent vacancy in the office of county highway commissioner serves a regular term, as described above. Also, under the Act, a person appointed on a temporary basis must hold office until his or her successor is elected or appointed and qualified. The person's successor, if the office is regularly filled by election by the county board, must be elected at a meeting held no later than 120 days after the date on which the vacancy occurs. If the office is regularly filled by appointment by the county executive, the person must be appointed as provided under current law. The person's successor must take office upon his or her election or appointment and qualification.

***Effective Date:*** Act 401 takes effect on May 25, 2006, and first applies to vacancies occurring in the office of county highway commission on that date.

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