

Alberta Darling
Wisconsin State Senator
Co-Chair, Joint Committee on Finance

Testimony Before the Senate Committee on Elections, Ethics, and Rural
Issues

Senate Bill 406
September 24, 2019

Thank you, Chair Bernier and committee members for holding a public hearing on Senate Bill 406.

Under current law a judge is prohibited 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.

This has prevented judges, who are community leaders, the opportunity to run for office that falls within their term of judicial service even if they resign. This interpretation puts judges in a unique class unlike any other.

This legislation would provide clarity in statute that a judge of any court in the state of Wisconsin may seek another elected office if they have resigned from the current term they had been elected to.

I would like to thank Representative Hutton for his leadership on this issue. Thank you committee members for holding a hearing on Senate Bill 406, and I hope I can count on your support.



Rob Hutton

STATE REPRESENTATIVE • 13TH ASSEMBLY DISTRICT

September 24, 2019

To: The Senate Committee on Elections, Ethics and Rural Issues
From: Rep. Rob Hutton
Re: Senate Bill 406

Testimony of Rep. Rob Hutton in Support of Senate Bill 406

Mr. Chairman and members of the committee, thank you for giving Senate Bill 406 a public hearing. The bill that is before you today is a technical fix that will remove the statutory provision that prevents well qualified public servants from running for partisan public office even if they resign from their position as a judge.

In 2003 The Wisconsin Supreme Court ruled in *Wagner v. Milwaukee County Election Commission* that current law prohibits a judge from seeking elected office for the duration of their term. This means that a judge cannot seek elected office while they are still a judge, or if they resign mid-term. Judges are ineligible to run for elected office until their original term for which they had been elected has been fulfilled.

This has prevented judges, who are community leaders, the opportunity to run for office that falls within their term of judicial service even if they resign. We believe this interpretation puts judges in a unique class unlike any other. For example a school board member or common council member can resign their seat at any point to run for another office while a judge cannot.

This legislation would provide clarity in statute that a judge of any court in the state of Wisconsin may seek another elected office if they have resigned from the current term they had been elected to.

Thank you again for the opportunity to testify on this important piece of legislation.