
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 95

**Assembly
Amendment 1**

2023 ASSEMBLY BILL 95

Under **current law**, if a local elective official is removed from office for cause, that official is ineligible to fill the vacancy created by the removal. In this context, “cause” generally means inefficiency, neglect of duty, official misconduct, or malfeasance in office. Cause must be determined under a procedure that begins with the submission of written, verified charges and includes a speedy public hearing, at which the person against whom the charges are filed has a full opportunity to be heard and present a defense.

2023 Assembly Bill 95 expands the timeframe and circumstances in which a person is ineligible for a local elective office following removal proceedings. Specifically, under the bill, a local elective official, other than a sheriff, who is removed from office for cause, or who resigns from office after written verified charges for such removal are filed but while removal proceedings are still pending, is ineligible for that elective public office.

However, the bill provides a process through which a person who resigned from office while for-cause removal proceedings were pending may apply to the removing power (typically the governing body of the relevant town, village, city, or county) for restoration of the person’s eligibility for the office. Under that process, the bill requires the removing power to hold a public hearing, at which the public official has a full opportunity to be heard, to consider: (1) whether the written verified charges filed against the person would have resulted in the person’s removal from office; and (2) whether the resignation was made for the purpose of impeding the removal proceeding. The removing power must determine whether the official’s eligibility should be restored within 30 days after the hearing.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 removes the process, described above, by which a person who resigns from an elective public office while for-cause removal proceedings are pending may apply to the relevant removing power for restoration of the person’s eligibility for the office.

BILL HISTORY

Representative Spiros offered Assembly Amendment 1 on April 12, 2023. On April 18, 2023, the Assembly Committee on Local Government voted to recommend the amendment on a vote of Ayes, 12; Noes, 0. The committee then voted to recommend passage of the bill, as amended, on a vote of Ayes, 8; Noes, 4.

For a full history of the bill, visit the Legislature’s [bill history page](#).

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