
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Senate Bill 104

Senate Substitute Amendment 1

2023 SENATE BILL 104

Senate Bill 104 relates to eligibility to run for city, village, town, or county elected office. 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 Senate Bill 104 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.

SENATE SUBSTITUTE AMENDMENT 1

Like the original bill, Senate Substitute Amendment 1 makes local elected officials who were removed for cause, or who resigned while removal proceedings were pending, ineligible to run again for that office. However, unlike the bill, the ineligibility only applies if the local elected official was removed by a two-thirds vote of a governing body. The ineligibility provision does not apply to a sheriff or to an elected official who is removed for cause by a removing power who is a single person (the Governor). Additionally, unlike the original bill, the substitute amendment does not provide a petition process under which officials who resign while removal proceedings are pending may petition to have their eligibility for office restored.

BILL HISTORY

Senate Substitute Amendment 1 was offered by Senator Tomczyk on November 7, 2023. On November 10, 2023, the Senate Committee on Shared Revenue, Elections and Consumer Protection adopted the amendment, and passed Senate Bill 104, as amended, on votes of Ayes, 3; Noes, 2.

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

KBO:jal