



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2906/1
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2025 SENATE BILL 249

May 9, 2025 - Introduced by Senators BRADLEY, QUINN, CABRAL-GUEVARA, FEYEN, MARKLEIN, NASS and TOMCZYK, cosponsored by Representatives ALLEN, MAXEY, BEHNKE, BRILL, BROOKS, GOEBEN, GREEN, GUNDRUM, KNODL, KREIBICH, MURPHY, O'CONNOR, PENTERMAN, PIWOWARCZYK, STEFFEN and WICHGERS. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

1 **AN ACT** *to create* 17.03 (10m) of the statutes; **relating to:** vacancies in
2 appointive state offices.

Analysis by the Legislative Reference Bureau

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 an appointive state office for a fixed term and the incumbent's term expires.

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

3 **SECTION 1.** 17.03 (10m) of the statutes is created to read:
4 **17.03 (10m)** If the office is an appointive state office for a fixed term, the
5 incumbent's term expires. In this subsection, "appointive state office" means an

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SECTION 1

1 appointive office of any department, agency, board, office, commission, authority, or
2 other body in state government created or authorized to be created by the
3 constitution or any law, but not including the legislature and the courts.

4 (END)