



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Testimony – A.B. 552

Assembly Committee on Campaigns and Elections

Tuesday, October 31, 2023

In April of 1977, the citizens of Wisconsin, acknowledging that the judiciary requires a sound mind and good judgement, passed a constitutional amendment permitting age limits on justices of courts of record in Wisconsin. Despite a resounding approval of 67.46%, the state legislature never fulfilled its moral obligation to institute such an age limit.

Members of the judiciary play a critical role in our system of government and require the ability to sort fact from fiction, exercise independent non-partisan judgement on laws as written, and delve into case history to reach a determination on issues brought before them. These tasks are detailed, labor intensive, and critical to the functioning of our state.

As individuals age, we know that their ability to tackle different tasks becomes increasingly difficult. At the same time, it can be difficult for many to come to terms with the fact that tasks previously routine are now challenging or impossible. Even worse, we frequently see those in positions of power fail to acknowledge this reality and turn over the reins to the next generation, instead holding tight to their position whether through a poor assessment of their abilities or a desire to retain their current influence in perpetuity.

AB 552 acknowledges these realities and builds on the charge given to this body in 1977, implementing age limits for the judiciary in Wisconsin. Under the bill an individual who is 75 years old at the time of a potential appointment or election date, would be ineligible for service, outside of a temporary reserve judge.

This legislation does not affect any current WI Supreme Court Justice and does not remove those who currently hold office. Under the bill an individual who is elected prior to their 75th birthday would be eligible to fulfill their entire term not just the portion preceding their 75th birthday.

With Wisconsin increasingly a target for litigation from groups attempting to overturn lawfully crafted statutes, it's important we ensure our courts remain up to the task of tackling civil and criminal lawsuits whenever they may come before them.

NIK RETTINGER

STATE REPRESENTATIVE • 83rd ASSEMBLY DISTRICT

TESTIMONY ON ASSEMBLY BILL 552 Assembly Committee on Campaigns and Elections October 31, 2023

Good morning, Chairman Krug and other members of the Assembly Committee on Campaigns & Elections. I appreciate the opportunity to testify on Assembly Bill 552 today.

During his Inaugural Address in 1961, then-President John F. Kennedy spoke of the torch being passed to a new generation of Americans. Based on commentary from news media, social media, and our constituencies, there is now again a growing desire from the public for another passage of the torch.

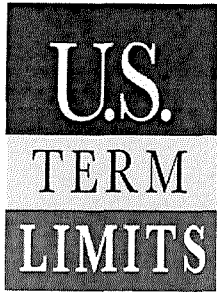
The Wisconsin Constitution authorizes the Legislature to set an “age cap” on Supreme Court Justices and judges of a court of record. Under the bill, individuals may not be elected or appointed to serve as a Supreme Court justice or judge of a court of record if the date of the election or appointment occurs on or after the date the person attains the age of 75 years old.

Please note that this does not include temporary reserve judge, who would be able to continue to serve beyond the age of 75.

Wisconsin would not be the first state to enact such an age limit for justices and judges. Over 30 other states have enacted limits as low as 70 years of age. As for some of our neighbors, data from the National Center for State Courts show that Michigan and Minnesota both have an age cap of 70 years old. Iowa has an age cap of 72. In fact, all but one of the states that have enacted age caps set them between 70 and 75.

While judicial elections have recently become very contentious here in Wisconsin, I want to be clear that none of our current State Supreme Court Justices would be effected by this legislation, should they seek re-election to office. We crafted the language of this bill in such a way to avoid stoking any partisan flames that may surround the high court, and instead simply looked to meet the growing sentiment among the public and carry out a direct authorization from the Wisconsin Constitution.

Thank you again Chair Krug, Vice-Chair Maxey, and the rest of the members of this Committee for taking the time today to hold a Public Hearing. I ask for your support in passage of AB 552.



U.S. Term Limits
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October 30, 2023

Testimony in Support of AB 552 relating to setting a maximum age for serving as a supreme court justice or judge of a court of record.

Dear Chair Krug, Vice-Chair Maxey, and members of the Committee on Campaigns and Elections,

My name is Kenn Quinn and I am the Regional Director for U.S. Term Limits (USTL). Our organization supports AB 552, sponsored by Representative Rettinger, which proposes a maximum age limit for justices serving on the Wisconsin Supreme Court or judges serving on a court of record. This legislation would align Wisconsin with the majority of states and with most countries in the world today.

Since 1991, USTL has advocated for term limits for governing positions ranging from school boards to the U.S. Congress. The abuse of power and neglect of duty have been experienced due to individuals holding positions for life. While AB 552 does not propose term limits, it does ensure that no single person can retain a position on a court for an indefinite period.

Mandatory retirement ages or set terms of service are common practices for judges in many countries worldwide. In the U.S., most states have mandatory retirement ages for their justices, with 70 being the most common age limit. According to the Pew Research Center, 82% of Democrats and 68% of Republicans support age limits for justices of the U.S. Supreme Court.

Age limits for judges and justices are sound policies that promote better accountability in our government. As Americans live longer, an age gap between elected officials and the people they serve emerges. Continuously allowing individuals to run for reelection creates significant advantages for incumbents, making it difficult for new individuals to serve. Age limits can help reduce the power of incumbency and bridge the age gap between judges/justices and their constituents.

USTL supports AB 552, and I encourage the committee members to vote in favor of AB 552 to set the maximum age for service on the Wisconsin Supreme Court and courts of record.

Sincerely,

Kenn Quinn
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Regional Director
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