

# JOHN SPIROS

State Representative • 86th Assembly District

April 12, 2023

## Testimony on Assembly Bill 95

Good Morning Chairman Novak and members of the Assembly Committee on Local Government, and thank you for hearing my testimony this morning on Assembly Bill 95. The bill closes a loophole in statutes that allows individuals who have been removed from office to run for that same position in the future.

Under current law, a person removed from local office by procedures outlined in statute is only prohibited from filling the vacancy left by their own removal. This means that they could run for the same position they were removed from the next election cycle. This is not unheard of. This very scenario occurred in Marshfield, WI a few years ago. The City Council removed the sitting mayor by an 8-2 vote after he deleted public records and lied about it. Less than a year later, he again ran for mayor.

The bill addresses this loophole by making two changes. First, it prevents persons who have been removed for cause from an elected position from running for that same elected office in the future. "For cause" is defined in statutes and includes things like neglect of duty, official misconduct, or malfeasance. The bill does not prevent the person removed from running for a different elected position, for example if a mayor was removed he could still run for school board.

Second, the bill addresses a situation where someone resigns to evade formal removal. If an elected official resigns after written verified charges are filed, but before a public hearing is completed, they would also be ineligible for that same position in the future. Again, their eligibility for other elected positions would not be affected.

The amendment to the bill removes Section 3. This change has been made after discussions with local government organizations, and I am confident that with the amendment, these local government organizations will support the bill.

Again, thank you Chairman Novak and committee members for hearing my testimony on Assembly Bill 95. I urge you to support this bipartisan bill and look forward to answering any questions you may have.



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# CORY TOMCZYK

STATE SENATOR • 29<sup>TH</sup> SENATE DISTRICT

April 12, 2023

**Assembly Committee on Local Government  
Testimony Sen. Cory Tomczyk in favor of AB 95**

Chairman Novak and Members of the Committee on Local Government,  
thank you for hearing AB 95 today.

Under state statute, if a local elected or appointed official is removed from office, they are allowed to hold that position again. Current law stipulates if a person is removed from local office, they are not prohibited from holding that position in the future. The only prohibition is that they are unable to fill the vacancy spurred by their removal.

AB 95 would strengthen the integrity of elected office by preventing an individual removed for cause from holding that same position again.

This bill would also prevent someone from evading removal by resigning before removal proceedings are completed. If an elected official resigns after written verified charges are filed and before a public hearing is completed and they wish to run for that position the future, they must prove that a) the charges would not have resulted in a removal from office and b) the resignation was not an attempt to evade removal procedures.

## MEMORANDUM

**TO:** Honorable Members of the Assembly Committee on Local Government

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** April 12, 2023

**SUBJECT:** Support of Assembly Bill 95

Thank you for the opportunity to speak in favor of AB 95, which assists counties in ensuring the most-qualified persons are serving the citizens of our state in elected office.

Under current law, an elected county officer may be removed from office by the governor in the case of the sheriff, coroner or register of deeds and the county board in the case of the clerk, treasurer, surveyor or county board supervisor. The clerk of circuit court may be removed by the judge or a majority of judges in the circuit. In all cases, such an official may be removed only for "cause," which is defined in s. 17.001 of the statutes as "inefficiency, neglect of duty, official misconduct, or malfeasance in office." In order to establish cause for removal, the removing authority (typically county board or governor) must hold a full due process hearing established in s. 17.16 and otherwise required by the Constitution based upon written charges filed by a resident taxpayer.

Under current law, there is nothing prohibiting an elected official from running for the office from which that official was previously removed. Likewise, if an elected official resigns from office prior to the removing authority holding a hearing on the charges seeking removal, there is nothing prohibiting that elected official from later running for the same office. It makes little sense to allow a person that has either been found to have been unfit for office or who resigned to avoid such a finding to be able to later run for the same office. Yet, that is what has happened in certain circumstances and threatened in others. This is especially problematic in situations where a removal proceeding or resignation in lieu of a removal proceeding occur late in an incumbent's term of office.

From WCA's perspective, effective local government relies heavily upon the good faith of the officials elected to do their job and do it well. An individual found to be unfit to hold the office should not be eligible to be placed on the ballot again.

WCA fully supports the amendment drafted by the author removing section 3 of the bill language.

WCA respectfully requests that the committee support AB 95.