



## 2023 SENATE BILL 465

September 29, 2023 - Introduced by Senators TOMCZYK, BALLWEG and JAMES, cosponsored by Representatives MAGNAFICI, BEHNKE, BRANDTJEN, BROOKS, EDMING, GREEN, GOEBEN, GUNDRUM, GUSTAFSON, KITCHENS, MICHALSKI, MURPHY, O'CONNOR, ROZAR, SCHUTT and STEFFEN. Referred to Committee on Government Operations.

1     **AN ACT** *to amend* 17.19 (4) of the statutes; **relating to:** filling vacancies in  
2           elective state offices in the executive branch.

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### *Analysis by the Legislative Reference Bureau*

Currently, the governor fills by appointment all vacancies in the offices of secretary of state, treasurer, attorney general, and state superintendent of public instruction. The person appointed to fill any such vacancy is not subject to senate confirmation and holds office until a successor is elected by special election and qualified. If no special election is held, the person appointed by the governor holds office for the remainder of the unexpired term.

This bill eliminates the ability of the governor to fill vacancies in these offices by appointment without senate confirmation, instead providing that the vacancies are filled by special election. However under the bill, if a vacancy occurs in any of these offices on or after January 1 of a year in which there is a regularly scheduled election for the office, the vacancy must be filled by nomination of the governor and appointment with the advice and consent of the senate of a person to serve the remainder of the unexpired term.

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

3           **SECTION 1.** 17.19 (4) of the statutes is amended to read:

**SENATE BILL 465****SECTION 1**

1           17.19 (4) OTHER ELECTIVE STATE OFFICERS. In the office of secretary of state,  
2 treasurer, attorney general, or state superintendent, by ~~appointment~~ as provided in  
3 s. 8.50, except that a vacancy occurring in such office on or after January 1 of a year  
4 in which there is a regularly scheduled election for the office shall be filled by  
5 nomination of the governor; and ~~a person so appointed shall hold office until a~~  
6 ~~successor is elected, as provided in s. 8.50, and qualifies, but if no such election is~~  
7 ~~held, the person so appointed shall hold office for~~ appointment with the advice and  
8 consent of the senate to serve the residue of the unexpired term. The governor may  
9 not fill any vacancy under this subsection with a provisional appointment.

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(END)