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Testimony – **SB 569**

Senate Committee on Shared Revenue, Elections and Consumer Protection

Tuesday, December 19, 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.

SB 569 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

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TESTIMONY ON SENATE BILL 569

Senate Committee on Shared Revenue, Elections and Consumer Protection

December 19, 2023

Good morning, Chairman Knodl and other members of the Senate Committee on Shared Revenue, Elections and Consumer Protection. I appreciate the opportunity to testify on Senate Bill 569 and 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 was amended in 1977 to authorize the Legislature to set an “age cap” of not lower than 70 on Supreme Court Justices and judges of a court of record. To that end, as prescribed under AB 552, 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.

We are not establishing a mandatory immediate retirement age, which allows for a glide path for those who turn 75 while in office to finish out their current term. Please also note that this does not include temporary reserve judge, who would be able to continue to serve beyond the age of 75.

In finally establishing this age cap, Wisconsin would not be the first state to enact such an age limit for justices and judges. In fact, 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.

Believe it or not, judicial elections have recently become a little more 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 look to meet the growing sentiment among the public and carry out a direct call of the Legislature placed within our State Constitution.

Mr. Chairman, this body voted to send this amendment to the public and the people of this state voted to amend our State Constitution. I think that’s a pretty clear mandate. Let’s take this common sense step and join the bulk of other states, including most of our neighbors in setting a reasonable age cap for the judicial branch.

Thank you again, Chairman Knodl, for hearing SB 569 and AB 552 today. I appreciate the time of the members of this committee and ask for your support of this legislation.