



Wisconsin Elections Commission

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March 7, 2025

Dear Mr. Breazeale:

¶ 1. You asked the Wisconsin Elections Commission (“the Commission”) to issue an advisory opinion concerning whether there is a requirement that the newly elected or appointed committeemen and committeewomen (“county party committee members”) described in section 8.17(1)(a) of the Wisconsin Statutes take an oath of office. You also asked to be provided with the text of that oath of office, if there is one.

¶ 2. The Commission may issue a formal or informal written advisory opinion in response to a request for an advisory opinion. Wis. Stat. § 5.05(6a)(a)(1) (2021-22).¹ The Commission welcomes this opportunity to provide its position on this question of first impression in Wisconsin. The interpretation provided herein reflects the formal advisory opinion of the Commission with respect to your specific questions. The Commission’s opinions on these matters may be subject to judicial or legislative review.

¶ 3. After a review of the Wisconsin Constitution’s requirement for oaths of office, also known as official oaths, statutory provisions related to official oaths and county party committee members, and relevant case law, it is the Commission’s opinion that county party committee members are not required to take any official oath upon election, appointment, reelection, or reappointment.

¶ 4. Because neither the Wisconsin Constitution nor any statute require such an oath, the Commission will not suggest any oath text.

I. Relevant Statutory Provisions and Case Law

A. Official Oaths

¶ 5. The Wisconsin Constitution mandates that certain officers take an official oath before performing the duties of their office. Wis. Const. art. IV, § 28. The Constitution states that

[m]embers of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of the state of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

Id. The Wisconsin Statutes provide the form of this official oath, with exceptions for judges and admission to the practice of law, and state that it “shall be in writing,” Wis. Stat. § 19.01(1).

¹ All subsequent references to the Wisconsin Statutes are to the 2021–22 version unless otherwise indicated.

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¶ 6. However, the statute providing the official oath does not itself require an official oath from any officer, with one exception not relevant here.² Wis. Stat. § 19.01(7). Instead, the statute states that the oath it provides is only applicable to officers required to file an oath “elsewhere in these statutes or by the constitution or by special, private or local law.” *Id.* As an example of an oath required by the Statutes, section 60.31(1) requires that “every elected or appointed town officer,” with exceptions, swear and file the official oath. Wis. Stat. § 60.31(1).

¶ 7. Courts have interpreted this statute according to its plain language, holding that section 19.01(1) “merely provides the form that the oath, if required, should take” and that section 19.01(7) “does not require an oath.” *Dietrich v. Wildo*, 220 Wis. 2d 358, 582 N.W.2d 504 (Ct. App. 1998) (unpublished disposition), *accord State v. Henderson*, No. 2013AP2698-CR, 2016 WL 8605397, at *1 (Wis. Ct. App. 2016) (summary disposition, not an authored opinion per Wis. Stat. § 809.23(3)(b)). These cases, rejecting challenges to the acts of officials for alleged failure to swear and file official oaths, reinforce the principle that officials are only required to swear and file official oaths as mandated by the Wisconsin Constitution or explicitly directed by a statute.

¶ 8. The official oath statute contemplates that a “special, private, or local law” (“private law,”) Wis. Stat. § 19.01(7), could be passed requiring an official oath in relation to a particular person, place, or thing, assuming the private law is otherwise constitutional.³ The term private law refers to a law “of limited applicability” in contrast to a general law. *See Soo Line R. Co. v. Dep’t of Transp., Div. of Highways*, 101 Wis. 2d 64, 70-72, 303 N.W.2d 626, 629-30 (1981). “While a local law usually refers to a law relating to a geographical place, a private law is generally viewed as one applying to or affecting a particular individual or entity.” *Id.* at 75. Such laws may not “embrace more than one subject” which must be “expressed in the title,” Wis. Const. art. IV, § 18, and may not deal with certain topics, *id.* at § 31, which only general laws – those that are “uniform in their operation throughout the state” – may deal with. *Id.* at § 32. In this context, private laws are part of the Wisconsin Statutes, so if there was a private law that required an oath, it would still be found “elsewhere in these statutes.” Wis. Stat. § 19.01(7).

¶ 9. The result is that, to locate or rule out an official oath requirement for a particular official, one looks to any law that governs those officials. Here, the officials in question are county party committee members.

B. County Party Committee Members

¶ 10. There is no mention of an official oath in the statute describing the office and duties of county party committee members. Wis. Stat. § 8.17. Section 8.17 provides a method for members of political parties to elect county party committee members, the function of the elected members, their relationship with other party committees including congressional district and state party committees, and an alternative method for a county’s residents to form a county party committee in the absence of an elected county party committee. *Id.* The statute also states that “[t]he terms of committeemen and committeewomen, county committee officers and congressional district committee members begin during the meeting immediately upon completion and verification of the voting for each office.” Wis. Stat. § 8.17(5)(b). Were there any requirement for an oath, it would be described in this statute because it would need to occur between the voting and the immediate start of the term. A plain reading of this statute shows that the term begins without any requirement to take an oath.

II. Analysis

A. There is no official oath requirement for county party committee members.

¶ 11. County party committee members as described in section 8.17 are not among those officials required to swear an oath under the Wisconsin Constitution because they are not members of the legislature or executive or

² Subsection 7 goes on to require that governor-appointed members of boards or commissions and administrative officers, as well as every secretary or chief executive officer appointed by such a board or commission, file an oath of office. Wis. Stat. § 19.01(7).

³ This language about “special, local, and private laws” was added by 1943 Wisconsin Act 351, which related to “bonds of public officials and employe[e]s” and amended section 330.20(2) to broaden the scope of recovery for breach of official bonds. 1943 Wis. Sess. Laws 635-36. This act may have contemplated private laws requiring official bonds in particular circumstances.

judicial officials. Wis. Const. art. IV, § 28. County party committee members are a legislatively created local party official. Section 19.01(1) provides the official oath for those constitutionally and legislatively required to file one but does not itself require any oaths. Wis. Stat. §§ 19.01(1), (7). The statute describing the office and duties of county party committee members, Wis. Stat. § 8.17, does not call for an official oath unlike, for example, section 60.31(1)'s requirement that elected or appointed town officers swear and file an official oath. Wis. Stat. § 60.31(1). The Commission can find no other applicable official oath requirement, including in a private law, in the Wisconsin Statutes. *See also* 22 Op. Atty. Gen. 811 (1933) (stating that a town health officer was not required to file an oath because nowhere in any related statute could a requirement for an oath be found).

B. The text of any such official oath cannot be determined.

¶ 12. Because there is no official oath requirement for county party committee members, the Commission will not provide any oath text.

III. Conclusion:

¶ 13. After conducting a thorough analysis of the statutory language of section 8.17, and applying all binding precedent, the Commission concludes that county party committee members are not subject to any official oath requirement.