



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0159/1  
PJD:jg:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY JOINT RESOLUTION 63**

October 26, 1999 – Offered by Representative HUBLER.

1       ***To renumber and amend*** section 9 of article VII; ***to amend*** sections 4 (1) and 10  
2           (1) of article VII; and ***to create*** section 9 (2) of article VII and section 17 of article  
3           XIV of the constitution; **relating to:** appointment of justices of the supreme  
4           court (first consideration).

5       ***Resolved by the assembly, the senate concurring, That:***

6       **SECTION 1.** Section 4 (1) of article VII of the constitution is amended to read:  
7           [Article VII] Section 4 (1) The supreme court shall have 7 members who shall  
8           be known as justices of the supreme court. Justices shall be elected nominated by  
9           the governor and, with the advice and consent of the senate, appointed for 1015-year  
10          terms of office commencing with the August 1 next succeeding the election  
11          appointment, which term of office shall continue until a successor is appointed and  
12          qualified. A person may not be appointed to more than one 15-year term of office.  
13          Only one justice may be elected appointed to serve for a full term in any year. Any

1 4 justices of the supreme court shall constitute a quorum for the conduct of the  
2 supreme court's business.

3 **SECTION 2.** Section 9 of article VII of the constitution is renumbered section 9  
4 (1) of article VII and amended to read:

5 [Article VII] Section 9 (1) When a vacancy occurs in the office of ~~justice of the~~  
6 ~~supreme court or~~ judge of any court of record other than that of justice of the supreme  
7 court, the vacancy shall be filled by appointment by the governor, which shall  
8 continue until a successor is elected and qualified. There shall be no election for a  
9 ~~justice or~~ judge at the partisan general election for state or county officers, nor within  
10 30 days either before or after such election.

11 **SECTION 3.** Section 9 (2) of article VII of the constitution is created to read:

12 [Article VII] Section 9 (2) (a) When a vacancy occurs in the office of justice of  
13 the supreme court before expiration of the full 15-year term of office, the vacancy  
14 shall be filled by nomination and, with the advice and consent of the senate,  
15 appointment by the governor. Except as otherwise provided in par. (b), the term of  
16 office of a justice appointed to fill a vacancy shall commence upon qualification and  
17 expire on August 1 of the 15th year beginning after appointment. A person may not  
18 be appointed to more than one 15-year term of office. An appointee shall serve until  
19 a successor is appointed and qualified.

20 (b) If the service for the term prescribed in par. (a) would cause the appointee  
21 to serve for a term of office that would expire in the same year that the term of office  
22 of another justice of the supreme court expires, the term of office of the appointee  
23 shall expire on August 1 of the last year preceding that year in which no term of office  
24 of any other justice of the supreme court expires. An appointee shall serve until a  
25 successor is appointed and qualified.

1           **SECTION 4.** Section 10 (1) of article VII of the constitution is amended to read:

2           [Article VII] Section 10 (1) No justice of the supreme court or judge of any court  
3 of record shall hold any other office of public trust, except a judicial office, during the  
4 term for which elected or appointed. No person shall be eligible to the office of judge  
5 who shall not, at the time of election or appointment, be a qualified elector within the  
6 jurisdiction for which chosen.

7           **SECTION 5.** Section 17 of article XIV of the constitution is created to read:

8           [Article XIV] Section 17 (1) The changes to the constitution made by this  
9 1999/2001 amendment first apply to vacancies in the office of justice of the supreme  
10 court that occur after the ratification of this subsection.

11           (2) The term of a person elected to the office of supreme court justice before  
12 ratification of this subsection expires at the end of the term for which elected.

13           **SECTION 6. Numbering of new provision.** The new section 17 of article XIV  
14 of the constitution created in this joint resolution shall be designated by the next  
15 higher open whole section number in that article if, before the ratification by the  
16 people of the amendment proposed in this joint resolution, any other ratified  
17 amendment has created a section 17 of article XIV of the constitution of this state.  
18 If one or more joint resolutions create a section 17 of article XIV simultaneously with  
19 the ratification by the people of the amendment proposed in this joint resolution, the  
20 sections created shall be numbered and placed in a sequence so that the sections  
21 created by the joint resolution having the lowest enrolled joint resolution number  
22 have the numbers designated in that joint resolution and the sections created by the  
23 other joint resolutions have numbers that are in the same ascending order as are the  
24 numbers of the enrolled joint resolutions creating the sections.

