



## 2011 ASSEMBLY JOINT RESOLUTION 24

April 7, 2011 – Introduced by Representatives ZIEGELBAUER, LEMAHIEU and THIESFELDT. Referred to Committee on Urban and Local Affairs.

1     **To renumber and amend** section 9 of article XIII; **to amend** section 4 (1) (a) of  
2             article VI, section 4 (1) (c) of article VI and section 4 (4) of article VI; and **to**  
3     **create** section 9 (3) of article XIII and section 17 of article XIV of the  
4             constitution; **relating to:** appointment of certain officers in county and judicial  
5             circuit offices (first consideration).

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### *Analysis by the Legislative Reference Bureau*

#### **CURRENT**

Currently, the constitution provides for the election every four years of county sheriffs, clerks of circuit court, registers of deeds, district attorneys, county clerks, and treasurers, surveyors unless a county appoints a surveyor, and, unless a county appoints a medical examiner, coroners, except that the constitution abolishes the offices of coroner and surveyor in counties having a population of 500,000 or more.

#### **PROPOSED**

This proposed constitutional amendment, proposed to the 2011 legislature on first consideration, permits counties to choose to elect or appoint county clerks, treasurers, registers of deeds, surveyors, and other county officers, except sheriffs, district attorneys, coroners, clerks of circuit court, and county chief executive offices, county supervisors, and judges. If the county board directs a change from an elected to appointive office, or from an appointive to elective office, the change does not take effect unless it is approved by the county voters at a referendum.

## ADOPTION AND RATIFICATION

A constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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

2           **SECTION 1.** Section 4 (1) (a) of article VI of the constitution is amended to read:

3           [Article VI] Section 4 (1) (a) Except as provided in pars. (b) and (c) and sub. (2),  
4 coroners, ~~registers of deeds,~~ district attorneys, and all other elected county officers,  
5 except judicial officers, sheriffs, and chief executive officers, shall be chosen by the  
6 electors of the respective counties once in every 2 years.

7           **SECTION 2.** Section 4 (1) (c) of article VI of the constitution is amended to read:

8           [Article VI] Section 4 (1) (c) Beginning with the first general election at which  
9 the president is elected which occurs after the ratification of this paragraph, district  
10 attorneys, ~~registers of deeds, county clerks, and treasurers~~ shall be chosen by the  
11 electors of the respective counties, or by the electors of all of the respective counties  
12 comprising each combination of counties combined by the legislature for that  
13 purpose, for the term of 4 years ~~and surveyors in counties in which the office of~~  
14 ~~surveyor is filled by election shall be chosen by the electors of the respective counties,~~  
15 ~~or by the electors of all of the respective counties comprising each combination of~~  
16 ~~counties combined by the legislature for that purpose, for the term of 4 years.~~

17           **SECTION 3.** Section 4 (4) of article VI of the constitution is amended to read:

18           [Article VI] Section 4 (4) The governor may remove any elected county officer  
19 mentioned in this section ~~except a county clerk, treasurer, or surveyor,~~ by giving to  
20 the officer a copy of the charges and an opportunity of being heard.

21           **SECTION 4.** Section 9 of article XIII of the constitution is renumbered section  
22 9 (1) of article XIII and amended to read:

1           [Article XIII] Section 9 (1) All county officers, except county supervisors,  
2           sheriffs, district attorneys, coroners, and clerks of circuit court, whose election or  
3           appointment is not provided for by this constitution after the ratification of this  
4           subsection shall be elected by the electors of the respective counties, or appointed by  
5           the chief county executive officers, if that office exists in the county, or the boards of  
6           supervisors, or other county authorities if the office of chief county executive officer  
7           does not exist in the county, as the legislature county board of the respective counties  
8           shall direct. If the county board directs a change from an elected to appointive office,  
9           or from an appointive to elected office, the change does not take effect without  
10           submitting the question to a vote of the people of the county, nor unless a majority  
11           of all of the legal voters of the county voting on the question shall vote for the same.

12           (2) All city, town, and village officers whose election or appointment is not  
13           provided for by this constitution after the ratification of this subsection shall be  
14           elected by the electors of such cities, towns, and villages, or of some division thereof,  
15           or appointed by such authorities thereof, as the legislature shall designate for that  
16           purpose.

17           (4) All other officers whose election or appointment is not provided for by this  
18           constitution, ~~and~~ after the ratification of this subsection, except all officers whose  
19           offices ~~may hereafter be~~ are created by law after the ratification of this subsection,  
20           shall be elected by the people or appointed, as the legislature may direct.

21           **SECTION 5.** Section 9 (3) of article XIII of the constitution is created to read:

22           [Article XIII] Section 9 (3) All officers whose offices are created by law after the  
23           ratification of this subsection shall be elected by the people, if required by this  
24           constitution to be elected by the people, or, if not required by this constitution to be

1 elected by the people, elected or appointed, as provided in sub. (1), for county officers,  
2 or as the legislature may direct, for other officers.

3 **SECTION 6.** Section 17 of article XIV of the constitution is created to read:

4 [Article XIV] Section 17. The terms of office of county clerks, treasurers,  
5 registers of deeds, and surveyors elected before the ratification of this section expire  
6 at the end of the term for which elected.

7 **SECTION 7. Numbering of new provision.** If another constitutional  
8 amendment ratified by the people creates the number of any provision created in this  
9 joint resolution, the chief of the legislative reference bureau shall determine the  
10 sequencing and the numbering of the provisions whose numbers conflict.

11 ***Be it further resolved, That*** this proposed amendment be referred to the  
12 legislature to be chosen at the next general election and that it be published for 3  
13 months previous to the time of holding such election.

14 (END)