



## 2003 ASSEMBLY JOINT RESOLUTION 10

January 28, 2003 – Introduced by Representatives M. WILLIAMS, KRAWCZYK, FOTI, KERKMAN, RHOADES, MUSSER, ALBERS, OLSEN, HUNDERTMARK, KRUSICK, SERATTI, M. LEHMAN, PETTIS, JESKEWITZ, VRAKAS, POWERS, GUNDERSON, MCCORMICK, TOWNS, LADWIG, KREIBICH, BIES, WIECKERT, GROTHMAN, GIELOW, UNDERHEIM, FRISKE, LASSA, AINSWORTH, NISCHKE, GRONEMUS, OTT, VAN ROY, TURNER, GOTTLIEB, FREESE, HAHN, JOHNSRUD, SCHOOFF, WEBER, A. WILLIAMS and TOWNSEND, cosponsored by Senators BROWN, STEPP, BRESKE, HARSDDORF, LAZICH, RISSER, A. LASEE, ROESSLER, WELCH, KEDZIE, SCHULTZ and HANSEN. Referred to Committee on State Affairs.

1 To amend so as in effect ***to repeal*** section 4 (3) (c) of article VI; ***to renumber and***  
2 ***amend*** section 4 (1) of article VI and section 12 of article VII; ***to amend*** section  
3 4 (4) of article VI; and ***to create*** section 4 (1) (b) and (c) of article VI and section  
4 12 (2) of article VII of the constitution; **relating to:** 4-year terms of office for  
5 certain county officers (first consideration).

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### ***Analysis by the Legislative Reference Bureau***

Currently, the constitution provides for the election every 4 years of county sheriffs, and every 2 years of clerks of circuit court, registers of deeds, and district attorneys, and, unless a county appoints a medical examiner, coroners. Under current statutes, county clerks and treasurers, and surveyors unless a county appoints a surveyor, are also elected every 2 years, except that the constitution abolishes the offices of coroner and surveyor in counties having a population of 500,000 or more.

This proposed constitutional amendment, proposed to the 2003 legislature on first consideration, requires counties to elect county clerks and treasurers every 4 years, and changes the terms of office from 2 years to 4 years for district attorneys, coroners, elected surveyors, registers of deeds, treasurers, county clerks, and clerks of circuit court. For clerks of circuit court and coroners, the first elections to 4-year terms will be held concurrently with the first gubernatorial election following ratification, which is when the constitution provides that sheriffs are to be first elected to 4-year terms. For district attorneys, elected surveyors, registers of deeds,

treasurers, and county clerks, the first elections to 4-year terms will be held concurrently with the first presidential election following ratification.

The proposal does not change the times for holding regular elections for any county offices, and does not affect the terms of office of elected county chief executive officers (they already serve 4-year terms), or the terms of office of county supervisors or sheriffs.

A constitutional amendment requires adoption by 2 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) of article VI of the constitution is renumbered section  
3 4 (1) (a) of article VI and amended to read:

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

8           **SECTION 2.** Section 4 (1) (b) and (c) of article VI of the constitution are created  
9 to read:

10           [Article VI] Section 4 (1) (b) Beginning with the first general election at which  
11 the governor is elected which occurs after the ratification of this paragraph, sheriffs  
12 shall be chosen by the electors of the respective counties, or by the electors of all of  
13 the respective counties comprising each combination of counties combined by the  
14 legislature for that purpose, for the term of 4 years and coroners in counties in which  
15 there is a coroner shall be chosen by the electors of the respective counties, or by the  
16 electors of all of the respective counties comprising each combination of counties  
17 combined by the legislature for that purpose, for the term of 4 years.

18           (c) Beginning with the first general election at which the president is elected  
19 which occurs after the ratification of this paragraph, district attorneys, registers of  
20 deeds, county clerks, and treasurers shall be chosen by the electors of the respective

1 counties, or by the electors of all of the respective counties comprising each  
2 combination of counties combined by the legislature for that purpose, for the term  
3 of 4 years and surveyors in counties in which the office of surveyor is filled by election  
4 shall be chosen by the electors of the respective counties, or by the electors of all of  
5 the respective counties comprising each combination of counties combined by the  
6 legislature for that purpose, for the term of 4 years.

7 **SECTION 3.** Section 4 (3) (c) of article VI of the constitution is amended so as in  
8 effect to repeal said paragraph:

9 [Article VI] Section 4 (3) (c) ~~Beginning with the first general election at which~~  
10 ~~the governor is elected which occurs after the ratification of this paragraph, sheriffs~~  
11 ~~shall be chosen by the electors of the respective counties once in every 4 years.~~

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

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

16 **SECTION 5.** Section 12 of article VII of the constitution is renumbered section  
17 12 (1) of article VII and amended to read:

18 [Article VII] Section 12 (1) There shall be a clerk of the circuit court chosen in  
19 each county organized for judicial purposes by the qualified electors thereof, who,  
20 except as provided in sub. (2), shall hold his office for two years, subject to removal  
21 as shall be provided by law; ~~in.~~

22 (3) In case of a vacancy, the judge of the circuit court shall have power to may  
23 appoint a clerk until the vacancy shall be is filled by an election; the.

24 (4) The clerk thus elected or appointed of circuit court shall give such security  
25 as the legislature may require requires by law.

1           (5) The supreme court shall appoint its own clerk, and may appoint a clerk of  
2           the circuit court ~~may be appointed a~~ to be the clerk of the supreme court.

3           **SECTION 6.** Section 12 (2) of article VII of the constitution is created to read:

4           [Article VII] Section 12 (2) Beginning with the first general election at which  
5           the governor is elected which occurs after the ratification of this subsection, a clerk  
6           of circuit court shall be chosen by the electors of each county, for the term of 4 years,  
7           subject to removal as provided by law.

8           **SECTION 7. Numbering of new provisions.** (1) The new paragraph (b) of  
9           subsection (1) of section 4 of article VI of the constitution created in this joint  
10          resolution shall be designated by the next higher open paragraph letter in that  
11          subsection in that section in that article if, before the ratification by the people of the  
12          amendment proposed in this joint resolution, any other ratified amendment has  
13          created a paragraph (b) of subsection (1) of section 4 of article VI of the constitution  
14          of this state. If one or more joint resolutions create a paragraph (b) of subsection (1)  
15          of section 4 of article VI simultaneously with the ratification by the people of the  
16          amendment proposed in this joint resolution, the paragraphs created shall be  
17          numbered and placed in a sequence so that the paragraphs created by the joint  
18          resolution having the lowest enrolled joint resolution number have the letters  
19          designated in that joint resolution and the paragraphs created by the other joint  
20          resolutions have letters that are in the same ascending order as are the numbers of  
21          the enrolled joint resolutions creating the paragraphs.

22          (2) The new paragraph (c) of subsection (1) of section 4 of article VI of the  
23          constitution created in this joint resolution shall be designated by the next higher  
24          open paragraph letter in that subsection in that section in that article if, before the  
25          ratification by the people of the amendment proposed in this joint resolution, any

1 other ratified amendment has created a paragraph (c) of subsection (1) of section 4  
2 of article VI of the constitution of this state. If one or more joint resolutions create  
3 a paragraph (c) of subsection (1) of section 4 of article VI simultaneously with the  
4 ratification by the people of the amendment proposed in this joint resolution, the  
5 paragraphs created shall be lettered and placed in a sequence so that the paragraphs  
6 created by the joint resolution having the lowest enrolled joint resolution number  
7 have the letters designated in that joint resolution and the paragraphs created by  
8 the other joint resolutions have letters that are in the same ascending order as are  
9 the numbers of the enrolled joint resolutions creating the paragraphs.

10 (3) The new subsection (2) of section 12 of article VII of the constitution created  
11 in this joint resolution shall be designated by the next higher open whole subsection  
12 number in that section in that article if, before the ratification by the people of the  
13 amendment proposed in this joint resolution, any other ratified amendment has  
14 created a subsection (2) of section 12 of article VII of the constitution of this state.  
15 If one or more joint resolutions create a subsection (2) of section 12 of article VII  
16 simultaneously with the ratification by the people of the amendment proposed in this  
17 joint resolution, the subsections created shall be numbered and placed in a sequence  
18 so that the subsections created by the joint resolution having the lowest enrolled joint  
19 resolution number have the numbers designated in that joint resolution and the  
20 subsections created by the other joint resolutions have numbers that are in the same  
21 ascending order as are the numbers of the enrolled joint resolutions creating the  
22 subsections.

