



2005 ASSEMBLY JOINT RESOLUTION 3

January 11, 2005 – Introduced by Representatives M. WILLIAMS, KRAWCZYK, VAN ROY, SEIDEL, GRONEMUS, KERKMAN, HAHN, OWENS, PETTIS, OTT, HUNDERTMARK, FREESE, J. WOOD, BALLWEG, MURSAU, ALBERS, DAVIS, STRACHOTA, NERISON, WIECKERT, VRAKAS, MOLEPSKE, VAN AKKEREN, RHOADES, F. LASEE, MONTGOMERY, AINSWORTH, MUSSER, TOWNS, MCCORMICK, JESKEWITZ, BIES, SHERMAN, NISCHKE, KESTELL, GOTTLIEB, STONE, KREIBICH and PRIDEMORE, cosponsored by Senators BROWN, SCHULTZ, KAPANKE, HARSDORF, STEPP, ROESSLER, LAZICH, DARLING, KEDZIE, HANSEN, OLSEN, A. LASEE and RISSER. 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 (2nd consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given 2nd consideration by the 2005 legislature for submittal to the voters in April 2005, was first considered by the 2003 legislature in 2003 Assembly Joint Resolution 10, which became 2003 Enrolled Joint Resolution 12.

It 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.

PROCEDURE FOR 2ND CONSIDERATION

When a proposed constitutional amendment is before the legislature on 2nd consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that 2nd consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on 2nd consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

SUBMITTAL TO PEOPLE

Section 8.37, stats., provides that this joint resolution must be filed with the elections board no later than 42 days prior to the spring election (February 24, 2005), in order for the question of ratification to be submitted at the April 2005 spring election.

1 Whereas, the 2003 legislature in regular session considered a proposed
2 amendment to the constitution in 2003 Assembly Joint Resolution 10, which became
3 2003 Enrolled Resolution 12, and agreed to it by a majority of the members elected
4 to each of the 2 houses, which proposed amendment reads as follows:

SECTION 1. Section 4 (1) of article VI of the constitution is renumbered section 4 (1) (a) of article VI and amended to read:

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

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

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

of all of the respective counties comprising each combination of counties combined by the legislature for that purpose, for the term of 4 years.

(c) Beginning with the first general election at which the president is elected which occurs after the ratification of this paragraph, district attorneys, registers of deeds, county clerks, and treasurers shall be chosen by the electors of the respective counties, or by the electors of all of the respective counties comprising each combination of counties combined by the legislature for that purpose, for the term of 4 years and surveyors in counties in which the office of surveyor is filled by election shall be chosen by the electors of the respective counties, or by the electors of all of the respective counties comprising each combination of counties combined by the legislature for that purpose, for the term of 4 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

