

**1999 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AJR63)**

Received: 10/26/1999

Received By: **dykmapj**

Wanted: **Today**

Identical to LRB:

For: **Mary Hubler (608) 266-2519**

By/Representing: **Lynn**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters:

Subject: **Constitutional Amendments  
Courts - courts/judges**

Extra Copies: **JEO  
JTK  
RPN**

**Pre Topic:**

No specific pre topic given

**Topic:**

15 year one term appointment to SC same as Chvala's

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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State Senator  
**Chuck Chvala**  
SENATE MAJORITY LEADER

**FOR IMMEDIATE RELEASE**  
OCTOBER 21, 1999

CONTACT: CHRIS MICKLOS  
608-266-9170

## Press Release

### *Chvala Calls for Appointment of Supreme Court* **Elimination of Supreme Court Elections Would De-Politicize the High Court**

**MADISON** - Senate Majority Leader Chuck Chvala today said that he will introduce a resolution calling for a change in the way that Wisconsin's Supreme Court is selected. The Senate Resolution—which would be the first step toward a state-wide referendum to amend the Constitution—will call for one-time, 15-year appointments to the Supreme Court. Under Chvala's resolution, the Governor would appoint Justices, and the State Senate would confirm them.

"Wisconsin deserves a Supreme Court," Chvala said today, "free of political pressures...where the only influences brought to bear are the law and justice for all."

"The last two Supreme Court elections have clearly demonstrated," he continued, "that the process of raising campaign contributions, producing 30 second ads, and debating the political merits of issues is not a process befitting of the independence and impartiality we expect from the highest court in the state."

Under Chvala's proposal, the Governor would appoint Supreme Court Justices to staggered 15-year terms, subject to confirmation by the State Senate. Upon completion of a term, a Justice would not be eligible for reappointment. However, those who currently sit on the Court would be able to finish their current terms and then be eligible for re-appointment by the Governor for an additional 15-year term.

Chvala noted that supposedly nonpartisan judicial races have grown increasingly partisan over the last several years. Even Supreme Court races have begun to involve the kinds of tactics that have shaken voters' confidence in electoral politics: negative TV ads, big-money campaign contributions, under-the-radar independent attacks, etc. Chvala also said that recent proposals to change the way in which Supreme Court races are financed only address one element of the problem, often inadequately. The recent surge of independent expenditures, phony issue ads, and anonymous mailings being orchestrated by outside interest groups are not addressed by current reform proposals for the judiciary, Chvala said. Chvala pointed, as an example, to the "dark cloud of suspicion" under which Justice Wilcox has been serving because of legal questions concerning outside forces and his campaign.

Because his proposal would constitute a dramatic change in the political landscape, Chvala acknowledged that it would likely be controversial.

"However," Chvala concluded, "anyone who has seen the direction that Supreme Court elections have taken in recent years has to admit that fundamental changes are necessary to restore the independence and impartiality of the high court."

# # #

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World Wide Web: <http://www.legis.state.wi.us/senate/sen16/sen16.html>

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0159/1

PJD...:...

19

Today  
2:00 PM

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 senate, the assembly 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 ~~10~~ 15-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  
14            4 justices of the supreme court shall constitute a quorum for the conduct of the  
15            supreme court's business.

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

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

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

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

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

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

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

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

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

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

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

