

1999 ASSEMBLY JOINT RESOLUTION 93

December 1, 1999 – Introduced by Representatives HUBLER, HUEBSCH, STASKUNAS, SINICKI, LA FAVE, URBAN, JESKEWITZ, MEYERHOFER, RYBA, BOCK, J. LEHMAN, GOETSCH, M. LEHMAN, HASENOHRL and WILLIAMS, cosponsored by Senators PLACHE, RUDE, BAUMGART and DARLING. Referred to Committee on Judiciary and Personal Privacy.

1 **To amend** sections 9 and 10 (1) of article VII of the constitution; **relating to:** senate
 2 confirmation of justices and judges appointed by the governor (first
 3 consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 1999 legislature on first consideration, provides that a vacancy in the office of justice of the supreme court or judge of a court of record shall be filled by nomination and, with the advice and consent of the senate, appointment by the governor, which shall continue until a successor is elected and qualified. Presently, appointments to vacancies in the offices of justice and judge are not subject to senate confirmation.

Presently, justices and judges may not hold any other office of public trust, except a judicial office, during the term for which elected. This joint resolution applies that prohibition also to a term for which appointed.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

4 **Resolved by the assembly, the senate concurring, That:**
 5 **SECTION 1.** Section 9 of article VII of the constitution is amended to read:
 6 [Article VII] Section 9. When a vacancy occurs in the office of justice of the
 7 supreme court or judge of any court of record, the vacancy shall be filled by

1 nomination and, with the advice and consent of the senate, appointment by the
2 governor, which shall continue until a successor is elected and qualified. There shall
3 be no election for a justice or judge at the partisan general election for state or county
4 officers, nor within 30 days either before or after such election.

5 **SECTION 2.** Section 10 (1) of article VII of the constitution is amended to read:

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

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)