

2001 ASSEMBLY JOINT RESOLUTION 13

January 19, 2001 – Introduced by Representatives KRAWCZYK, FOTI, KRUSICK, McCORMICK, STARZYK, FRISKE, AINSWORTH, DUFF, GUNDERSON, HAHN, HUEBSCH, GROTHMAN, JOHNSRUD, JESKEWITZ, KEDZIE, KESTELL, F. LASEE, LADWIG, M. LEHMAN, MONTGOMERY, MUSSER, OLSEN, OWENS, POWERS, PETTIS, SKINDRUD, STEINBRINK, TOWNSEND, TURNER, VRAKAS, URBAN, WADE, WALKER and WILLIAMS, cosponsored by Senators RISSER, HARSDFORF, S. FITZGERALD, BRESKE, DARLING, FARROW, HUELSMAN, A. LASEE, ROESSLER, SCHULTZ and WELCH. Referred to Committee on Judiciary.

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).

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 2001 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.

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, 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 clerk, treasurer, or surveyor, giving to the officer
15 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 all of the respective counties
7 comprising each circuit for the term of 4 years, subject to removal as provided by law.

8 **SECTION 7. Numbering of new provisions.**

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

