

## 2001 ASSEMBLY JOINT RESOLUTION 22

February 6, 2001 – Introduced by Representatives ZIEGELBAUER, F. LASEE, J. LEHMAN, PETTIS, RYBA and URBAN, cosponsored by Senator FARROW. Referred to Committee on Campaigns and Elections.

1     **To amend** so as in effect **to repeal** section 4 (1), (2), (3) (c) and (4) to (6) of article VI;  
 2             **to amend** section 12 of article VII and section 9 of article XIII; and **to create**  
 3             section 9 (3) of article XIII and section 17 of article XIV of the constitution;  
 4             **relating to:** appointment of county officers and vacancies in county and  
 5             judicial circuit offices (first consideration).

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### *Analysis by the Legislative Reference Bureau*

#### **CURRENT**

Currently, the constitution provides for the election every 4 years of county sheriffs, and the election every 2 years of clerks of circuit court, registers of deeds, 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. These elected officers are elected on a partisan ballot in November of even-numbered years and take office the next January.

#### **PROPOSED**

This proposed constitutional amendment, proposed to the 2001 legislature on first consideration, permits counties to elect or appoint sheriffs, district attorneys, county clerks, treasurers, registers of deeds, coroners, surveyors, and clerks of circuit court, and other county officers, except county chief executive offices, county supervisors, and judges. A change by the county board from elected to appointive,

or from appointive to elective, does not take effect unless the change is approved by the county voters at a referendum.

### VACANCIES

Currently, a vacancy in the office of sheriff, coroner, register of deeds, or district attorney is filled by appointment as required by the constitution. The constitution provides that the appointment of a sheriff is made by the governor. The statutes provide that the appointment of the coroner, register of deeds, and district attorney is made by the governor. A vacancy in the office of surveyor, county clerk, or treasurer is filled by appointment of the county board under current statute law and a vacancy in the office of clerk of circuit court is filled under the constitution by “the judge of the circuit court.”

This joint resolution provides that the appointments are made by the county chief executive officer, if the office exists, or by the county board, if the office of county chief executive office does not exist.

### ADOPTION AND RATIFICATION

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), (2), (3) (c) and (4) to (6) of article VI of the constitution  
3 are amended so as in effect to repeal said provisions:

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

8            (2) ~~The offices of coroner and surveyor in counties having a population of~~  
9 ~~500,000 or more are abolished. Counties not having a population of 500,000 shall~~  
10 ~~have the option of retaining the elective office of coroner or instituting a medical~~  
11 ~~examiner system. Two or more counties may institute a joint medical examiner~~  
12 ~~system.~~

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

4           (4) ~~The governor may remove any elected county officer mentioned in this~~  
5           ~~section, giving to the officer a copy of the charges and an opportunity of being heard.~~

6           (5) ~~All vacancies in the offices of coroner, register of deeds or district attorney~~  
7           ~~shall be filled by appointment. The person appointed to fill a vacancy shall hold office~~  
8           ~~only for the unexpired portion of the term to which appointed and until a successor~~  
9           ~~shall be elected and qualified.~~

10          (6) ~~When a vacancy occurs in the office of sheriff, the vacancy shall be filled by~~  
11          ~~appointment of the governor, and the person appointed shall serve until his or her~~  
12          ~~successor is elected and qualified.~~

13           **SECTION 2.** Section 12 of article VII of the constitution is amended to read:

14           ~~[Article VII] Section 12. There shall be a clerk of the circuit court chosen in each~~  
15           ~~county organized for judicial purposes by the qualified electors thereof, who shall~~  
16           ~~hold his office for two years, subject to removal as shall be provided by law; in case~~  
17           ~~of a vacancy, the judge of the circuit court shall have power to appoint a clerk until~~  
18           ~~the vacancy shall be filled by an election; the clerk thus elected or appointed shall~~  
19           ~~give such security as the legislature may require. The supreme court shall appoint~~  
20           ~~its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme~~  
21           ~~court.~~

22           **SECTION 3.** Section 9 of article XIII of the constitution is amended to read:

23           ~~[Article XIII] Section 9 (1) All county officers, except county supervisors, whose~~  
24           ~~election or appointment is not provided for by this constitution after the ratification~~  
25           ~~of this subsection shall be elected by the electors of the respective counties, or~~

1 appointed by the chief county executive officers, if that office exists in the county, or  
2 the boards of supervisors, or other county authorities if the office of chief county  
3 executive officer does not exist in the county, as the legislature county board of the  
4 respective counties shall direct. A change by the county board from an elected to  
5 appointive office, or from an appointive to elective office, does not take effect without  
6 submitting the question to a vote of the people of the county, nor unless a majority  
7 of all of the legal voters of the county voting on the question shall vote for the same.

8 (2) All city, town, and village officers whose election or appointment is not  
9 provided for by this constitution after the ratification of this subsection shall be  
10 elected by the electors of such cities, towns, and villages, or of some division thereof,  
11 or appointed by such authorities thereof, as the legislature shall designate for that  
12 purpose.

13 (4) All other officers whose election or appointment is not provided for by this  
14 constitution, ~~and~~ after the ratification of this subsection, except all officers whose  
15 offices ~~may hereafter be~~ are created by law after the ratification of this subsection,  
16 shall be elected by the people or appointed, as the legislature may direct.

17 **SECTION 4.** Section 9 (3) of article XIII of the constitution is created to read:

18 [Article XIII] Section 9 (3) All officers whose offices are created by law after the  
19 ratification of this subsection shall be elected by the people, if required by this  
20 constitution to be elected by the people, or, if not required by this constitution to be  
21 elected by the people, elected or appointed, as provided in subsection (1), for county  
22 officers, or as the legislature may direct, for other officers.

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

24 [Article XIV] Section 17. The terms of office of sheriffs, district attorneys,  
25 county clerks, treasurers, registers of deeds, coroners, surveyors, and clerks of circuit

1 court elected before this amendment takes effect expire at the end of the term for  
2 which elected.

3 **SECTION 6. Numbering of new provisions.** (1) The new subsection (3) of  
4 section 9 of article XIII of the constitution created in this joint resolution shall be  
5 designated by the next higher open whole subsection number in that section in that  
6 article if, before the ratification by the people of the amendment proposed in this joint  
7 resolution, any other ratified amendment has created a subsection (3) of section 9 of  
8 article XIII of the constitution of this state. If one or more joint resolutions create  
9 a subsection (3) of section 9 of article XIII simultaneously with the ratification by the  
10 people of the amendment proposed in this joint resolution, the subsections created  
11 shall be numbered and placed in a sequence so that the subsections created by the  
12 joint resolution having the lowest enrolled joint resolution number have the numbers  
13 designated in that joint resolution and the subsections created by the other joint  
14 resolutions have numbers that are in the same ascending order as are the numbers  
15 of the enrolled joint resolutions creating the subsections.

16 (2) The new section 17 of article XIV of the constitution created in this joint  
17 resolution shall be designated by the next higher open whole section number in that  
18 article if, before the ratification by the people of the amendment proposed in this joint  
19 resolution, any other ratified amendment has created a section 17 of article XIV of  
20 the constitution of this state. If one or more joint resolutions create a section 17 of  
21 article XIV simultaneously with the ratification by the people of the amendment  
22 proposed in this joint resolution, the sections created shall be numbered and placed  
23 in a sequence so that the sections created by the joint resolution having the lowest  
24 enrolled joint resolution number have the numbers designated in that joint  
25 resolution and the sections created by the other joint resolutions have numbers that

1 are in the same ascending order as are the numbers of the enrolled joint resolutions  
2 creating the sections.

3 ***Be it further resolved, That*** this proposed amendment be referred to the  
4 legislature to be chosen at the next general election and that it be published for 3  
5 months previous to the time of holding such election.

6 (END)