

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 11/17/2000

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Sara

This file may be shown to any legislator: NO

Drafter: dykmapj

May Contact:

Addl. Drafters:

Subject: **Constitutional Amendments  
Legislature - miscellaneous**

Extra Copies: **JTK  
RAC  
RJM**

Submit via email: NO

Requester's email:

**Pre Topic:**

No specific pre topic given

**Topic:**

Abolish Lt. Governor office

**Instructions:**

See Attached 99-2242

**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>
/?	dykmapj 11/17/2000	gilfokm 11/17/2000		_____			
/1			jfrantze 11/20/2000	_____	lrb_docadmin 11/20/2000	lrb_docadmin 04/16/2001	

FE Sent For: '

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1?	dykmapj	1-11/17 <i>KMG</i>	<i>[Signature]</i> 11/20	<i>[Signature]</i> 11/20			

FE Sent For:

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-1097/11

2001

kmg

**1999 ASSEMBLY JOINT RESOLUTION 90**

*Sean*

November 5, 1999 - Introduced by Representative WASSERMAN, cosponsored by Senators WIRCH and RISSER. Referred to Committee on Government Operations.

*LPS:  
Proof all amended sections w/ Wis. Const.*

1 **To amend** so as in effect **to repeal** section 10 (2) of article XIII; **to renumber** section  
2 10 (1) of article XIII; and **to amend** sections 1, 2, 3, 7 and 8 of article V and  
3 section 1 of article VII of the constitution; **relating to:** abolishing the office of  
4 lieutenant governor (first consideration).

**Analysis by the Legislative Reference Bureau**

2001

This proposed constitutional amendment, proposed to the legislature on first consideration, abolishes the office of lieutenant governor.

Presently, the constitution provides that, upon the governor's death, resignation, or removal from office, the lieutenant governor becomes governor. It also provides that, if the governor is absent from the state, impeached, or, from mental or physical disease, becomes incapable of performing the duties of the office, the lieutenant governor serves as acting governor. This joint resolution provides that the speaker of the assembly, instead, shall become governor or acting governor under those circumstances.

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

5 **Resolved by the assembly, the senate concurring, That:**

6 **SECTION 1.** Section 1 of article V of the constitution is amended to read:

1 [Article V] Section 1. The executive power shall be vested in a governor who  
2 shall hold office for 4 years; ~~a lieutenant governor shall be elected at the same time~~  
3 ~~and for the same term.~~

4 SECTION 2. Section 2 of article V of the constitution is amended to read:

5 [Article V] Section 2. No person except a citizen of the United States and a  
6 qualified elector of the state shall be eligible to the office of governor ~~or lieutenant~~  
7 ~~governor.~~

8 SECTION 3. Section 3 of article V of the constitution is amended to read:

9 [Article V] Section 3. The governor ~~and lieutenant governor~~ shall be elected  
10 by the qualified electors of the state at the times and places of choosing members of  
11 the legislature. They shall be chosen ~~jointly, by the casting by each voter of a single~~  
12 ~~vote applicable to both offices beginning with the general election in 1970.~~ The  
13 ~~persons respectively having~~ person for whom the highest number of votes ~~is~~ cast <sup>is</sup>  
14 ~~jointly for them~~ for governor and lieutenant governor shall be elected; but in case two  
15 or more ~~states~~ persons shall have an equal and the highest number of votes for  
16 governor ~~and lieutenant governor~~, the two houses of the legislature, <sup>is</sup> at its next  
17 <sup>is</sup> annual session <sup>is</sup> shall forthwith, by joint ballot, choose one of the states persons so  
18 having an equal and the highest number of votes for governor ~~and lieutenant~~  
19 ~~governor.~~ The returns of election for governor ~~and lieutenant governor~~ shall be made  
20 in such manner as shall be provided by law.

21 SECTION 4. Section 7 of article V of the constitution is amended to read:

22 [Article V] Section 7 (1) Upon the governor's death, resignation <sup>is</sup> or removal  
23 from office, the ~~lieutenant governor~~ speaker of the assembly shall become governor  
24 for the balance of the unexpired term.

1 (2) If the governor is absent from this state, impeached, or from mental or  
2 physical disease, becomes incapable of performing the duties of the office, the  
3 ~~lieutenant governor~~ speaker of the assembly shall serve as acting governor for the  
4 balance of the unexpired term or until the governor returns, the disability ceases or  
5 the impeachment is vacated. But when the governor, with the consent of the  
6 legislature, shall be out of this state in time of war at the head of the state's military  
7 force, the governor shall continue as commander in chief of the military force.

8 SECTION 5. Section 8 of article V of the constitution is amended to read:

9 [Article V] Section 8 (1) If there is a vacancy in the office of ~~lieutenant governor~~  
10 speaker of the assembly and the governor dies, resigns or is removed from office, the  
11 secretary of state shall become governor for the balance of the unexpired term.

12 (2) If there is a vacancy in the office of ~~lieutenant governor~~ speaker of the  
13 assembly and the governor is absent from this state, impeached, or from mental or  
14 physical disease becomes incapable of performing the duties of the office, the  
15 secretary of state shall serve as acting governor for the balance of the unexpired term  
16 or until the governor returns, the disability ceases or the impeachment is vacated.

17 SECTION 6. Section 1 of article VII of the constitution is amended to read:

18 [Article VII] Section 1. (1) The court for the trial of impeachments shall be  
19 composed of the senate. The assembly shall have the power of impeaching all civil  
20 officers of this state for corrupt conduct in office, or for crimes and misdemeanors; but  
21 a majority of all the members elected shall concur in an impeachment. ~~On the trial~~  
22 ~~of an impeachment against the governor, the lieutenant governor shall not act as a~~  
23 ~~member of the court.~~ No judicial officer shall exercise his that office, after he shall  
24 have the judicial officer has been impeached, until his acquittal acquitted.







STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

November 20, 2000

### MEMORANDUM

To: Representative Wasserman

From: Attorney Peter J. Dykman, General Counsel

Re: LRB-1097 Abolish Lt. Governor office

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7098 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.