

2003 SENATE JOINT RESOLUTION 61

February 9, 2004 – Introduced by Senator A. LASEE, cosponsored by Representatives BIES, HINES, KERKMAN, NISCHKE and J. WOOD. Referred to Committee on Judiciary, Corrections and Privacy.

1 To amend so as in effect *to repeal* section 2 of article VI; *to amend* section 8 of article
2 V, section 1 of article VI, section 3 of article VI, sections 7 and 8 of article X and
3 section 4 of article XIII; and *to create* section 17 of article XIV of the
4 constitution; **relating to:** deleting from the constitution the offices of secretary
5 of state and state treasurer (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2003 legislature on first consideration, deletes from the constitution the offices of secretary of state and of state treasurer.

Secretary of state

Currently, the constitution assigns 4 duties to the secretary of state; all other duties are prescribed by law. The 4 duties prescribed by the constitution are: 1) to serve as governor when there is a vacancy in the office of lieutenant governor and the governor dies, resigns, or is removed from office, or to serve as acting governor when there is a vacancy in the office of lieutenant governor and the governor is absent from the state, impeached, or incapable of performing the duties of office; 2) to keep a fair record of the official acts of the legislature and executive department of the state; 3) to serve as a member of the Board of Commissioners of Public Lands; and 4) to keep the great seal of Wisconsin.

Under this proposal, the secretary of state is replaced by the attorney general in the line of gubernatorial succession. The proposal deletes the requirement that

the secretary of state keep legislative and executive records. The proposal also removes the secretary of state as a member of the Board of Commissioners of Public Lands. Under the proposal, the constitution continues to provide for a great seal, but its placement is determined by law.

State treasurer

Currently, the only duty assigned to the state treasurer by the constitution is to serve as a member of the Board of Commissioners of Public Lands; all other duties are prescribed by law. The proposal removes the state treasurer as a member of the Board of Commissioners of Public Lands.

Terms of incumbents

The last election for secretary of state or state treasurer required by the constitution will be the one held in November 2002. The incumbents will continue to serve until the first Monday in January 2007.

Reconciling split ratification

When a proposed constitutional amendment incorporates more than one object or purpose, the legislature must submit each unrelated object or purpose to the people for ratification by a separate ballot question. The constitution provides that, “if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately” [see section 1 of article XII of the constitution].

The changes proposed in this joint resolution are structured to permit submission of the amendment for ratification by separate ballot questions relating to each of the offices to which the amendment relates.

Board of Commissioners of Public Lands

The three-member Board of Commissioners of Public Lands presently consists of the secretary of state, state treasurer, and attorney general. Under this proposal: 1) the attorney general remains a member; 2) the governor becomes a member if either the office of secretary of state or the office of state treasurer is deleted from the constitution and may designate the lieutenant governor to serve as a member in lieu of the governor; and 3) the state superintendent of public instruction becomes a member if the offices of secretary of state and state treasurer are both deleted from the constitution.

Second consideration and ratification

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

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

2 **SECTION 1.** Section 8 of article V of the constitution is amended to read:

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

4 (2) If there is a vacancy in the office of lieutenant governor and the governor
5 is absent from this state, impeached, or from mental or physical disease becomes
6 incapable of performing the duties of the office, the ~~secretary of state~~ attorney
7 general shall serve as acting governor for the balance of the unexpired term or until
8 the governor returns, the disability ceases, or the impeachment is vacated.

9 **SECTION 2.** Section 1 of article VI of the constitution is amended to read:

10 [Article VI] Section 1. ~~The~~ At the 2006 general election and every 4 years
11 thereafter, the qualified electors of this state, ~~at the times and places of choosing the~~
12 ~~members of the legislature, shall in 1970 and every 4 years thereafter elect~~ ~~a~~
13 ~~secretary of state, treasurer and~~ an attorney general who shall hold their offices for
14 ~~4 years~~ a 4-year term.

15 **SECTION 3.** Section 2 of article VI of the constitution is amended so as in effect
16 to repeal said section:

17 [Article VI] Section 2. ~~The secretary of state shall keep a fair record of the~~
18 ~~official acts of the legislature and executive department of the state, and shall, when~~
19 ~~required, lay the same and all matters relative thereto before either branch of the~~
20 ~~legislature. He shall perform such other duties as shall be assigned him by law. He~~
21 ~~shall receive as a compensation for his services yearly such sum as shall be provided~~
22 ~~by law, and shall keep his office at the seat of government.~~

23 **SECTION 4.** Section 3 of article VI of the constitution is amended to read:

24 [Article VI] Section 3. The powers, duties, and compensation of the treasurer
25 ~~and~~ attorney general shall be prescribed by law.

1 **SECTION 5.** Sections 7 and 8 of article X of the constitution are amended to read:

2 [Article X] Section 7. ~~The secretary of state, treasurer~~ There is created a board
3 of commissioners of public lands to consist of the governor or the lieutenant governor
4 if designated by the governor, the state superintendent of public instruction, and the
5 attorney general, shall constitute a board of commissioners for. The board shall
6 administer the sale of the school and university lands and ~~for~~ the investment of the
7 funds arising therefrom. Any ~~two of said commissioners~~ 2 members shall be a
8 quorum for the transaction of all business pertaining to the duties of ~~their office~~ the
9 board.

10 Section 8. ~~Provision shall be made by law for the~~ The sale of all school and
11 university lands, after they shall have been appraised; ~~and when, shall be regulated~~
12 by law. ~~Whenever~~ any portion of such lands shall be is sold and the purchase money
13 shall is not be paid at the time of the sale, the ~~commissioners~~ board of commissioners
14 of public lands shall take security by mortgage upon the lands sold for the sum
15 remaining unpaid, with seven per cent 7 percent interest thereon, payable annually
16 at the office of the treasurer as provided by law. ~~The commissioners shall be~~
17 authorized to board may execute a good and sufficient conveyance to all purchasers
18 of such lands, ~~and to.~~ The board may discharge any mortgages taken as security,
19 when the sum due thereon shall have has been paid. ~~The commissioners shall have~~
20 power to board may withhold from sale any portion of such lands when they shall
21 deem the board considers it expedient, ~~and.~~ The board shall invest all moneys arising
22 from the sale of such lands, as well as all other university and school funds, in ~~such~~
23 the manner as the legislature shall provide, and shall provided by law. ~~The members~~
24 of the board shall give such security for the faithful performance of their duties as
25 may be required by law.

1 **SECTION 6.** Section 4 of article XIII of the constitution is amended to read:

2 [Article XIII] Section 4. ~~It shall be the duty of the~~ The legislature to shall, by
3 law, provide a great seal for the state, which shall be kept by the secretary of state,
4 and all. All official acts of the governor, ~~his approbation of the laws excepted~~ except
5 the governor's approval of bills that have passed the legislature, shall be thereby
6 authenticated with the great seal.

7 **SECTION 7.** Section 17 of article XIV of the constitution is created to read:

8 [Article XIV] Section 17. The secretary of state or state treasurer holding office
9 on the date of ratification of the 2003–05 amendment providing for the deletion of one
10 or both of those offices from the constitution shall continue to hold that office until
11 the first Monday of January in 2007. Any vacancy in either office occurring before
12 that date shall be filled in the manner provided by law.

13 **SECTION 8. Split ratification.** (1) ISSUES; BALLOT QUESTIONS. It is the sense
14 of the 2003 legislature that the amendment proposed by this joint resolution
15 incorporates more than one object or purpose and that there are 2 separable issues
16 that must be submitted to the people by separate ballot questions:

17 1) “Shall the office of secretary of state be deleted from the constitution?”; and

18 2) “Shall the office of state treasurer be deleted from the constitution?”

19 (2) SECRETARY OF STATE DELETION NOT RATIFIED. If the people ratify the deletion
20 of the office of state treasurer from the constitution, but do not ratify the deletion of
21 the office of secretary of state from the constitution, then: a) section 2 of article VI
22 of the constitution shall not be amended by this joint resolution so as in effect to
23 repeal said section; b) section 8 of article V and section 4 of article XIII shall not be
24 amended by this joint resolution; and c) section 1 of article VI and section 7 of article
25 X of the constitution, as affected by the ratification vote, shall read as follows:

1 [Article VI] Section 1. ~~The~~ At the 2006 general election and
2 every 4 years thereafter, the qualified electors of this state, ~~at the~~
3 ~~times and places of choosing the members of the legislature, shall in~~
4 ~~1970 and every 4 years thereafter~~ elect a secretary of state, treasurer
5 and an attorney general ~~who shall hold their offices for terms of 4~~
6 years.

7 [Article X] Section 7. ~~The~~ There is created a board of
8 commissioners of public lands to consist of the governor or the
9 lieutenant governor if designated by the governor, the secretary of
10 state, ~~treasurer and the~~ attorney general, ~~shall constitute a board of~~
11 ~~commissioners for.~~ The board shall administer the sale of the school
12 and university lands and ~~for~~ the investment of the funds arising
13 therefrom. Any ~~two of said commissioners~~ 2 members shall be a
14 quorum for the transaction of all business pertaining to the duties of
15 ~~their office~~ the board.

16 (3) STATE TREASURER DELETION NOT RATIFIED. If the people ratify the deletion of
17 the office of secretary of state from the constitution, but do not ratify the deletion of
18 the office of state treasurer from the constitution, then: a) section 3 of article VI and
19 section 8 of article X of the constitution shall not be amended by this joint resolution;
20 and b) section 1 of article VI and section 7 of article X of the constitution, as affected
21 by the ratification vote, shall read as follows:

22 [Article VI] Section 1. ~~The~~ At the 2006 general election and
23 every 4 years thereafter, the qualified electors of this state, ~~at the~~
24 ~~times and places of choosing the members of the legislature, shall in~~
25 ~~1970 and every 4 years thereafter~~ elect a secretary of state, state

1 treasurer and an attorney general ~~who shall hold their offices for~~
2 terms of 4 years.

3 [Article X] Section 7. ~~The secretary of state, There is created a~~
4 board of commissioners of public lands to consist of the governor or
5 the lieutenant governor if designated by the governor, the state
6 treasurer, and the attorney general, ~~shall constitute a board of~~
7 ~~commissioners for.~~ The board shall administer the sale of the school
8 and university lands and ~~for~~ the investment of the funds arising
9 therefrom. Any ~~two of said commissioners~~ 2 members shall be a
10 quorum for the transaction of all business pertaining to the duties of
11 ~~their office~~ the board.

12 **SECTION 9. 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.

