



2005 ASSEMBLY JOINT RESOLUTION 76

February 14, 2006 - Introduced by Representatives LOTHIAN, AINSWORTH, ALBERS, MURSAU and OTT, cosponsored by Senator OLSEN. Referred to Committee on Campaigns and Elections.

1 **To amend** section 6 of article IV, section 2 of article V, section 5 (2) of article VII,
2 section 7 of article VII and section 10 (1) of article VII; and **to create** section 13
3 of article XIII of the constitution; **relating to:** residency requirements for state
4 and local elective officers (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, requires all state and local elective officers to be a resident of the jurisdiction or district for which elected or appointed at the time of filing a nomination petition for the office and during the term of office. The requirement replaces several residency requirements for specific offices, some applying at the time the officer takes office rather than when the nomination petition is filed.

A proposed constitutional amendment requires adoption by two 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 6 of article IV of the constitution is amended to read:

7 [Article IV] Section 6. No person shall be eligible to the legislature who shall
8 not have resided one year within the state, ~~and be a qualified elector in the district~~
9 ~~which he may be chosen to represent.~~

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

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

5 **SECTION 3.** Section 5 (2) of article VII of the constitution is amended to read:

6 [Article VII] Section 5 (2) For each district of the appeals court there shall be
7 chosen by the qualified electors of the district one or more appeals judges as
8 prescribed by law, who shall sit as prescribed by law. Appeals judges shall be elected
9 for ~~6-year terms and shall reside in the district from which elected.~~ No alteration
10 of district or circuit boundaries shall have the effect of removing an appeals judge
11 from office during the judge's term. In case of an increase in the number of appeals
12 judges, the first judge or judges shall be elected for full terms unless the legislature
13 prescribes a shorter initial term for staggering of terms.

14 **SECTION 4.** Section 7 of article VII of the constitution is amended to read:

15 [Article VII] Section 7. For each circuit there shall be chosen by the qualified
16 electors thereof one or more circuit judges as prescribed by law. Circuit judges shall
17 be elected for ~~6-year terms and shall reside in the circuit from which elected.~~

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

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

24 **SECTION 6.** Section 13 of article XIII of the constitution is created to read:

1 [Article XIII] Section 13 (1) An individual who seeks a state or local elective
2 office shall be a qualified elector of the jurisdiction or district in which the individual
3 seeks office at the time he or she files a nomination petition for the office. An
4 individual who is appointed to serve in an elective state or local office shall be a
5 qualified elector of the jurisdiction or district served by the office at the time that the
6 individual is appointed.

7 (2) An individual who serves in an elective state or local office representing a
8 jurisdiction who ceases to be a qualified elector of the jurisdiction vacates the office.

9 (3) An individual who is elected to serve in an elective state or local office
10 representing a district who, during his or her term, ceases to be a qualified elector
11 of the district from which the individual was elected vacates the office.

12 (4) An individual who is appointed to serve in an elective state or local office
13 representing a district who, during his or her term, ceases to be an elector of the
14 district as it exists at the time of appointment vacates the office.

15 **SECTION 7. Numbering of new provision.** The new section 13 of article XIII
16 of the constitution created in this joint resolution shall be designated by the next
17 higher open whole section number in that article if, before the ratification by the
18 people of the amendment proposed in this joint resolution, any other ratified
19 amendment has created a section 13 of article XIII of the constitution of this state.
20 If one or more joint resolutions create a section 13 of article XIII simultaneously with
21 the ratification by the people of the amendment proposed in this joint resolution, the
22 sections created shall be numbered and placed in a sequence so that the sections
23 created by the joint resolution having the lowest enrolled joint resolution number
24 have the numbers designated in that joint resolution and the sections created by the

1 other joint resolutions have numbers that are in the same ascending order as are the
2 numbers of the enrolled joint resolutions 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)