

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AJR2)

Received: 02/02/2009

Received By: **smiller**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Sherman (608) 266-7690**

By/Representing: **nora tribys**

This file may be shown to any legislator: **NO**

Drafter: **smiller**

May Contact:

Addl. Drafters:

Subject: **Constitutional Amendments**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sherman@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

lengthen transitional terms of office

Instructions:

See attached

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>
/?	smiller 02/04/2009	kfollett 02/05/2009		_____			
/1		wjackson 02/05/2009	mduchek 02/05/2009	_____	sbasford 02/05/2009	sbasford 02/05/2009	
/2	chanaman 03/26/2009	kfollett 03/26/2009	rschluet 02/05/2009	_____	sbasford 02/05/2009	sbasford 02/05/2009	
/3			mduchek	_____	lparisi	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			03/26/2009 _____		03/26/2009	03/26/2009	

FE Sent For:

<END>

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/2		<i>Bkj</i> <i>3/26</i>	rschluet 02/05/2009	_____	sbasford 02/05/2009	sbasford 02/05/2009	

ND
3/26 KF

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/?	smiller	11/16/09 2/5		_____ _____			

FE Sent For:

<END>

Miller, Steve

From: Tribys, Eleanora
Sent: Monday, February 02, 2009 3:35 PM
To: Miller, Steve
Subject: sub amend request AJR 2

Good Afternoon,

We request that a substitute amendment be drafted to AJR 2 (LRB 0174/1 - elimination of spring elections) to achieve the following changes:

- 1) We inadvertently requested that the transition terms of office be shortened; however, we would want the transition terms to be *lengthened* instead.
- 2) It has come to our attention that local school board terms are 3 years, and there may be others. We would like to have the statute changed so that offices with 3 year terms become 4 year terms and that they be converted to 4 year terms by extending them as part of the transition. However, this statute change should only become effective if the constitutional amendment passes.

Please let us know if you have any questions.

Thank you,

Nora Tribys
Office of Rep. Gary Sherman
74th Assembly District

0950004

* LRS: from a bill
LRBS0004/1
LRB 0174/1
SRM 11/11
↑ stays

ASSEMBLY SUBSTITUTE AMENDMENT
TO 2009 ASSEMBLY JOINT RESOLUTION 2

IN FEB 4

January 27, 2009 - Introduced by Representatives SHERMAN, VRUWINK and SOLETSKI, cosponsored by Senators CARPENTER and HOLPERIN. Referred to Committee on Elections and Campaign Reform.

Regen

1 **To amend** section 23 of article IV, section 4 (1) (a) of article VI, section 4 (1) of article
2 VII, section 5 (2) of article VII, section 7 of article VII, section 9 of article VII,
3 section 1 of article X and section 1 of article XIII of the constitution; **relating**
4 **to:** eliminating the spring election (first consideration).

lengthened

ⓐ ⓑ Analysis by the Legislative Reference Bureau
EXPLANATION OF PROPOSAL

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, eliminates the spring election for nonpartisan offices so that all regularly scheduled elections will be held in November. The proposal also prescribes special ~~shortened~~ terms for nonpartisan officers who are elected after the effective date of the amendment to facilitate the transition to new term expirations.

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 23 of article IV of the constitution is amended to read:

7 [Article IV] Section 23. The legislature shall establish but one system of town
8 government, which shall be as nearly uniform as practicable; but the legislature may
9 provide for the election at large once in every 4 years of a chief executive officer in

1 any county with such powers of an administrative character as they may from time
 2 to time prescribe in accordance with this section and shall establish one or more
 3 systems of county government. The term of office of the chief executive officer shall
 4 be 4 years, except that the term of office of any person who is elected to the office of
 5 chief executive officer after the effective date of the 2009-11 amendment to this
 6 section shall expire on the first Monday of January of the ~~first~~ odd-numbered year
 7 beginning after that date.

8 **SECTION 2.** Section 4 (1) (a) of article VI of the constitution is amended to read:

9 [Article VI] Section 4 (1) (a) Except as provided in this paragraph and pars. (b)
 10 and (c) and sub. (2), coroners, registers of deeds, district attorneys, and all other
 11 elected county officers, except judicial officers, sheriffs, and chief executive officers,
 12 shall be chosen by the electors of the respective counties once in every 2 years. The
 13 term of office of each person who is elected to the office of county supervisor after the
 14 effective date of the 2009-11 amendment to this paragraph shall expire on the first
 15 Monday of January of the ~~first~~ odd-numbered year beginning after that date.

16 **SECTION 3.** Section 4 (1) of article VII of the constitution is amended to read:

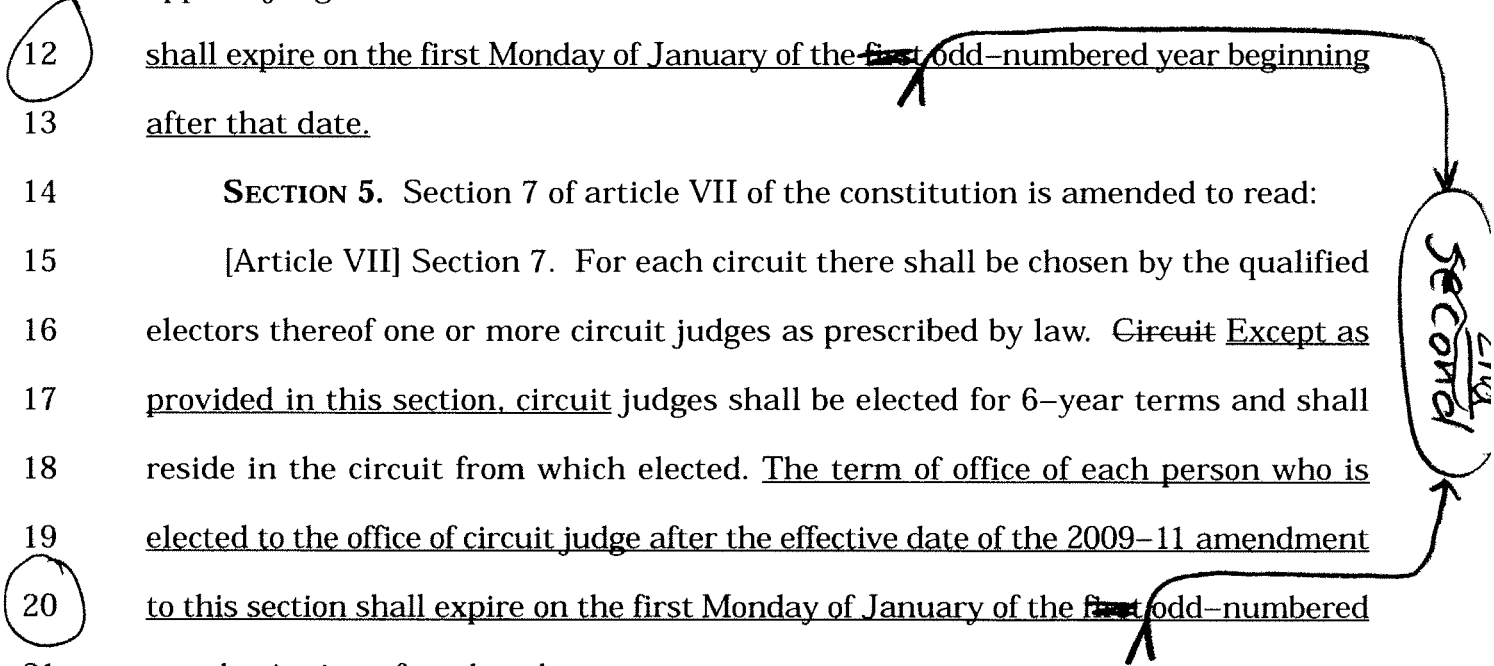
17 [Article VII] Section 4 (1) The supreme court shall have 7 members who shall
 18 be known as justices of the supreme court. Justices Except as provided in this
 19 subsection, justices shall be elected for 10-year terms of office commencing with the
 20 ~~August~~ January 1 next succeeding the election. ~~Only one justice~~ No more than 2
 21 justices may be elected in any year. Any 4 justices shall constitute a quorum for the
 22 conduct of the court's business. The term of office of each person who is elected to the
 23 office of justice after the effective date of the 2009-11 amendment to this subsection
 24 shall expire on the first Monday of January of the ~~first~~ odd-numbered year beginning
 25 after that date.

2nd
Section!

1 **SECTION 4.** Section 5 (2) of article VII of the constitution is amended to read:
 2 [Article VII] Section 5 (2) For each district of the appeals court there shall be
 3 chosen by the qualified electors of the district one or more appeals judges as
 4 prescribed by law, who shall sit as prescribed by law. Appeals Except as provided in
 5 this subsection, appeals judges shall be elected for 6-year terms and shall reside in
 6 the district from which elected. No alteration of district or circuit boundaries shall
 7 have the effect of removing an appeals judge from office during the judge's term. In
 8 case of an increase in the number of appeals judges, the first judge or judges shall
 9 be elected for full terms unless the legislature prescribes a shorter initial term for
 10 staggering of terms. The term of office of each person who is elected to the office of
 11 appeals judge after the effective date of the 2009-11 amendment to this subsection
 12 shall expire on the first Monday of January of the ~~first~~ odd-numbered year beginning
 13 after that date.

14 **SECTION 5.** 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 Except as
 17 provided in this section, circuit judges shall be elected for 6-year terms and shall
 18 reside in the circuit from which elected. The term of office of each person who is
 19 elected to the office of circuit judge after the effective date of the 2009-11 amendment
 20 to this section shall expire on the first Monday of January of the ~~first~~ odd-numbered
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22 **SECTION 6.** Section 9 of article VII of the constitution is amended to read:
 23 [Article VII] Section 9. When a vacancy occurs in the office of justice of the
 24 supreme court or judge of any court of record, the vacancy shall be filled by
 25 appointment by the governor, which shall continue until a successor is elected and



1 qualified. ~~There shall be no election for a justice or judge at the partisan general~~
2 ~~election for state or county officers, nor within 30 days either before or after such~~
3 ~~election.~~

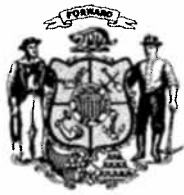
4 SECTION 7. Section 1 of article X of the constitution is amended to read:

5 [Article X] Section 1. The supervision of public instruction shall be vested in
6 a state superintendent and such other officers as the legislature shall direct; and
7 their qualifications, powers, duties and compensation shall be prescribed by law. ~~The~~
8 Except as provided in this section, the state superintendent shall be chosen by the
9 qualified electors of the state ~~at the same time and in the same manner as members~~
10 ~~of the supreme court general election~~, and shall hold office for 4 years from the
11 succeeding first Monday in ~~July~~ January. The term of office, time and manner of
12 electing or appointing all other officers of supervision of public instruction shall be
13 fixed by law. The term of office of the person who is first elected to the office of state
14 superintendent after the effective date of the 2009-11 amendment to this section
15 shall expire on the first Monday of January of the ~~first~~ odd-numbered year beginning
16 after that date.

Second
put

17 SECTION 8. Section 1 of article XIII of the constitution is amended to read:

18 [Article XIII] Section 1. The political year for this state shall commence on the
19 first Monday of January in each year, and the general election shall be held on the
20 Tuesday next succeeding the first Monday of November in even-numbered years.
21 Beginning with the elections first held to fill the positions of officers whose terms
22 expire in specified years under the 2009-11 amendment to this section, all regularly
23 scheduled elections for public officials shall be held at the general election. The ballot
24 shall clearly distinguish between partisan and nonpartisan offices.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0004/L
SRM:wlj:md

stays

ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY JOINT RESOLUTION 2

ASAP
please

Regen

1 **To amend** section 23 of article IV, section 4 (1) (a) of article VI, section 4 (1) of article
2 VII, section 5 (2) of article VII, section 7 of article VII, section 9 of article VII,
3 section 1 of article X and section 1 of article XIII of the constitution; **relating**
4 **to:** eliminating the spring election (first consideration).

Analysis by the Legislative Reference Bureau

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23 conduct of the court's business. The term of office of each person who is elected to the
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LPS: Please ignore green

2nd
e

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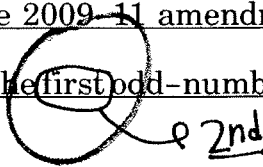
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25 expire in specified years under the 2009-11 amendment to this section, all regularly

1 scheduled elections for public officials shall be held at the general election. The ballot
2 shall clearly distinguish between partisan and nonpartisan offices.

3 (END)

Miller, Steve

From: Tribys, Eleanora
Sent: Wednesday, March 25, 2009 4:22 PM
To: Miller, Steve
Subject: RE: sub amend request AJR 2

Good Afternoon,

It's been a while but I had to set this aside for a bit. Reviewing the sub amendment, I have a couple of questions.

I note that the /1 sub at Section 3, line 1, page 3 states that the term would expire "on the **2nd** Monday of January of the **first** odd-numbered year" and then the /2 version changed that provision to read "on the **2nd** Monday of January of the **2nd** odd-numbered year."

I am wondering if that is an inadvertent mistake, and that it should read instead "on the **first** Monday of January of the **2nd** odd-numbered year" ?

The same wording occurs in Section 4, line 14, page 3, and Section 7, line 18, page 4.

Perhaps I am misunderstanding something, so I would appreciate it if you would confirm or clarify that for me.

On another issue, you will remember we discussed the manner in which school board members with 3 year terms could be worked into the scheme of spring elections and have 4 year terms without further amending the constitution and you came up with the scheme (see your below e-mail).

Am I to understand correctly then, that we need to have a separate bill drafted to accomplish this, since it is not a constitutional amendment?

Thank you much for your assistance and I look forward to your response at your earliest convenience.

Nora Tribys
Office of Rep. Gary Sherman
74th Assembly District

*revised 3/26/09
JRM*

-----Original Message-----

From: Miller, Steve
Sent: Wednesday, February 04, 2009 1:42 PM
To: Tribys, Eleanora
Cc: Kuesel, Jeffery
Subject: RE: sub amend request AJR 2

Nora,

I believe your statement below is correct. I have finished the substitute amendment to lengthen the terms rather than shorten them. The substitute will not need to amend article XIII, section 9 to accomplish this.

School board members and similar terms can be addressed by statute in the manner to which you refer, i.e., with

a special lengthened transitional term for those elected in 2013, 2014, and 2015, to get those officers to serve until the end of 2016 or 2018. Then, the elections in 2016 and 2018 can be held in November for four-year terms for those officers.

To be more specific:

In Spring 2013, elect for 3½ year terms to expire in Jan. 2017, and elect replacements in November 2016 for 4-year terms.

In Spring 2014, elect for 4½ year terms to expire in Jan. 2019, and elect replacements in November 2018 for 4-year terms.

In Spring 2015, elect for 3½ year terms to expire in Jan. 2019, and elect replacements in November 2018 for 4-year terms.

I hope this helps.

Steve

From: Miller, Steve
Sent: Tuesday, February 03, 2009 4:54 PM
To: Tribys, Eleanora
Subject: RE: sub amend request AJR 2

I've been talking to Jeff Kuesel, our elections drafter. What you're saying makes sense to me, but let me talk to Jeff again.

From: Tribys, Eleanora
Sent: Tuesday, February 03, 2009 4:23 PM
To: Miller, Steve
Cc: Sherman, Gary
Subject: RE: sub amend request AJR 2

To avoid amending another provision of the constitution and not even deal with the incumbent issue, Gary was thinking that maybe instead to provide that, as each school board member comes up for reelection, they run for a new term of sufficient length to take them to the first November election beyond three years. And then at that November election, they run for a four year term. This would make the transition to all fall elections take longer, but it should still work. What do you think?

Nora Tribys

Office of Rep. Gary Sherman
74th Assembly District

-----Original Message-----

From: Miller, Steve
Sent: Tuesday, February 03, 2009 10:47 AM
To: Tribys, Eleanora
Subject: RE: sub amend request AJR 2

Nora,

I will draft a sub amendment to AJR 2 to lengthen the terms.

There is a problem with lengthening the terms of school board members by statute. Article XIII, section 9 of the constitution has been interpreted to prohibit the legislature from lengthening the terms of incumbents in those offices. Oddly, it does not prohibit shortening terms. If you prefer, I can include an amendment to section 9 in this substitute amendment to lengthen those terms to four years or permit the

legislature to do so.

Steve

From: Tribys, Eleanora
Sent: Monday, February 02, 2009 3:35 PM
To: Miller, Steve
Subject: sub amend request AJR 2

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Thank you,

Nora Tribys

Office of Rep. Gary Sherman
74th Assembly District



RMNR
LRBs0004/2
SRM:wj:rs
3
kjf

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY JOINT RESOLUTION 2**

Rush

Regen

1 **To amend** section 23 of article IV, section 4 (1) (a) of article VI, section 4 (1) of article
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24 office of justice after the effective date of the 2009-11 amendment to this subsection

1st first

1

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2

3

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4

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chosen by the qualified electors of the district one or more appeals judges as

6

prescribed by law, who shall sit as prescribed by law. Appeals Except as provided in

7

this subsection, appeals judges shall be elected for 6-year terms and shall reside in

8

the district from which elected. No alteration of district or circuit boundaries shall

9

have the effect of removing an appeals judge from office during the judge's term. In

10

case of an increase in the number of appeals judges, the first judge or judges shall

11

be elected for full terms unless the legislature prescribes a shorter initial term for

12

staggering of terms. The term of office of each person who is elected to the office of

first

13

appeals judge after the effective date of the 2009-11 amendment to this subsection

14

shall expire on the ~~2nd~~ Monday of January of the 2nd odd-numbered year beginning

1st

15

after that date.

16

SECTION 5. Section 7 of article VII of the constitution is amended to read:

17

[Article VII] Section 7. For each circuit there shall be chosen by the qualified

18

electors thereof one or more circuit judges as prescribed by law. Circuit Except as

19

provided in this section, circuit judges shall be elected for 6-year terms and shall

20

reside in the circuit from which elected. The term of office of each person who is

21

elected to the office of circuit judge after the effective date of the 2009-11 amendment

22

to this section shall expire on the ~~first~~ Monday of January of the 2nd odd-numbered

1st

23

year beginning after that date.

24

SECTION 6. Section 9 of article VII of the constitution is amended to read:

1 [Article VII] Section 9. When a vacancy occurs in the office of justice of the
2 supreme court or judge of any court of record, the vacancy shall be filled by
3 appointment by the governor, which shall continue until a successor is elected and
4 qualified. ~~There shall be no election for a justice or judge at the partisan general~~
5 ~~election for state or county officers, nor within 30 days either before or after such~~
6 ~~election.~~

7 SECTION 7. Section 1 of article X of the constitution is amended to read:

8 [Article X] Section 1. The supervision of public instruction shall be vested in
9 a state superintendent and such other officers as the legislature shall direct; and
10 their qualifications, powers, duties and compensation shall be prescribed by law. ~~The~~
11 Except as provided in this section, the state superintendent shall be chosen by the
12 qualified electors of the state at the same time and in the same manner as members
13 of the supreme court general election, and shall hold office for 4 years from the
14 succeeding first Monday in July January. The term of office, time and manner of
15 electing or appointing all other officers of supervision of public instruction shall be
16 fixed by law. The term of office of the person who is first elected to the office of state
17 superintendent after the effective date of the 2009-11 amendment to this section
18 shall expire on the 2nd Monday of January of the 2nd odd-numbered year beginning
19 after that date.

first
1st

20 SECTION 8. Section 1 of article XIII of the constitution is amended to read:

21 [Article XIII] Section 1. The political year for this state shall commence on the
22 first Monday of January in each year, and the general election shall be held on the
23 Tuesday next succeeding the first Monday of November in even-numbered years.
24 Beginning with the elections first held to fill the positions of officers whose terms
25 expire in specified years under the 2009-11 amendment to this section, all regularly

1 scheduled elections for public officials shall be held at the general election. The ballot
2 shall clearly distinguish between partisan and nonpartisan offices.

3 (END)