



2011 ASSEMBLY JOINT RESOLUTION 63

October 12, 2011 - Introduced by Representatives VOS, FARROW, TAUCHEN, KLEEFISCH, CRAIG, KNUDSON, VAN ROY, NYGREN, A. OTT, RIVARD, SEVERSON, KAUFERT, HONADEL, KAPENGA, LITJENS, KUGLITSCH, PETERSEN, KESTELL, STROEBEL, STRACHOTA, MEYER and BALLWEG, cosponsored by Senators HARSDDORF and HOLPERIN. Referred to Committee on Election and Campaign Reform.

1 **To renumber** section 9 of article IV; **to amend** section 12 (intro.) of article XIII and
2 section 12 (2) of article XIII; and **to create** section 9 (2) of article IV of the
3 constitution; **relating to:** recall of elective officers and a code of ethics for
4 government officials (first consideration).

Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2011 legislature on first consideration, limits the grounds for the recall of an incumbent congressional, judicial, or legislative elective officer or any county elective officer specified in the Wisconsin Constitution (elective officer). Currently, a petition for recall may be filed with the officer who receives the nomination petition to the elective office in the primary (filing officer), and need not demonstrate any grounds for the recall of an elective officer. Under this amendment, an elective officer may be recalled only if he or she has been charged with a serious crime or if a finding of probable cause has been made that he or she violated the state code of ethics.

The amendment further requires the filing officer to determine, before a recall election is scheduled, that the petition for recall demonstrates sufficient grounds for recalling the elective officer.

The amendment also requires the legislature to establish a code of ethics for government officials and a board to administer the code.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it becomes effective.

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

2 **SECTION 1.** Section 12 (intro.) of article XIII of the constitution is amended to
3 read:

4 [Article XIII] Section 12 (intro.) The qualified electors of the state, of any
5 congressional, judicial or legislative district or of any county may petition for the
6 recall of any incumbent elective officer after the first year of the term for which the
7 incumbent was elected, if the officer has been charged with a crime punishable by
8 imprisonment of one year or more, or against whom a finding of probable cause of
9 violation of the state code of ethics has been made, by filing a petition with the filing
10 officer with whom the nomination petition to the office in the primary is filed,
11 demanding the recall of the incumbent.

12 **SECTION 2.** Section 12 (2) of article XIII of the constitution is amended to read:

13 [Article XIII] Section (2) The If the filing officer with whom the recall petition
14 is filed determines that the petition sufficiently demonstrates the grounds for recall,
15 the filing officer with whom the recall petition is filed shall call a recall election for
16 the Tuesday of the 6th week after the date of filing the petition or, if that Tuesday is
17 a legal holiday, on the first day after that Tuesday which is not a legal holiday.

18 **SECTION 3.** Section 9 of article IV of the constitution is renumbered section 9
19 (1) of article IV.

20 **SECTION 4.** Section 9 (2) of article IV of the constitution is created to read:

21 [Article IV] Section 9 (2) The legislature shall provide by law for the
22 establishment of a code of ethics for government officials and the establishment of
23 a board to administer the code.

1 **SECTION 5. Numbering of new provision.** If another constitutional
2 amendment ratified by the people creates the number of any provision created in this
3 joint resolution, the chief of the legislative reference bureau shall determine the
4 sequencing and the numbering of the provisions whose numbers conflict.

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

8

(END)