



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0018/1  
PJD:wlj:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY JOINT RESOLUTION 3**

February 15, 2005 - Offered by Representatives KESSLER, GRIGSBY, A. WILLIAMS,  
TOLES, SCHNEIDER, COLON and BOYLE.

1 To amend so as in effect *to repeal* section 4 (3) (c) of article VI; *to renumber and*  
2 *amend* section 4 (1) of article VI and section 12 of article VII; *to amend* section  
3 4 (4) of article VI; and *to create* section 4 (1) (b) and (c) of article VI and section  
4 12 (2) of article VII of the constitution; **relating to:** four-year terms of office for  
5 certain county officers (first consideration).

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**EXPLANATION OF PROPOSAL**

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, requires counties to elect county clerks and treasurers every four years, and changes the terms of office from two years to four years for coroners, elected surveyors, registers of deeds, treasurers, county clerks, and clerks of circuit court. For clerks of circuit court and coroners, the first elections to four-year terms will be held concurrently with the first gubernatorial election following ratification, which is when the constitution provides that sheriffs are to be first elected to four-year terms. For elected surveyors, registers of deeds, treasurers, and county clerks, the first elections to four-year terms will be held concurrently with the first presidential election following ratification.

The proposal does not change the times for holding regular elections for any county offices, and does not affect the terms of office of elected county chief executive officers (they already serve four-year terms), district attorneys, or the terms of office of county supervisors or sheriffs.

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

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

2           **SECTION 1.** Section 4 (1) of article VI of the constitution is renumbered section  
3           4 (1) (a) of article VI and amended to read:

4           [Article VI] Section 4 (1) (a) Except as provided in pars. (b) and (c) and sub. (2),  
5           coroners, registers of deeds, district attorneys, and all other elected county officers,  
6           except judicial officers, sheriffs, and chief executive officers, shall be chosen by the  
7           electors of the respective counties once in every 2 years.

8           **SECTION 2.** Section 4 (1) (b) and (c) of article VI of the constitution are created  
9           to read:

10           [Article VI] Section 4 (1) (b) Beginning with the first general election at which  
11           the governor is elected which occurs after the ratification of this paragraph, sheriffs  
12           shall be chosen by the electors of the respective counties, or by the electors of all of  
13           the respective counties comprising each combination of counties combined by the  
14           legislature for that purpose, for the term of 4 years and coroners in counties in which  
15           there is a coroner shall be chosen by the electors of the respective counties, or by the  
16           electors of all of the respective counties comprising each combination of counties  
17           combined by the legislature for that purpose, for the term of 4 years.

18           (c) Beginning with the first general election at which the president is elected  
19           which occurs after the ratification of this paragraph, registers of deeds, county  
20           clerks, and treasurers shall be chosen by the electors of the respective counties, or  
21           by the electors of all of the respective counties comprising each combination of  
22           counties combined by the legislature for that purpose, for the term of 4 years and  
23           surveyors in counties in which the office of surveyor is filled by election shall be

1 chosen by the electors of the respective counties, or by the electors of all of the  
2 respective counties comprising each combination of counties combined by the  
3 legislature for that purpose, for the term of 4 years.

4 **SECTION 3.** Section 4 (3) (c) of article VI of the constitution is amended so as in  
5 effect to repeal said paragraph:

6 [Article VI] Section 4 (3) (c) ~~Beginning with the first general election at which~~  
7 ~~the governor is elected which occurs after the ratification of this paragraph, sheriffs~~  
8 ~~shall be chosen by the electors of the respective counties once in every 4 years.~~

9 **SECTION 4.** Section 4 (4) of article VI of the constitution is amended to read:

10 [Article VI] Section 4 (4) The governor may remove any elected county officer  
11 mentioned in this section except a county clerk, treasurer, or surveyor, giving to the  
12 officer a copy of the charges and an opportunity of being heard.

13 **SECTION 5.** Section 12 of article VII of the constitution is renumbered section  
14 12 (1) of article VII and amended to read:

15 [Article VII] Section 12 (1) There shall be a clerk of the circuit court chosen in  
16 each county organized for judicial purposes by the qualified electors thereof, who,  
17 except as provided in sub. (2), shall hold his office for two years, subject to removal  
18 as shall be provided by law; ~~in.~~

19 (3) ~~In~~ case of a vacancy, the judge of the circuit court ~~shall have power to~~ may  
20 appoint a clerk until the vacancy shall be is filled by an election; ~~the.~~

21 (4) ~~The clerk thus elected or appointed of circuit court~~ shall give such security  
22 as the legislature ~~may require~~ requires by law.

23 (5) The supreme court shall appoint its own clerk, and may appoint a clerk of  
24 the circuit court ~~may be appointed a~~ to be the clerk of the supreme court.

25 **SECTION 6.** Section 12 (2) of article VII of the constitution is created to read:

1 [Article VII] Section 12 (2) Beginning with the first general election at which  
2 the governor is elected which occurs after the ratification of this subsection, a clerk  
3 of circuit court shall be chosen by the electors of each county, for the term of 4 years,  
4 subject to removal as provided by law.

5 **SECTION 7. Numbering of new provisions.** (1) The new paragraph (b) of  
6 subsection (1) of section 4 of article VI of the constitution created in this joint  
7 resolution shall be designated by the next higher open paragraph letter in that  
8 subsection in that section in that article if, before the ratification by the people of the  
9 amendment proposed in this joint resolution, any other ratified amendment has  
10 created a paragraph (b) of subsection (1) of section 4 of article VI of the constitution  
11 of this state. If one or more joint resolutions create a paragraph (b) of subsection (1)  
12 of section 4 of article VI simultaneously with the ratification by the people of the  
13 amendment proposed in this joint resolution, the paragraphs created shall be  
14 numbered and placed in a sequence so that the paragraphs created by the joint  
15 resolution having the lowest enrolled joint resolution number have the letters  
16 designated in that joint resolution and the paragraphs created by the other joint  
17 resolutions have letters that are in the same ascending order as are the numbers of  
18 the enrolled joint resolutions creating the paragraphs.

19 (2) The new paragraph (c) of subsection (1) of section 4 of article VI of the  
20 constitution created in this joint resolution shall be designated by the next higher  
21 open paragraph letter in that subsection in that section in that article if, before the  
22 ratification by the people of the amendment proposed in this joint resolution, any  
23 other ratified amendment has created a paragraph (c) of subsection (1) of section 4  
24 of article VI of the constitution of this state. If one or more joint resolutions create  
25 a paragraph (c) of subsection (1) of section 4 of article VI simultaneously with the

1 ratification by the people of the amendment proposed in this joint resolution, the  
2 paragraphs created shall be lettered and placed in a sequence so that the paragraphs  
3 created by the joint resolution having the lowest enrolled joint resolution number  
4 have the letters designated in that joint resolution and the paragraphs created by  
5 the other joint resolutions have letters that are in the same ascending order as are  
6 the numbers of the enrolled joint resolutions creating the paragraphs.

7 (3) The new subsection (2) of section 12 of article VII of the constitution created  
8 in this joint resolution shall be designated by the next higher open whole subsection  
9 number in that section in that article if, before the ratification by the people of the  
10 amendment proposed in this joint resolution, any other ratified amendment has  
11 created a subsection (2) of section 12 of article VII of the constitution of this state.  
12 If one or more joint resolutions create a subsection (2) of section 12 of article VII  
13 simultaneously with the ratification by the people of the amendment proposed in this  
14 joint resolution, the subsections created shall be numbered and placed in a sequence  
15 so that the subsections created by the joint resolution having the lowest enrolled joint  
16 resolution number have the numbers designated in that joint resolution and the  
17 subsections created by the other joint resolutions have numbers that are in the same  
18 ascending order as are the numbers of the enrolled joint resolutions creating the  
19 subsections.

20 ***Be it further resolved, That*** this proposed amendment be referred to the  
21 legislature to be chosen at the next general election and that it be published for 3  
22 months previous to the time of holding such election.

23 (END)