



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE JOINT RESOLUTION 2**

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).

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.

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

1 surveyors in counties in which the office of surveyor is filled by election shall be
2 chosen by the electors of the respective counties, or by the electors of all of the
3 respective counties comprising each combination of counties combined by the
4 legislature for that purpose, for the term of 4 years.

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

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

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

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

14 **SECTION 5.** Section 12 of article VII of the constitution is renumbered section
15 12 (1) of article VII and amended to read:

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

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

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

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

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

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

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

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

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

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

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

24 (END)