



1997 ASSEMBLY JOINT RESOLUTION 58

June 10, 1997 - Introduced by Representatives URBAN, KRUG, F. LASEE, ROBSON and ZIEGELBAUER, cosponsored by Senators FARROW and HUELSMAN. Referred to Committee on Elections and Constitutional Law.

1 **To renumber** section 4 (2) of article VI; **to amend** section 4 (1) and (5) of article VI;
2 and **to create** section 4 (2) (b) of article VI of the constitution; **relating to:**
3 filling the office of sheriff by election or appointment (first consideration).

Analysis by the Legislative Reference Bureau

Currently, the office of sheriff is an elective office created by the constitution.

This proposed constitutional amendment, proposed to the 1997 legislature on first consideration, permits a county board of supervisors to change the office of sheriff from an office filled by election to an office filled by appointment. The change from an elective to an appointive office may only occur upon expiration of the elected term. Under the proposal, if the county board of supervisors changes the office of sheriff from an elective office to an appointive office, the board may thereafter change the office from an appointive office to an elective office again.

A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

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

5 **SECTION 1.** Section 4 (1) of article VI of the constitution is amended to read:
6 [Article VI] Section 4 (1) Sheriffs Except as provided in sub. (2), sheriffs,
7 coroners, registers of deeds, district attorneys, and all other elected county officers
8 except judicial officers and chief executive officers, shall be chosen by the electors of
9 the respective counties once in every 2 years.

1 **SECTION 2.** Section 4 (2) of article VI of the constitution is renumbered section
2 4 (2) (a) of article VI.

3 **SECTION 3.** Section 4 (2) (b) of article VI of the constitution is created to read:

4 [Article VI] Section 4 (2) (b) The county board of supervisors of any county may
5 change the office of sheriff from an office filled by election to an office filled by
6 appointment, but the change shall coincide with the expiration of the term for which
7 the incumbent sheriff was elected. If a county board of supervisors changes the office
8 of sheriff from an elective office to an appointive office under this paragraph, the
9 board may thereafter change the office of sheriff from an appointive office to an
10 elective office. Any such change shall be made for a complete term commencing on
11 the first Monday in January of an odd-numbered year. The change shall be adopted
12 no later than May 31 preceding that date.

13 **SECTION 4.** Section 4 (5) of article VI of the constitution is amended to read:

14 [Article VI] Section 4 (5) All vacancies in the offices of sheriff, coroner, register
15 of deeds or district attorney shall be filled by appointment. The person appointed to
16 fill a vacancy shall hold office only for the unexpired portion of the term to which
17 appointed and until a successor shall be elected or appointed and qualified.

18 **SECTION 5. Numbering of new provision.** The new paragraph (b) of
19 subsection (2) of section 4 of article VI of the constitution created in this joint
20 resolution shall be designated by the next open paragraph letter in that subsection
21 in that section in that article if, before the ratification by the people of the
22 amendment proposed in this joint resolution, any other ratified amendment has
23 created a paragraph (b) of subsection (2) of section 4 of article VI of the constitution.
24 If one or more joint resolutions create a paragraph (b) of subsection (2) of section 4
25 of article VI simultaneously with the ratification by the people of the amendment

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

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

10 (END)