



2009 ASSEMBLY JOINT RESOLUTION 26

March 9, 2009 – Introduced by Representative SCHNEIDER. Referred to Committee on Elections and Campaign Reform.

1 **To amend** section 2 of article IV, section 4 of article IV, section 5 of article IV and
2 section 26 (2) (b) of article IV; and **to create** section 17 of article XIV of the
3 constitution; **relating to:** terms of office for members of the senate and
4 assembly (first consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

Presently, the constitution provides that representatives to the assembly are elected to two-year terms and state senators are elected to staggered four-year terms. This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, provides that representatives to the assembly are elected to staggered four-year terms and senators are elected to staggered six-year terms. The changes to the length of terms first apply to the terms for which the election in November 2012 is held.

The proposal sets the number of members of the assembly at 99 and the number of members of the senate at 33, which are the current memberships. Currently, the constitution sets the permitted range of the number of seats, not the specific number.

A 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:**

1 **SECTION 1.** Section 2 of article IV of the constitution is amended to read:

2 [Article IV] Section 2. The number of the members of the assembly shall never
3 be less than ~~fifty-four~~ nor more than one hundred ~~99~~. The number of members of
4 the senate shall consist of a number not more than one-third nor less than
5 one-fourth of the number of the members of the assembly be 33.

6 **SECTION 2.** Section 4 of article IV of the constitution is amended to read:

7 [Article IV] Section 4. The members of the assembly shall be chosen ~~biennially,~~
8 ~~by single~~ elected from single-member districts, ~~on the Tuesday succeeding the first~~
9 ~~Monday of November in even-numbered years.~~ The assembly districts shall be
10 numbered in the regular series, and the representatives shall be chosen on a partisan
11 ballot in each even-numbered year at the general election, alternately from the
12 odd-numbered and even-numbered districts, for the term of 4 years, by the qualified
13 electors of the several districts, such districts to be bounded by county, precinct, town,
14 or ward lines, to consist of contiguous territory and be in as compact form as
15 practicable.

16 **SECTION 3.** Section 5 of article IV of the constitution is amended to read:

17 [Article IV] Section 5. The senators shall be elected ~~by single~~ from
18 single-member districts composed of convenient, contiguous territory, at the same
19 ~~time and in the same manner as members of the assembly are required to be chosen;~~
20 ~~and no assembly district shall be divided in the formation of a senate district~~ whole
21 assembly districts. The senate districts shall be numbered in the regular series, and
22 ~~one-third of the senators shall be chosen alternately from the odd and~~
23 ~~even-numbered districts~~ on a partisan ballot in each even-numbered year at the
24 general election, alternately in 3 classes each consisting of one-third of the senators
25 for the term of 4 6 years.

1 **SECTION 4.** Section 26 (2) (b) of article IV of the constitution is amended to read:

2 [Article IV] Section 26 (2) (b) Any increase in the compensation of members of
3 the legislature shall take effect, for all senators and representatives to the assembly,
4 after the next general election beginning with the new ~~assembly term~~ biennial
5 session of the legislature.

6 **SECTION 5.** Section 17 of article XIV of the constitution is created to read:

7 [Article XIV] Section 17 (1) The changes to sections 2, 4, 5, and 26 (2) (b) of
8 article IV made by this amendment to the constitution lengthening the terms of
9 legislators first apply to the November 2012 general election and to the term of office
10 of the members elected at that election.

11 (2) Notwithstanding section 5 of article IV, the term of a senator elected at the
12 November 2014 general election to senate district 3, 9, 15, 21, 27, or 33 shall be for
13 2 years.

14 (3) Notwithstanding section 5 of article IV, the term of a senator elected at the
15 November 2012 general election to senate district 4, 10, 16, 22, or 28 shall be for 2
16 years.

17 (4) Notwithstanding section 5 of article IV, the term of a senator elected at the
18 November 2014 general election to senate district 5, 11, 17, 23, or 29 shall be for 4
19 years.

20 (5) Notwithstanding section 5 of article IV, the term of a senator elected at the
21 November 2012 general election to senate district 6, 12, 18, 24, or 30 shall be for 4
22 years.

23 (6) Notwithstanding section 4 of article IV, the term of a representative elected
24 at the November 2012 general election to an even-numbered district shall be for 2
25 years.

SECTION 6. Numbering of new provision.

(1) The new section 17 of article XIV of the constitution created in this joint resolution shall be designated by the next higher open whole section number in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a section 17 of article XIV of the constitution of this state. If one or more joint resolutions create a section 17 of article XIV simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the sections created shall be numbered and placed in a sequence so that the sections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the sections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the sections.

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

(END)