



2009 SENATE JOINT RESOLUTION 26

April 9, 2009 - Introduced by Senators A. LASEE, LEIBHAM, KEDZIE and DARLING, cosponsored by Representatives SUDER, BROOKS, BIES, KNODL, KERKMAN, LEMAHIEU, BERCEAU, VOS, NASS, BERNARD SCHABER, KESTELL and VAN ROY. Referred to Committee on Ethics Reform and Government Operations.

1 **To amend** so as in effect **to repeal** section 2 of article VI; **to amend** section 8 of
2 article V, section 1 of article VI, sections 7 and 8 of article X and section 4 of
3 article XIII; and **to create** section 17 of article XIV of the constitution; **relating**
4 **to:** deleting from the constitution the office of secretary of state (first
5 consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, deletes from the constitution the office of secretary of state.

Secretary of state

Currently, the constitution assigns four duties to the secretary of state; all other duties are prescribed by law. The four duties prescribed by the constitution are: 1) to serve as governor when there is a vacancy in the office of lieutenant governor and the governor dies, resigns, or is removed from office, or to serve as acting governor when there is a vacancy in the office of lieutenant governor and the governor is absent from the state, impeached, or incapable of performing the duties of office; 2) to keep a fair record of the official acts of the legislature and executive department of the state; 3) to serve as a member of the board of commissioners for the sale of public lands; and 4) to keep the great seal of Wisconsin.

Under this proposal, the secretary of state is replaced by the attorney general in the line of gubernatorial succession. The proposal deletes the requirement that the secretary of state keep legislative and executive records. The proposal also

removes the secretary of state as a member of the board of commissioners. Under the proposal, the constitution continues to provide for a great seal, but its placement is determined by law.

Terms of incumbent

The last election for secretary of state required by the constitution will be the one held in November 2010. The incumbent will continue to serve until the first Monday in January 2015.

Board of commissioners

The three-member board of commissioners for the sale of public lands presently consists of the secretary of state, state treasurer, and attorney general. Under this proposal, the state superintendent of public instruction becomes a member.

Second consideration and ratification

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

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

2 **SECTION 1.** Section 8 of article V of the constitution is amended to read:

3 [Article V] Section 8 (1) If there is a vacancy in the office of lieutenant governor
4 and the governor dies, resigns, or is removed from office, the ~~secretary of state~~
5 attorney general shall become governor for the balance of the unexpired term.

6 (2) If there is a vacancy in the office of lieutenant governor and the governor
7 is absent from this state, impeached, or from mental or physical disease becomes
8 incapable of performing the duties of the office, the ~~secretary of state~~ attorney
9 general shall serve as acting governor for the balance of the unexpired term or until
10 the governor returns, the disability ceases, or the impeachment is vacated.

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

12 [Article VI] Section 1. The ~~At the 2014 general election and every 4 years~~
13 thereafter, the qualified electors of this state, ~~at the times and places of choosing the~~
14 ~~members of the legislature, shall in 1970 and every 4 years thereafter elect a~~

1 ~~secretary of state, treasurer and attorney general who shall hold their offices for 4~~
2 ~~years 4-year terms.~~

3 **SECTION 3.** Section 2 of article VI of the constitution is amended so as in effect
4 to repeal said section:

5 [Article VI] Section 2. ~~The secretary of state shall keep a fair record of the~~
6 ~~official acts of the legislature and executive department of the state, and shall, when~~
7 ~~required, lay the same and all matters relative thereto before either branch of the~~
8 ~~legislature. He shall perform such other duties as shall be assigned him by law. He~~
9 ~~shall receive as a compensation for his services yearly such sum as shall be provided~~
10 ~~by law, and shall keep his office at the seat of government.~~

11 **SECTION 4.** Sections 7 and 8 of article X of the constitution are amended to read:

12 [Article X] Section 7. ~~The secretary of state, treasurer, the state superintendent~~
13 ~~of public instruction, and the attorney general, shall constitute a board of~~
14 ~~commissioners for. The board shall administer the sale of the school and university~~
15 ~~lands and for the investment of the funds arising therefrom. Any two of said~~
16 ~~commissioners 2 members shall be a quorum for the transaction of all business~~
17 ~~pertaining to the duties of their office the board.~~

18 Section 8. ~~Provision shall be made by law for the The sale of all school and~~
19 ~~university lands, after they shall have been appraised; and when, shall be regulated~~
20 ~~by law. Whenever any portion of such lands shall be is sold and the purchase money~~
21 ~~shall is not be paid at the time of the sale, the commissioners board of commissioners~~
22 ~~shall take security by mortgage upon the lands sold for the sum remaining unpaid,~~
23 ~~with seven per cent 7 percent interest thereon, payable annually at the office of the~~
24 ~~treasurer. The commissioners shall be authorized to board may execute a good and~~
25 ~~sufficient conveyance to all purchasers of such lands, and to may discharge any~~

1 mortgages taken as security, when the sum due thereon ~~shall have~~ has been paid.
2 The ~~commissioners shall have power to~~ board may withhold from sale any portion
3 of such lands when ~~they shall deem~~ the board considers it expedient, ~~and.~~ The board
4 shall invest all moneys arising from the sale of such lands, as well as all other
5 university and school funds, in ~~such~~ the manner as ~~the legislature shall provide, and~~
6 ~~shall provided by law.~~ The members of the board shall give such security for the
7 faithful performance of their duties as ~~may be~~ is required by law.

8 **SECTION 5.** Section 4 of article XIII of the constitution is amended to read:

9 [Article XIII] Section 4. ~~It shall be the duty of the~~ The legislature to ~~shall, by~~
10 law, provide a great seal for the state, ~~which shall be kept by the secretary of state,~~
11 ~~and all.~~ All official acts of the governor, ~~his approbation of the laws excepted~~ except
12 the governor's approval of bills that have passed the legislature, shall be thereby
13 authenticated with the great seal.

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

15 [Article XIV] Section 17. The secretary of state holding office on the date of
16 ratification of the 2009-10 amendment providing for the deletion of that office from
17 the constitution shall continue to hold that office until the first Monday of January
18 in 2015. Any vacancy in that office occurring before that date shall be filled in the
19 manner provided by law.

20 **SECTION 7. Numbering of new provision.** The new section 17 of article XIV
21 of the constitution created in this joint resolution shall be designated by the next
22 higher open whole section number in that article if, before the ratification by the
23 people of the amendment proposed in this joint resolution, any other ratified
24 amendment has created a section 17 of article XIV of the constitution of this state.
25 If one or more joint resolutions create a section 17 of article XIV simultaneously with

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

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)