



2009 SENATE JOINT RESOLUTION 49

October 2, 2009 – Introduced by Senators CARPENTER, HOLPERIN, JAUCH and TAYLOR, cosponsored by Representatives SHERMAN, VRUWINK and SOLETSKI. Referred to Committee on Labor, Elections and Urban Affairs.

1 **To amend** section 23 of article IV, section 4 (1) (a) of article VI, section 4 (1) of article
2 VII, section 5 (2) of article VII, section 7 of article VII, section 9 of article VII,
3 section 1 of article X and section 1 of article XIII of the constitution; **relating**
4 **to:** eliminating the spring election (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, eliminates the spring election for nonpartisan offices so that all regularly scheduled elections will be held in November. The proposal also prescribes special lengthened terms for nonpartisan officers who are elected after the effective date of the amendment to facilitate the transition to new term expirations.

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

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

6 **SECTION 1.** Section 23 of article IV of the constitution is amended to read:

7 [Article IV] Section 23. The legislature shall establish but one system of town
8 government, which shall be as nearly uniform as practicable; but the legislature may
9 provide for the election at large once in every 4 years of a chief executive officer in

1 any county with such powers of an administrative character as they may from time
2 to time prescribe in accordance with this section and shall establish one or more
3 systems of county government. The term of office of the chief executive officer shall
4 be 4 years, except that the term of office of any person who is elected to the office of
5 chief executive officer after the effective date of the 2009-11 amendment to this
6 section shall expire on the first Monday of January of the 2nd odd-numbered year
7 beginning after that date.

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

9 [Article VI] Section 4 (1) (a) Except as provided in this paragraph and pars. (b)
10 and (c) and sub. (2), coroners, registers of deeds, district attorneys, and all other
11 elected county officers, except judicial officers, sheriffs, and chief executive officers,
12 shall be chosen by the electors of the respective counties once in every 2 years. The
13 term of office of each person who is elected to the office of county supervisor after the
14 effective date of the 2009-11 amendment to this paragraph shall expire on the first
15 Monday of January of the 2nd odd-numbered year beginning after that date.

16 **SECTION 3.** Section 4 (1) of article VII of the constitution is amended to read:

17 [Article VII] Section 4 (1) The supreme court shall have 7 members who shall
18 be known as justices of the supreme court. Justices Except as provided in this
19 subsection, justices shall be elected for 10-year terms of office commencing with the
20 August January 1 next succeeding the election. Only one justice No more than 2
21 justices may be elected in any year. Any 4 justices shall constitute a quorum for the
22 conduct of the court's business. The term of office of each person who is elected to the
23 office of justice after the effective date of the 2009-11 amendment to this subsection
24 shall expire on the first Monday of January of the 2nd odd-numbered year beginning
25 after that date.

1 **SECTION 4.** Section 5 (2) of article VII of the constitution is amended to read:
2 [Article VII] Section 5 (2) For each district of the appeals court there shall be
3 chosen by the qualified electors of the district one or more appeals judges as
4 prescribed by law, who shall sit as prescribed by law. Appeals Except as provided in
5 this subsection, appeals judges shall be elected for 6-year terms and shall reside in
6 the district from which elected. No alteration of district or circuit boundaries shall
7 have the effect of removing an appeals judge from office during the judge's term. In
8 case of an increase in the number of appeals judges, the first judge or judges shall
9 be elected for full terms unless the legislature prescribes a shorter initial term for
10 staggering of terms. The term of office of each person who is elected to the office of
11 appeals judge after the effective date of the 2009-11 amendment to this subsection
12 shall expire on the first Monday of January of the 2nd odd-numbered year beginning
13 after that date.

14 **SECTION 5.** Section 7 of article VII of the constitution is amended to read:
15 [Article VII] Section 7. For each circuit there shall be chosen by the qualified
16 electors thereof one or more circuit judges as prescribed by law. Circuit Except as
17 provided in this section, circuit judges shall be elected for 6-year terms and shall
18 reside in the circuit from which elected. The term of office of each person who is
19 elected to the office of circuit judge after the effective date of the 2009-11 amendment
20 to this section shall expire on the first Monday of January of the 2nd odd-numbered
21 year beginning after that date.

22 **SECTION 6.** Section 9 of article VII of the constitution is amended to read:
23 [Article VII] Section 9. When a vacancy occurs in the office of justice of the
24 supreme court or judge of any court of record, the vacancy shall be filled by
25 appointment by the governor, which shall continue until a successor is elected and

1 qualified. ~~There shall be no election for a justice or judge at the partisan general~~
2 ~~election for state or county officers, nor within 30 days either before or after such~~
3 ~~election.~~

4 **SECTION 7.** Section 1 of article X of the constitution is amended to read:

5 [Article X] Section 1. The supervision of public instruction shall be vested in
6 a state superintendent and such other officers as the legislature shall direct; and
7 their qualifications, powers, duties and compensation shall be prescribed by law. The
8 Except as provided in this section, the state superintendent shall be chosen by the
9 qualified electors of the state at the same time and in the same manner as members
10 of the supreme court general election, and shall hold office for 4 years from the
11 succeeding first Monday in July January. The term of office, time and manner of
12 electing or appointing all other officers of supervision of public instruction shall be
13 fixed by law. The term of office of the person who is first elected to the office of state
14 superintendent after the effective date of the 2009-11 amendment to this section
15 shall expire on the first Monday of January of the 2nd odd-numbered year beginning
16 after that date.

17 **SECTION 8.** Section 1 of article XIII of the constitution is amended to read:

18 [Article XIII] Section 1. The political year for this state shall commence on the
19 first Monday of January in each year, and the general election shall be held on the
20 Tuesday next succeeding the first Monday of November in even-numbered years.
21 Beginning with the elections first held to fill the positions of officers whose terms
22 expire in specified years under the 2009-11 amendment to this section, all regularly
23 scheduled elections for public officials shall be held at the general election. The ballot
24 shall clearly distinguish between partisan and nonpartisan offices.

25 (END)