



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY JOINT RESOLUTION 37**

November 2, 1995 - Offered by COMMITTEE ON ELECTIONS AND CONSTITUTIONAL LAW.

1 **To renumber and amend** section 4 (5) of article VI; **to amend** section 4 (1) and (3)
2 of article VI; and **to create** section 4 (1) (b), (5) (b) and (6) of article VI of the
3 constitution; **relating to:** 4-year terms of office for, appointment of, and the
4 restriction on holding any other office by, sheriffs (first consideration).

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

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

7 [Article VI] Section 4 (1) Sheriffs (a) Except as provided in par. (b) and sub.
8 (2), sheriffs, coroners, registers of deeds, district attorneys, and all other elected
9 county officers, except judicial officers and chief executive officers, shall be chosen
10 by the electors of the respective counties once in every 2 years.

11 **SECTION 2.** Section 4 (1) (b) of article VI of the constitution is created to read:

12 [Article VI] Section 4 (1) (b) Beginning with the first general election at which
13 the governor is elected which occurs after the ratification of this paragraph, sheriffs
14 shall be chosen by the electors of the respective counties for the term of 4 years,
15 except that a sheriff who is elected to fill a vacancy under sub. (5) (b) shall serve for
16 a term of 2 years.

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

2 [Article VI] Section 4 (3) ~~Sheriffs shall hold no other office.~~ Sheriffs may be
3 required by law to renew their security from time to time, and in default of giving
4 such new security their office shall be deemed vacant.

5 **SECTION 4.** Section 4 (5) of article VI of the constitution is renumbered section
6 4 (5) (a) of article VI and amended to read:

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

11 **SECTION 5.** Section 4 (5) (b) of article VI of the constitution is created to read:

12 [Article VI] Section 4 (5) (b) All vacancies in the office of sheriff shall be filled
13 by appointment except as provided in this paragraph. The person appointed to fill
14 a vacancy occurring on or before June 1 of the 2nd year of the term for which the
15 person's predecessor was elected shall hold office only until the first Monday in
16 January occurring after the 2nd year of the term for which the person's predecessor
17 was elected and until a successor shall be elected and qualified. The person
18 appointed to fill a vacancy occurring after June 1 of the 2nd year of the term for which
19 the person's predecessor was elected shall hold office only for the unexpired portion
20 of the term to which appointed and until a successor shall be elected and qualified.
21 A successor shall be elected to succeed a person so appointed at the general election
22 following occurrence of that vacancy. A vacancy caused by an irrevocable resignation
23 which under sub. (6) permits the person resigning the office to hold another office
24 shall be filled by special election held concurrently with the election for the office for
25 which the person is a candidate.

1 **SECTION 6.** Section 4 (6) of article VI of the constitution is created to read:

2 [Article VI] Section 4 (6) (a) Sheriffs may not hold any other partisan elected
3 office of public trust during the term for which elected or appointed, unless the person
4 irrevocably resigns the office, effective at the beginning of the term of office for which
5 the person becomes a candidate, before the person becomes a candidate for the other
6 office of public trust.

7 (b) Notwithstanding par. (a), a person need not resign an office which the
8 person holds before assuming the office for which the person becomes a candidate if
9 the office for which the person becomes a candidate is to be filled at a special election.

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

13

(END)