



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY JOINT RESOLUTION 38**

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

1 **To amend** section 4 (1), (3), (4) and (5) of article VI and section 12 of article VII; and
2 **to create** section 4 (1) (b) and (c) and (6) of article VI and section 12 (6) of article
3 VII of the constitution; **relating to:** 4-year terms of office for, appointment of,
4 and the restriction on holding any other office by, certain county officers (first
5 consideration).

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

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

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

12 **SECTION 2.** Section 4 (1) (b) and (c) of article VI of the constitution are created
13 to read:

14 [Article VI] Section 4 (1) (b) Beginning with the first general election at which
15 the governor is elected which occurs after the ratification of this paragraph, sheriffs

1 and district attorneys shall be chosen by the electors of the respective counties for
2 the term of 4 years.

3 (c) Beginning with the first general election at which the president is elected
4 which occurs after the ratification of this paragraph, registers of deeds, clerks and
5 treasurers shall be chosen by the electors of the respective counties for the term of
6 4 years and surveyors in counties in which the office of surveyor is filled by election
7 and coroners in counties in which the office of coroner is filled by election shall be
8 chosen by the electors of the respective counties for the term of 4 years.

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

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

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

14 [Article VI] Section 4 (4) The governor may remove any elected county officer
15 mentioned in this section except a clerk or treasurer, giving to the officer a copy of
16 the charges and an opportunity of being heard.

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

18 [Article VI] Section 4 (5) All vacancies in the offices of sheriff, coroner, register
19 of deeds or district attorney shall be filled by appointment, except a vacancy caused
20 by an irrevocable resignation which under sub. (6) permits the person resigning the
21 office to hold another office. The person appointed to fill a vacancy occurring on or
22 before June 1 of the 2nd year of the term for which the person's predecessor was
23 elected shall hold office only until the first Monday in January occurring after the
24 2nd year of the term for which the person's predecessor was elected and until a
25 successor shall be elected and qualified. The person appointed to fill a vacancy

1 occurring after June 1 of the 2nd year of the term for which the person's predecessor
2 was elected shall hold office only for the unexpired portion of the term to which
3 appointed and until a successor shall be elected and qualified. A vacancy caused by
4 an irrevocable resignation which under sub. (6) permits the person resigning the
5 office to hold another office shall be filled by special election held concurrently with
6 the election for the office for which the person is a candidate.

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

8 [Article VI] Section 4 (6) (a) Sheriffs, coroners, registers of deeds, district
9 attorneys, clerks, treasurers and surveyors may not hold any other partisan elected
10 office of public trust during the term for which elected or appointed, unless the person
11 irrevocably resigns the office, effective at the beginning of the term of office for which
12 the person becomes a candidate, before the person becomes a candidate for the other
13 office of public trust.

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

17 **SECTION 7.** Section 12 of article VII of the constitution is amended to read:

18 [Article VII] Section 12. There (1) Beginning with the first general election at
19 which the governor is elected which occurs after the ratification of this subsection,
20 there shall be a clerk of the circuit court chosen in each county organized for judicial
21 purposes by the qualified electors thereof, who shall hold his office for two 4 years,
22 subject to removal as,

23 (2) Removal from office of any clerk of circuit court shall be as provided by law;
24 in.

1 (3) In case of a vacancy, except a vacancy caused by an irrevocable resignation
2 which under sub. (6) permits the person resigning the office to hold another office,
3 the judge of the circuit court shall have power to may appoint a clerk until the
4 vacancy shall be is filled by an election; the. The person appointed to fill a vacancy
5 occurring on or before June 1 of the 2nd year of the term for which the person's
6 predecessor was elected shall hold office only until the first Monday in January
7 occurring after the 2nd year of the term for which the person's predecessor was
8 elected and until a successor shall be elected and qualified. The person appointed
9 to fill a vacancy occurring after June 1 of the 2nd year of the term for which the
10 person's predecessor was elected shall hold office only for the unexpired portion of
11 the term to which appointed and until a successor shall be elected and qualified. A
12 vacancy caused by an irrevocable resignation which under sub. (6) permits the
13 person resigning the office to hold another office shall be filled by special election held
14 concurrently with the election for the office for which the person is a candidate.

15 (4) The clerk thus elected or appointed of circuit court shall give such security
16 as the legislature may require required by law.

17 (5) The supreme court shall appoint its own clerk, and may appoint a clerk of
18 the circuit court may be appointed a to be the clerk of the supreme court.

19 **SECTION 8.** Section 12 (6) of article VII of the constitution is created to read:

20 [Article VII] Section 12 (6) (a) Clerks of circuit court may not hold any other
21 partisan elected office of public trust during the term for which elected or appointed,
22 unless the person irrevocably resigns the office, effective at the beginning of the term
23 of office for which the person becomes a candidate, before the person becomes a
24 candidate for the other office of public trust.

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

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

7

(END)