



## 1997 SENATE JOINT RESOLUTION 43

March 4, 1998 - Introduced by Senators ROESSLER, DARLING, DRZEWIECKI, FITZGERALD, GROBSCHMIDT, HUELSMAN, PANZER, C. POTTER, RUDE, SCHULTZ, WEEDEN and ROSENZWEIG, cosponsored by Representatives KRUSICK, WALKER, ALBERS, BOCK, BOYLE, BRANDEMUEHL, DOBYNS, GOETSCH, GROTHMAN, GUNDERSON, HAHN, HANDRICK, HANSON, HOVEN, HUTCHISON, JENSEN, KREIBICH, LADWIG, M. LEHMAN, MURAT, OLSEN, OTTE, OWENS, RYBA, SERATTI, SPRINGER, STASKUNAS, VANDER LOOP, WASSERMAN, WILLIAMS, L. YOUNG, ZUKOWSKI, GRONEMUS, GREEN and FREESE. Referred to Committee on Economic Development, Housing and Government Operations.

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

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### *Analysis by the Legislative Reference Bureau*

#### **EXPLANATION OF PROPOSAL**

This proposed constitutional amendment, to be given 2nd consideration by the 1997 legislature for submittal to the voters at the general election to be held in November 1998, was considered by the 1995 legislature in 1995 Assembly Joint Resolution 37, which became 1995 Enrolled Joint Resolution 23.

This proposed constitutional amendment extends the terms of office of sheriffs from 2 years to 4 years, beginning with sheriffs who are elected at the first gubernatorial election following ratification. The proposal also deletes the current prohibition on the holding of nonpartisan offices by sheriffs. In addition, the proposal substitutes for the current requirement that vacancies in the office of sheriff be filled by appointment for the remainder of the unexpired term, a requirement that vacancies in the office of sheriff be filled by appointment of the governor until a successor is elected and qualified (thus permitting the legislature to provide for such vacancies to be filled by election).

#### **PROCEDURE FOR 2ND CONSIDERATION**

When a constitutional amendment is before the legislature on 2nd

consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that 2nd consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on 2nd consideration, it must also set the date for submitting the constitutional amendment to the people for ratification and must determine the question or questions to be printed on the ballot.

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1           Whereas, the 1995 legislature in regular session proposed an amendment to  
2 the constitution in 1995 Assembly Joint Resolution 37, which became Enrolled Joint  
3 Resolution 23, and agreed to it by a majority of the members elected to each of the  
4 2 houses, which proposed amendment reads as follows:

**SECTION 1.** Section 4 (1), (3) and (5) of article VI of the constitution are amended to read:

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

(3) (a) Sheriffs shall may not hold no any other partisan office.

(b) Sheriffs may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant.

(c) Beginning with the first general election at which the governor is elected which occurs after the ratification of this paragraph, sheriffs shall be chosen by the electors of the respective counties once in every 4 years.

(5) All vacancies in the offices of sheriff, coroner, register of deeds or district attorney shall be filled by appointment. The person appointed to fill a vacancy shall hold office only for the unexpired portion of the term to which appointed and until a successor shall be elected and qualified.

**SECTION 2.** Section 4 (6) of article VI of the constitution is created to read:

[Article VI] Section 4 (6) When a vacancy occurs in the office of sheriff, the vacancy shall be filled by appointment of the governor, and the person appointed shall serve until his or her successor is elected and qualified.

5           ***Now, therefore, be it resolved by the senate, the assembly concurring,***  
6 ***That*** the foregoing proposed amendment to the constitution is agreed to by the 1997

1 legislature; and, be it further

2 **Resolved, That** the foregoing proposed amendment to the constitution be  
3 submitted to a vote of the people at the general election to be held on November 3,  
4 1998; and, be it further

5 **Resolved, That** the question concerning ratification of the foregoing proposed  
6 amendment to the constitution be stated on the ballot as follows:

7 **QUESTION 1: Terms of office for, appointment of, vacancies in the offices**  
8 **of, and the restriction on holding any other office by, sheriffs.** Shall section  
9 4 (1), (3) and (5) of article VI of the constitution be amended and section 4 (6) of article  
10 VI of the constitution be created to extend the terms of office of sheriffs from 2 years  
11 to 4 years, to allow sheriffs to hold nonpartisan offices, and to require that vacancies  
12 in the office of sheriffs be filled by appointment of the governor until a successor is  
13 elected and qualified?

14 (END)