



2011 ASSEMBLY JOINT RESOLUTION 26

April 12, 2011 - Introduced by Representatives KRUG, JACQUE, AUGUST, BIES, BROOKS, ENDSLEY, HONADEL, JORGENSEN, KERKMAN, KESTELL, KOOYENGA, LEMAHIEU, MEYER, MURSAU, NYGREN, J. OTT, PETRYK, RIVARD, STEINEKE and STRACHOTA, cosponsored by Senators LEIBHAM, OLSEN and WANGGAARD. Referred to Committee on Judiciary and Ethics.

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, section 3 of article VI, sections 7 and 8 of article
3 X and section 4 of article XIII; and **to create** section 17 of article XIV of the
4 constitution; **relating to:** deleting from the constitution the offices of secretary
5 of state and state treasurer (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2011 legislature on first consideration, deletes from the constitution the offices of secretary of state and state treasurer.

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 to: 1) 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 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) keep a fair record of the official acts of the legislature and executive department of the state; 3) serve as a member of the Board of Commissioners of Public Lands; and 4) 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 of Public Lands. Under the proposal, the constitution continues to provide for a great seal, but its placement is determined by law.

State treasurer

Currently, the only duty assigned to the state treasurer by the constitution is to serve as a member of the Board of Commissioners of Public Lands; all other duties are prescribed by law. The proposal removes the state treasurer as a member of the Board of Commissioners of Public Lands.

Terms of incumbents

Under the proposal, the last election for secretary of state or state treasurer required by the constitution is the one that was held in November 2010. The incumbents will continue to serve until the first Monday in January 2015.

Reconciling split ratification

When a proposed constitutional amendment incorporates more than one object or purpose, the legislature must submit each unrelated object or purpose to the people for ratification by a separate ballot question. The constitution provides that, “if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately” [see section 1 of article XII of the constitution].

The changes proposed in this joint resolution are structured to permit submission of the amendment for ratification by separate ballot questions relating to each of the offices to which the amendment relates.

Board of Commissioners of Public Lands

The three-member Board of Commissioners of Public Lands presently consists of the secretary of state, the state treasurer, and the attorney general. Under this proposal: 1) the attorney general remains a member; 2) the lieutenant governor becomes a member; and 3) the state superintendent of public instruction becomes a member if the offices of secretary of state and state treasurer are both deleted from the constitution.

Second consideration and ratification

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

1 ***Resolved by the assembly, the senate 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.

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

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

7 [Article VI] Section 1. ~~The~~ At the 2014 general election and every 4 years
8 thereafter, the qualified electors of this state, ~~at the times and places of choosing the~~
9 ~~members of the legislature, shall in 1970 and every 4 years thereafter elect~~ ~~a~~
10 ~~secretary of state, treasurer and an~~ attorney general ~~who shall hold their offices for~~
11 4 years a 4-year term.

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

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

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

21 [Article VI] Section 3. The powers, duties, and compensation of the treasurer
22 and attorney general shall be prescribed by law.

23 **SECTION 5.** Sections 7 and 8 of article X of the constitution are amended to read:

24 [Article X] Section 7. ~~The secretary of state, treasurer~~ There is created a board
25 of commissioners of public lands to consist of the lieutenant governor, the state

1 ~~superintendent of public instruction, and the attorney general, shall constitute a~~
2 ~~board of commissioners for. The board shall administer the sale of the school and~~
3 ~~university lands and for the investment of the funds arising therefrom. Any two of~~
4 ~~said commissioners 2 members shall be a quorum for the transaction of all business~~
5 ~~pertaining to the duties of their office the board.~~

6 Section 8. ~~Provision shall be made by law for the~~ The sale of all school and
7 university lands, after they shall have been appraised; ~~and when, shall be regulated~~
8 ~~by law. Whenever any portion of such lands shall be is sold and the purchase money~~
9 ~~shall is not be paid at the time of the sale, the board of commissioners of public lands~~
10 shall take security by mortgage upon the lands sold for the sum remaining unpaid,
11 with ~~seven per cent 7 percent~~ interest thereon, payable annually at the office of the
12 treasurer ~~as provided by law. The commissioners shall be authorized to board may~~
13 execute a good and sufficient conveyance to all purchasers of such lands, ~~and to. The~~
14 ~~board may discharge any mortgages taken as security, when the sum due thereon~~
15 ~~shall have has been paid. The commissioners shall have power to board may~~
16 withhold from sale any portion of such lands when they shall deem ~~the board~~
17 ~~considers it expedient, and. The board shall invest all moneys arising from the sale~~
18 of such lands, as well as all other university and school funds, in such ~~the~~ manner
19 as the legislature shall provide, ~~and shall provided by law. The members of the board~~
20 ~~shall~~ give such security for the faithful performance of their duties as may be
21 required by law.

22 **SECTION 6.** Section 4 of article XIII of the constitution is amended to read:

23 [Article XIII] Section 4. ~~It shall be the duty of the~~ The legislature to ~~shall, by~~
24 ~~law, provide a great seal for the state, which shall be kept by the secretary of state,~~
25 ~~and all. All~~ official acts of the governor, ~~his approbation of the laws excepted~~ except

1 the governor's approval of bills that have passed the legislature, shall be thereby
2 authenticated with the great seal.

3 **SECTION 7.** Section 17 of article XIV of the constitution is created to read:

4 [Article XIV] Section 17. The secretary of state or state treasurer holding office
5 on the date of ratification of the 2011-13 amendment providing for the deletion of one
6 or both of those offices from the constitution shall continue to hold that office until
7 the first Monday of January in 2015. Any vacancy in either office occurring before
8 that date shall be filled in the manner provided by law.

9 **SECTION 8. Split ratification.** (1) ISSUES; BALLOT QUESTIONS. It is the sense
10 of the 2011 legislature that the amendment proposed by this joint resolution
11 incorporates more than one object or purpose and that there are 2 separable issues
12 that must be submitted to the people by separate ballot questions:

13 1) "Shall the office of secretary of state be deleted from the constitution?"; and

14 2) "Shall the office of state treasurer be deleted from the constitution?"

15 (2) SECRETARY OF STATE DELETION NOT RATIFIED. If the people ratify the deletion
16 of the office of state treasurer from the constitution, but do not ratify the deletion of
17 the office of secretary of state from the constitution, then: a) section 2 of article VI
18 of the constitution shall not be amended by this joint resolution so as in effect to
19 repeal said section; b) section 8 of article V and section 4 of article XIII shall not be
20 amended by this joint resolution; and c) section 1 of article VI and section 7 of article
21 X of the constitution, as affected by the ratification vote, shall read as follows:

22 [Article VI] Section 1. The At the 2014 general election and
23 every 4 years thereafter, the qualified electors of this state, at the
24 times and places of choosing the members of the legislature, shall in
25 1970 and every 4 years thereafter elect a secretary of state, treasurer

1 and an attorney general ~~who shall hold their offices for terms of 4~~
2 years.

3 [Article X] Section 7. ~~The~~ There is created a board of
4 commissioners of public lands to consist of the lieutenant governor,
5 the secretary of state, ~~treasurer~~ and the attorney general, ~~shall~~
6 ~~constitute a board of commissioners for.~~ The board shall administer
7 the sale of the school and university lands and ~~for~~ the investment of
8 the funds arising therefrom. Any ~~two of said commissioners~~ 2
9 members shall be a quorum for the transaction of all business
10 pertaining to the duties of ~~their office~~ the board.

11 (3) STATE TREASURER DELETION NOT RATIFIED. If the people ratify the deletion of
12 the office of secretary of state from the constitution, but do not ratify the deletion of
13 the office of state treasurer from the constitution, then: a) section 3 of article VI and
14 section 8 of article X of the constitution shall not be amended by this joint resolution;
15 and b) section 1 of article VI and section 7 of article X of the constitution, as affected
16 by the ratification vote, shall read as follows:

17 [Article VI] Section 1. ~~The~~ At the 2014 general election and
18 every 4 years thereafter, the qualified electors of this state, ~~at the~~
19 ~~times and places of choosing the members of the legislature, shall in~~
20 ~~1970 and every 4 years thereafter~~ elect a secretary of state, state
21 treasurer and an attorney general ~~who shall hold their offices for~~
22 terms of 4 years.

23 [Article X] Section 7. ~~The secretary of state,~~ There is created a
24 board of commissioners of public lands to consist of the lieutenant
25 governor, the state treasurer, and the attorney general, ~~shall~~

