



2013 ASSEMBLY JOINT RESOLUTION 85

January 31, 2014 - Introduced by Representatives SCHRAA, AUGUST, BORN, KERKMAN, NASS, MURPHY, CRAIG, SANFELIPPO, KNODL, PRIDEMORE, BIES, THIESFELDT and KULP, cosponsored by Senator GUDEX. Referred to Committee on State Affairs and Government Operations.

AUTHORS SUBJECT TO CHANGE

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 7 of article X and section 4 of article XIII;
3 and **to create** section 17 of article XIV of the constitution; **relating to:** deleting
4 from the constitution the office of secretary of state (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2013 legislature on first consideration, deletes from the constitution the office of secretary of state.

Secretary of state's duties

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.

Term of incumbent

Under the proposal, the final election for secretary of state required by the constitution is the one that will be held in November 2014. The incumbent will continue to serve until the first Monday in January 2019.

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, the state superintendent of public instruction becomes a member in place of the secretary of state.

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.

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

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

12 [Article VI] Section 1. The ~~At the 2018 general election and every 4 years~~
13 thereafter, the qualified electors of this state, ~~at the times and places of choosing the~~
14 ~~members of the legislature, shall in 1970 and every 4 years thereafter~~ elect a
15 ~~secretary of state, treasurer and an~~ attorney general ~~who shall hold their offices for~~
16 ~~4 years~~ 4-year terms.

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

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

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

10 [Article X] Section 7. ~~The secretary of state, treasurer~~ There is created a board
11 of commissioners of public lands to consist of the state treasurer, the state
12 superintendent of public instruction, and the attorney general, shall constitute a
13 board of commissioners for. The board shall administer the sale of the school and
14 university lands and for the investment of the funds arising therefrom. Any two of
15 said commissioners 2 members shall be a quorum for the transaction of all business
16 pertaining to the duties of ~~their office~~ the board.

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

18 [Article XIII] Section 4. ~~It shall be the duty of the~~ The legislature to shall, by
19 law, provide a great seal for the state, which shall be kept by the secretary of state,
20 and all. All official acts of the governor, his approbation of the laws ~~excepted~~ except
21 the governor's approval of bills that have passed the legislature, shall be thereby
22 authenticated with the great seal.

23 **SECTION 6.** Section 17 of article XIV of the constitution is created to read:

24 [Article XIV] Section 17. The secretary of state holding office on the date of
25 ratification of the 2013-15 amendment providing for the deletion of that office from

1 the constitution shall continue to hold that office until the first Monday of January
2 in 2019. Any vacancy in that office occurring before that date shall be filled in the
3 manner provided by law.

4 **SECTION 7. Numbering of new provisions.** If another constitutional
5 amendment ratified by the people creates the number of any provision created in this
6 joint resolution, the chief of the legislative reference bureau shall determine the
7 sequencing and the numbering of the provisions whose numbers conflict and adjust
8 any cross-references thereto.

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

12 (END)