



State of Wisconsin
2021 - 2022 LEGISLATURE

October 2022 Special Session

LRB-6542/1
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ASSEMBLY JOINT RESOLUTION

1 **To amend** section 1 of article IV and section 17 (2) of article IV; and **to create** section
2 17 (5) of article IV, section 17 (6) of article IV and section 17 (7) of article IV of
3 the constitution; **relating to:** reserving to the people the power of referendum
4 to reject acts of the legislature and the power of initiative to propose and
5 approve at an election laws and constitutional amendments (first
6 consideration).

Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2021 legislature on first consideration, creates a petition process by which the people may propose and approve laws and constitutional amendments at an election and creates a referendum process by which the people may reject an act of the legislature.

REFERENDUM

The amendment provides that the people may file a petition with the agency that administers state elections for a referendum to reject any act of the legislature, a section of any act, or an item of appropriation in any act.

A petition for referendum must be signed by qualified electors equaling at least 4 percent of the vote cast for the office of governor at the last preceding gubernatorial election.

After validating a petition's signatures, the agency that administers state elections is required to order a referendum at the next general election occurring at

least 120 days after the petition was filed with the agency. No act or part of an act rejected in a referendum may be reenacted during the legislative session in which it was rejected.

INITIATIVE

The amendment further provides that the people may propose, by petition filed with the agency that administers state elections, laws and constitutional amendments for a vote at an election. The petition must satisfy all of the following conditions:

1. If a petition for an initiative law, be signed by qualified electors equaling at least 6 percent of the vote cast for the office of governor at the last preceding gubernatorial election.

2. If a petition for an initiative constitutional amendment, be signed by qualified electors equaling at least 8 percent of the vote cast for the office of governor at the last preceding gubernatorial election.

3. Include the full text of the proposed law or constitutional amendment prepared in proper form. Upon request by any qualified elector, the agency that administers state elections is required to have the proposed law or constitutional amendment drafted in proper form and made available to the public. The proposed law or amendment must embrace no more than one subject, and that subject must be expressed in the title.

4. Be filed with the agency that administers state elections not less than 120 days before the election at which the proposed law or constitutional amendment is to be voted upon.

Similar to the process for a referendum, after verifying an initiative petition's signatures, the agency that administers state elections is required to order the submission of the initiative law or constitutional amendment to the qualified electors of the state for their approval or rejection at the next succeeding general election occurring at least 120 days after the petition was filed with the agency.

If approved by a majority of the qualified electors voting at the election, an initiative law or constitutional amendment goes into effect on the 30th day after the date the agency that administers state elections certifies the election results, unless a different effective date is specified in the initiative. The legislature may not repeal or amend an initiative law for the two years immediately succeeding its publication and may not repeal or amend an initiative law except by a vote of two-thirds of all members elected to each house. If an initiative law or constitutional amendment is rejected at the election, substantially the same initiative law or amendment, as determined by the agency that administers state elections, may not be considered again by voters under the initiative process for at least five years.

SECOND CONSIDERATION AND RATIFICATION

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

1 **SECTION 1.** Section 1 of article IV of the constitution is amended to read:

2 [Article IV] Section 1. The legislative power, except for the initiative and
3 referendum powers reserved to the people, shall be vested in a senate and assembly.

4 **SECTION 2.** Section 17 (2) of article IV of the constitution is amended to read:

5 [Article IV] Section 17 (2) ~~No~~ Except as provided under sub. (6) (c), no law shall
6 be enacted except by bill. No law shall be in force until published.

7 **SECTION 3.** Section 17 (5) of article IV of the constitution is created to read:

8 [Article IV] Section 17 (5) (a) The people reserve to themselves the power to
9 reject at a referendum any act of the legislature or part of an act as provided in this
10 subsection. The people may petition for a referendum on the passage of an act, one
11 or more sections of an act, or one or more items of appropriation in an act. The
12 petition for a referendum shall satisfy all of the following conditions:

13 1. Be signed by qualified electors equaling at least 4 percent of the vote cast for
14 the office of governor at the last preceding gubernatorial election.

15 2. Be filed with the agency administering state elections.

16 (b) All signatures for a petition submitted under par. (a) must be made on paper.
17 After verifying the sufficiency of the signatures for a petition, the agency
18 administering state elections shall order the submission of the act or each act section
19 or each item of appropriation in the petition to the qualified electors of the state for
20 their rejection at the next succeeding general election occurring subsequent to 120
21 days after the filing of the petition.

22 (c) No act of the legislature or part of an act rejected in a referendum may be
23 reenacted during the legislative session in which it was rejected.

24 **SECTION 4.** Section 17 (6) of article IV of the constitution is created to read:

1 [Article IV] Section 17 (6) (a) The people reserve to themselves the power of
2 initiative to propose laws and amendments to this constitution and to approve or
3 reject them at an election independently of the legislature as provided in this
4 subsection. The people may propose an initiative law or constitutional amendment
5 by petition for a vote of the people on the passage of the law or ratification of the
6 amendment. The petition shall satisfy all of the following conditions:

7 1. If a petition for an initiative law, be signed by qualified electors equaling at
8 least 6 percent of the vote cast for the office of governor at the last preceding
9 gubernatorial election.

10 2. If a petition for an initiative constitutional amendment, be signed by
11 qualified electors equaling at least 8 percent of the vote cast for the office of governor
12 at the last preceding gubernatorial election.

13 3. Include the full text of the proposed law or constitutional amendment
14 prepared in proper form, as provided by law. Upon request by any qualified elector,
15 the agency administering state elections shall have the proposed law or
16 constitutional amendment drafted in proper form, as provided by law, and made
17 available to the public. The proposed law or amendment shall embrace no more than
18 one subject, and that shall be expressed in the title.

19 4. Be filed with the agency administering state elections not less than 120 days
20 before the election at which the proposed law or constitutional amendment is to be
21 voted upon.

22 (b) All signatures for a petition submitted under par. (a) must be made on paper.
23 After verifying the sufficiency of the signatures for a petition, the agency
24 administering state elections shall order the submission of the initiative law or
25 constitutional amendment to the qualified electors of the state for their approval or

1 rejection at the next succeeding general election occurring subsequent to 120 days
2 after the filing of the petition.

3 (c) If approved by a majority of the qualified electors voting at the election, an
4 initiative law or constitutional amendment shall go into effect on the 30th day after
5 the date the agency administering state elections certifies the election results as
6 provided by law, unless a different effective date is specified in the initiative law or
7 amendment. The legislature may not repeal or amend an initiative law or any part
8 of an initiative law for the two years immediately succeeding its publication and may
9 not repeal or amend an initiative law or any part of an initiative law except by a vote
10 of two-thirds of all the members elected to each house.

11 (d) If rejected by a majority of the qualified electors voting at the election,
12 substantially the same initiative law or constitutional amendment, as determined
13 by the agency administering state elections, may not be submitted again to the
14 qualified electors under par. (b) until a general election occurring at least five years
15 after the general election at which the initiative law or constitutional amendment
16 was rejected.

17 **SECTION 5.** Section 17 (7) of article IV of the constitution is created to read:

18 [Article IV] Section 17 (7) No person may pay to or receive from another person
19 money or another thing of value based on the number of signatures obtained on an
20 initiative or referendum petition under this section. This subsection does not
21 prohibit payment for signature gathering that is not based, either directly or
22 indirectly, on the number of signatures obtained.

23 **SECTION 6. Numbering of new provisions.** If another constitutional
24 amendment ratified by the people creates the number of any provision created in this
25 joint resolution, the chief of the legislative reference bureau shall determine the

1 sequencing and the numbering of the provisions whose numbers conflict and shall
2 adjust any cross-references to those provisions.

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

6 (END)