# State of Wisconsin
## 2019 - 2020  LEGISLATURE

# 2019 ASSEMBLY JOINT RESOLUTION 111

December 20, 2019 – Introduced by Representatives CROWLEY, HEBL, EMERSON, BROSTOFF, STUBBS, SHANKLAND and SINICKI, cosponsored by Senators HANSEN and L. TAYLOR. Referred to Committee on Constitution and Ethics.

1    ***To amend*** section 1 of article IV and section 17 (2) of article IV; and ***to create*** section

2    17 (4) of article IV of the constitution; **relating to:** reserving to the people the

3    power of initiative to propose and approve laws at an election (first

4    consideration).

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### Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2019 legislature on first consideration, creates a petition process by which the people may propose and approve laws at an election.  Under the amendment, the people may propose, by petition filed with the secretary of state, laws for a vote at an election.  The petition must:

1.  Be signed by qualified electors equaling at least 5 percent of the vote cast for the office of secretary of state at the last preceding election for secretary of state.

2.  Include the full text of the proposed law prepared in proper form, as provided by law, and the entire text of the referendum question, as well as an explanatory statement of the effect of either a "yes" or "no" vote.  Upon request by any qualified elector, the secretary of state must have the proposed law drafted in proper form and made available to the public.

3.  Be filed with the secretary of state not fewer than 120 days before the election at which the proposed law is to be voted upon.

After verifying the petition's signatures, the secretary of state must order the submission of the initiative law to the qualified electors of the state for their approval or rejection at the next succeeding general election occurring subsequent to 120 days after the filing of the petition.

If approved by a majority of the qualified electors voting at the election described above, the initiative law then must be introduced for consideration by the legislature in the legislative session following that election.  The initiative law may not be altered or amended by the legislature and may not be partially vetoed by the governor.

After having been introduced as proposed legislation, if the initiative law does not then become law, the secretary of state must order the submission of the initiative law to the qualified electors of the state for their approval or rejection at the next succeeding general election.  If approved, the initiative law becomes law.

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

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

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

3    [Article IV] Section 1.  The legislative power, except for the initiative power

4    reserved to the people, shall be vested in a senate and assembly.

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

6    [Article IV] Section 17 (2)  No Except as provided in sub. (4) (d), no law shall be

7    enacted except by bill.  No law shall be in force until published.

8    **SECTION 3.** Section 17 (4) of article IV of the constitution is created to read:

9    [Article IV] Section 17 (4) (a)  The people reserve to themselves the power of

10   initiative to propose laws and to approve or reject those laws at an election

11   independently of the legislature as provided in this subsection.  The people may

12   propose an initiative law by petition for a vote of the people.  The petition shall satisfy

13   all of the following conditions:

14   1.  Be signed by qualified electors equaling at least 5 percent of the vote cast for

15   the office of secretary of state at the last preceding election for secretary of state.

16   2.  Include the full text of the proposed law prepared in proper form, as provided

17   by law, and the entire text of the referendum question, as well as an explanatory

18   statement of the effect of either a "yes" or "no" vote.  Upon request by any qualified

1    elector, the secretary of state shall have the proposed law drafted in proper form, as

2    provided by law, and made available to the public.

3        3.  Be filed with the secretary of state not fewer than 120 days before the election

4    at which the proposed law is to be voted upon.

5        (b)  All signatures for a petition submitted under par. (a) must be made on paper.

6    After verifying the sufficiency of the signatures for the petition, the secretary of state

7    shall order the submission of the initiative law to the qualified electors of the state

8    for their approval or rejection at the next succeeding general election occurring

9    subsequent to 120 days after the filing of the petition.

10       (c)  If approved by a majority of the qualified electors voting at the election

11   under par. (b), the initiative law shall be introduced for consideration by the

12   legislature in the legislative session following that election.  The initiative law may

13   not be altered or amended by the legislature and may not be partially vetoed by the

14   governor.

15       (d)  If the initiative law does not become law under par. (c) at least 120 days prior

16   to the next succeeding general election, the secretary of state shall order the

17   submission of the initiative law to the qualified electors of the state for their approval

18   or rejection at the next succeeding general election.  If approved by a majority of the

19   qualified electors voting at that election, the initiative law shall become law and shall

20   go into effect on the 30th day after the date the election results are certified, as

21   provided by law, unless a different effective date is specified in the initiative law.

22       SECTION 4.  **Numbering of new provisions.**  If another constitutional

23   amendment ratified by the people creates the number of any provision created in this

24   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)**