



1995 ASSEMBLY BILL 289

April 4, 1995 - Introduced by Representatives BRANDEMUEHL, SILBAUGH, GREEN, GROBSCHMIDT, FREESE, VRAKAS, HAHN, GROTHMAN, WASSERMAN, SERATTI, RYBA, SKINDRUD, GUNDERSON, KAUFERT, WILLIAMS, OLSEN, DOBYNS, MUSSER, LORGE, OWENS, GOETSCH, LADWIG, SCHNEIDERS, R. POTTER, OURADA, LAZICH, F. LASEE and ALBERS, cosponsored by Senators BUETTNER, DARLING and CLAUSING. Referred to Committee on Elections and Constitutional Law.

- 1 **AN ACT to amend** 5.64 (2) (intro.); and **to create** 165.02 of the statutes; **relating**
2 **to:** wording of referenda ballot questions.

Analysis by the Legislative Reference Bureau

Present law provides that every proposal for legislation which is to be submitted to the voters must include a complete statement of the referendum question. The question may not be worded so as to require a negative vote to approve a proposition or an affirmative vote to disapprove a proposition. The notice of referendum must include an explanatory statement of the effect of either a yes or a no vote.

This bill requires, in addition, that the question be written in commonly understood language and in a clear and coherent manner, be accurate and disclose the major points of the proposal.

It also establishes a procedure for the review of state referenda ballot questions. The attorney general is directed to review each ballot question for a state referendum that is to be submitted to a vote of the people. The attorney general is to determine if the question is written in commonly understood language and in a clear and coherent manner, is accurate, discloses the major points of the proposal, is worded to require a negative vote to disapprove or an affirmative vote to approve and, if it is a question for a constitutional amendment, whether the question complies with the constitutional provisions for amending the constitution. The attorney general must submit the determination and any rewording of the question which better meets these requirements to a committee consisting of the members of the joint committee on legislative organization and the minority caucus chairpersons of each house. If this committee agrees that the rewording better meets these requirements, it may recommend to the legislature a joint resolution submitting the reworded question to the voters.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.64 (2) (intro.) of the statutes is amended to read:

2 **5.64 (2) REFERENDUM BALLOT.** (intro.) There shall be a separate ballot when any
3 proposed constitutional amendment or any other measure or question is submitted
4 to a vote of the people. The ballot shall give a concise statement of each question in
5 accordance with the act or resolution directing submission in the same form as
6 prescribed by the board under s. 7.08 (1) (a). The question shall be written in
7 commonly understood language and in a clear and coherent manner, be accurate and
8 disclose the major points of the proposal. The question may not be worded in such
9 a manner as to require a negative vote to approve a proposition or an affirmative vote
10 to disapprove a proposition. Unless otherwise expressly provided, this ballot form
11 shall be used at all elections when questions are submitted to a vote of the people.

12 **SECTION 2.** 165.02 of the statutes is created to read:

13 **165.02 Review of state referenda ballot questions.** (1) The attorney
14 general shall review each ballot question for a state referendum that is to be
15 submitted to a vote of the people. The attorney general shall determine if the
16 question meets the requirements of s. 5.64 (2) (intro.) and, if it is for a proposed
17 constitutional amendment, the requirements of article XII, section 1, of the
18 constitution.

19 (2) The attorney general shall submit the determination under sub. (1) and any
20 rewording of the question which better meets the requirements of s. 5.64 (2) (intro.)
21 and, if it is for a proposed constitutional amendment, the requirements of article XII,

1 section 1, of the constitution to a committee consisting of the members of the joint
2 committee on legislative organization and the minority caucus chairpersons of the
3 2 houses of the legislature. If the committee under this subsection determines that
4 the rewording of the ballot question submitted by the attorney general better meets
5 the requirements of s. 5.64 (2) (intro.) and, if it is for a proposed constitutional
6 amendment, the requirements of article XII, section 1, of the constitution, it may
7 recommend to the legislature a joint resolution that submits the reworded question,
8 rather than the initial question, to a vote of the people.

9 (END)