

2009 DRAFTING REQUEST

Assembly Joint Resolution

Received: 11/13/2008

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Frederick Kessler (608) 266-5813**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **smiller**

May Contact:

Addl. Drafters: **jkuesel**

Subject: **Constitutional Amendments**

Extra Copies: **JTK - 1**

Submit via email: **YES**

Requester's email: **Rep.Kessler@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Legislative redistricting

Instructions:

Per 07-2045/3, but delete redistricting board. Apply districting criteria to legislature directly. Require minimum of 20 assembly districts and 7 senate districts to be competitive, regardless of the size of the legislature. Objective to ensure that there will be only one ballot question.

Dec 23, 2008. Rep. Kessler called with three changes to the /1. (1) Change the legislative action from joint resolution to passage of a bill. (2) Make it clear that the redistricting criteria are binding upon courts, not just binding upon the legislature. (3) Change the entity that prepares proposed redistricting plans from LTSB to the Superintendent of Public Instruction.

12/30/08 Rep Kessler wishes to limit the function of the Superintendent to calculating the ten-year averages, and to require the calculation to be carried out to two decimal places.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel	kfollett		_____			

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	11/13/2008 smiller 11/28/2008	12/16/2008		_____			
/1	smiller 12/23/2008	bkraft 12/29/2008	jfrantze 12/16/2008	_____	mbarman 12/16/2008		
/2	smiller 12/31/2008 smiller 01/05/2009	bkraft 12/31/2008 kfollett 01/07/2009	mduchek 12/29/2008	_____	cduerst 12/29/2008		
/3	smiller 02/10/2009	kfollett 02/11/2009	rschlue 01/08/2009	_____	lparisi 01/08/2009	mbarman 01/28/2009	
/4			phenry 02/11/2009	_____	lparisi 02/11/2009	lparisi 02/11/2009	

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2/11/08
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PH/KS

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mduchek _____
12/29/2008 _____

cduerst
12/29/2008

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MD
2/29

MD
12/29

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/?	jkuesel	11/15/08 12/1/08	Jb 12/1/08	Jb/ph 12/1/08			

FE Sent For:

<END>



IN 1-22

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
2009 ASSEMBLY JOINT RESOLUTION

Gen

1 **Relating to:** the procedure for redistricting the legislature and the establishment
2 of a legislative technology services bureau (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, defines demographic and political standards for the drawing of legislative districts and establishes a procedure for the drawing of legislative districts. The amendment provides for redistricting action by joint resolution rather than by bill, and provides an alternate method of redistricting by the legislative technology services bureau. The amendment further requires the legislature to establish a legislative technology services bureau.

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

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

4 **SECTION 1.** Section 3 (2) to (4) of article IV of the constitution are created to
5 read:

6 [Article IV] Section 3 (2) Within 120 days after receipt of the final census report
7 of the population count by census block, the legislative technology services bureau

section #. Section 3 of article IV of the constitution is renumbered section 3 (1) of article IV.

1 shall submit to the legislature 3 apportionment proposals providing for competitive
2 elections, all meeting the following criteria:

3 (a) Each assembly district shall contain a number of inhabitants that does not
4 deviate more than 2 percent from the statewide mean district population.

5 (b) African-Americans, Hispanic Americans, Native Americans, and members
6 of any other demographic group protected by the laws of the United States shall be
7 the voting age majority in the number of assembly and senate districts in proportion
8 to the percentage of the population in counties or groups of counties having a
9 sufficient geographic concentration of their members.

10 (c) The bureau shall determine the combined mean percentage of the vote for
11 governor and president for the 2 major political parties in the 5 general elections held
12 during the prior decade. The bureau's apportionment proposals shall provide as
13 follows: at least one-half of the assembly districts, if the number of districts is
14 divisible by 2, or rounded up to the next whole number in other cases, shall have a
15 percentage above the average 5 general election percentage for the majority party;
16 at least one-half of the senate districts, if the number of districts is divisible by 2, or
17 rounded up to the next whole number in other cases, shall have a percentage above
18 the average 5 general election percentage for the minority party; at least 20 assembly
19 districts, and at least 7 senate districts, shall have a percentage for each of the 2
20 major political parties that does not exceed 1 percent above the statewide 5 general
21 election average; no district may have a percentage in excess of 85 percent for either
22 political party.

23 (3) Notwithstanding section 17 (2) of this article, the legislature shall act by
24 joint resolution within 90 days after receipt of the bureau's proposals. If the

1 legislature fails to adopt one of the proposals, the bureau shall select one of the
2 proposals that shall have the force of law.

3 (4) Any senator or representative to the assembly whose district is altered as
4 a result of the adopted plan shall continue in office for the balance of his or her term
5 if he or she continues to reside in the district from which he or she was elected.

6 **SECTION 2.** Section 9 of article IV of the constitution is renumbered section 9

7 (1) of article IV.

8 **SECTION 3.** Section 9 (2) of article IV of the constitution is created to read:

9 [Article IV] Section 9 (2) The legislature shall provide by law for the
10 establishment of a legislative technology services bureau.

11 **SECTION 4. Numbering of new provisions.** (1) The new subsections (2) to
12 (4) of section 3 of article IV of the constitution created in this joint resolution shall
13 be designated by the next higher open whole subsection numbers in that section in
14 that article if, before the ratification by the people of the amendment proposed in this
15 joint resolution, any other ratified amendment has created subsections (2) to (4) of
16 section 3 of article IV of the constitution of this state. If one or more joint resolutions
17 create subsections (2) to (4) of section 3 of article IV simultaneously with the
18 ratification by the people of the amendment proposed in this joint resolution, the
19 subsections created shall be numbered and placed in a sequence so that the
20 subsections created by the joint resolution having the lowest enrolled joint resolution
21 number have the numbers designated in that joint resolution and the subsections
22 created by the other joint resolutions have numbers that are in the same ascending
23 order as are the numbers of the enrolled joint resolutions creating the subsections.

24 (2) The new subsection (2) of section 9 of article IV of the constitution created
25 in this joint resolution shall be designated by the next higher open whole subsection

1 number in that section in that article if, before the ratification by the people of the
2 amendment proposed in this joint resolution, any other ratified amendment has
3 created a subsection (2) of section 9 of article IV of the constitution of this state. If
4 one or more joint resolutions create a subsection (2) of section 9 of article IV
5 simultaneously with the ratification by the people of the amendment proposed in this
6 joint resolution, the subsections created shall be numbered and placed in a sequence
7 so that the subsections created by the joint resolution having the lowest enrolled joint
8 resolution number have the numbers designated in that joint resolution and the
9 subsections created by the other joint resolutions have numbers that are in the same
10 ascending order as are the numbers of the enrolled joint resolutions creating the
11 subsections.

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

15 (END)

Miller, Steve

From: Kuesel, Jeffery
Sent: Thursday, November 13, 2008 11:23 AM
To: Miller, Steve
Subject: LRB-0764 (Kessler) (Legislative redistricting)

Steve,

Rep. Kessler came in and submitted revised instructions for his constitutional amendment on legislative redistricting. I entered the request and placed it in your in box. He wants to have for introduction in January.

Jeff

RMNR

1/2
bjk

IN 12/26

2009 ASSEMBLY JOINT RESOLUTION

SAV
KTEFV

superintendent of public instruction

regen.

- 1 **To renumber** section 3 of article IV ~~and section 9 of article IV~~; and **to create** section
- 2 3 (2) to (4) of article IV ~~and section 9 (2) of article IV~~ of the constitution; **relating**
- 3 **to:** the procedure for redistricting the legislature ~~and the establishment of a~~
- 4 ~~legislative technology services bureau~~ (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, defines demographic and political standards for the drawing of legislative districts and establishes a procedure for the drawing of legislative districts. The amendment provides ~~for redistricting action by joint resolution rather than by bill, and provides~~ an alternate method of redistricting by the ~~legislative technology services bureau. The amendment further requires the legislature to establish a legislative technology services bureau.~~

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

- 5 **Resolved by the assembly, the senate concurring, That:**
- 6 **SECTION 1.** Section 3 of article IV of the constitution is renumbered section 3
- 7 (1) of article IV.

2
above the combined mean percentage of the vote for the governor and president for the minority party in the 5 general elections held during the prior ten years

SECTION 2. Section 3 (2) to (4) of article IV of the constitution are created to

read:

[Article IV] Section 3 (2) *les* ~~Within 120 days after receipt of the final census report~~

~~of the population count by census block, the legislative technology services bureau shall submit to the legislature 3 apportionment proposals providing for competitive~~

~~elections, all meeting~~ the following criteria:

Each apportionment of the legislature shall conform to

(a) Each assembly district shall contain a number of inhabitants that does not deviate more than 2 percent from the statewide mean district population.

members of the senate and assembly

(b) African-Americans, Hispanic Americans, Native Americans, and members of any other demographic group protected by the laws of the United States shall be the voting age majority in the number of assembly and senate districts in proportion to the percentage of the population in counties or groups of counties having a sufficient geographic concentration of their members.

(c) ~~The bureau shall determine the combined mean percentage of the vote for governor and president for the 2 major political parties in the 5 general elections held during the prior decade. The bureau's apportionment proposals shall provide as~~

At

~~follows:~~ *at* least one-half of the assembly districts, if the number of districts is divisible by 2, or rounded up to the next whole number in other cases, shall have a percentage ~~above the average 5 general election percentage~~ for the majority party, at least one-half of the senate districts, if the number of districts is divisible by 2, or rounded up to the next whole number in other cases, shall have a percentage ~~above~~

~~the average 5 general election percentage~~ for the minority party, at least 20 assembly districts, and at least 7 senate districts, shall have a percentage for each of the 2 major political parties that does not exceed 1 percent above the statewide 5 general

above the combined mean percentage of the vote for the governor and president for the majority party in the 5 general elections held during the prior ten years

(3) Within 120 days after receipt of the final census report of the population count by census blocks, the superintendent of public instruction shall submit to the legislature 3 apportionment proposals

1 election average; no district may have a percentage in excess of 85 percent for either
2 political party.

The superintendent's

3 (4) ~~(3) Notwithstanding section 17 (2) of this article, the legislature shall act by~~
4 ~~joint resolution~~ within 90 days after receipt of the ~~bureau's~~ proposals. If the
5 legislature fails to adopt one of the proposals, the ~~bureau~~ shall select one of the
6 proposals that shall have the force of law.

superintendent

7 (5) ~~(4)~~ Any senator or representative to the assembly whose district is altered as
8 a result of the adopted plan shall continue in office for the balance of his or her term
9 if he or she continues to reside in the district from which he or she was elected.

10 ~~SECTION 3. Section 9 of article IV of the constitution is renumbered section 9~~
11 ~~(1) of article IV.~~

12 ~~SECTION 4. Section 9 (2) of article IV of the constitution is created to read:~~
13 ~~[Article IV] Section 9 (2) The legislature shall provide by law for the~~
14 ~~establishment of a legislative technology services bureau.~~

15 SECTION 5. Numbering of new provisions. ~~(1)~~ The new subsections (2) to
16 ~~(4)~~ of section 3 of article IV of the constitution created in this joint resolution shall
17 be designated by the next higher open whole subsection numbers in that section in
18 that article if, before the ratification by the people of the amendment proposed in this
19 joint resolution, any other ratified amendment has created subsections (2) to ~~(4)~~ of
20 section 3 of article IV of the constitution of this state. If one or more joint resolutions
21 create subsections (2) to ~~(4)~~ of section 3 of article IV simultaneously with the
22 ratification by the people of the amendment proposed in this joint resolution, the
23 subsections created shall be numbered and placed in a sequence so that the
24 subsections created by the joint resolution having the lowest enrolled joint resolution
25 number have the numbers designated in that joint resolution and the subsections

Providing for competitive elections, all meeting the criteria in subsection 20.

1 created by the other joint resolutions have numbers that are in the same ascending
2 order as are the numbers of the enrolled joint resolutions creating the subsections.

3 ~~(2) The new subsection (2) of section 9 of article IV of the constitution created~~
4 ~~in this joint resolution shall be designated by the next higher open whole subsection~~
5 ~~number in that section in that article if, before the ratification by the people of the~~
6 ~~amendment proposed in this joint resolution, any other ratified amendment has~~
7 ~~created a subsection (2) of section 9 of article IV of the constitution of this state. If~~
8 ~~one or more joint resolutions create a subsection (2) of section 9 of article IV~~
9 ~~simultaneously with the ratification by the people of the amendment proposed in this~~
10 ~~joint resolution, the subsections created shall be numbered and placed in a sequence~~
11 ~~so that the subsections created by the joint resolution having the lowest enrolled joint~~
12 ~~resolution number have the numbers designated in that joint resolution and the~~
13 ~~subsections created by the other joint resolutions have numbers that are in the same~~
14 ~~ascending order as are the numbers of the enrolled joint resolutions creating the~~
15 ~~subsections.~~

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

19 (END)

Article IV, §3

Apportionment. Section 3. [As amended Nov. 1910, Nov. 1962 and Nov. 1982]

At its first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants.

[1907 J.R. 30, 1909 J.R. 55, 1909 c. 478, vote Nov. 1910; 1959 J.R. 30, 1961 J.R. 32, vote Nov. 6, 1962; 1979 J.R. 36, 1981 J.R. 29, vote Nov. 1982]

Memo

To: Steve Miller
From: Jeff Kuesel
Subject: LRB-0768/2
Date: 1/2/09

Steve,

1. Page 2, line 20: see my pencil markup, to parallel with the language used in INS C and D.

2. INS A: To clarify what is happening, I would say something like “Following the canvass of the general election in each year that is divisible by 10, the amendment requires the superintendent of public instruction to determine the mean percentage of the vote received by candidates of the two major political parties for certain statewide offices in the prior decade and to certify those mean percentages to the legislature.”

3. INS B: I suggest something like “Within 10 days after the report of the official canvass of the general election becomes available in each year that is divisible by 10, the superintendent...”.

RMNR

13

2009 - 2010 LEGISLATURE

LRB-0764/2
SRM:kjf&bjk

§ JTK

2009 ASSEMBLY JOINT RESOLUTION

IN 1/5

Regen

Criteria

1 **To renumber** section 3 of article IV; and **to create** section 3 (2) to (5) of article IV
2 of the constitution; **relating to:** the ~~procedure~~ for redistricting the legislature
3 (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, defines demographic and political standards for the drawing of legislative districts and establishes ~~a procedure~~ for the drawing of legislative districts. ~~The amendment provides an alternate method of redistricting by the superintendent of public instruction.~~ **INSERT A**

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

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

5 **SECTION 1.** Section 3 of article IV of the constitution is renumbered section 3
6 (1) of article IV.

7 **SECTION 2.** Section 3 (2) to (5) of article IV of the constitution are created to
8 read:

INSERT B

¶ (3)

1 [Article IV] Section 3 (2) Each apportionment of the members of the senate and
2 assembly shall conform to the following criteria:

3 (a) Each assembly district shall contain a number of inhabitants that does not
4 deviate more than 2 percent from the statewide mean district population.

5 (b) African-Americans, Hispanic Americans, Native Americans, and members
6 of any other demographic group protected by the laws of the United States shall be
7 the voting age majority in the number of assembly and senate districts in proportion
8 to the percentage of the population in counties or groups of counties having a
9 sufficient geographic concentration of their members.

10 (c) At least one-half of the assembly districts, if the number of districts is
11 divisible by 2, or rounded up to the next whole number in other cases, shall have a
12 percentage ~~for the majority party above the combined mean percentage of the vote~~
13 ~~for the governor and president for the majority party in the 5 general elections held~~
14 ~~during the prior 10 years;~~ at least one-half of the senate districts, if the number of
15 districts is divisible by 2, or rounded up to the next whole number in other cases, shall

INSERT C

16 have a percentage ~~for the minority party above the combined mean percentage of the~~
17 ~~vote for the governor and president for the minority party in the 5 general elections~~
18 ~~held during the prior 10 years;~~ at least 20 assembly districts, and at least 7 senate

INSERT D

19 districts, shall have a percentage for each of the 2 major political parties that does
20 not exceed 1 percent above the statewide 5 general election average; ~~no~~ district may
21 have a percentage in excess of 85 percent for either political party.

percentage for that party
and

22 ~~(3) Within 120 days after receipt of the final census report of the population~~
23 ~~count by census block, the superintendent of public instruction shall submit to the~~
24 ~~legislature 3 apportionment proposals providing for competitive elections, all~~
25 ~~meeting the criteria in subsection 2.~~

2

1 ~~(4) The legislature shall act within 90 days after receipt of the superintendent's~~
2 ~~proposals. If the legislature fails to adopt one of the proposals, the superintendent~~
3 ~~shall select one of the proposals that shall have the force of law.~~

4 (4) (5) Any senator or representative to the assembly whose district is altered as
5 a result of the adopted plan shall continue in office for the balance of his or her term
6 if he or she continues to reside in the district from which he or she was elected.

7 **SECTION 3. Numbering of new provisions.** The new subsections (2) to (5)
8 of section 3 of article IV of the constitution created in this joint resolution shall be
9 designated by the next higher open whole subsection numbers in that section in that
10 article if, before the ratification by the people of the amendment proposed in this joint
11 resolution, any other ratified amendment has created subsections (2) to (5) of section
12 3 of article IV of the constitution of this state. If one or more joint resolutions create
13 subsections (2) to (5) of section 3 of article IV simultaneously with the ratification by
14 the people of the amendment proposed in this joint resolution, the subsections
15 created shall be numbered and placed in a sequence so that the subsections created
16 by the joint resolution having the lowest enrolled joint resolution number have the
17 numbers designated in that joint resolution and the subsections created by the other
18 joint resolutions have numbers that are in the same ascending order as are the
19 numbers of the enrolled joint resolutions creating the subsections.

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

23 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0764/2ins
SRM:kjf&bjk:md

1 **INSERTS FOR /3**

2

3

4 **INSERT "A"**

5

no #

[no #] Following the canvass of the general election in each year that is divisible
by *ten* 10, the amendment requires the superintendent of public instruction to determine
the mean percentage of the vote received by candidates of the two major political
parties for certain statewide offices in the prior decade and to certify those mean
percentages to the legislature.

single space

8

9

10

11 **INSERT "B"**

12

(2) Within 10 days after receipt of the final census report of the population
count by census block, the superintendent of public instruction shall determine the
combined mean percentage of the vote for governor and president for the 2 major
political parties in the 5 general elections held during the prior decade, and certify
those numbers, each rounded to the nearest one-hundredth of a percent, to the
legislature.

18

19 **INSERT "C"**

20

no #

above the average 5 general election percentage for the majority party;

21

22 **INSERT "D"**

23

no #

above the average 5 general election percentage for the minority party;

Parisi, Lori

From: Little, Sharon
Sent: Wednesday, January 28, 2009 12:01 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-0764/3 Topic: Legislative redistricting

Please Jacket LRB 09-0764/3 for the ASSEMBLY.



2009 ASSEMBLY JOINT RESOLUTION

1 **To renumber** section 3 of article IV; and **to create** section 3 (2) to (4) of article IV
2 of the constitution; **relating to:** the criteria for redistricting the legislature
3 (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, defines demographic and political standards for the drawing of legislative districts and establishes criteria for the drawing of legislative districts. Following the canvass of the general election in each year that is divisible by ten, the amendment requires the superintendent of public instruction to determine the mean percentage of the vote received by candidates of the two major political parties for certain statewide offices in the prior decade and to certify those mean percentages to the legislature.

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

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

5 **SECTION 1.** Section 3 of article IV of the constitution is renumbered section 3
6 (1) of article IV.

7 **SECTION 2.** Section 3 (2) to (4) of article IV of the constitution are created to
8 read:

1 [Article IV] Section 3 (2) Within 10 days after receipt of the final census report
2 of the population count by census block, the superintendent of public instruction
3 shall determine the combined mean percentage of the vote for governor and
4 president for the 2 major political parties in the 5 general elections held during the
5 prior decade, and certify those numbers, each rounded to the nearest one-hundredth
6 of a percent, to the legislature.

7 (3) Each apportionment of the members of the senate and assembly shall
8 conform to the following criteria:

9 (a) Each assembly district shall contain a number of inhabitants that does not
10 deviate more than 2 percent from the statewide mean district population.

11 (b) African-Americans, Hispanic Americans, Native Americans, and members
12 of any other demographic group protected by the laws of the United States shall be
13 the voting age majority in the number of assembly and senate districts in proportion
14 to the percentage of the population in counties or groups of counties having a
15 sufficient geographic concentration of their members.

16 (c) At least one-half of the assembly districts, if the number of districts is
17 divisible by 2, or rounded up to the next whole number in other cases, shall have a
18 percentage above the average 5 general election percentage for the majority party;
19 at least one-half of the senate districts, if the number of districts is divisible by 2, or
20 rounded up to the next whole number in other cases, shall have a percentage above
21 the average 5 general election percentage for the minority party; at least 20 assembly
22 districts, and at least 7 senate districts, shall have a percentage for each of the 2
23 major political parties that does not exceed 1 percent above the 5 general election
24 percentage for that party; and no district may have a percentage in excess of 85
25 percent for either political party.

1 (4) Any senator or representative to the assembly whose district is altered as
2 a result of the adopted plan shall continue in office for the balance of his or her term
3 if he or she continues to reside in the district from which he or she was elected.

4 **SECTION 3. Numbering of new provisions.** The new subsections (2) to (4)
5 of section 3 of article IV of the constitution created in this joint resolution shall be
6 designated by the next higher open whole subsection numbers in that section in that
7 article if, before the ratification by the people of the amendment proposed in this joint
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9 3 of article IV of the constitution of this state. If one or more joint resolutions create
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14 numbers designated in that joint resolution and the subsections created by the other
15 joint resolutions have numbers that are in the same ascending order as are the
16 numbers of the enrolled joint resolutions creating the subsections.

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

20 (END)

RMNR

1/4

2009 ASSEMBLY JOINT RESOLUTION

IN 2-10

establishing a competitive election

Regen

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19 months previous to the time of holding such election.

20

(END)