

LEGISLATIVE REFERENCE BUREAU

The Veto Override Process in Wisconsin

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The Wisconsin Constitution grants the governor the power to veto legislation.¹ The governor can veto any bill in its entirety and any appropriation bill in part.² The veto power provides the governor with a key role in the legislative process, one that allows the governor to check and contain the legislature's lawmaking power. The governor's veto power, however, is not absolute. Although the governor may veto legislation, the legislature may override a veto by a two-thirds supermajority vote. Just as the legislature's lawmaking power is a qualified power subject to veto, the governor's veto power is a qualified power subject to legislative override.

This paper examines the legislature's power to override executive vetoes. The paper describes the legislature's veto override power, charts the veto override process, and discusses the history of veto overrides. We find that even though the legislature's veto override power is potentially a significant limitation on the governor's veto power, the failure of the legislature to override vetoes in recent decades has made the governor's veto power practically invincible. As this paper documents, the legislature has not overridden a governor's veto since 1985, making the last 38 years the longest continuous period in Wisconsin history that the legislature has failed to override a veto. The governor's veto power over legislation increasingly goes unchallenged.

The constitutional text

Article V, section 10, of the Wisconsin Constitution gives the governor the veto power and describes the steps the legislature must take to override a veto. The constitutional process is straightforward: every bill passed by the legislature must be presented to the governor to become law.³ If the governor rejects the bill or any part of the bill, the bill is returned to the house of origin with the governor's objections. The objections must be entered on that house's journal. The house of origin may then reconsider the bill, and if two-thirds of the members present in that house "agree to pass the bill notwithstanding the objections of the governor,"⁴ the bill is sent to the other house. If two-thirds of the members present in the second house concur with the first house, the bill as originally passed by the legislature becomes law. If this happens, the governor's veto of the bill is overridden. A vote to override the governor's veto must be a roll call vote.⁵ If the first house fails to override a veto, the second house may not take action on the veto.

1. Wis. Const. art. V, § 10.

2. For a discussion of the governor's partial veto power, see Richard A. Champagne, Staci Duros, and Madeline Kasper, "The Wisconsin Governor's Partial Veto after *Bartlett v. Evers*" *Reading the Constitution*, vol. 5, no. 3 (Madison, WI: Legislative Reference Bureau, July 2020).

3. Wis. Const. art. V, § 10 (1) (a).

4. Wis. Const. art. V, § 10 (2) (a). The same language for partial vetoes is found in Wis. Const. art. V, § 10 (2) (b).

5. Wis. Const. art. V, § 10 (2) (c).

There is little Wisconsin case law on the legislature's veto override power.⁶ But one important decision is the *Integration of Bar Case*, a 1943 case that considered whether two-thirds of legislators present had actually voted to override a governor's veto.⁷ In that case, several assembly members were in the assembly chamber at the time a veto override vote was conducted, but they did not vote. They failed to vote because they were paired with absent members who would have voted differently than the members in the chamber.⁸ Because these assembly members were paired with absent members and did not vote, they were not counted in the assembly journal as present for the purpose of calculating whether two-thirds of the members of the assembly present had voted to override a veto. They were counted as absent, which meant that fewer members were needed to override the governor's veto.

In its decision, the court held that the rules of each house determined whether members were counted as present for veto override purposes and that the court would consult only the assembly journal, and no other kind of evidence, to determine whether a bill was validly enacted. The assembly journal tally of members present was definitive: the paired members were not counted as present for purposes of a veto override. Thus, the legislature's override of the vetoed bill was valid, even though less than two-thirds of the members in the assembly chamber at the time of the veto had actually voted to override.

The veto override process

Article V, section 10 (3), of the Wisconsin Constitution requires the governor to return bills to the legislature within six days (not counting Sundays) of their receipt. Any bill not so returned becomes law.⁹ To veto a bill, the governor must act within this period.

In the assembly, upon receiving a veto message from either the governor or the senate, the speaker or the presiding officer must refer the veto either directly to the calendar for the second legislative day after receipt of the veto message, to the Assembly Committee on Rules for scheduling, or to a standing committee for further review.¹⁰ In the

6. Almost all case law on the constitutional veto provision deals with the governor's partial veto power. There have been nine Wisconsin Supreme Court decisions interpreting the governor's partial veto power: *State ex rel. Wisconsin Telephone Co. v. Henry*, 218 Wis. 302, 260 N.W. 486 (1935); *State ex rel. Finnegan v. Dammann*, 220 Wis. 134, 264 N.W. 622 (1936); *State ex rel. Martin v. Zimmerman*, 233 Wis. 442, 289 N.W. 662 (1940); *State ex rel. Sundby v. Adamany*, 71 Wis. 2d 118, 237 N.W.2d 910 (1976); *State ex rel. Kleczka v. Conta*, 82 Wis. 2d 679, 264 N.W.2d 539 (1978); *State ex rel. Wisconsin Senate v. Thompson*, 144 Wis. 2d 429, 424 N.W.2d 385 (1988); *Citizens Utility Board v. Klauser*, 194 Wis. 2d 484, 534 N.W.2d 608 (1995); *Risser v. Klauser*, 207 Wis. 2d 176, 558 N.W.2d 108 (1997); *Bartlett v. Evers*, 393 Wis. 2d 172, 945 N.W.2d 685 (2020).

7. 11 N.W.2d 604, 244 Wis. 8, rehearing denied 12 N.W.2d 699. 244 Wis. 8 (1943).

8. A pair is an agreement between two members who are on the opposite side of a question and agree not to vote if one of the members is absent. Under legislative rules, both members of a pair are not considered present for quorum purposes if one of the members is absent. Assembly Rule 79 (5).

9. An exception is if the legislature has finally adjourned the biennial legislative session before the expiration of this six-day period and the governor has not returned the bill. In such a case, the bill does not become law.

10. Assembly Rule 44 (1). The Committee on Rules may schedule a veto on the calendar even if the veto was referred to another committee and the committee has not completed its review (Assembly Rule 44 (2)).

assembly, vetoes are taken up during the Fifth Order of Business on the daily calendar.¹¹ In the senate, veto messages are referred automatically to the Committee on Senate Organization and are available for scheduling.¹² In the senate, veto messages from the governor are treated as communications and are scheduled for, and taken up during, the Fifth Order of Business on the daily calendar; veto messages from the assembly are taken up during the Eighth Order of Business on the daily calendar.¹³ Typically, most scheduling requirements in the assembly and the senate that apply to bills also apply to vetoes.

When deliberation and debate commence on overriding a governor's veto, the question before the body is "Shall the bill pass notwithstanding the actions of the governor?" A governor's veto of an entire bill cannot be divided into separate propositions; it is an up or down vote for the entire bill.¹⁴ In contrast, a partial veto may be divided. Both houses have a similar test for dividing a partial veto: the test is whether a complete and workable law would result from the division regardless of the action taken on parts of the original partially vetoed item.¹⁵ In the assembly, the presiding officer determines if each divided partial veto is a distinct and independent proposition and the division will not be unduly complex.¹⁶ In the senate, the presiding officer determines if each divided partial veto is a distinct and independent proposition.¹⁷ In the senate, failure to override a governor's veto finally and adversely disposes of that veto for the remainder of the biennial legislative session¹⁸ and no veto vote may be reconsidered.¹⁹ In contrast, in the assembly, decisions on a veto may be reconsidered any number of times during the legislative biennium.²⁰ Successful veto overrides in the first house are messaged immediately to the other house.²¹

In the senate, vetoes of bills that originated in the assembly, and which have been overridden in the assembly, come to the senate as a message from the assembly, and like other messages, may be taken up during the Eighth Order of Business.²² It appears that veto messages from the assembly may be taken directly off the message calendar.²³

11. Assembly Rule 31 (5). The daily calendar consists of a number of orders of business, which allows the assembly to conduct its business in a predictable manner.

12. Senate Rule 18 (1). Senate Rule 18 (1) refers to "veto messages," while Assembly Rule 44 (1) refers to veto messages received either from the governor or the senate. Senate Rule 18 (1) lacks the specificity of Assembly Rule 44 (1). It is not clear whether Senate Rule 18 (1) is limited to veto messages received only from the governor or veto messages received from either the governor or the assembly. If veto messages from the assembly do not have to be referred to the Committee on Senate Organization, they may be taken up at any time during the Eighth Order of Business, pursuant to Senate Rule 18 (1b).

13. Senate Rule 17 (1) (e) and (h).

14. Assembly Rule 80 (4); Senate Rule 70 (2).

15. Assembly Rule 80 (5) (a); Senate Rule 70 (2) (a).

16. Assembly Rule 80 (5) (b).

17. Senate Rule 70 (2) (b).

18. Senate Rule 46 (6) (g).

19. Senate Rule 67 (7).

20. Assembly Rule 73 (3m).

21. Assembly Rule 50 (2). In the senate, see the interaction between Senate Rules 42 (1) and 67 (7).

22. Senate Rule 18 (1b).

23. See note 12 regarding referral of assembly veto messages received by the senate.

However, the usual process is to place all veto messages from the governor in the Committee on Senate Organization and for that committee to schedule veto messages from the assembly on the calendar. In the assembly, veto messages from the senate are treated the same as those from the governor. The speaker or presiding officer must refer them either to the calendar for the second legislative day after the messages are received, to the Committee on Rules for scheduling, or to a standing committee for further review.²⁴ The exception, which will be discussed shortly, is that during the veto review floorperiod, vetoes received from the first house may be taken up immediately.²⁵

The legislature establishes its work schedule for the legislative session pursuant to joint resolution.²⁶ Included in that work schedule is a floorperiod designated as a “veto review floorperiod.” During the 2023–24 legislative session, the veto review floorperiod occurs on May 14 and 15, 2024.²⁷ During this period, all vetoes not previously on a calendar are automatically placed on the calendar and shown as pending business.²⁸ A veto overridden in the house of origin may be acted on immediately by the other house.²⁹ Any veto during this period that does not receive final action or is not overridden is sustained and is recorded on the journal as “failed to pass notwithstanding the objections of the governor.”³⁰ However, both the senate and the assembly have procedures for reviving proposals that have been finally and adversely disposed of during regular floorperiods and the veto review floorperiod. Senate rules allow a proposal to be revived during an extraordinary session called by the Committee on Senate Organization.³¹ In the assembly, there is no specific rule authorizing the revival of proposals during an extraordinary session, but it is an assembly practice to allow for revival by the Committee on Assembly Organization.³² And, as mentioned earlier, assembly rules allow for reconsideration of any vote on a governor’s veto at any time and for any number of times.³³

In terms of timing, the assembly and the senate may try to override a governor’s veto at any point during the regular legislative session: during a regularly scheduled floorperiod, during the veto review floorperiod, or during an extraordinary session.³⁴ If a veto

24. Assembly Rule 44 (1).

25. Joint Rule 82 (3).

26. Wis. Stat. § 13.02.

27. 2019 Senate Joint Resolution 1, section (2) (w). This floorperiod is governed by Joint Rule 82 (1), which requires that this floorperiod occur between April 1 and June 30 of the even-numbered year during a legislative session.

28. Joint Rule 82 (2) (a).

29. Joint Rule 82 (3).

30. Joint Rule 82 (2) (b).

31. Senate Rule 93 (1).

32. Consider the following ballot question that revived an assembly bill for consideration for the November 2018 Extraordinary Session: “In accordance with Joint Rule 81 (2) and Assembly Rule 93, it is moved that the Committee on Assembly Organization authorize the Legislature to meet in Extraordinary Session beginning at 10:00 a.m. on Monday, November 12, 2018, solely to revive for further consideration Assembly Bill 963, which consideration shall begin at the stage that the proposal had reached immediately before adjournment of the last general-business floorperiod.”

33. Assembly Rule 73 (3m).

34. There have been instances when governors called special sessions for the purpose of overriding vetoed legislation. See

override is successful, the clerk of the house in which the bill originated must deposit the bill in the office of the secretary of state.³⁵ The Legislative Reference Bureau must publish the overridden act or portions of the act the day after the second house overrides the veto, and the overridden legislation takes effect on the day after publication.³⁶

While the general outlines of the veto override process are found in the constitution, the details of the process are found in the Assembly Rules, Senate Rules, and Joint Rules. There are no statutes on the veto override process. The legislative rules that apply to the veto override process are adopted pursuant to Wis. Const. art. IV, § 8, which provides that “Each house may determine the rules of its own proceedings.”³⁷ The key feature about this constitutional provision is that it allows the legislature to establish its internal operating procedures, especially involving the lawmaking process, and courts will not question the legislature’s interpretation of its rules or require their enforcement.³⁸ The legislature is free to follow or not to follow its internal rules, provided the rules do not infringe upon other constitutional rights. As the court has held with respect to legislative procedural rules: “If the legislature fails to follow self-adopted procedural rules in enacting legislation, and such rules are not mandated by the constitution, courts will not intervene to declare the legislation invalid.”³⁹

Thus, the veto override process is an internal, procedural matter created and governed by the legislature alone. The legislature adopts rules that regulate the process, and courts may not adjudicate the application or interpretation of the rules. Indeed, as the *Integration of Bar Case* demonstrated, courts will defer even to legislative interpretation of the two-thirds supermajority requirement under the constitution for a successful veto override. The veto override process is in every way a self-determined legislative process.

Vetoes and veto overrides in Wisconsin history

The governor’s veto power was included in the original 1848 Wisconsin Constitution, and the governor’s partial veto power was created by a 1930 amendment to the constitution. Governors have vetoed bills and the legislature has overridden vetoes throughout Wisconsin history. We have gathered in tables 1, 2, and 3 data on all full vetoes and veto overrides in Wisconsin history, data on all partial vetoes since 1931, and data on veto

Wis. Senate Journal (1977) 948–49 and Wis. Senate Journal (1983) 292.

35. Joint Rule 33 (2).

36. Wis. Stat. § 35.095 (1) (a) and (3) (a).

37. Wis. Const. art. IV, § 8. For a discussion of this constitutional provision, see Richard A. Champagne, “The Rules of Proceedings Clause,” *Reading the Constitution*, vol. 1, no. 1 (Madison, WI: Legislative Reference Bureau, October 2016).

38. State ex rel. Ozanne v. Fitzgerald, 334 Wis. 2d 70, 798 N.W.2d 436 (2011).

39. State ex rel. La Follette v. Stitt, 338 N.W.2d 684, 114 Wis. 2d 358, 365 (1983). This is a longstanding principle in Wisconsin. See McDonald v. State, 80 Wis. 407, 412, 50 N.W. 185 (1891): “We think no court has ever declared an act of the legislature void for noncompliance with the rules of procedure made by itself, or the respective branches thereof, and which it or they may change or suspend at will. If there are any such adjudications, we decline to follow them.”

override attempts by the legislature since 1987. There are a number of important observations we can make about vetoes and veto overrides.

Full vetoes

Broadly speaking, Wisconsin governors rarely veto entire bills. From 1848 to 2022, the legislature passed 51,575 bills and the governor vetoed 1,927 bills in their entirety, for a veto rate of 3.7 percent. More than 96 percent of bills passed by the legislature became law. With respect to the governor's veto power, Alexander Hamilton's claim in *Federalist Paper* No. 73 about the president's veto power comes to mind: "the negative would generally be employed with caution; and there would oftener be room for a charge of timidity than of rashness in the exercise of it."⁴⁰ This was certainly true in Wisconsin. During the nineteenth century, Wisconsin governors vetoed typically a handful of bills each session. But in the twentieth century, governors significantly increased the number of bills they vetoed. In a few sessions, in fact, the number was unusually high. In the 1925–26 session, Governor John Blaine vetoed 73 bills; in the 1927–28 session, Governor Fred Zimmerman vetoed 90 bills; in the 1961–62 session, Governor Gaylord Nelson vetoed 70 bills; and in the 1963–64 session Governor John Reynolds vetoed 72 bills.

Starting in the 1993–94 session, however, governors seemed to return to the nineteenth-century pattern. Governor Tommy Thompson vetoed only 20 bills during the 1993–2002 period. But this was short-lived. When Governor James Doyle, a Democrat, faced a Republican legislature during his first term in office, he vetoed 54 bills in the 2003–04 session and 47 bills in the 2005–06 session—numbers not seen since the early 1960s. When the Democrats regained control of the senate in the 2007–08 session, Governor Doyle vetoed only one bill; the following session, when the Democrats had full control of the legislature, Governor Doyle vetoed six bills. Similarly, during his eight years in office, with Republican control of both houses, Governor Scott Walker, a Republican, fully vetoed only three bills. This is the fewest number of vetoes during any eight-year period in Wisconsin history.

Clearly, in the twenty-first century, partisan control of the legislature and the governor's office matters, with split partisan control of state government increasing the governor's use of the veto power. Nothing demonstrates this better than the vetoes made by Governor Tony Evers, a Democrat, during his first term in office. In the 2021–22 session, with a Republican assembly and senate, he vetoed 126 bills, an all-time record. An even more telling statistic is Governor Evers's veto rate during that session. While Wisconsin governors have historically vetoed an average of 3.7 percent of bills passed by the legislature, Governor Evers vetoed 32 percent of bills passed by the 2021–22 legislature. No governor has come close to matching this veto rate.

40. *The Federalist*, no. 73 (Alexander Hamilton) (The Avalon Project ed., 2008).

Partial vetoes

Governors first acquired the partial veto in the 1931 session. As shown in table 2, for the first 40 years thereafter, governors seldom used it. Typically, governors would partially veto an item or two, if any, in budget bills. This may have been because budget bills were considerably shorter in length, containing few policy items, and governors had yet to test the full reach of the partial veto power. But this changed in the late 1960s and early 1970s. Budget bills evolved to become the most important policy enactment of the legislative session. For example, from 1961 to 1986, the 13 budget bills averaged 367 pages in length. But from 1987 to 2012, the 13 budget bills averaged 1,521 pages in length—a fourfold increase in number of pages. In fact, the 2021 budget bill was 1,846 pages in length.⁴¹ More and more, budget bills contained thousands of appropriations and hundreds of pages of individual policy items. In most instances, a governor’s partial veto of an item in a budget bill was akin to a veto of an entire bill.

To be sure, governors relied heavily on the partial veto when the legislature was controlled by a different political party. From 1987 to 1992, for example, when Democrats controlled the assembly and the senate, Governor Tommy Thompson, a Republican, partially vetoed almost a thousand items in budget bills, eliminating entirely or rewriting policy items in the bills. Even when the governor and the majority in the assembly and the senate were from the same political party, however, the governor actively used the partial veto power. In his eight years in office, with a Republican legislature, Governor Scott Walker partially vetoed over 300 items in budget bills.

Governors also applied the partial vetoes to other appropriation bills, but the number of items partially vetoed in non-budget appropriation bills has waned considerably since the mid-1990s.

Veto overrides

Tables 1 and 2 show how rarely the Wisconsin Legislature has overridden vetoes. During the nineteenth century, governors vetoed 245 bills and the legislature overrode 17 of them. Eight of the seventeen successful overrides occurred during the 1862 legislative session, which means that there were only nine veto overrides during all of the other nineteenth-century legislative sessions. During the twentieth century, governors vetoed 1,425 bills and the legislature overrode just 66 of them. In fact, 20 of the 66 successful overrides took place in one session, the 1943–44 legislative session. In the remaining 49 legislative sessions in the twentieth century, there were just 46 veto overrides, averaging less than one per session. During the twenty-first century, the legislature has not overridden a single

41. Wis. Legis. Reference Bureau, “The Legislature and the State Budget,” *Wisconsin Blue Book 2017–2018* (Madison, WI: Legislative Reference Bureau), 408.

one of the 257 bills vetoed by the governor. Since 1848, out of a total of 1,927 bills vetoed in their entirety, the legislature has overridden only 83 of them, which amounts to an override success rate of less than 5 percent.

The same trend also applies to legislative override of partial vetoes. From 1931 to 1972, the legislature did not override a single partial veto in a biennial budget bill. The governor had the final say on budget bills. Beginning in the 1973–74 session, and continuing through the 1985–86 session, however, the legislature was more aggressive in contesting the governor, successfully overriding 37 partial vetoes in biennial budget bills. But this was out of a total of 461 partial vetoes in budget bills during this period, resulting in a veto override success rate of 8 percent. Since the last time the legislature overrode a partial veto, in 1985, governors of both political parties have used the partial veto on 2,688 items in budget bills and, through the 2021 legislative session, the legislature has not overridden a single one of these partial vetoes. The partial veto power is about as absolute of a constitutional power as can be had in practice.

Table 3 presents information on legislative veto override votes since the 1985 session. Not a single veto was overridden during the post-1985 period. However, on many occasions, the legislature tried to override the governor’s vetoes. And on a few occasions, the house of origin was successful in mustering the two-thirds necessary to override the veto, but the second house failed to concur. From 1987 to 1992, legislative sessions when the Democrats controlled both houses, there were 40 attempts to override vetoed bills and 109 attempts to override partial vetoes of appropriation bills. During these three sessions, the house of origin overrode the governor’s veto of three bills, but the second house could not garner the two-thirds vote.⁴² There were five instances in which the house of origin overrode a partial veto, but the second house did not concur.⁴³

During the 2003–04 and 2005–06 legislative sessions, with a Democratic governor, Republicans controlled the legislature and attempted 18 times to override vetoed bills and 12 times to override partial vetoes of appropriation bills. The only successful overrides of a vetoed bill by one house were when the senate overrode two of Governor Doyle’s vetoes of “concealed carry” bills, but the assembly failed by one vote to concur in the override.⁴⁴ In terms of partial vetoes, there was only one successful override in a house of origin during these two sessions.⁴⁵

Since the 1985 session, a period of about 38 years—the longest in Wisconsin history—the legislature has not overridden any governor’s full or partial veto. During this period, the legislature tried to override 62 full vetoes and 131 partial vetoes, but to no avail.

42. 1987 Assembly Bill 1016; 1987 Senate Bill 9 (November 1987 Special Session); and 1991 Assembly Bill 212.

43. 1989 Senate Bill 31, Item D-6; 1991 Assembly Bill 91, Item E-94; 1991 Senate Bill 281, Item 10; 1991 Senate Bill 483, Items B-23 and C-4.

44. 2003 Senate Bill 214; the final vote in the assembly was 65–34. 2005 Senate Bill 403; the final vote in the assembly was 64–34.

45. 2005 Assembly Bill 100, Item C-4.

In the 2019–20 session, the legislature attempted to override the governor’s full veto of only one bill and four partial vetoes of a single bill; in the 2021–22 session, the legislature attempted to override the governor’s full veto of one bill. These were the first veto override attempts since the 2009 session. For most of the twenty-first century, the legislature has rarely even tried to override a governor’s full or partial veto.

Concluding comments

The tables present veto statistics for all legislative sessions through the 2021–22 session. The veto data point to an inescapable conclusion about the governor’s veto power and the legislature’s power to override vetoes: the legislature’s power to override executive vetoes with a two-thirds supermajority vote is not commensurate to the governor’s unilateral power to veto bills. The governor almost always wins.

In January 2023, Governor Tony Evers commenced his second term as Wisconsin’s forty-sixth governor. Based on Governor Evers’s use of vetoes and partial vetoes during his first term, there are two observations of note. First, Governor Evers partially vetoed only 78 items in the 2019 budget bill and 50 items in the 2021 budget bill.⁴⁶ This is fewer items than the number of items that Governor Walker partially vetoed in 2015 and 2017, even when his political party controlled the legislature. It is also far fewer than the number of partial vetoes made by Governor Doyle when the Republicans controlled the legislature during the 2005–06 and 2007–08 legislative sessions. There are a couple of possible reasons for this: one is that the enrolled budget bills were much shorter than recent enrolled budget bills, thereby providing the governor with fewer items to partially veto;⁴⁷ another, which is related, is that there were reports that legislative leaders attempted to reduce the number of policy items in the budget bill,⁴⁸ and, finally, the Wisconsin Supreme Court decision in *Bartlett v. Evers* significantly narrowed the scope of the governor’s partial veto power.⁴⁹ Governor Evers’s partial vetoes may be fewer in number than recent governors because the 2019 and 2021 budget bills provided fewer partial veto opportunities. Nonetheless, the number of items in the budget bills partially vetoed by Governor Evers is one of the lowest in recent decades.

Second, as mentioned earlier, during the 2021–22 session, Governor Evers vetoed

46. “Executive Partial Veto of Assembly Bill 56,” *LRB Reports*, vol. 3, no. 7 (Madison, WI: Legislative Reference Bureau, July 2019); “Executive Partial Veto of Assembly Bill 68,” *LRB Reports*, vol. 5, no. 5 (Madison, WI: Legislative Reference Bureau, July 2021)..

47. The enrolled version of the 2019 budget bill, Assembly Bill 56, was 214 pages and the enrolled version of the 2021 budget bill, Assembly Bill 68, was 175 pages. In contrast, the enrolled version of the 2017 budget bill, Assembly Bill 64, was 399 pages and the enrolled version of the 2015 budget bill, Senate Bill 21, was 659 pages.

48. Mark Sommerhauser, “GOP lawmakers to strip pillars of Tony Evers’ budget: Medicaid expansion, tax hikes, pot reforms,” *Wisconsin State Journal*, May 2, 2019; Shawn Johnson, “Budget bill before Evers is shortest in decades,” *Wisconsin Public Radio*, June 28, 2019; Molly Beck and Patrick Marley, “Wisconsin budget battle begins: GOP lawmakers plan to remove hundreds of items from Gov. Tony Evers’ proposal,” *Milwaukee Journal Sentinel*, May 5, 2021; Mitchell Schmidt, “Wisconsin Senate approves GOP-authored budget, which now heads to Gov. Tony Evers,” *Wisconsin State Journal*, July 1, 2021.

49. 393 Wis. 2d 172, 945 N.W.2d 685 (2020).

126 of the 393 bills passed by the legislature—a veto rate of about 32 percent. This is the greatest number of vetoes and the highest veto rate in a legislative session of any governor in Wisconsin history. Whether Governor Evers’s actions mark a new direction in the governor’s use of the veto power, especially in an era of divided partisan government, or are instead a response to legislative action on public policy issues unique to the 2021–22 period remains to be seen. What is clear in the evolution of the governor’s veto power in Wisconsin is that it has not, and need not, be “employed with caution.” ■

Appendix

Table 1. Bills fully vetoed since 1848

Session	Bills vetoed	Over-ridden	Laws enacted	Session	Bills vetoed	Over-ridden	Laws enacted
1848	—	—	155	1881	6	—	334
1849	2	1	220	1882	6	—	330
1850	1	—	284	1883	2	—	360
1851	9	—	407	1885	8	—	471
1852	3	1	504	1887	10	—	553
1853	6	—	521	1889	6	1	529
1854	2	—	437	1891	10	1	486
1855	6	—	500	1893	6	—	312
1856	1	—	688	1895	—	—	388
1857	—	—	517	1897	19	1	381
1858	28	—	436	1899	3	—	357
1859	9	—	680	1901	24	—	470
1860	2	—	489	1903	23	—	451
1861	2	—	402	1905	22	—	540
1862	36 ¹	8	531	1907	28	1	677
1863	10	1	383	1909	22	—	550
1864	—	—	509	1911	15	—	687
1865	2	—	565	1913	24	—	778
1866	5	—	733	1915	15	—	639
1867	2	—	790	1917	20	—	697
1868	2	2	692	1919	41	—	742
1869	14	1	657	1921	42	1	595
1870	2	—	666	1923	52	—	449
1871	4	—	671	1925	73	—	455
1872	2	—	322	1927	90	2	549
1873	4	—	308	1929	44	—	530
1874	2	—	349	1931	58	—	518
1875	2	—	344	1933	15	—	516
1876	2	—	415	1935	27	—	556
1877	4	—	384	1937	10	—	447
1878	2	—	347	1939	22	—	535
1879	—	—	256	1941	17	—	333
1880	3	—	323	1943	39	20	577

Table 1. **Bills fully vetoed since 1848**, continued

Session	Bills vetoed	Over-ridden	Laws enacted	Session	Bills vetoed	Over-ridden	Laws enacted
1945	30	5	592	1985	7	—	342
1947	10	1	615	1987	38	—	422
1949	17	2	643	1989	35	—	368
1951	18	—	735	1991	33	—	324
1953	31	3	687	1993	8	—	497
1955	38	—	696	1995	4	—	469
1957	35	1	709	1997	3	—	338
1959	36	4	696	1999	5	—	198
1961	70	2	689	2001	—	—	109
1963	72	4	583	2003	54	—	327
1965	24	1	666	2005	47	—	491
1967	18	—	355	2007	1	—	242
1969	34	1	502	2009	6	—	406
1971	32	3	342	2011	—	—	286
1973	13	—	341	2013	1	—	380
1975	37	6	432	2015	2	—	392
1977	21	4	451	2017	—	—	370
1979	19	3	362	2019	20	—	186
1981	11	2	394	2021	126	—	267
1983	3	—	550				

— Represents zero.

1. Does not include 18 bills that the lieutenant governor asserted had been vetoed by pocket veto when the governor, to whom they had been sent, died without signing them.

Source: *Bulletin of the Proceedings of the Wisconsin Legislature*, various editions; and Senate and Assembly Journals.

Table 2. **Executive vetoes since 1931**

Session	Bills				Biennial budget bills	
	Vetoed	Overridden	Partially vetoed	Partial vetoes overridden	Partial vetoes ¹	Vetoes overridden
1931	58	—	2	—	12	—
1933	15	—	1	—	12	—
1935	27	—	4	—	—	—
1937	10	—	1	—	—	—
1939 ²	22	—	4	—	1	—
1941	17	—	1	—	1	—
1943	39	20	1	1	—	—

Table 2. **Executive vetoes since 1931**, continued

Session	Bills				Biennial budget bills	
	Vetoed	Overridden	Partially vetoed	With veto overrides	Partial vetoes ¹	Vetoes overridden
1945	30	5	2	1	1	—
1947	10	1	1	—	1	—
1949	17	2	2	1	—	—
1951	18	—	—	—	—	—
1953 ³	31	3	4	—	2	—
1955	38	—	—	—	—	—
1957	35	1	3	—	2	—
1959	36	4	1	—	—	—
1961	70	2	3	—	2	—
1963	72	4	1	—	—	—
1965	24	1	4	—	1	—
1967	18	—	5	—	—	—
1969	34	1	11	—	27	—
1971	32	3	8	—	12	—
1973	13	—	18	3	38	2
1975	37	6	22	4	42	5
1977	21	4	16	3	67	21
1979	19	3	9	2	45	1
1981 ⁴	11	2	11	1	121	—
1983	3	—	11	1	70	6
1985	7	—	7	1	78	2
1987	38	—	20	—	290	—
1989	35	—	28	—	208	—
1991	33	—	13	—	457	—
1993	8	—	24	—	78	—
1995	4	—	21	—	112	—
1997	3	—	8	—	152	—
1999	5	—	10	—	255	—
2001	—	—	3	—	315	—
2003	54	—	10	—	131	—
2005	47	—	2	—	139	—
2007	1	—	4	—	33	—
2009	6	—	5	—	81	—
2011	—	—	3	—	50	—
2013	1	—	4	—	57	—

Table 2. **Executive vetoes since 1931**, continued

Session	Bills				Biennial budget bills	
	Vetoed	Overridden	Partially vetoed	With veto overrides	Partial vetoes ¹	Vetoes overridden
2015	2	—	5	—	104	—
2017	—	—	4	—	98	—
2019	20	—	2	—	78	—
2021	126	—	1	—	50	—

— Represents zero.

1. The number of individual veto statements in the governor’s veto message. 2. Attorney general ruled veto of 1939 SB-43 was void and it became law (see Vol. 28, *Opinions of the Attorney General*, p. 423). 3. 1953 AB-141, partially vetoed in two separate sections by separate veto messages, is counted as one. 4. Attorney general ruled several vetoes “ineffective” because the governor failed to express his objections (see Vol. 70, *Opinions of the Attorney General*, p. 189).

Source: Compiled by Wisconsin Legislative Reference Bureau from the *Bulletin of the Proceedings of the Wisconsin Legislature* and the Assembly and Senate Journals.

Table 3. **Veto override votes since 1987**

Session	Bills with full veto override votes	Bills with partial veto override votes	Partial veto items with override votes
1987	20	5	52
1989	10	7	30
1991	10	3	27
1993	1	1	1
1995	—	—	—
1997	—	—	—
1999	—	—	—
2001	—	1	2
2003	10	3	4
2005	8	2	8
2007	—	1	3
2009	1	—	—
2011	—	—	—
2013	—	—	—
2015	—	—	—
2017	—	—	—
2019	1	1	4
2021	1	—	—

— Represents zero.

Sources: *Bulletin of the Proceedings of the Wisconsin Legislature*, various editions; and Senate and Assembly Journals.