

[Jt. Res. No. 50, A.]

No. 52, 1925.

JOINT RESOLUTION

To amend section 5 of article V of the constitution, relating to the compensation of the governor.

---

WHEREAS, At the biennial session of the legislature for the year 1923, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment is as follows:

*“Resolved by the Assembly, the Senate concurring, That section 5 of article V of the constitution be amended to read: (Article V) Section 5. The governor shall receive, during his continuance in office, an annual compensation of not less than five thousand dollars, to be fixed by law, which shall be in full for all traveling or other expenses incident to his duties. The compensation prescribed for governor immediately prior to the adoption of this amendment shall continue in force until changed by the legislature in a manner consistent with the other provisions of this constitution.”*

*Resolved by the Assembly, the Senate concurring, That the foregoing amendment to the constitution of the state of Wisconsin be and the same is hereby agreed to by this legislature.*

---

[Jt. Res. No. 13, S.]

No. 53, 1925.

JOINT RESOLUTION

To amend section 1 of article IV and article XII of the constitution, to give the people the power to propose laws and amendments to the constitution and to enact or reject the same at the polls, and to approve and reject at the polls any act of the legislature.

---

*Resolved by the Senate, the Assembly concurring, That section 1, of article IV of the constitution be amended to read: (Article*

IV) Section 1. 1. The legislative power shall be vested in a senate and assembly, but the people reserve to themselves power, as herein provided, to propose laws and to enact or reject the same at the polls, independent of the legislature, and to approve or reject at the polls any act of the legislature. The limitations expressed in the constitution on the power of the legislature to enact laws, shall be deemed limitations on the power of the people to enact laws, except that approval by the governor shall not be necessary.

2. The laws which may be proposed by an initiative petition may be either a bill which was rejected by the preceding legislature with any amendments thereto which were also introduced in the legislature, as the petitioners may see fit to incorporate, or an entirely new bill. If such proposed law is a bill introduced in the preceding legislature the petitions shall be signed by not less than six per cent, and if a new bill by not less than eight per cent, of the qualified electors of the state calculated upon the whole number of votes cast for governor at the last preceding election, of whom not more than one-half shall be residents of any one county. Any law proposed by an initiative petition shall be drafted in the same form as are bills introduced in the legislature, except that the enacting clause shall read "The people of the state of Wisconsin do enact:" The services of the draftsmen of the legislature shall be available without charge to citizens proposing any law by initiative petition. Any such proposed law shall become effective thirty days after having been approved by a majority of the electors voting thereon, unless a different date is specified therein. Any law so enacted shall not be amended or repealed by the legislature, except upon a three-fifths vote of all members elected to each house.

3. By petition filed not later than ninety days after the publication of any law enacted by the legislature, six per cent of the qualified electors, calculated and distributed as provided in subsection 2, may order the submission of such law to a vote of the people. No act of the legislature shall take effect until after the expiration of such ninety day period, and any act which within such period has been ordered submitted to a referendum shall not take effect until thirty days after it has been approved by a majority of the electors voting thereon; but this provision shall not apply to any law which by a three-fifths vote of the members elected to each house has been declared an emergency act. Any

such emergency act shall be subject to referendum in the same manner as other acts of the legislature, but shall remain in force notwithstanding any petition for a referendum, until thirty days after it has been rejected by a majority of the qualified electors voting thereon. No act making any appropriation for maintaining the state government or any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to a referendum. The increase in any such appropriation shall take effect as in case of other acts, and such increase, or any part thereof, specified in the petition, may be referred to a vote of the people.

4. An initiative or referendum petition shall set forth the full text of the bill proposed or to be referred and shall also state the names of the committee, not exceeding ten in number, which is to represent the petitioners. Such petition may be circulated and presented in parts, each part to have attached thereto the affidavit of the person circulating the same that all signatures thereon were made in the presence of the affiant and that to the best of his knowledge and belief each signature is genuine and that the person signing is a legal voter. No other verification shall be required to establish the genuineness of such signatures. Such petition shall be filed with the secretary of state, who shall within five days pass upon its sufficiency. If he finds that the requirements of this section have not been complied with, he shall at once notify the committee representing the petitioners who shall then have thirty days in which to supplement, correct or amend their petition.

5. If the petitioners or any other citizens are dissatisfied with any final decision of the secretary of state upon any initiative or referendum petition, an action to review such decision may be brought in the supreme court within ten days thereafter. Such court shall have original and exclusive jurisdiction in all such cases and shall render its decision within fifteen days after the filing of the action for review. In the event the sufficiency of any petition is challenged the burden of proof shall be upon the persons who attack its validity.

6. The text of all measures to be voted upon by the people, together with a brief statement of the arguments submitted by those favoring and opposing these measures and a copy of the unofficial sample ballot to be used in the election, shall be published by the secretary of state in pamphlet form and mailed to the electors of the state.

7. *The vote upon an initiative or referred bill shall be taken at the next election held generally throughout the state pursuant to law occurring not less than four months after the filing of the petition or at a special election called by the governor or by a petition signed by twenty per cent of the qualified electors of the state calculated and distributed as provided in subsection 2. The caption under which such bill shall be placed upon the ballot and the form of the question shall be determined by the secretary of state, subject to review by the supreme court in the manner provided in subsection 5. The question shall be so stated that an affirmative vote shall be a vote for the proposed or referred bill, and a negative vote a vote against such bill. Until the legislature shall otherwise provide the laws governing general elections shall govern all elections under this section.*

8. *Nothing in this section shall authorize the submission to a vote of the people of any law proposed by an initiative petition which abridges the constitutional rights of parents to educate their children according to their religious convictions.*

9. *This section shall be self executing, but laws may be enacted to facilitate its operations. No law shall be enacted which restricts, hampers or impairs the exercise of the rights herein reserved to the people. No initiative or referendum petition or vote thereon shall be set aside for any irregularity, omission or defect, unless the court finds that such irregularity, omission or defect would have changed the result. Be it further*

*Resolved, That article XII of the constitution be amended by creating a new section to read: (Article XII) Section 3.1. Ten per cent of the qualified electors of the state calculated upon the whole number of votes cast for governor at the last preceding election, of whom not more than one-half shall be residents of any one county, may by petition filed with the secretary of state not later than four months before any election held generally throughout the state, propose an amendment to any part of this constitution, except article I. If any amendment proposed pursuant to this section is ratified by a majority of the electors voting thereon, it shall become a part of the constitution thirty days after the election at which approved. If more than one amendment is proposed in the same petition, such proposal shall be submitted in such manner that the people may vote for or against each amendment separately.*

2. Except as otherwise provided in this section, the provisions of section 1 of article IV of this constitution relating to the enactment of laws by initiative shall apply to and govern the adoption of amendments to the constitution under this section.

---

[Jt. Res. No. 69, S.]

No. 54, 1925.

JOINT RESOLUTION

Relating to the life and public service of Honorable William Henry Upham.

---

William H. Upham was born May 3, 1841, in Massachusetts and came to Wisconsin in 1852. He received his early education in Racine and later graduated from the United States Military Academy at West Point. He was in government service from 1861 until 1869. From 1878 until his death on July 2, 1924, he resided at Marshfield.

His occupation was that of a lumberman being the head of an extensive corporation owning lumber mills.

He was mayor of Marshfield at one time and Department Commander of the Wisconsin G. A. R. in 1891 and 1892.

In 1894 he was elected governor defeating George W. Peck, his predecessor in that office.

Mr. Upham's career was colorful. He was mourned as dead during the Civil War and funeral services were held for him at Racine before it was discovered that he was not dead but was in a southern war prison.

In his business he was highly successful and his record as a splendid soldier and a businessman landed him in the office of governor.

Mr. Upham filled all public offices which he held with unquestioned integrity and honor to himself. He was one of Wisconsin's foremost men and by his death the state has lost a distinguished gentleman and a faithful public servant. Therefore, be it

*Resolved by the Senate, the Assembly concurring, that as a mark of respect and as a testimonial of appreciation of the public*