

State Constitutional Amendments and State and Local Referendum Test Your Knowledge

1. The purpose of State Constitutions is (check all that apply):

- a. To provide a framework for governing
- b. To delegate powers to the equal branches of government
- c. To expand on individual rights beyond the US Constitution, if the state so chooses
- d. To enact laws that may be controversial

2. In order for a Constitutional Amendment to appear on the ballot, it must first have passed both houses of the legislature in two consecutive sessions.

- a. True
- b. False

3. Constitutional amendments can be overturned by the Wisconsin Supreme Court.

- a. True
- b. False

4. On the April 2024 ballot, there will be two statewide binding referendum questions to amend or create a constitutional amendment pertaining to:

- a. Election administration and private funding
- b. Bail requirements
- c. Voting rights
- d. All of the above

5. Other constitutional amendments being considered by the Legislature in future elections include:

- a. Transferring power from the governor to the legislature regarding the receipt of and distribution of federal funds to the public.
- b. Barring non-citizens from voting in local elections.
- c. Requiring a 2/3 supermajority in both chambers to raise the state income tax
- d. Banning the closure of places of worship during any emergency, including public health emergencies.
- e. Requiring a Voter ID for all elections.
- f. Prohibiting ranked choice voting
- g. Prohibiting preference hiring based on race, gender or other characteristics
- h. All of the above

6. In Wisconsin, citizens can bring a Ballot Initiative if they follow the correct process and have enough signatures supporting the issue.

- a. True
- b. False

7. In Wisconsin, citizens can bring a local advisory (nonbinding) referendum question to the ballot at the local level to inform state legislators of local sentiment on a specific statewide issue.

- a. True
- b. False

8. The state and federal government provide all the funding necessary to administer elections.

- a. True
- b. False

9. Where can you go to find ballot questions and background information for the upcoming election?

- a. <https://myvote.wi.gov/en-us/My-Ballot> (sample ballots available for viewing 47 days in advance for federal elections and 21 days in advance for state and local elections)
- b. VOTE411.org
- c. <https://docs.legis.wisconsin.gov/2023/proposals/sjr78>
- d. <https://Ballotpedia.com>
- e. Search local news on topic
- f. All of the above

ANSWER: 1 (a), (b) and (c) are correct

State Constitutions should not be used to legislate controversial issues that cannot be agreed upon between the legislature and governor. In the normal legislative process, the legislature passes bills that go to the governor for signature or veto. If vetoed, the legislature can override a veto with two thirds of the vote of both houses. This process is intended to foster collaboration and compromise. Increasingly frequently, state legislatures are turning to the proposal of constitutional amendments to codify legislation and make repeal difficult.

ANSWER: 2 (a) True

The Legislature must pass, by a simple majority, a proposed constitutional amendment during two consecutive legislative sessions in two consecutive years. The first year a proposed constitutional amendment is passed is referred to as a “First Consideration” Amendment. The second year the same proposed amendment is passed is referred to as a

“Second Consideration” Amendment” which can then be placed on the ballot. The governor cannot veto a proposed constitutional amendment.

ANSWER: 3 (a) True

It is a long and difficult process to repeal a constitutional amendment. The Legislature can follow the same two-year, two-session procedure to replace the amendment, or the Wisconsin Supreme Court can vacate the amendment.

ANSWER: 4 (a) Election Administration

These are the specific questions on the ballot in the April 2 election. a. Question 1: “Use of private funds in election administration. Shall section 7 (1) of article III of the constitution be created to provide that private donations and grants may not be applied for, accepted, expended, or used in connection with the conduct of any primary, election, or referendum?”

b. Question 2: “Election officials. Shall section 7 (2) of article III of the constitution be created to provide that only election officials designated by law may perform tasks in the conduct of primaries, elections, and referendums?”

Referendum questions are often phrased in such a way as to encourage a “yes” vote. It is important to be informed on the issue before you get to the voting booth to assure you understand the ramifications of your vote.

ANSWER: 5 (h) All of the above

All of these are proposed legislative amendments. The Legislature is considering almost as many amendments in the 2023-24 legislative session as have been passed in the last 20 years!

ANSWER: 6 (b) False

Wisconsin does not allow for a direct ballot initiative where citizens can “circumvent the legislature through a petition in order to place a proposed state law or constitutional amendment directly on the ballot for citizens to adopt or reject at a referendum election...24 states have a statewide ballot initiative and referendum process.” A statewide process was on the ballot in 1914 but was defeated. (‘Ballot Initiative and Referendum in Wisconsin’, Duros, S. and Loeza, R.; Wisconsin Elections Project, February 2020, Vol. 1, No. 1)

ANSWER: 7 (b) False

2023 Wisconsin Act 12, the shared revenue bill, removed the ability of citizens to bring forth a local advisory referendum such as nonpartisan redistricting or an independent

redistricting commission or overturning Citizens United to get dark money out of politics. This was one of the “poison pills’ in the Shared Revenue bill. Unlike the Budget bills which allow the governor a partial veto, in the Shared Revenue bill, the governor can only approve or veto in its entirety and thus could not veto the banning of local advisory referendum.

ANSWER: 8 (b) False

Federal and state governments do not provide all the funding necessary to administer safe and fair elections. For example, during the presidential election of 2020, election administrators across the country had significant additional expenses when they needed to provide personal protective equipment and establish processes to keep poll workers and the public safe while voting. Additional funding was not

made available from Congress at that time, so private and philanthropic organizations stepped in. Banning private funds for election administration is a proposed constitutional amendment on the ballot in the April 2024 election (see Answer to Question 4)

ANSWER: 9 (f) True