



2011 ASSEMBLY JOINT RESOLUTION 137

March 15, 2012 – Introduced by Representatives C. TAYLOR and E. COGGS. Referred to Committee on Assembly Organization.

1 **To renumber** section 9 of article IV; **to renumber and amend** section 3 of article
2 IV, section 10 of article IV and section 1 of article IX; **to amend** section 3 of
3 article I, section 4 of article I, section 1 of article III, section 2 (intro.) of article
4 III, section 2 (4) (a) of article III, section 4 (1) of article VII, section 1 of article
5 VIII, section 1 of article X, section 3 of article X and section 1 of article XI; and
6 **to create** section 27 of article I, section 28 of article I, section 29 of article I,
7 section 7 of article III, section 3 (2) of article IV, section 3 (3) of article IV, section
8 9 (2) of article IV, section 9 (3) of article IV, section 10 (2) of article IV, section
9 17 (4) of article IV, section 17 (5) of article IV, section 17 (6) of article IV, section
10 17 (7) of article IV, section 17 (8) of article IV, section 17 (9) of article IV, section
11 1 (2) of article IX and section 14 of article XIII of the constitution; **relating to:**
12 participation in the legislative and electoral process, the right to vote, the right
13 to an impartial judiciary, the right of privacy, the right to a quality education,
14 the right to health care services, voting rights for certain felons, uniform voting
15 procedures, mandatory recounting of ballots, the procedure for legislative

1 redistricting and congressional reapportionment, the establishment of a state
2 governmental accountability board, administration of election laws, ethics
3 laws, and lobbying laws, public access to the capitol, requiring the legislature
4 to enact laws requiring reasonable notice of and public access to meetings of
5 governmental bodies, including the legislature, and making members of the
6 legislature subject to citations and civil penalties for violations of such laws,
7 petition and referendum by the people to reject acts of the legislature, open
8 meetings of the supreme court, public funding of supreme court election
9 campaigns, graduated and progressive taxation of individuals, the right to a
10 clean, healthy environment, safe drinking water, and clean air, establishment
11 of a board and a department of natural resources and the appointment of the
12 secretary of natural resources, independence of the superintendent of public
13 instruction, the authority of the superintendent of public instruction to require
14 minimum staffing levels and minimum funding levels for public schools,
15 appropriating public funds to support sectarian schools, treatment of
16 corporations as natural persons, and the right of workers to organize and
17 collectively bargain (first consideration).

Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2011 legislature on first consideration, grants or affirms certain rights of the people, in the nature of a bill of rights.

PARTICIPATION IN THE LEGISLATIVE PROCESS

The amendment requires the legislature to ensure that the people may exercise their rights to participate in the legislative process.

THE RIGHT TO ASSEMBLE

The amendment requires the legislature to ensure that the people may exercise their rights to assemble and vote.

RIGHT TO AN IMPARTIAL JUDICIARY

The amendment guarantees the right of the people to an impartial judiciary.

RIGHT OF PRIVACY

The amendment guarantees the right to marry and reproductive rights.

RIGHT TO A QUALITY EDUCATION

The amendment creates a right to a quality education.

RIGHT TO HEALTH CARE SERVICES

The amendment creates a right to health care services.

THE RIGHT TO VOTE

The amendment prohibits the state from taking any action that abridges the right to vote and prohibits the legislature from erecting any obstacles to the right to vote.

ELIGIBLE ELECTOR AFTER TEN DAYS' RESIDENCE

The amendment creates a right to vote for any US citizen age 18 or older who has resided in an election district or ward for ten consecutive days immediately preceding an election.

VOTING RIGHTS FOR CERTAIN FELONS

The amendment allows felons who have been placed on probation or parole to vote.

UNIFORMITY OF VOTING STANDARDS AND PROCEDURES

The amendment requires that voting standards and procedures be uniform throughout the state.

MANDATORY RECOUNTS IN CLOSE ELECTIONS

The amendment requires a state-funded manual recount of the ballots in any election for public office in which the results are within one-half of one percent.

GOVERNMENT ACCOUNTABILITY BOARD ESTABLISHED

The amendment establishes a government accountability board to administer elections and the state ethics law.

LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

The amendment changes the process by which legislative and congressional districts are redrawn.

The Wisconsin Constitution requires the legislature to redistrict legislative districts according to the number of inhabitants at its next session following each decennial federal census. The legislature also reapportions congressional districts pursuant to federal law.

The amendment requires the government accountability board established by the amendment to develop standards for legislative and congressional districts based on population requirements under the Wisconsin Constitution and the U.S. Constitution and requirements of federal law governing voting rights (the Voting Rights Act at present). The amendment then directs the board to draw redistricting plans in accordance with the standards. Under the amendment, no later than January 1 of the second year following the decennial federal census, the board must create a plan of legislative and congressional districting.

PUBLIC ACCESS TO THE CAPITOL

The amendment guarantees public access to the capitol except in a public emergency.

OPEN MEETINGS LAWS APPLICABLE TO LEGISLATURE

The amendment requires the legislature to enact laws requiring reasonable notice of and public access to meetings of governmental bodies, including the legislature, and making members of the legislature subject to citations and civil penalties for violations of such laws.

INITIATIVE AND REFERENDUM

The amendment creates a referendum process by which the people can reject an act of the legislature or particular sections of or items in such an act. The amendment provides that no act can become effective until 90 days after the governor files it in the office of the secretary of state. During the first 60 days after that filing, the people may file a petition for a referendum.

The petition for referendum must be filed with the government accountability board established by the amendment. Certain acts, such as those providing tax levies, acts expanding the rights of the people, and emergency acts, are exempt from referendum. Emergency acts must be so designated by the legislature and pass both houses on a two-thirds vote of all members.

Petitions must be signed by electors equaling 25 percent of the vote cast for the office of governor in the most recent election and filed with the government accountability board.

After validating signatures on the petition, the government accountability board shall order a referendum at the next general election occurring at least 125 days after the filing of the petition with the board. No act, section, or item shall go into effect until a majority of those voting approve it. If the petition is against a portion of an act, the remainder of the act shall not be prevented from going into effect. No act, section, or item rejected in a referendum may be reenacted during the legislative session in which it was rejected.

OPEN DELIBERATIONS OF THE SUPREME COURT

The amendment requires that all deliberations of the supreme court shall be open to the public.

PUBLIC FUNDING FOR SUPREME COURT ELECTIONS

The amendment requires that justices of the supreme court shall use public funding to finance campaigns.

STATE INCOME TAXATION TO BE GRADUATED AND PROGRESSIVE

The amendment requires that state income taxation shall be graduated and progressive by deleting the legislature's authority to create reasonable exemptions.

RIGHT TO A CLEAN, HEALTHY ENVIRONMENT, SAFE DRINKING WATER, AND CLEAN AIR

The amendment creates a right to a clean, healthy environment, safe drinking water, and clean air.

CREATION OF A DEPARTMENT OF NATURAL RESOURCES, BOARD, AND SECRETARY

The amendment creates a department of natural resources and a board to oversee it. The board will appoint a secretary to administer the department.

SUPERINTENDENT OF PUBLIC INSTRUCTION TO BE INDEPENDENT

The amendment makes the superintendent of public instruction independent of the other offices in the executive branch.

MINIMUM STAFFING AND FUNDING LEVELS FOR PUBLIC SCHOOLS

The amendment authorizes the state superintendent of public instruction to set minimum staffing and funding levels for public schools.

PROHIBIT PUBLIC FUNDING OF SECTARIAN SCHOOLS

The amendment prohibits appropriation of public funds for support of sectarian schools.

TREATMENT OF CORPORATIONS AS PERSONS PROHIBITED

Under current state and federal law, corporations are treated as natural persons for some purposes. The amendment restricts the state from recognizing any constitutional rights asserted by corporations, except as required by federal law.

WORKERS' RIGHTS TO ORGANIZE AND COLLECTIVELY BARGAIN

The amendment grants all employees the right to collectively bargain on the subjects of wages, hours, and working conditions.

PROCEDURE FOR PASSAGE

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

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

2 **SECTION 1.** Section 3 of article I of the constitution is amended to read:

3 [Article I] Section 3. Every person may freely speak, write and publish his
4 sentiments on all subjects, being responsible for the abuse of that right, and no laws
5 shall be passed to restrain or abridge the liberty of speech or of the press. In all
6 criminal prosecutions or indictments for libel, the truth may be given in evidence,
7 and if it shall appear to the jury that the matter charged as libelous be true, and was
8 published with good motives and for justifiable ends, the party shall be acquitted;
9 and the jury shall have the right to determine the law and the fact. The state shall
10 take all necessary measures to ensure that the people may exercise their rights to
11 participate in the legislative and electoral process without barriers.

12 **SECTION 2.** Section 4 of article I of the constitution is amended to read:

13 [Article I] Section 4. The right of the people peaceably to assemble, to consult
14 for the common good, to vote, and to petition the government, or any department
15 thereof, shall never be abridged. The people have a right to an impartial judiciary.

16 **SECTION 3.** Section 27 of article I of the constitution is created to read:

17 [Article I] Section 27. All persons have a right to privacy that shall include the
18 right to marry and the right to reproductive freedom.

19 **SECTION 4.** Section 28 of article I of the constitution is created to read:

20 [Article I] Section 28. Every child between the ages of 4 and 20 shall have the
21 right to a quality education.

22 **SECTION 5.** Section 29 of article I of the constitution is created to read:

1 [Article I] Section 29. Every person shall have the right to health care services.

2 **SECTION 6.** Section 1 of article III of the constitution is amended to read:

3 [Article III] Section 1. Every United States citizen age 18 or older who ~~is a~~
4 resident of has resided in an election district or ward in this state for 10 consecutive
5 days immediately preceding an election is a qualified elector of that district or ward.
6 The state shall take no action that abridges the right to vote.

7 **SECTION 7.** Section 2 (intro.) of article III of the constitution is amended to read:

8 [Article III] Section 2 (intro.) Laws that do not create any obstruction to voting
9 may be enacted:

10 **SECTION 8.** Section 2 (4) (a) of article III of the constitution is amended to read:

11 [Article III] Section 2 (4) (a) Convicted of a felony, unless restored to civil rights
12 or placed on probation or parole.

13 **SECTION 9.** Section 7 of article III of the constitution is created to read:

14 [Article III] Section 7. Voting standards and procedures shall be uniform
15 throughout the state. In any election for public office, if the results are within
16 one-half of one percent, the state shall provide a manual recount of the ballots.

17 **SECTION 10.** Section 3 of article IV of the constitution is renumbered section 3
18 (1) of article IV and amended to read:

19 [Article IV] Section 3 (1) ~~At its~~ During the first legislative session after each
20 enumeration made by the authority of the United States, the legislature government
21 accountability board shall apportion and district anew the members of the senate
22 and assembly, according to the number of inhabitants.

23 **SECTION 11.** Section 3 (2) of article IV of the constitution is created to read:

24 [Article IV] Section 3 (2) Within 120 days after receipt of the final census report
25 of the population count by census block, the government accountability board shall

1 adopt standards for legislative and congressional redistricting that comply with the
2 Wisconsin Constitution and the U.S. Constitution and federal law governing voting
3 rights.

4 **SECTION 12.** Section 3 (3) of article IV of the constitution is created to read:

5 [Article IV] Section 3 (3) Not later than January 1 of the 2nd year following the
6 decennial federal census, the government accountability board shall create plans of
7 legislative and congressional redistricting, prepared in accordance with standards
8 developed by the government accountability board under sub. (2).

9 **SECTION 13.** Section 9 of article IV of the constitution is renumbered section 9
10 (1) of article IV.

11 **SECTION 14.** Section 9 (2) of article IV of the constitution is created to read:

12 [Article IV] Section 9 (2) (a) There is created a government accountability board
13 consisting of 6 persons. Members shall serve for 6-year terms.

14 (b) Members shall be appointed. The chief justice of the supreme court, in the
15 presence of the other justices of the supreme court, shall choose by lot one court of
16 appeals judge from each of the court of appeals districts to serve on a nominating
17 committee for 2-year terms expiring on March 1. The nominating committee shall
18 forward nominations to the governor who shall make appointments to the board from
19 those nominations.

20 (c) Each member of the board shall have served as a judge of a court of record
21 in this state and shall have been elected to that office.

22 (d) No member may hold another office or position that is a state public office
23 or a local public office except as a reserve judge.

24 (e) No member, for one year immediately prior to the date of nomination may
25 have been, or while serving on the board may become, a member of a political party.

1 (f) No member, while serving on the board, may become a candidate for state
2 office or local office.

3 (g) No member, while serving on the board, and for 12 months prior to beginning
4 that service, may make a contribution to a political campaign.

5 (h) No member may be a lobbyist or be engaged in lobbying.

6 **SECTION 15.** Section 9 (3) of article IV of the constitution is created to read:

7 [Article IV] Section 9 (3) The government accountability board shall have
8 exclusive jurisdiction to administer the state election laws, the state ethics laws, the
9 state lobbying laws, and to redistrict the legislative and congressional districts.

10 **SECTION 16.** Section 10 of article IV of the constitution is renumbered section
11 10 (1) of article IV and amended to read:

12 [Article IV] Section 10 (1) Each house shall keep a journal of its proceedings
13 and publish the same, except such parts as require secrecy. The doors of each house
14 shall be kept open except when the public welfare shall require secrecy. Neither
15 house shall, without consent of the other, adjourn for more than three days. All public
16 spaces of the capitol shall be open to the public when the building is open except in
17 a public emergency.

18 **SECTION 17.** Section 10 (2) of article IV of the constitution is created to read:

19 [Article IV] Section 10 (2) The legislature shall enact laws requiring
20 governmental bodies to conduct business in meetings that are held with reasonable
21 prior notice and accessible to the public and make these laws applicable to the
22 legislature. Notwithstanding section 8 of this article, courts of law may apply these
23 laws to the senate, the assembly, and other legislative bodies. Notwithstanding
24 section 15 of this article, members of the legislature are subject to citation and civil

1 penalties during a legislative session while a house is in recess for violations of such
2 laws.

3 **SECTION 18.** Section 17 (4) of article IV of the constitution is created to read:

4 [Article IV] Section 17 (4) No act passed by the legislature shall go into effect
5 until 90 days after the governor has filed it in the office of the secretary of state,
6 except as provided in sub. (5).

7 **SECTION 19.** Section 17 (5) of article IV of the constitution is created to read:

8 [Article IV] Section 17 (5) Acts or portions of acts providing only for tax levies,
9 acts or portions of acts that expand or promote the rights of the people, and
10 emergency acts necessary for the immediate preservation of the public peace, health,
11 or safety, shall go into effect on the date or dates provided in the acts and shall not
12 be subject to referendum. To be exempt from referendum, an emergency act must
13 receive the vote of two-thirds of all the members elected to each house of the
14 legislature, and the reasons for the necessity of the emergency act must be set forth
15 in one section of the act, which section must be passed upon a separate roll call vote.

16 **SECTION 20.** Section 17 (6) of article IV of the constitution is created to read:

17 [Article IV] Section 17 (6) The electors may petition for a referendum on any
18 act, section of an act, or item of appropriation in an act, except as provided in sub.
19 (5). The petition for a referendum shall be signed by electors equaling at least 25
20 percent of the vote cast for the office of governor at the last preceding election and
21 shall be filed with the government accountability board within 60 days after the
22 governor files the act with the secretary of state.

23 **SECTION 21.** Section 17 (7) of article IV of the constitution is created to read:

24 [Article IV] Section 17 (7) After verifying the sufficiency of the signatures, the
25 government accountability board shall order to be submitted to the electors of the

1 state, for their approval or rejection, the act, section of the act, or item of
2 appropriation the act specified in the petition, at the first general election occurring
3 subsequent to 125 days after the filing of the petition.

4 **SECTION 22.** Section 17 (8) of article IV of the constitution is created to read:

5 [Article IV] Section 17 (8) No such act, section, or item subject to referendum
6 shall go into effect until and unless approved by a majority of those voting upon the
7 same. If, however, a referendum petition is filed against any such section or item,
8 the remainder of the act shall not thereby be prevented or delayed from going into
9 effect.

10 **SECTION 23.** Section 17 (9) of article IV of the constitution is created to read:

11 [Article IV] Section 17 (9) No act, section, or item rejected in a referendum may
12 be reenacted during the legislative session in which it was rejected.

13 **SECTION 24.** Section 4 (1) of article VII of the constitution is amended to read:

14 [Article VII] Section 4 (1) The supreme court shall have 7 members who shall
15 be known as justices of the supreme court. Justices shall be elected for 10-year terms
16 of office commencing with the August 1 next succeeding the election. Only one justice
17 may be elected in any year. Candidates for the office of justice shall finance their
18 election campaigns with public funding. Any 4 justices shall constitute a quorum for
19 the conduct of the court's business. All deliberations of the supreme court shall be
20 open to the public.

21 **SECTION 25.** Section 1 of article VIII of the constitution is amended to read:

22 [Article VIII] Section 1. The rule of taxation shall be uniform but the legislature
23 may empower cities, villages or towns to collect and return taxes on real estate
24 located therein by optional methods. Taxes shall be levied upon such property with
25 such classifications as to forests and minerals including or separate or severed from

1 the land, as the legislature shall prescribe. Taxation of agricultural land and
2 undeveloped land, both as defined by law, need not be uniform with the taxation of
3 each other nor with the taxation of other real property. Taxation of merchants'
4 stock-in-trade, manufacturers' materials and finished products, and livestock need
5 not be uniform with the taxation of real property and other personal property, but
6 the taxation of all such merchants' stock-in-trade, manufacturers' materials and
7 finished products and livestock shall be uniform, except that the legislature may
8 provide that the value thereof shall be determined on an average basis. Taxes may
9 also be imposed on incomes, privileges and occupations, which taxes ~~may~~ shall be
10 graduated and progressive, ~~and reasonable exemptions may be provided.~~

11 **SECTION 26.** Section 1 of article IX of the constitution is renumbered section 1
12 (1) of article IX and amended to read:

13 [Article IX] Section 1 (1) The state shall have concurrent jurisdiction on all
14 rivers and lakes bordering on this state so far as such rivers or lakes shall form a
15 common boundary to the state and any other state or territory now or hereafter to
16 be formed, and bounded by the same; and the river Mississippi and the navigable
17 waters leading into the Mississippi and St. Lawrence, and the carrying places
18 between the same, shall be common highways and forever free, as well to the
19 inhabitants of the state as to the citizens of the United States, without any tax,
20 impost or duty therefor. Every person shall have the right to a clean, healthy
21 environment, safe drinking water, and clean air.

22 **SECTION 27.** Section 1 (2) of article IX of the constitution is created to read:

23 [Article IX] Section 1 (2) There is created a department of natural resources to
24 oversee the laws for the protection, development, and use of forests, fish and game,
25 lakes, streams, plant life, flowers, and other outdoor resources of this state. The

1 department shall be overseen by a board of natural resources of 5 members to be
2 appointed by the governor, the attorney general, the superintendent of public
3 instruction, the state treasurer, and the secretary of state, respectively. Board
4 members shall serve at the pleasure of their appointing authority. The board shall
5 appoint the secretary of natural resources who shall administer the department of
6 natural resources.

7 **SECTION 28.** Section 1 of article X of the constitution is amended to read:

8 [Article X] Section 1. The supervision of public instruction shall be vested in
9 a state superintendent and such other officers as the legislature shall direct; and
10 their qualifications, powers, duties and compensation shall be prescribed by law. The
11 state superintendent shall be chosen by the qualified electors of the state at the same
12 time and in the same manner as members of the supreme court, and shall hold office
13 for 4 years from the succeeding first Monday in July. The state superintendent shall
14 be independent of the other officers of the executive branch. The term of office, time
15 and manner of electing or appointing all other officers of supervision of public
16 instruction shall be fixed by law. The state superintendent shall have the authority
17 to require minimum staffing levels and minimum funding levels for public schools.

18 **SECTION 29.** Section 3 of article X of the constitution is amended to read:

19 [Article X] Section 3. The legislature shall provide by law for the establishment
20 of district schools, which shall be as nearly uniform as practicable; and such schools
21 shall be free and without charge for tuition to all children between the ages of 4 and
22 20 years; and no sectarian instruction shall be allowed therein; but the legislature
23 by law may, for the purpose of religious instruction outside the district schools,
24 authorize the release of students during regular school hours. Public funds shall not
25 be appropriated to support sectarian schools.

