

CO-SPONSORSHIP MEMORANDUM

To: Legislative Colleagues
From: Rep. Allen
Sen. Tomczyk & Sen. Bradley
Date: January 27, 2025
RE: Co-sponsorship of LRB-0312 relating to: *restricting the governor's partial veto authority.*

DEADLINE: Wed, Feb 5th, 2025 at 12pm

According to the Legislative Reference Bureau, "There is no evidence that the partial veto power was originally intended to allow the governor to fashion new words or sentences or to embark on new policy directions not intended by the legislature. The partial veto was intended to be a check on the legislature, not a means for the governor to rewrite legislation." (LRB, "The Wisconsin Governor's Partial Veto," *Reading the Constitution*, Vol 4, No 1 (June 2019)).

"It does feel like the sky is the limit...Perhaps today we are at the fork in the road...I think we're trying to think should we, today in 2024, start to look at this differently." These words from Justice Jill Karofsky were in the context of discussing that Wisconsin is an outlier in the nation in how the governor's veto power is interpreted.

It seems clear what the original intent of the constitution writers was in that a governor should be able to reject some provisions in a bill while accepting others. A legislative provision, however, is different than a set of numbers or random words.

Unfortunately, in Wisconsin, this veto "in part" has turned our chief executive into a super law maker. The people of Wisconsin have strongly affirmed limiting this out-of-control governor veto power each time a chance has been given to them by way of constitutional referenda.

This proposed constitutional amendment would move beyond trying to plug specific loopholes and instead return the Wisconsin Constitution to the original intent by only allowing a governor to veto specific bill sections.

This is a common sense solution that is above partisanship and would put Wisconsin back in line with the majority of states in our nation.

This proposed constitutional amendment would require adoption by two successive legislatures, and ratification by the people, before it could become effective.

To co-sponsor this joint resolution, please respond to this email or contact the office of Rep. Allen at x9182 or Sen. Tomczyk at x6-2502. Cosponsors will be added to both versions of the joint resolution unless otherwise specified.

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2025 legislature on first consideration, amends the Wisconsin Constitution to restrict the governor, in exercising his or her partial veto power over an appropriation bill, to only rejecting one or more entire bill sections of the enrolled bill capable of separate enactment as a complete, entire, and workable law and reducing appropriations in the enrolled bill. The governor may not partially veto an enrolled bill in any other way.

*Currently, in exercising the partial veto power, the governor is limited only in that he or she may not create a new word by rejecting individual letters in the words of the enrolled bill and may not create a new sentence by combining parts of two or more sentences of the enrolled bill. In *Bartlett v. Evers*, 2020 WI 68, the Wisconsin Supreme Court further restricted the governor's partial veto power, but there was no agreement by the court on the reasons for the new restrictions. The new restriction on the governor's partial veto power contained in this resolution subsumes and expands on the current restrictions in the constitution.*

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