

# NOTICE OF REFERENDUM ELECTION

August 13, 2024

NOTICE IS HEREBY GIVEN, that at an election to be held in the several towns, villages, wards, and election districts of the State of Wisconsin, on Tuesday, August 13, 2024, the following questions will be submitted to a vote of the people pursuant to law:

## 2023 Assembly Joint Resolution 6 Enrolled Joint Resolution

**To create** section 35 of article IV of the constitution; **relating to:** the appropriation authority of the legislature and the allocation of moneys Wisconsin receives from the federal government (second consideration).

Whereas, the 2021 legislature in regular session considered a proposed amendment to the constitution in 2021 Senate Joint Resolution 84, which became 2021 Enrolled Joint Resolution 14, and agreed to it by a majority of the members elected to each of the two houses, which proposed amendment reads as follows:

**SECTION 1.** Section 35 of article IV of the constitution is created to read:

[Article IV] Section 35 (1) The legislature may not delegate its sole power to determine how moneys shall be appropriated.

(2) The governor may not allocate any federal moneys the governor accepts on behalf of the state without the approval of the legislature by joint resolution or as provided by legislative rule.

**SECTION 2. Numbering of new provision.** If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict.

***Now, therefore, be it resolved by the assembly, the senate concurring, That*** the foregoing proposed amendment to the constitution is agreed to by the 2023 legislature; and, be it further ***Resolved, That*** the foregoing proposed amendment to the constitution be submitted to a vote of the people at the election to be held on the second Tuesday of August 2024; and, be it further ***Resolved, That*** the questions concerning ratification of the foregoing proposed amendment to the constitution be stated on the ballot as follows:

**QUESTION 1: “*Delegation of appropriation power.* Shall section 35 (1) of article IV of the constitution be created to provide that the legislature may not delegate its sole power to determine how moneys shall be appropriated?”**

**QUESTION 2: “*Allocation of federal moneys.* Shall section 35 (2) of article IV of the constitution be created to prohibit the governor from allocating any federal moneys the governor accepts on behalf of the state without the approval of the legislature by joint resolution or as provided by legislative rule?”**

## EXPLANATORY STATEMENTS AS TO THE TWO QUESTIONS

### *Explanatory statement regarding Question 1:*

The Wisconsin Constitution requires the legislature to appropriate funds from the state treasury only by passing a law, which requires a vote by both houses of the legislature. Wis. Const. art. VIII, § 2. Question 1 would add a new provision to say that the legislature cannot delegate this “sole” power to appropriate funds.

A “yes” vote on Question 1 would vote to create a new provision of the Wisconsin Constitution—Wis. Const. art. IV, § 35(1). That provision would prohibit the legislature from delegating its duty that it

pass a law in order to appropriate money from the treasury under Wis. Const. art. VIII, § 2.

A “no” vote on Question 1 would vote not to add Wis. Const. art. IV, § 35(1) to the Wisconsin Constitution.

*Explanatory statement regarding Question 2:*

In times when Wisconsin receives undesignated federal funds from the U.S. government, the Wisconsin Constitution does not limit the ability of the governor to choose how the funds he accepts are divided among state and local agencies. Question 2 would add a new provision to the Constitution to prohibit the governor from choosing how to allocate such federal funds he accepts unless the legislature, through a joint resolution or some other process to be developed by the legislature, agrees with the governor’s proposed allocation of those funds.

A “yes” vote on Question 2 would vote to create a second new provision of the Wisconsin Constitution—Wis. Const. art. IV, § 35(2), which would prohibit the governor from choosing how to allocate undesignated federal monies he accepts unless the legislature, by joint resolution or other process, agrees with the governor’s proposed allocation of such funds.

A “no” vote on Question 2 would vote not to add Wis. Const. art. IV § 35(2) to the Wisconsin Constitution.

Done in the City of Oconto, County of Oconto,  
On this 2<sup>nd</sup> day of July, 2024.  
Kim Pytleski, County Clerk