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# Wisconsin Briefs

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Wisconsin Brief 00-14

October 2000

## NOVEMBER 7, 2000, REFERENDUM QUESTIONS

Two types of referendum questions will be submitted to Wisconsin voters at the general election on November 7, 2000. All electors will be given an opportunity to vote on a statewide advisory referendum that proposes to extend voting privileges to a certain group of U.S. citizens living abroad.

In addition, voters in 59 of Wisconsin's 72 counties will be presented ballot questions related to campaign financing. These advisory referenda, which may vary from county to county, have been initiated by individual county boards at the urging of the Wisconsin Counties Association to assess voter support for statewide campaign finance reform.

### I. STATEWIDE REFERENDUM ON SUFFRAGE

#### Background

Article III, Section 2 (5), of the Wisconsin Constitution, requires that any law that extends suffrage must be ratified by the voters of Wisconsin at a general election before it can take effect. 1999 Wisconsin Act 182 contains a suffrage provision that gives adult U.S. citizens who live abroad and have never resided in Wisconsin the right to vote in the U.S. presidential election if their parents last resided in Wisconsin before relocating outside of the country. The act specifies that this group of new voters must meet all the registration requirements of the municipality where their parents formerly resided and that they are not permitted to vote in state or local elections. The proposed suffrage change must be approved at the November 7, 2000, general election in order to take effect on January 1, 2001.

#### Ballot Question

The question as presented to the voters on the November 7 ballot will read:

Shall sections 68 and 70 of 1999 Wisconsin Act 182, which extend the right to vote in federal elections in this state to the adult children of U.S. citizens who resided in this state prior to establishing residency abroad, become effective on January 1, 2001?

#### Attorney General's Explanatory Statement

On September 27, 2000, Attorney General James Doyle, responding to a request from Kevin Kennedy, executive director of the state Elections Board, provided the following explanatory statement of the effect of the proposed advisory referendum, as required by Section 10.01 (2) (c) of the statutes:

Under present Wisconsin law a United States citizen living overseas who has met the other qualifications for voting except residency in Wisconsin may vote in federal elections in Wisconsin if the person was last domiciled in Wisconsin and he or she is not registered to vote or voting in any other state, territory or possession. The law provides that the person votes in the election district or ward in which he or she was last domiciled in Wisconsin.

The proposed law would extend the right to vote in federal elections in Wisconsin to adult children of United States citizens living overseas whose parents lived in Wisconsin, but who themselves never lived in Wisconsin. Many overseas United States citizens have never resided in a state and, therefore, under current law are not entitled to vote. Generally, they are subject to United States income tax and all other requirements of citizens. Except for the fact that they have never resided in a state they would be eligible to vote in elections for federal office.

Because the law extends the right to vote, article III, section 2(5) of the Wisconsin Constitution requires that the law be ratified by a vote of the people at a general election before becoming effective. A "yes" vote on this question would mean that the right to vote in federal elections in Wisconsin would be extended to United States citizens who, if not eligible to vote in any other state, territory or possession, had a parent who last lived in Wisconsin. A "no" vote would mean that the right to vote in federal elections in Wisconsin would not be extended to people in that class.

### **Legislative Action**

1999 Assembly Bill 700, which encompassed a number of election changes, was introduced on February 1, 2000, by the Committee on Campaigns and Elections and referred to that committee for action (*Assembly Journal*, p. 618). The sections of the bill affecting the overseas electorate passed both houses without amendment. The bill was signed into law on May 17, 2000, but enactment of the suffrage provision was contingent upon an affirmative vote on November 7, 2000.

## **II. COUNTY REFERENDA ON CAMPAIGN FINANCE REFORM**

Separate referendum votes will be conducted in 59 Wisconsin counties to assess voter support for statewide reform of campaign financing. Counties that will be presenting the referendum to their voters include the eight largest and represent over 90% of the state's population.

The ballot questions may vary in their wording, depending on the proposals submitted by the individual county boards, but the version endorsed by the Wisconsin Counties Association (WCA) reads: "Do you support legislation to reform the state campaign finance system that would limit campaign spending and contributions and require full and prompt disclosure of election-related activities?"

### **Background**

Wisconsin does not have a statewide initiative process, such as that in California, whereby voters can approve state laws independent of legislative action. Wisconsin's local governing bodies can, however, vote to place advisory referenda on their own ballots. This local referendum process was used a decade ago to influence legislative action regarding unfunded state mandates. In 1990, almost 70% of the voters answered "yes" to requiring the state to provide adequate funding for the services it requires counties to perform. Later, the 1995 Legislature enacted a County Mandate Relief appropriation, which is funded at \$40.9 million for the current biennium.

Although WCA has encouraged a majority of the counties to include a campaign finance reform question on their ballots at the general election, legislative action is not an automatic outcome. However, regardless of the outcome of the November vote, it is likely that the issue of campaign finance reform will surface again in the 2001 legislative session.