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# SCOTT ALLEN

REPRESENTATIVE • 97<sup>TH</sup> ASSEMBLY DISTRICT

October 5, 2017

HAND DELIVERED

The Hon. Lisa Subeck  
State Capitol, Room 418 N  
Madison, Wisconsin

The Hon. Dave Hansen  
State Capitol, Room 106 S  
Madison, Wisconsin

Dear Rep. Subeck and Sen. Hansen,

Thank you for your letter regarding Assembly Joint Resolution 53. I understand you would like the bill added to the matters the committee will discuss on October 10<sup>th</sup>. After thoughtfully considering your request, I have decided against adding AJR 53 to the agenda.

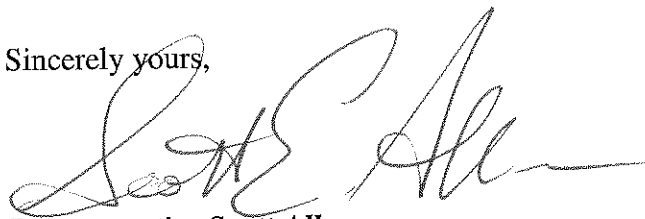
The U.S. Constitution, Art. V, specifies two methods for amending the Constitution. The first method is that Congress, “whenever two thirds of both Houses shall deem it necessary, shall propose Amendments...” We live in a representative republic, where voters elect Senators and Representatives to make decisions on their behalf. Instead of advisory referenda, it is far better for voters to campaign for a congressional representative who shares their views.

Advisory referenda have no legal force or effect, and can only be intended to mislead voters since they have no policy impact. This is politics at its worst. An advisory referendum cannot change court precedent. Is the goal of AJR 53 to turn a legitimate Wisconsin election into an illegitimate polling operation for the benefit of a political cause? Voters who want Congress to begin the amendment process are already free to contact their federal legislators.

The second method for amending the Constitution under Article V is “on the Application of the Legislatures of two thirds of the several States...” If the states felt it was necessary to amend the Constitution, they could call for a constitutional convention. It seems imprudent and unfair for a state government to conduct an advisory referendum asking Congress to act. A convention of states, not an advisory referendum, is the course of action the framers contemplated, and the only method for states themselves to influence the Constitution.

Thank you again for your request. We may not always agree, but as Chairman of this committee, I will always listen to your point of view.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Scott Allen". The signature is fluid and cursive, with a long horizontal stroke at the end.

***Representative Scott Allen***

Chairman, Constitution and Ethics Committee

97<sup>th</sup> Assembly District

Waukesha, Genesee, Mukwonago

Cc: Speaker Robin Vos  
Democratic Leader Hintz  
Ranking Democratic Member Rep. Kessler