

# NOTICE OF REFERENDUM ELECTION

APRIL 2, 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, April 2, 2024, the following questions will be submitted to a vote of the people pursuant to law:

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## 2023 ENROLLED JOINT RESOLUTION 78

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*To create* section 7 of article III of the constitution; **relating to:** prohibiting state and local governments from using privately sourced moneys or equipment in connection with the conduct of elections and specifying who may perform tasks related to the conduct of an election (second consideration).

Whereas, the 2021 legislature in regular session considered a proposed amendment to the constitution in 2021 Senate Joint Resolution 101, which became 2021 Enrolled Joint Resolution 17, 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 7 of article III of the constitution is created to read:

[Article III] Section 7 (1) No state agency or officer or employee in state government and no political subdivision of the state or officer or employee of a political subdivision may apply for, accept, expend, or use any moneys or equipment in connection with the conduct of any primary, election, or referendum if the moneys or equipment are donated or granted by an individual or nongovernmental entity.

(2) No individual other than an election official designated by law may perform any task in the conduct of any primary, election, or referendum.

**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 senate, the assembly 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 first Tuesday of April 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: “Use of private funds in election administration.** Shall section 7 (1) of article III of the constitution be created to provide that private donations and grants may not be applied for, accepted, expended, or used in connection with the conduct of any primary, election, or referendum?”

**QUESTION 2: “Election officials.** Shall section 7 (2) of article III of the constitution be created to provide that only election officials designated by law may perform tasks in the conduct of primaries, elections, and referendums?”

## EXPLANATORY STATEMENTS AS TO THE TWO QUESTIONS

### *1. Explanatory statement regarding Question 1:*

The Wisconsin Constitution does not limit the ability of the state or local governments to receive non-governmental grants, funds, or equipment to assist in carrying out election-related responsibilities. Question 1 would add a new provision to the Constitution to prohibit the state or local governments from applying for, accepting, expending, or using such funds to assist with carrying out “any primary, election, or referendum.” The question would appear to apply to any type of non-governmental grant or funding, no matter how general in scope.

A “yes” vote on Question 1 would vote to create a new provision of the Wisconsin Constitution—Wis. Const. art. III, § 7(1). That provision would prohibit a state agency or local government from applying for, accepting, expending, or using any non-governmental moneys or equipment in connection with the conduct of any election.

A “no” vote on Question 1 would vote not to add Wis. Const. art. III, § 7(1) to the Wisconsin Constitution.

### *2. Explanatory statement regarding Question 2:*

Wisconsin statutes define and regulate how clerks can designate individuals to serve as election officials and carry out various tasks relating to elections. The Wisconsin Constitution does not separately spell out which individuals can do that work.

Question 2 would add a new provision to the Constitution to prohibit individuals from performing tasks related to an election unless they are an “election official designated by law.” Under current statutes, clerks have the statutory power to designate individuals to carry out election-related tasks, and so such designated individuals could continue doing their work as an “election official designated by law.” But that power is only statutory, and if the statutes changed, the new constitutional provision would bar clerks from designating individuals to assist with election-related tasks.

A “yes” vote on Question 2 would vote to create a second new provision of the Wisconsin Constitution—Wis. Const. art. III, § 7(2), which would prohibit an individual from performing election-related tasks unless they are an “election official designated by law.”

A “no” vote on Question 2 would vote not to add Wis. Const. art. III, § 7(2) to the Wisconsin Constitution.

DONE in the City of Madison,

this 6<sup>th</sup> day of March, 2024.

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*Scott McDonell, Dane County Clerk*