



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5398/1  
MPG:kjf

## 2017 ASSEMBLY JOINT RESOLUTION

1       **To renumber and amend** section 3 of article IV, section 10 of article IV and section  
2           1 of article IX; **to amend** section 1 of article I, section 3 of article I, section 4 of  
3           article I, section 25 of article I, section 1 of article III, section 2 (intro.) of article  
4           III, section 2 (4) (a) of article III, section 4 (1) of article VII, section 1 of article  
5           VIII, section 1 of article X, section 3 of article X and section 1 of article XI; and  
6           **to create** section 27 of article I, section 28 of article I, section 29 of article I,  
7           section 30 of article I, section 31 of article I, section 32 of article I, section 33 of  
8           article I, section 7 of article III, section 3 (2) of article IV, section 3 (3) of article  
9           IV, section 9 (3) of article IV, section 9 (4) of article IV, section 10 (2) of article  
10          IV, section 25 of article VII, section 1 (2) of article IX, section 14 of article XIII  
11          and section 15 of article XIII of the constitution; **relating to:** adding or  
12          affirming certain rights of the people in the constitution in the manner of a bill

1 of rights, regulating the right to bear arms, requiring judicial recusal in certain  
2 contexts, and limiting the exercise of governmental power (first consideration).

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### ***Analysis by the Legislative Reference Bureau***

This constitutional amendment, proposed to the 2017 legislature on first consideration, grants or affirms certain rights of the people, in the nature of a bill of rights and provides certain limitations on the exercise of governmental authority.

#### ***The right of people to the fruits of their labor***

The amendment provides that the right to life, liberty, and the pursuit of happiness includes the enjoyment and benefit by people of the fruits of their own labor.

#### ***Participation in the legislative process***

The amendment requires the state to ensure that the people may exercise their rights to participate in the legislative process.

#### ***Limitation on the right to bear arms***

The amendment provides that the state and each city, town, and village may, in order to protect the health and safety of people and communities, regulate the carrying of arms.

#### ***Right to an impartial judiciary***

The amendment guarantees the right of the people to an impartial judiciary.

#### ***Right to privacy***

The amendment guarantees the right to privacy, including the right to marry, reproductive rights, and the right of health care providers to provide needed care, subject to informed consent.

#### ***Right to a quality public education***

The amendment creates a right to a quality public education.

#### ***Right to health care services***

The amendment creates a right to access quality, affordable health care services.

#### ***Right to access public records***

The amendment guarantees the right to access, inspect, and copy records of governmental bodies, except as the public interest requires.

#### ***Right to a fair wage***

The amendment guarantees the right of every person to a just and fair wage that ensures for the person and the person's family an existence worthy of human dignity and a sufficient standard of living.

#### ***Right to equal pay for equal work***

The amendment guarantees the right of every person to be paid a wage at a rate that is equal to the rate paid to a worker of the opposite sex for equal work.

***The right to vote***

The amendment provides that the people have the right to vote in free and open elections, including the right to cast a straight party vote, and prohibits the enactment of laws that create any obstruction to voting.

***Eligible elector after ten days' residence***

The amendment creates a right to vote for any U.S. citizen age 18 or older who has resided in an election district or ward for ten consecutive days immediately preceding an election.

***Voting rights for certain felons***

The amendment allows felons who have been placed on probation or parole to vote.

***Uniformity of voting standards and procedures***

The amendment requires that voting standards and procedures be uniform throughout the state.

***Mandatory recounts in close elections***

The amendment requires a state-funded manual recount of the ballots in any election for public office in which the results are within one-half of 1 percent.

***Government Accountability Board established***

The amendment establishes a Government Accountability Board to administer elections and ethics laws.

***Legislative and congressional redistricting***

The amendment changes the process by which legislative and congressional districts are redrawn.

The Wisconsin Constitution requires the legislature to redistrict legislative districts according to the number of inhabitants at its next session following each decennial federal census. The legislature also reapportions congressional districts pursuant to federal law.

The amendment requires the Government Accountability Board established by the amendment to develop standards for legislative and congressional districts based on population requirements under the Wisconsin Constitution and the U.S. Constitution and requirements under all applicable federal law. The amendment then directs the board to draw redistricting plans in accordance with the standards. Under the amendment, no later than January 1 of the second year following the decennial federal census, the board must create a plan of legislative and congressional districting.

***Public access to the capitol***

The amendment guarantees public access to the capitol except in a public emergency.

***Open meetings laws applicable to legislature***

The amendment requires the legislature to enact laws requiring reasonable notice of and public access to meetings of governmental bodies, including the legislature, and making members of the legislature subject to citations and civil penalties for violations of such laws.

***Public funding for supreme court elections***

The amendment requires justices of the supreme court to use public funding to finance campaigns.

***Judicial recusal requirements***

The amendment provides that a justice or judge must recuse himself or herself from an action or proceeding if a reasonable person would question whether the justice or judge could act impartially in the matter. If a justice or judge has received financial support equal to \$1,000 or more for his or her campaign for judicial office from a party to an action or proceeding, the justice or judge must recuse himself or herself from the action or proceeding.

***State income taxation to be graduated and progressive***

The amendment requires that state income taxation be graduated and progressive by deleting the legislature's authority to create reasonable exemptions.

***Right to a clean, healthy environment, safe drinking water, and clean air***

The amendment creates a right to a clean, healthy environment, clean, safe drinking water, and clean air.

***Creation of a Department of Natural Resources, board, and secretary***

The amendment creates a Department of Natural Resources and a board to oversee it. The board appoints a secretary to administer the department.

***Superintendent of public instruction to be independent***

The amendment makes the state superintendent of public instruction independent of the other offices in the executive branch.

***Minimum staffing and funding levels for public schools***

The amendment authorizes the state superintendent of public instruction to set minimum staffing and funding levels for all public schools.

***Prohibit public funding of religious schools***

The amendment prohibits the appropriation of public funds to support religious schools.

***Treatment of corporations as persons prohibited***

Under current state and federal law, corporations are treated as natural persons for some purposes. The amendment prohibits the state from recognizing any constitutional rights asserted by corporations, except as required by federal law.

***Workers' rights to organize and collectively bargain***

The amendment grants all public and private employees the right to organize and collectively bargain on subjects including wages, hours, and working conditions.

***Political power of the state***

The amendment provides that all political power of the state must be exercised solely for the good of the people as a whole.

***Procedure for passage***

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

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1           ***Resolved by the assembly, the senate concurring, That:***

2           **SECTION 1.** Section 1 of article I of the constitution is amended to read:

3           [Article I] Section 1. All people are born equally free and independent, and have  
4           certain inherent rights; among these are life, liberty and the pursuit of happiness,  
5           including the enjoyment and benefit of the fruits of their own labor; to secure these  
6           rights, governments are instituted, deriving their just powers from the consent of the  
7           governed.

8           **SECTION 2.** Section 3 of article I of the constitution is amended to read:

9           [Article I] Section 3. Every person may freely speak, write and publish his  
10          sentiments on all subjects, being responsible for the abuse of that right, and no laws  
11          shall be passed to restrain or abridge the liberty of speech or of the press. In all  
12          criminal prosecutions or indictments for libel, the truth may be given in evidence,  
13          and if it shall appear to the jury that the matter charged as libelous be true, and was  
14          published with good motives and for justifiable ends, the party shall be acquitted;  
15          and the jury shall have the right to determine the law and the fact. The state shall  
16          take all necessary measures to ensure that the people may exercise their rights to  
17          participate in the legislative and electoral process without impediment.

18          **SECTION 3.** Section 4 of article I of the constitution is amended to read:

19          [Article I] Section 4. The right of the people peaceably to assemble, to consult  
20          for the common good, to exercise the right to vote in free and open elections, including  
21          the right to cast a straight party vote, and to petition the government, or any  
22          department thereof, shall never be abridged.

1           **SECTION 4.** Section 25 of article I of the constitution is amended to read:

2           [Article I] Section 25. The people have the right to keep and bear arms for  
3 security, defense, hunting, recreation or any other lawful purpose, except that the  
4 state and each city, town, and village may, in order to protect the health and safety  
5 of people and communities, regulate the carrying of arms.

6           **SECTION 5.** Section 27 of article I of the constitution is created to read:

7           [Article I] Section 27. The people have the right to privacy that shall include  
8 the right to marry, the right to reproductive freedom, and the right of health care  
9 providers to provide the care their patients need, subject to the informed consent of  
10 the patient.

11          **SECTION 6.** Section 28 of article I of the constitution is created to read:

12          [Article I] Section 28. Every child between the ages of 4 and 20 has the right  
13 to a public education of the highest quality.

14          **SECTION 7.** Section 29 of article I of the constitution is created to read:

15          [Article I] Section 29. The people have the right to access quality, affordable  
16 health care services.

17          **SECTION 8.** Section 30 of article I of the constitution is created to read:

18          [Article I] Section 30. The people have the right to an impartial judiciary.

19          **SECTION 9.** Section 31 of article I of the constitution is created to read:

20          [Article I] Section 31. The people have the right to access, inspect, and copy  
21 records of governmental bodies, except as the public interest requires.

22          **SECTION 10.** Section 32 of article I of the constitution is created to read:

23          [Article I] Section 32. Every person has the right to a just and fair wage that  
24 ensures for the person and the person's family an existence worthy of human dignity  
25 and a sufficient standard of living.

1           **SECTION 11.** Section 33 of article I of the constitution is created to read:

2           [Article I] Section 33. Every person has the right to be paid a wage at a rate that  
3 is equal to the rate paid to a worker of the opposite sex for equal work on jobs  
4 requiring equal skill, effort, and responsibility and that are performed under similar  
5 working conditions.

6           **SECTION 12.** Section 1 of article III of the constitution is amended to read:

7           [Article III] Section 1. Every United States citizen age 18 or older who is a  
8 resident of has resided in an election district or ward in this state for 10 consecutive  
9 days immediately preceding an election is a qualified elector of that district or ward.  
10 No laws creating any obstruction to voting may be enacted.

11           **SECTION 13.** Section 2 (intro.) of article III of the constitution is amended to  
12 read:

13           [Article III] Section 2 (intro.) Laws that do not create any obstruction to voting  
14 may be enacted:

15           **SECTION 14.** Section 2 (4) (a) of article III of the constitution is amended to read:

16           [Article III] Section 2 (4) (a) Convicted of a felony, unless restored to civil rights  
17 or placed on probation or parole.

18           **SECTION 15.** Section 7 of article III of the constitution is created to read:

19           [Article III] Section 7. Voting standards and procedures shall be uniform  
20 throughout the state. In any election for public office, if the results are within  
21 one-half of one percent, the state shall immediately provide and fund a manual  
22 recount of the ballots.

23           **SECTION 16.** Section 3 of article IV of the constitution is renumbered section 3  
24 (1) of article IV and amended to read:

1 [Article IV] Section 3 (1) ~~At its~~ During the first legislative session after each  
2 enumeration made by the authority of the United States, the ~~legislature~~ government  
3 accountability board shall apportion and district anew the members of the senate  
4 and assembly, according to the number of inhabitants.

5 **SECTION 17.** Section 3 (2) of article IV of the constitution is created to read:

6 [Article IV] Section 3 (2) Within 120 days after receipt of the final census report  
7 of the population count by census block, the government accountability board shall  
8 adopt standards for legislative and congressional redistricting that comply with the  
9 Wisconsin Constitution and the U.S. Constitution and all applicable federal law.

10 **SECTION 18.** Section 3 (3) of article IV of the constitution is created to read:

11 [Article IV] Section 3 (3) Not later than January 1 of the 2nd year following the  
12 decennial federal census, the government accountability board shall create plans of  
13 legislative and congressional redistricting, prepared in accordance with standards  
14 developed by the government accountability board under sub. (2).

15 **SECTION 19.** Section 9 (3) of article IV of the constitution is created to read:

16 [Article IV] Section 9 (3) (a) There is created a government accountability board  
17 consisting of 6 persons. Members shall serve for 6-year terms.

18 (b) Members shall be appointed. The chief justice of the supreme court, in the  
19 presence of the other justices of the supreme court, shall choose by lot one court of  
20 appeals judge from each of the court of appeals districts to serve on a nominating  
21 committee for 2-year terms expiring on March 1. The nominating committee shall  
22 forward nominations to the governor who shall make appointments to the board from  
23 those nominations.

24 (c) Each member of the board shall have served as a judge of a court of record  
25 in this state and shall have been elected to that office.

1 (d) No member may hold another office or position that is a state public office  
2 or a local public office except as a reserve judge.

3 (e) No member, for one year immediately prior to the date of nomination may  
4 have been, or while serving on the board may become, an elected official or an officer  
5 of a political party.

6 (f) No member, while serving on the board, may become a candidate for state  
7 office or local office.

8 (g) No member, while serving on the board, may make a contribution to a  
9 political campaign.

10 (h) No member may be a lobbyist or be engaged in lobbying.

11 **SECTION 20.** Section 9 (4) of article IV of the constitution is created to read:

12 [Article IV] Section 9 (4) The government accountability board shall have  
13 exclusive jurisdiction to administer the state election laws, the state ethics laws, the  
14 state lobbying laws, and to redistrict the legislative and congressional districts.

15 **SECTION 21.** Section 10 of article IV of the constitution is renumbered section  
16 10 (1) of article IV and amended to read:

17 [Article IV] Section 10 (1) Each house shall keep a journal of its proceedings  
18 and publish the same, except such parts as require secrecy. The doors of each house  
19 shall be kept open except when the public welfare shall require secrecy. Neither  
20 house shall, without consent of the other, adjourn for more than three days. All  
21 public spaces of the capitol shall be open to the public when the building is open  
22 except in the event of a public emergency if reopened promptly thereafter.

23 **SECTION 22.** Section 10 (2) of article IV of the constitution is created to read:

24 [Article IV] Section 10 (2) The legislature shall enact laws requiring  
25 governmental bodies to conduct business in meetings that are held with reasonable

1 prior notice and accessible to the public and make these laws applicable to the  
2 legislature. Notwithstanding section 8 of this article, courts of law may apply these  
3 laws to the senate, the assembly, and other legislative bodies. Notwithstanding  
4 section 15 of this article, members of the legislature are subject to citation and civil  
5 penalties during a legislative session while a house is in recess for violations of such  
6 laws.

7 **SECTION 23.** Section 4 (1) of article VII of the constitution is amended to read:

8 [Article VII] Section 4 (1) The supreme court shall have 7 members who shall  
9 be known as justices of the supreme court. Justices shall be elected for 10-year terms  
10 of office commencing with the August 1 next succeeding the election. Only one justice  
11 may be elected in any year. Candidates for the office of justice shall finance their  
12 election campaigns with public funding. Any 4 justices shall constitute a quorum for  
13 the conduct of the court's business.

14 **SECTION 24.** Section 25 of article VII of the constitution is created to read:

15 [Article VII] Section 25. A justice or judge shall recuse himself or herself from  
16 presiding over or having any part in the decision of an action or proceeding if a  
17 reasonable person would question whether the justice or judge could act impartially  
18 in the matter. If a justice or judge has received financial support equal to \$1,000 or  
19 more for his or her campaign for judicial office from a party to an action or proceeding,  
20 the justice or judge shall recuse himself or herself from the action or proceeding.

21 **SECTION 25.** Section 1 of article VIII of the constitution is amended to read:

22 [Article VIII] Section 1. The rule of taxation shall be uniform but the legislature  
23 may empower cities, villages or towns to collect and return taxes on real estate  
24 located therein by optional methods. Taxes shall be levied upon such property with  
25 such classifications as to forests and minerals including or separate or severed from

1 the land, as the legislature shall prescribe. Taxation of agricultural land and  
2 undeveloped land, both as defined by law, need not be uniform with the taxation of  
3 each other nor with the taxation of other real property. Taxation of merchants'  
4 stock-in-trade, manufacturers' materials and finished products, and livestock need  
5 not be uniform with the taxation of real property and other personal property, but  
6 the taxation of all such merchants' stock-in-trade, manufacturers' materials and  
7 finished products and livestock shall be uniform, except that the legislature may  
8 provide that the value thereof shall be determined on an average basis. Taxes may  
9 also be imposed on incomes, privileges and occupations, which taxes ~~may~~ shall be  
10 graduated and progressive, ~~and reasonable exemptions may be provided.~~

11 **SECTION 26.** Section 1 of article IX of the constitution is renumbered section 1  
12 (1) of article IX and amended to read:

13 [Article IX] Section 1 (1) The state shall have concurrent jurisdiction on all  
14 rivers and lakes bordering on this state so far as such rivers or lakes shall form a  
15 common boundary to the state and any other state or territory now or hereafter to  
16 be formed, and bounded by the same; and the river Mississippi and the navigable  
17 waters leading into the Mississippi and St. Lawrence, and the carrying places  
18 between the same, shall be common highways and forever free, as well to the  
19 inhabitants of the state as to the citizens of the United States, without any tax,  
20 impost or duty therefor. Every person shall have the right to a clean, healthy  
21 environment, including the right to access clean, safe drinking water and the right  
22 to breathe clean air.

23 **SECTION 27.** Section 1 (2) of article IX of the constitution is created to read:

24 [Article IX] Section 1 (2) There is created a department of natural resources to  
25 oversee the laws for the protection, development, and use of forests, fish and game,

1 lakes, streams, plant life, flowers, and other outdoor resources of this state. The  
2 department shall be overseen by a board of natural resources of 5 members to be  
3 appointed by the governor, the attorney general, the superintendent of public  
4 instruction, the state treasurer, and the secretary of state, respectively. Board  
5 members shall serve at the pleasure of their appointing authority. The board shall  
6 appoint the secretary of natural resources who shall administer the department of  
7 natural resources.

8 **SECTION 28.** Section 1 of article X of the constitution is amended to read:

9 [Article X] Section 1. The supervision of public instruction shall be vested in  
10 a state superintendent and such other officers as the legislature shall direct; and  
11 their qualifications, powers, duties and compensation shall be prescribed by law. The  
12 state superintendent shall be chosen by the qualified electors of the state at the same  
13 time and in the same manner as members of the supreme court, and shall hold office  
14 for 4 years from the succeeding first Monday in July. The state superintendent shall  
15 be independent of the other officers of the executive branch. The term of office, time  
16 and manner of electing or appointing all other officers of supervision of public  
17 instruction shall be fixed by law. The state superintendent shall have the authority  
18 to require minimum staffing levels and minimum funding levels for all public  
19 schools.

20 **SECTION 29.** Section 3 of article X of the constitution is amended to read:

21 [Article X] Section 3. The legislature shall provide by law for the establishment  
22 of district schools, which shall be as nearly uniform as practicable; and such schools  
23 shall be free and without charge for tuition to all children between the ages of 4 and  
24 20 years; and no sectarian religious instruction shall be allowed therein; but the  
25 legislature by law may, for the purpose of religious instruction outside the district

1 schools, authorize the release of students during regular school hours. Public funds  
2 shall not be appropriated to support the schools of any religious sect or denomination.

3 **SECTION 30.** Section 1 of article XI of the constitution is amended to read:

4 [Article XI] Section 1. Corporations without banking powers or privileges may  
5 be formed under general laws, but shall not be created by special act, except for  
6 municipal purposes. All general laws or special acts enacted under the provisions of  
7 this section may be altered or repealed by the legislature at any time after their  
8 passage. The state shall recognize no constitutional rights asserted by corporations  
9 except as required by federal law.

10 **SECTION 31.** Section 14 of article XIII of the constitution is created to read:

11 [Article XIII] Section 14. All public and private employees shall have the right  
12 to organize and collectively bargain through representatives of their own choosing  
13 on subjects including but not limited to wages, hours, and working conditions.

14 **SECTION 32.** Section 15 of article XIII of the constitution is created to read:

15 [Article XIII] Section 15. All political power of the state shall be exercised solely  
16 for the good of the people as a whole.

17 **SECTION 33. Numbering of new provisions.** If another constitutional

18 amendment ratified by the people creates the number of any provision created in this  
19 joint resolution, the chief of the legislative reference bureau shall determine the  
20 sequencing and the numbering of the provisions whose numbers conflict and adjust  
21 any cross-references thereto.

22 ***Be it further resolved, That*** this proposed amendment be referred to the  
23 legislature to be chosen at the next general election and that it be published for three  
24 months previous to the time of holding such election.

25 (END)