

**Testimony of the Wisconsin Democracy Campaign
on Assembly Joint Resolution 1 & Senate Joint Resolution 5**
(prohibiting partial vetoes from creating new sentences)

Senate Committee on Ethics Reform and Government Operations

June 18, 2007

WISCONSIN CONSTITUTION

ARTICLE V.

EXECUTIVE

~~Article V, §10~~

~~Governor to approve or veto bills; proceedings on veto. Section 10. [As amended Nov. 1908, Nov. 1930 and Apr. 1990] (1)~~

~~Article V, §10 ¶(1) (a)~~

~~(a) Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the governor.~~

~~Article V, §10 ¶(1) (b)~~

~~(b) If the governor approves and signs the bill, the bill shall become law. Appropriation bills may be approved in whole or in part by the governor, and the part approved shall become law.~~

~~Article V, §10 ¶(1) (c)~~

~~(c) In approving an appropriation bill in part, the governor may not create a new word by rejecting individual letters in the words of the enrolled bill.~~

~~Article V, §10 ¶(2) (a)~~

~~(a) If the governor rejects the bill, the governor shall return the bill, together with the objections in writing, to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the bill. If, after such reconsideration, two thirds of the members present agree to pass the bill notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of the members present it shall become law.~~

~~Article V, §10 ¶(2) (b)~~

~~(b) The rejected part of an appropriation bill, together with the governor's objections in writing, shall be returned to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the rejected part of the appropriation bill. If, after such reconsideration, two thirds of the members present agree to approve the rejected part notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of the members present the rejected part shall become law.~~

~~Article V, §10 ¶(2) (c)~~

~~(c) In all such cases the votes of both houses shall be determined by ayes and noes, and the names of the members voting for or against passage of the bill or the rejected part of the bill notwithstanding the objections of the governor shall be entered on the journal of each house respectively.~~

~~Article V, §10 ¶(3)~~

~~(3) Any bill not returned by the governor within 6 days (Sundays excepted) after it shall have been presented to the governor shall be law unless the legislature, by final adjournment, prevents the bill's return, in which case it shall not be law.~~

~~Article V, §10—ANNOT.~~

~~In determining whether the governor has acted in 6 days, judicial notice may be taken of the chief clerk's records to establish the date the bill was presented to the governor. State ex rel. General Motors Corp. v. Oak Creek, 49 Wis. 2d 299, 182 N.W.2d 481.~~

~~Article V, §10—ANNOT.~~

~~The governor may veto individual words, letters and digits, and may also reduce appropriations by striking digits, as long as what remains after the veto is a complete, entire, and workable law. Wis. Senate v. Thompson, 144 Wis. 2d 429, 424 N.W.2d 385 (1988).~~

~~Article V, §10—ANNOT.~~

~~The governor may approve part of an appropriation bill by reducing the amount of money appropriated by striking a number and writing in a smaller one. This power extends only to monetary figures and is not applicable outside the context of reducing appropriations. Citizens Utility Board v. Klauser, 194 Wis. 2d 485, 534 N.W.2d 608 (1995).~~

~~Article V, §10—ANNOT.~~

~~The governor may not disapprove of parts of legislation by writing in new numbers except when the disapproved part is a monetary figure that expresses an appropriation amount in an appropriation bill. Figures that are not appropriation amounts but are closely related to appropriation amounts are not subject to such a "write in" veto. Risser v. Klauser, 207 Wis. 2d 176, 558 N.W.2d 108 (1997), 96-0042.~~

~~Article V, §10—ANNOT.~~

~~The partial veto power violates no federal constitutional provision. Risser v. Thompson, 930 F.2d 549 (1991).~~

That is to say: **In a democracy, no one makes laws alone. This proposal, while not perfect, should pass. We urge you to act.**