



2023 SENATE JOINT RESOLUTION 78

October 16, 2023 - Introduced by Senators WIMBERGER, WANGGAARD, NASS, STROEBEL, FEYEN, BALLWEG, TESTIN, MARKLEIN, COWLES, FELZKOWSKI, TOMCZYK, STAFSHOLT and CABRAL-GUEVARA, cosponsored by Representatives AUGUST, BODDEN, SORTWELL, DITTRICH, ALLEN, STEFFEN, PLUMER, HURD, MAXEY, O'CONNOR, RETTINGER, SCHUTT, ARMSTRONG, MAGNAFICI, NEDWESKI, SNYDER, PETERSEN, ROZAR, GUNDRUM, BEHNKE, MURSAU, PENTERMAN, SWEARINGEN, EDMING, MURPHY, BROOKS, BINSFELD, CALLAHAN, GREEN, SUMMERFIELD, MOSES, DONOVAN, DALLMAN, SCHMIDT, GOEBEN, WITKE, DUCHOW, MELOTIK, S. JOHNSON, BRANDTJEN, BORN and GUSTAFSON. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

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).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given second consideration by the 2023 legislature for submittal to the voters in April 2024, was first considered by the 2021 legislature in 2021 Senate Joint Resolution 101, which became 2021 Enrolled Joint Resolution 17.

This constitutional amendment provides that 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. The constitutional amendment also prohibits any individual other than an election official designated by law from performing any task in the conduct of any primary, election, or referendum.

PROCEDURE FOR SECOND CONSIDERATION

When a proposed constitutional amendment is before the legislature on second consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that second consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on second consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

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?”

(END)