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To: Assembly Committee on Campaigns & Elections
From: Rep. Jerry L. O'Connor
Re: Assembly Bill 207 relating to: providing for and requiring a "STATE REFERENDUM DISCLOSURE NOTICE" shall be made available to voters for statewide constitutional referendums.

Good morning, Chair Maxey and members of the committee. Thank you for taking the time to hear my testimony on AB 207, which is a non-partisan piece of legislation. It is a VOTER-benefit bill.

For more than fifty years, I have gone to a polling booth to cast a vote where, on occasion, I was presented with a Referendum question that calls for me to cast a vote in favor of, or in opposition to, an amendment to the constitution of the State of Wisconsin.

Perhaps, like you, on some occasions, I was aware of the referendum question in advance, and at other times, like the majority of the public, I was not. Either way, the language of the referendum question was drafted in a form of legalese that was often confusing to the average voter. These Referendums come from both sides of the aisle.

You and I are asked to take a position on amending the State's constitution. In most cases, we face a significant disadvantage when we have insufficient information to take a position on the Referendum question.

No one likes to be at a disadvantage when asked to take a position on a crucial matter such as amending the state Constitution. Yet this is how we treat our voters when we present the voters with a referendum question on a ballot. This is unfair and unreasonable. We can and should do better.

Currently, that is not the case for Wisconsin voters. While a Referendum question must include exact legal language that can be inserted into the constitution, my co-sponsors and I believe it is long past due to provide additional pertinent legislation that equips voters to make an informed decision.

This bill includes: a requirement that Constitutional Referendum Questions must be accompanied by a "*State Referendum Disclosure Notice* (SRDN)" that will consist of the legal Referendum language accompanied by a plain language, "*Explanation of Proposal*" and a definition of "*What Your Vote Means*" when considering checking a ☐ Yes or ☐ No on a ballot.

When crafting a Referendum/Joint Resolution Bill, the authors are required to prepare and provide the accompanying SRDN before sending the bill out for co-sponsorship. The only language that the authors and legislative amendments cannot edit will be the actual LRB language for the Referendum Question itself (shown in a **black box** on the attached sample notices).

Today, when the legislature passes a Referendum bill in two successive sessions, the legislature does not see the actual referendum question as it appears on the ballot until it comes out on a ballot. The approach of this bill ensures that all members of the legislature are aware of precisely what the voters will be presented with before the bill is passed. This provides clarity and transparency that is a vast improvement over the current process.

This is a non-partisan bill. It is a VOTER-benefitted bill. I ask you to join us in passing this bill and sending it to the Governor's desk to have this bill become law. Your constituents will tell you thank you.

Thank you for this opportunity, and I would be happy to address your comments and questions.
Representative Jerry O'Connor

DRAFT¹

STATE REFERENDUM DISCLOSURE NOTICE

April 1, 2025

NOTICE IS HEREBY GIVEN that, on April 1, 2025, a statewide referendum will be held on amending the Wisconsin Constitution to require photographic identification (photo ID) to vote in any election. On that date, the following question will be submitted to a vote of the people pursuant to law:

Question 1: " *Photographic identification for voting.* Shall section 1m of article III of the constitution be created to require that voters present valid photographic identification verifying their identity in order to vote in any election, subject to exceptions which may be established by law?"

WHAT YOUR VOTE MEANS

YES: A "yes" would require voters to present valid photo ID to vote in any election, subject to exceptions. By amending the Constitution, the Wisconsin Supreme Court would not be able to overturn a voter photo ID requirement.

NO: A "no" would not make voter photo ID a constitutional requirement. Without the amendment, the Wisconsin Supreme Court could prohibit voter photo requirements in all Wisconsin elections.

EXPLANATION OF PROPOSAL

Currently, under state statute but subject to certain exceptions, in order to vote in an election in Wisconsin, a voter must present a valid form of photo ID to election officials. Anyone who cannot provide photo ID may cast a provisional ballot but must later provide photo ID to the proper authorities.

The constitutional amendment would establish voter photo ID as a constitutional requirement. The amendment authorizes the legislature to pass laws establishing exceptions to the photo ID requirement and includes the provisional ballot exception described above.

¹ This is a draft example of a potential state referendum disclosure notice under 2025 LRB-0904/P2. The content of any such notice were that bill draft to be enacted would be subject to the political process in the same manner as the content of any other bill or resolution introduced for legislative consideration. Also, this draft, including all formatting, is only a mock-up for discussion purposes. If the bill draft is enacted, LRB would develop a formal template for inclusion of the notice in joint resolutions on second consideration.

DRAFT²

STATE REFERENDUM DISCLOSURE NOTICE

November 5, 2024

NOTICE IS HEREBY GIVEN that, on November 5, 2024, a statewide referendum will be held on amending the Wisconsin Constitution in relation to the eligibility to vote. On that date, the following question will be submitted to a vote of the people pursuant to law:

Question 1: “*Eligibility to vote.* Shall section 1 of article III of the constitution, which deals with suffrage, be amended to provide that only a United States citizen age 18 or older who resides in an election district may vote in an election for national, state, or local office or at a statewide or local referendum?”

WHAT YOUR VOTE MEANS

YES: A “yes” would amend the state constitution to provide that only a U.S. citizen age 18 or older who resides in an election district may vote in an election for national, state, or local office or at statewide or local referendum.

NO: A “no” would keep the current provision that every U.S. citizen age 18 or older who is a resident of an election district is eligible to vote. Future courts, legislatures, or local jurisdictions could weaken this requirement or allow noncitizens to vote as has been done in other states.

EXPLANATION OF PROPOSAL

Currently, the Wisconsin Constitution provides that every U.S. citizen age 18 or older who is a resident of an election district in Wisconsin is a qualified elector of that district. Although this clause provides universal suffrage to U.S. citizens in Wisconsin, it does not expressly limit voting to citizens. Separately, the constitution authorizes the legislature to extend the right to vote to additional classes subject to ratification by the people at a general election.

The constitutional amendment specifies that only a U.S. citizen age 18 or older is a qualified elector and provides that only such a qualified elector may vote in an election or at a statewide or local referendum. The constitutional amendment’s voter eligibility

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restrictions apply to every election held in the state for any national, state, or local office and every vote on an advisory, validating, or ratifying question at a referendum. The amendment does not alter the separate constitutional authority of the legislature to extend the right to vote to additional classes subject to ratification by the people at a general election.

DRAFT³

STATE REFERENDUM DISCLOSURE NOTICE

August 13, 2024

NOTICE IS HEREBY GIVEN that, on August 13, 2024, a statewide referendum will be held on amending the Wisconsin Constitution in relation to the governor's authority to allocate federal money and the legislature's appropriation authority. On that date, the following questions will be submitted to a vote of the people pursuant to law:

QUESTION 1: "*Delegation of appropriation power.* Shall section 35 (1) of article IV of the constitution be created to provide that the legislature may not delegate its sole power to determine how moneys shall be appropriated?"

WHAT YOUR VOTE MEANS

YES: A "yes" would prohibit the governor from being solely able to determine the amounts and purposes for which public money may be expended.

NO: A "no" would allow the legislature to surrender its authority to the governor's office to determine amounts and purposes for which public money may be expended.

Question 2: "Allocation of federal moneys. Shall section 35 (2) of article IV of the constitution be created to prohibit the governor from allocating any federal moneys the governor accepts on behalf of the state without the approval of the legislature by joint resolution or as provided by legislative rule?"

³ This is a draft example of a potential state referendum disclosure notice under 2025 LRB-0904/P2. The content of any such notice were that bill draft to be enacted would be subject to the political process in the same manner as the content of any other bill or resolution introduced for legislative consideration. Also, this draft, including all formatting, is only a mock-up for discussion purposes. If the bill draft is enacted, LRB would develop a formal template for inclusion of the notice in joint resolutions on second consideration.

WHAT YOUR VOTE MEANS

YES: A “yes” vote is a vote to prohibit the governor from being able to determine the amounts and purposes for which federal money may be expended without the legislature’s approval.

NO: A “no” would allow the governor to determine the amounts and purposes for which federal money may be expended without the legislature’s involvement or approval.

EXPLANATION OF PROPOSAL

Current law gives the governor broad authority to allocate federal money without the approval or participation of the legislature, which constitutionally has the authority to appropriate moneys, often referred to as “the power of the purse.” Under the proposed constitutional amendment, the governor may not allocate any federal money the governor accepts on behalf of the state without the approval of the legislature by joint resolution or as provided by legislative rule. If approved by the people at a referendum, the constitutional amendment supersedes the current broad statutory grant of power to the governor to allocate federal money.

Under the Wisconsin Constitution, no money may be appropriated except by law, and no law may be made except by a bill passed by both houses of the legislature and presented to the governor for approval. The constitutional amendment provides that the legislature may not delegate its “power of the purse” to another branch of government or another actor.

DRAFT⁴

STATE REFERENDUM DISCLOSURE NOTICE

April 2, 2024

NOTICE IS HEREBY GIVEN that, on April 2, 2024, a statewide referendum will be held on amending the Wisconsin Constitution in relation to the use of private resources and who may perform tasks in election administration. On that date, the following questions will be submitted to a vote of the people pursuant to law:

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?"

WHAT YOUR VOTE MEANS

YES: A "yes" would prohibit state and local government officials from accepting or using private or partisan money or equipment in connection with the conduct of any primary, election, or referendum.

NO: A "no" would continue to allow state and local government officials to accept and use private or partisan money or equipment 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?"

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WHAT YOUR VOTE MEANS

YES: A “yes” vote is a vote to prohibit anyone who is not an election official designated by law from performing tasks in the conduct of primaries, elections, and referendums.

NO: A “no” vote is a vote to allow people who are not designated election officials to perform tasks in the conduct of primaries, elections, and referendums, except as provided by law.

EXPLANATION OF PROPOSAL

Under current law, the state and local governments may use privately donated money or equipment to administer elections. The constitutional amendment would prohibit such use of privately donated money or equipment in conducting any primary, election, or referendum.

The constitutional amendment further prohibits any individual other than an election official designated by law from performing any task in the conduct of any primary, election, or referendum. As such, laws may be passed designating who may act as an election official, but only election officials so designated may perform tasks in the conduct of an election. This essentially mirrors current law but would make the current law requirement a mandatory constitutional requirement.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Assembly Bill 207

Assembly Committee on Campaigns & Elections

June 3, 2025

During my time in office, I have heard from countless friends and constituents – smart people with college degrees and good jobs – who tell me that every time they vote on a constitutional amendment, it makes no sense to them. The “legalese” that is used on the ballot is, of course, necessary and should be presented, but for regular every day residents of Wisconsin, it might as well be in a different language. There has to be a way to explain what these amendments do so that people know what they are voting for.

Changing the constitution, whether you agree with the change or not, is not something to be taken lightly. It takes a few years and a lot of work to amend this 177 year old document – the people who are changing it should understand exactly what they are changing.

I had this idea last year after seeing a few confusing amendments on the ballot. I was excited when Representative O'Connor beat me to it and presented me with what is now AB 207.

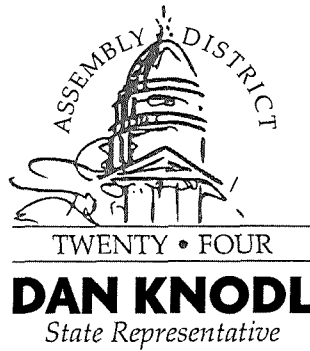
AB 207 requires that each constitutional referendum question be accompanied by a “*State Referendum Disclosure Notice*” (SRDN). The SRDN must include the legal referendum language along with a plain language “*Explanation of Proposal*” and a definition of “*What Your Vote Means*” when voting “Yes” or “No”. The SRDN must be written and provided prior to sending the resolution out for cosponsorship.

Under AB 207, there are places where the disclosure notice must be posted. They are as follows:

- With sample ballots for each statewide referendum at the same time and in the same manner in which the sample ballots are posted for public inspection; and
- The notice must be posted for at least 30 days prior to the date of a statewide referendum; and
- The notice must be published by the Elections Commission on the website used for voter registration, currently titled MyVote Wisconsin, or other voter public access website maintained by the commission; and
- The notice must be posted by each county clerk at the county clerk’s office and published by the county clerk on the county clerk’s website.
- Finally, the notice must be included with absentee ballots provided to voters for voting in a statewide referendum.

Nothing else about the process of changing the constitution will change under AB 207. This is ONLY meant to inform voters about what they are voting for. Nor is this an attempt to sway anyone’s vote.

I encourage your support of this commonsense bill that informs voters who are making big decisions on election day.



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Testimony in Support of Assembly Bill 207
Public Testimony
Assembly Committee on Campaigns and Elections
June 3, 2025

Chairman Maxey, Members of the Committee:

Thank you for the opportunity to speak today in support of Assembly Bill 207, a bill that advances one of the most fundamental pillars of our democracy: *informed voting*.

When Wisconsin voters go to the polls to weigh in on constitutional amendments or other statewide referenda, they deserve to have access to information necessary to understand what their vote will actually do.

So why the need for all the complicated language on the ballot? If voters approve a measure, that exact language is what becomes law. Ballot questions are not written to explain a proposal, they're written to implement it. This legal requirement often results in wording that is difficult for anyone who isn't a lawyer to interpret, and that's exactly why Assembly Bill 207 is so important.

Assembly Bill 207 modernizes and strengthens our referendum process by requiring a supplemental state referendum disclosure notice—a concise, plain-language summary that includes:

- The full text of the question and any proposed changes to law;
- A brief explanation of current law;
- A clear description of the impact of the proposed change;
- And a simple explanation of what a “yes” or “no” vote means.

This summary must be made easily available—at polling places, online, with absentee ballots, and through local clerks—so all voters have equal access to clear, nonpartisan information.

This reform is not about swaying outcomes; it's about respecting voters and providing the tools they need to make informed decisions. Importantly, it shifts responsibility for drafting the summary from the Attorney General to the Legislature, encouraging accountability and consistency.

In an era of widespread misinformation, this bill strengthens voter trust through transparency and accuracy. I urge the committee to support Assembly Bill 207.

Thank you, and I welcome your questions.