



SCOTT ALLEN

REPRESENTATIVE • 82ND ASSEMBLY DISTRICT

Testimony in Support of 2025 Assembly Joint Resolution 8
Assembly Committee on State Affairs
11 June 2025

Chairman Swearingen and members of the Assembly Committee on State Affairs, thank you for inviting me to speak on Assembly Joint Resolution 8—a measure designed as a once-and-for-all step to rein in the governor’s partial veto power. This isn’t just a policy tweak; it’s a chance to restore balance, protect our democracy, and honor the understanding of the separation of powers so crucial to Wisconsin’s constitution.

At the end of the biennial budget process for every session since I have been a legislator, the same thing happens. For several days prior to debate and passage, legislators and staff pore over the finalized draft budget from the Joint Finance Committee, looking for loopholes on how a statutory change could be whittled down by the governor’s partial veto authority.

And then the governor, pen in hand, slices through a budget bill—not just rejecting parts, but rewriting it, word by word, number by number, to create laws the public never had a voice in creating, and the legislature never debated. That’s the reality of Wisconsin’s partial veto power, a quirk that makes our state an outlier in America. Unlike most governors, who can only veto entire bills or sections, Wisconsin’s governor can play legislative surgeon, carving out phrases or digits to craft new policies. This isn’t what our state’s founders nor those legislators who crafted the line item veto ever intended, and it’s time we fixed it.

AJR 8, a proposed constitutional amendment on first consideration, is our chance to right this wrong. It’s about stopping the Executive Branch from moonlighting as a legislature, a clear violation of the separation of powers that keeps our democracy strong. This isn’t about picking fights or pointing fingers. Governors from both sides—Evers and Walker alike—have stretched this power beyond what Wisconsinites see as fair play. When Gov. Evers boosted school funding with the 400-year tax increase, or when Gov. Walker ended the levy limit exemption for school energy efficiency projects for 1,000 years, they turned the governor’s office into a super-legislature. That’s not their job.

The partial veto was meant to be a shield, a check on the legislature, not a sword to write laws. The recent ruling from the Wisconsin Supreme Court shows that the veto still gives governors too much wiggle room to reshape bills in ways that sideline the people’s elected representatives.

AJR 8 draws a firm line. It limits the governor’s partial veto to rejecting entire bill sections—ones that can stand alone as complete, workable laws—or cutting appropriations. No more rewriting the legislature’s work. This brings Wisconsin in line with most states, where governors check the legislature, not hijack it. It’s a reform rooted in fairness, transparency, and respect for the democratic process.

Wisconsinites get it. Every time they’ve had a say through constitutional referendums—in 1990 and again in 2008—they’ve voted to curb this runaway power. Pass AJR 8 in two consecutive sessions, and I’m confident the people will back it again. As Justice Jill Karofsky said in 2024, we’re at a “fork in the road.” Do we keep letting governors play super-lawmaker, or do we realign our system with the principles of checks and balances? The choice is clear.

This isn’t about one party winning or losing—it’s about what’s right. It was wrong when Gov. Evers did it. It was wrong when Gov. Walker did it. And it’ll be wrong if we let it continue. AJR 8 strengthens the legislature’s voice, honors the will of Wisconsin’s voters, and makes our state’s governance model, once again, a model of fairness, not an exception to it.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Assembly Joint Resolution 8

Assembly Committee on State Affairs
June 11, 2025

The fact that Wisconsin's governor has the most powerful veto pen in the country has been parroted by the media and others for decades. We know this is true and have seen the ramifications. Depending on what party the Governor has belonged to, his side of the aisle has praised his use of this veto power to accomplish that party's goals. We have learned how to work with or around this obstacle when the opposite party controls the East Wing. This power has been curtailed via constitutional amendment many times in our state's history and it is time to do it again.

Unfortunately, since the last time the constitution was changed in regards to line-item vetoes in 2008, Governors Walker and Evers have used what is left of their veto pens, which is still significant, to make major changes to bills that were passed by the Legislature and thus made law that was not intended by the Legislature. Governors Walker and Evers could not be more different in their politics and that is why this resolution is not political or about what party the current Governor belongs to – this is about keeping the power to make law where it should be, in the Legislature. A veto should be used to accept or reject a law or sections of law – NOT to create a different one because some words and sentences happen to fall in the right places in the text of a bill.

AJR 8 further curtails the Governor's veto and solidifies the Legislature's role in making law and the Governor's role in accepting or rejecting that law.

AJR 8 allows for two types of vetoes. One is that the Governor can only line-item veto **entire sections of a bill**. Those sections would also have to be able to be enacted as a complete, workable law if they were presented in their own bill. This means that the Governor could not strike out entire sentences and leaving only portions of a section of a bill in order to create completely different policy. This allows rejection of entire policy areas, not just bits and pieces. The other portion allows a veto that would lower an appropriation in an appropriation bill.

This is the first consideration of this constitutional amendment. Should it pass this session and again next session, it would go before the voters of Wisconsin for ratification sometime in 2027 or 2028. I encourage your support for this change in the state constitution to ensure that the Legislature maintains its powers in making the law it intended.



WISCONSIN INSTITUTE
FOR LAW & LIBERTY

Testimony in Favor of Assembly Joint Resolution 8

June 11, 2025

Assembly Committee on State Affairs

Chairman Swearingen, Vice-Chair Green and Members of the Assembly Committee on State Affairs,

My name is Kyle Koenen, and I am the Policy Director at the Wisconsin Institute for Law & Liberty, a non-profit law and policy center based out of Milwaukee. Thank you for the opportunity to testify today in favor of Assembly Joint Resolution 8 (AJR 8), a proposed constitutional amendment that will restore the proper balance of power between the legislative and executive branches by placing clear and appropriate limits on the governor's partial veto authority.

This amendment would do what many Wisconsinites already assume is the law—prevent a governor from unilaterally rewriting legislation through creative vetoes that alter legislative intent. Under AJR 8, the governor would only be permitted to reject entire sections of an appropriation bill that are capable of separate enactment as complete, workable laws—and to reduce appropriations. Nothing more.

For too long, governors have acted as "super-legislators," carving out new policies by vetoing individual words, digits, and sentence fragments—far beyond what the original 1930 amendment ever intended. This has resulted in legal uncertainty, executive overreach, and the gradual erosion of the separation of powers. Here are a few examples of how those line-item powers have been abused over the years.

- Governor Tony Earl pioneered the "Vanna White" veto by striking individual letters within words to form entirely new meanings, and Governor Tommy Thompson continued the practice in the 1987 budget. This led voters to approve an amendment in 1990 to bar letter-level vetoes.
- In 2005, Governor Jim Doyle employed a "Frankenstein" veto by deleting select words and phrases from a 752-word budget section to splice together a new \$427 million fund transfer that the Legislature had never approved. In reaction, voters approved an amendment in 2008 that barred this practice.
- And finally, in the 2023-25 budget, Governor Tony Evers used a "digit-veto" to extend a two-year \$325 annual school funding increase until the year 2425—effectively locking in property tax hikes for the next 400 years.

These examples were never the intent of the original partial veto powers. The Legislative Reference Bureau put it plainly in a 2019 report:¹

“There is no evidence that the partial veto power was originally intended to allow the governor to fashion new words or sentences or to embark on new policy directions not intended by the legislature.”

This amendment restores that original intent.

Wisconsin is currently an outlier. All but five states allow some form of line-item veto for budget bills². However, the vast majority of states restrict the governor to rejecting line items or whole sections, not allowing the governor to singlehandedly create new policy with their veto pen. In fact, Wisconsin is the only state that allows the governor to veto individual words, numbers, or punctuation in an appropriation bill. This amendment would simply bring us in-line with our peers.

This should not be a partisan issue. Wisconsin voters have already twice amended our Constitution to rein in governors from both parties who stretched their partial-veto powers too far. AJR 8 is a common-sense fix that restores the original balance. Ultimately, it still allows the governor to veto entire sections of an appropriations bill but bars the power to single-handedly create new law by striking words, numbers, or punctuation. I respectfully ask for your support.

¹ Legislative Reference Bureau - *Reading the Constitution*, Vol. 4, No. 1 (2019)

² Indiana, Nevada, North Carolina, Rhode Island and Vermont grant no line-item veto authority to governor.

I am 100% for AJR 8 2025 which would amend section 10 (1) (c) of article V of the constitution which would restrict the governor's partial veto authority to only rejecting entire bill sections of an appropriation bill that are capable of separate enactment and reducing appropriations in a bill (first consideration).

The Wisconsin Legislature alone holds the power to pass legislation which if signed by the Governor, would allow the citizens of Wisconsin to have their property taxes increased to fund that legislation. The Governor does not have the power to tax people. When he did the partial veto of the 2023 budget, he basically put into effect taxing the citizens of Wisconsin for the next 400 years!

Evers deceitfully and slyly violated the will of the voters who adopted constitutional amendments in 1990 and 2008 that removed the ability to strike individual letters to make new words — the "Vanna White" veto — and the power to eliminate words and numbers in two or more sentences to create a new sentence. Evers basically did what the amendments were trying to forbid him from doing.

The liberal, activist Wisconsin Supreme Court upheld this injustice by a 4-3 margin.

I agree with The Wisconsin Manufacturing Commerce Association's (WMC) Scott Manley and Meg Ellefson who discussed that the Court's decision sets a terrible precedent: "In the state of Wisconsin, one person can decide to raise property taxes by ultimately trillions of dollars unilaterally, and without the consent of the governed, the legislature signing off on it."

It is a gross injustice to tax Wisconsinites for the 400 years without representation. It is taxation without representation. Who can afford to have their property taxes increased for 400 years (until 2425)? Where do we get that money? Governor Evers is totally out of touch with the tight budgets all of us are on.

Even if AJR 8 is adopted, it won't do away with the 400 years of taxation without representation. The Legislature will have to figure out how to deal with that. But what they may potentially pass will need a new Governor to sign it, or Evers will veto their legislation that the taxpayers want.

From my research, Wisconsin is the only state where governors can partially veto spending bills by striking words, numbers and punctuation to create new meaning or spending amounts. In most states, governors can only eliminate or reduce spending amounts.

It is time to curb the veto power of the Governor. That is why I am in favor of AJR 8, 2025.

Michael Reuter

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Waukesha, WI 53188

Some of my thoughts were based on an article put out by the Associated Press, January 27, 2025 and an article by Baylor Spear of the Wisconsin Examiner, April 18, 2025.



To: The Committee on State Affairs

From: Annette Olson

Date: June 11, 2025

RE: 2025 AJR 8 –

Thank you, Chair Swearingen, Co-chair Green and members of the Committee on State Affairs, for your time and consideration of Assembly Joint Resolution 8.

AJR8, if passed, will amend the Wisconsin Constitution – Article V section 10 (1) (c) restricting the governor's partial veto authority to only rejecting entire bill sections of an appropriation bill.

Wisconsin Governors have had tremendous veto pen power but abuses by governors of this power requires the people to reign in the power of the pen and ensure the original intent of a governor's veto is followed.

In 1990 and in 2008 voters reminded governors that creative "Vanna White" and "Frankenstein" vetoes that changed state law was no longer permissible. And in 2020, the Wisconsin Supreme Court ruled that three of Evers' partial vetoes unconstitutional.

Again, as we have recently seen, the veto created by Governor Tony Evers, erasing a few numbers and dashes to send more money to the state's public schools for the next four centuries, actually created law. Creating law is not the intent of the authority of any governor; that remains the role of the legislature.

Therefore, another constitutional amendment is necessary to ensure the governor cannot legislate but will be able to use the original intent of the veto authority - reducing appropriations and only rejecting entire bill sections of an appropriations bill that are capable of separate enactment.

Thank you for your attention to this very important matter. We encourage you to vote in favor of AJR8 in committee.

Annette Olson
CEO – MacIver Impact, Inc.