



LEAGUE OF WOMEN VOTERS® OF WISCONSIN EDUCATION FUND

122 State Street, #201A
Madison, WI 53703-2500

Phone: (608) 256-0827 <http://www.lwwwi.org>
lwwwisconsin@lwwwi.org

GOVERNMENT STRUCTURES AND PROCEDURES

Since its beginning the League has looked at many aspects of state government and has adopted a variety of positions.

STATE AGENCIES

At the time League studied governmental agencies, there were 84 state administrative agencies. In 1967, the legislature passed a comprehensive reorganization plan for state agencies, reducing the number from 84 to 32. The League, the only statewide organization to look at the plan impartially, was able to give strong support to the reorganization. Services were continued at the 1967 levels and administration was simplified by creating clear lines of authority from the various units to the governor and legislature.

In the 1975 session, the League successfully supported the functional reorganization of the Department of Transportation, believing that the restructuring would allow more unified and coordinated transportation planning.

In the 1995 budget, the governor proposed several changes. The secretary of the Department of Natural Resources (DNR) would be made a cabinet appointment, and the Natural Resources Board would be made advisory. The League believed that such a move would weaken the citizen's ability to have input into department decisions. The Public Intervener's office was moved from the Department of Justice to the DNR. League also opposed this move because it would remove the citizen's ability to force local agencies to obey state environmental laws.

League opposed the governor's proposal making the secretary of the Department of Education a cabinet appointee, serving at the governor's discretion. The secretary is a constitutional office and League objected to making the

change without a constitutional amendment. The court supported the League's position. However, by moving some major responsibilities to other departments and reducing funding for the department of Public Instruction, the governor has greatly weakened the constitutional office.

GOVERNOR

Wisconsin has never had a constitutional or statutory limit on the number of terms a governor may serve. The League opposes any limitation, believing that the people are capable of assessing a governor's performance.

STATE CONSTITUTION

The Wisconsin Constitution can be amended only if identically worded amendments pass both houses by a majority vote in two successive legislatures and then are approved by a majority of the electors voting in a statewide referendum. In addition, the scope of each amendment is narrowly limited. The Constitution also provides for revision by convention; the convention must be called by a majority of both houses of the legislature with the approval of a majority of the electors. The second method of changing the Constitution has never been used.

In 1960, the League supported the governor's appointed a non-partisan Commission on Constitutional Revision which was asked to make recommendations on the need for, and desirability of, revising the Constitution and the best method of doing so, if needed. League recommended a number of the changes: four year term for constitutional offices; removal of limitation on state debt; assessment of merchants and manufacturers' inventories and livestock at a different rate from other property; reduction of the number of executive agencies; and elimination of the county uniformity clause. The

League also supported the recommendation that "broadening the permissible scope of a constitutional amendment" was a priority item to eliminate unnecessary obstacles and delay.

In the consensus reached in 1962, although not expressly stated in the position adopted in 1963 was opposition to the calling of a constitutional convention. Attention was called to the fact that the constitution was not in need of a complete overhaul; that such a process might result in the loss of some of the strengths of the document; and that no procedures have been specified for calling a constitutional convention. Members agreed to work for responsible but more flexible methods of the amending process while emphasizing that safeguards should be retained to prevent the constitution from being amended too easily. In 1964 League supported a ballot measure which would allow reasonably related amendments to be introduced as one. The position permits support of an amendment to send to the voters a proposal approved by a two-thirds majority of both houses without requiring the approval of the next succeeding legislature.

In acting on these positions the League has repeatedly opposed the calling of constitutional conventions. The 1979 convention voted to use this position to oppose any state effort to call for a convention to amend the United States Constitution. Because there are so many questions about the process and extent of the powers of such a convention and because the LWV-Wisconsin believes both federal and state Constitutions are basically sound documents with other adequate methods of amendment, the League opposes amendment by convention.

APPORTIONMENT

League support for prompt reapportionment on the basis of one person, one vote is a long-standing position adopted in the early 1930's. The 1952 convention voted by better than a two-thirds majority to support reapportionment on a census basis, reaffirming the League position that every person's vote should have the same weight. The League decided that equal representation better reflects the will of the people and results in a stronger state government. The League's strong position no

doubt contributed to resistance to proposals made regularly by legislators during the 1960's to revive area representation.

U.S. Supreme Court rulings in 1962 and 1964 made it mandatory to make a major effort to reduce populations' differences as much as possible in all types of districts. A position supporting "enforcement provisions" and court review if the legislature fails to act was first reached in 1963 under the League study of constitutional revision. However, legislation supporting a reapportionment commission has consistently been defeated.

A 1966 LWVUS member agreement made it possible for the Wisconsin League to join the fight against the so-called Dirksen amendment (to allow consideration of factors other than population in apportioning one house of a bicameral legislature) since League members nationwide agreed that both houses of state legislatures should be apportioned substantially on population. The decisive defeat of the resolution calling for a constitutional convention to allow introduction of this amendment was a high point of League action in the 1969 legislature.

Wisconsin Leagues have had some of their most difficult battles in supporting apportionment of county boards on the basis of population. In 1965 the state League joined in a case in which the state Supreme Court ruled the unit system of county board representation unconstitutional. History repeated itself in 1971 when many county boards reapportioned themselves with their primary consideration being factors other than population. This time many local Leagues went to court and in most cases were successful in forcing proper apportionment. In 1972 national convention delegates decided that apportionment on the basis of population was a basic principle and extended the position to apply to all state and local legislative bodies.

In 1981 an expanded position was adopted, listing standards for apportionment and characteristics of acceptable methods; the position also identified roles of an independent commission, the legislature, the courts and citizens in the process.

Unfortunately, in 1981 as in 1971, several Leagues had to go to court to force county boards to apportion properly. Legislative efforts to redistrict Wisconsin's Congressional and legislative districts in 1981-83 were marked by partisan bickering, delay and compromise as well as three gubernatorial vetoes and court intervention. Movement on congressional redistricting proceeded slowly and the League was dissatisfied with the plans that surfaced during this period. The League also protested the lack of timely notice of public hearings and committee meetings and the lack of widespread publicity about them. Additionally the League questioned why public hearings were not held in each congressional district and arranged telephone conference testimony at five locations to allow citizen input.

In 1982 several organizations went to court to force action and the League entered the case as an intervener. The court set a deadline for the legislature and the governor to implement an acceptable plan; otherwise the court would implement its own. Subsequently the legislature passed a modified Congressional redistricting plan which the governor signed.

Futile legislative attempts at redistricting for Assembly and Senate seats and a veto by the governor finally resulted in court action and a three-judge federal panel drawing a redistricting plan to govern the 1982 fall elections for the 99 members of the Assembly and 17 of the 33 Senators. The court plan had the lowest population deviation of any in the state's history and in addition to governing the fall elections, governed five special elections. The League was also an intervener in this case and submitted a plan to the court drawn by the League and Common Cause representatives.

In a surprise move during the 1983 legislative session, another redistricting plan was given legislative approval as part of the 1983-85 Biennial Budget bill. The League and many others voiced strong opposition to the backdoor tactic of dealing with redistricting in the budget as well as the plan itself, which was clearly drawn to protect incumbents. This action resulted in another gubernatorial veto, but in a

special session in July of 1983, the bill was passed and signed into law by the governor (Act 29).

This plan was also challenged in federal court and again the League joined the litigation, arguing that the Wisconsin Constitution clearly mandates redistricting by the legislature in their first session after the decennial census. Although the federal panel did not address this issue, it did declare the legislative districts established by Act 29 unconstitutional and enjoined their use. This decision was challenged and in June 1984, the U.S. Supreme Court granted a motion to stay the federal district court injunction. The Supreme Court did not examine the issue when it reconvened in October 1984. Act 29 has governed the elections throughout the decade. As a result the 1984 legislative elections were held under Act 29.

In 1986-87, the League supported a bill to establish a Legislative Council study that would analyze the present system for redistricting and alternative methods, such as a commission, that might be used.

In 1986, a special task force on redistricting recommended position modifications. The 1987 convention adopted modifications that clarified redistricting commission details. Overwhelmingly, members stipulated that the commission should have initial responsibility for developing redistricting plans requiring a change in the Wisconsin Constitution. Support for legislative involvement in the redistricting process was affirmed through legislative membership on the redistricting commission, as well as a joint role for legislative leaders and other state officials in the commission appointment process.

League actively pursued the passage of a Constitutional amendment to establish a redistricting commission to do redistricting. A successful petition drive was held and press support was successfully obtained from the major newspapers in the state. In spite of heavy lobbying, by the League and others, the legislature did not act on a bill in time to achieve the passage of an amendment before 1991. The effort then centered on a statutory commission.

Although that effort also was unsuccessful, more progress was made in public awareness and legislative support than has been achieved before.

LEGISLATURE

In 1975 convention delegates created a task force to examine the workings of the legislature. A publication was issued in 1977 as a result of the work of the task force and in 1977 they sought concurrence with the LWVUS positions on Congress. Member agreement resulted in the general positions adopted in 1979 as well as the specifics that follow:

Pay

Legislators should be paid an annual amount commensurate with that received by persons holding middle-level managerial positions. Pay increases should be voted on by legislators.

Type

The Wisconsin legislature should remain a bicameral body.

Leadership and Committees

The Wisconsin legislature should: make committee assignments in such a way as to achieve representation of diverse interests; review and continually evaluate the committee system in light of efficiency and contemporary needs; establish uniform committee rules for each house (including rules for public hearings) and current joint committee rules.

Decision-making

The Wisconsin legislature should provide adequate personal staff for legislators and adequate professional, non-partisan staff for committees and agencies to secure and make effective use of information; schedule legislative activities to make effective and responsible use of legislators' time; develop mechanisms for determining state priorities, long-range goals, and long-range impact of legislation; use electronic voting and other time-saving devices; establish clear procedures for oversight and performance audit.

Right to Know

The Wisconsin legislature should require open meetings (including caucuses) to the fullest extent possible; provide verbatim record of floor debate and comprehensive minutes of committee meetings; make full information on legislative proceedings available to the public; and require regular reporting of all payments to, and expenditures by lobbyists (except groups which do not hire or pay their lobbyists) and make such information available to the public; such reporting should include the original source of funds paid to lobbyists; empower the state Ethics Board to disclose advice given to an individual if a portion of it has been disclosed by that individual or if the advice has general application. The verbatim record should be taped and transcribed only on request and at the requestor's expense. Care should be taken that the cost does not escalate and the record does not contain extraneous material, as in the Congressional Record. (Reporting should not be required of groups which do not hire or pay lobbyists.)

A stricter lobby regulation bill which passed in the 1989-90 session, contained provisions supported by the League, including much fuller reporting of the costs of lobbying activities, covering all contacts with legislators, research, preparation of material and related work. In 1997 the League supported the electronic filing of reports, making them more readily available to the public by eliminating the 6-month waiting period for reports.

Oversight

Early in 1976 the state League acted under LWVUS positions for the accountability of representative government. The League lobbied for a bill to create a permanent joint legislative audit committee with oversight responsibility for the Legislative Audit Bureau. A companion bill directed that Bureau to audit all state agencies, examining spending levels, productivity and programmatic strengths and weaknesses. Modified versions of these bills were passed as part of the budget bill.

Open Meetings

While the League's initial attempts to pass a strong open meetings bill failed, later efforts were successful. The League became involved in drafting and securing passage of a strong open meetings bill that passed in 1976. In 1978 an attempt was made to weaken this law with a bill which repealed the requirement of public notice for regularly scheduled meetings. League opposed this bill and it was not reported out of committee.

League has continued to be vigilant in keeping the open meetings law strong.

CIVIL SERVICE AND THE APPOINTMENT POWERS OF THE EXECUTIVE BRANCH

Since the League adopted these positions in 1993, there has been no opportunity to use them.
