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Senator Smith writes about Wisconsin’s constitutional amendment process and expresses concerns about recklessly amending our state Constitution.

MADISON - For any laws not governed by federal law or the U.S. Constitution, Wisconsin’s Constitution serves as the ultimate guide when crafting legislation. Our Constitution is sacred – it’s the framework for our state government. It determines protections and guides our justice system in how laws should be interpreted.

If the Constitution is a title, statutes (state law) are subtitles, providing clarity and specifics in the way we interpret expectations set forth in our Constitution. Statutes begin as legislation, and in order to become law, must be passed by both chambers of the Legislature. The Legislature then sends these bills to the Governor, who may veto part or all of the bill or sign it into law. The Governor’s administration executes the law and the court system interprets laws when confusion arises. Wisconsin’s system of checks and balances is modeled after our U.S. Constitution.

This process is designed so that statutes can be more specific and responsive to recent developments in our society. Your members of the State Legislature are sent to Madison to do just that.

When a legislator introduces a bill, the legislature reviews the proposal through debate and public hearings. If a bill meets opposition, we can add specific amendments to the bill or we can re-introduce the legislation, modifying the bill to take into consideration what we have learned through the deliberative process.

Even once passed, it’s common for the legislature to re-examine a law once we’ve had a chance to evaluate its impact on the public. Laws written decades ago may not apply to current circumstances, or need updating to work in the world we inhabit now. When a statute is out-of-date, it can be revised and updated. Statutes are not static; they can easily be changed with the input of our citizens.



The Constitution is not so quickly and easily revised. To pass a constitutional amendment, the legislature must pass it as a resolution through two consecutive legislative sessions. The language of the bill, without any of the context provided by the legislative process, is then placed on the ballot for voters to approve or reject in the next general election.

The constitutional amendment process is designed to deal in broad terms, not specifics. There is a difference between passing a constitutional amendment that enumerates a specific right and passing one requiring specific procedures to be changed. That’s why we must hold the Constitution to a higher standard.

In recent years, I fear the respect for our Constitution has been eroded. Legislators are too quick to amend the constitution, often for purely procedural reasons, including the desire to do an end-run around the very checks and balances that protect us from hasty changes to the Constitution. Checks and balances make democracy messy, but they safeguard us from poorly vetted laws.

When political initiatives are passed as constitutional amendments, we miss the opportunity to truly examine the changes that an amendment may make in the courts and in the daily lives of our citizens. Wording is important, and sometimes the slightest change may have broad and unintended consequences. When a dramatic change is made to our constitution that turns out to be harmful to our citizens, it is often too late and too difficult to fix easily.

This session, it appears that the Republicans who hold the majority in both chambers of the legislature have decided they would rather play fast and loose with our State Constitution, rather than work with Governor Evers. By the time you see this column, it’s likely that such a resolution – or resolutions – have already been hurriedly passed.



As your State Senator, I take the trust you have placed in me very seriously. Using the Constitution as a means to sacrifice bipartisanship for political expediency is wrong and dangerous. When actions are taken that affect the lives of families across Wisconsin, it’s important to do it thoughtfully, with an eye towards future implications.

I encourage all of you who read this column to stay engaged with what’s going on as these political maneuvers make their way through the Legislature, including the attitude of noncooperation shown by the majority party. Let’s make sure that we don’t take amending our Constitution lightly.