

### 3.C Questions and Answers Worth Reading 3.I in City/Village Handbook

This Q&A document is the same from the City/Village Handbook. If you are pursuing a referendum of resolution for TOWN OR COUNTY, ignore the items in this document related to collecting signatures.

Here are some Questions and Answers that are worth reading before starting your resolution effort. If you are looking for answers to a specific issue, use ctrl-F and try some key words.

If you get frustrated, call or email George 608-244-6436, georgepenn51@gmail.com.

#### **Q1: Is there a short elevator speech I can memorize?**

**A1:** Here are a few examples you might consider. (If you have a different one, please let George Penn know so we can include it as another option. Make sure in is short.)

**Question 1:** What is United to Amend? Who are you?

(Short version)

United to Amend is a volunteer driven, non-partisan grass roots group that advocates for a constitutional amendment intended to restore representation to *We The People* – from the campaign funders. It says that only human beings have constitutional rights, and money is not equal to free speech.

(Longer version)

“United to Amend is building a movement to restore our republic from the big money – so our politicians will represent **Us** instead of their **Funders**. We’re a national non-partisan, volunteer driven movement. Our reformers care enough about our country to do something to fix our democracy. Are you aware that our politicians can’t get anything good done because they work for their Funders? After they answer (modify the next sentence slightly based on the answer.)”

Then you understand how important our work is. Can I give you my card (or some information) in case you run into someone who wants to do something about the corruption?”

**Question 2:** What do you folks do?

We are working with local communities to pass a resolution supporting the *We the People* amendment to restore our democracy from the big-money politics that stops our politicians from representing our interests.

**Question 3:** Why are you doing this?

We believe that big money is corrupting state and federal governments, who then are undermining our local governance. The corrupting influence of big money ensures that our politicians will not represent us and will continue to get nothing done – and there are a growing number of problems we need them to work on together.

**Question 4:** Are you against companies/corporations?

No, we think they should have all the **privileges** granted to them by the states they operate in which is the real legal tradition. We need corporations, unions, and other associations, but they are not a person and are not entitled to the rights granted to humans in our constitution.

**Q2: Has there been an actual amendment proposed in the U.S. Congress?**

**A2:** Our preferred amendment has been proposed in each of the 2013, 2015, 2017 and 2019 Congress sessions. It is called the We The People amendment. (A copy of the 2019 version is provided in the *City and Village Resolution Handbook*.)

**Q3: Has there been a proposed bill to call for the amendment introduced in our state legislature?**

**A3:** Bills to have our state to call for our amendment have been introduced in both the state Senate and Assembly each of the 2013, 2015, 2017 and 2019 legislative sessions. (A Copy of each the 2019 version is provided in the *City and Village Resolution Handbook*.)

**Q4: What is the difference between resolution and referendum?**

**A4:** The resolution is a statement that the municipal council/board makes to the state and federal legislators – that the community wants a constitutional amendment. The referendum is the mechanism whereby the citizens vote to tell the local council or board that they, the citizens, want the council or board to pass the resolution.

**Q5: Does the city/village have to use the exact petition language on the ballot?**

**A5:** According to State Statute section 9.20 (1) The municipality must pass the resolution language that is **attached to each petition sheet** verbatim if the required signatures have been collected and certified. After discussions with the GAB in 2013, we interpret section 9.20 (6) to mean that the **“full resolution” needs not be printed in its entirety on the ballot**. However, we have included a copy of the full resolution on the back of the ballot – in case a petition signer asks.

Here is the language from the two sections cited above of State Statute 9.20.

**9.20 Direct legislation.**

(1) A number of electors equal to at least 15% of the votes cast for governor at the last general election in their city or village may sign and file a petition with the city or village clerk requesting that an **attached proposed ordinance or resolution, without alteration**, either be adopted by the common council or village board or be referred to a vote of the electors. The individual filing the petition on behalf of the electors shall designate in writing an individual to be notified of any insufficiency or improper form under sub. (3)

(6) **The ordinance or resolution need not be printed in its entirety on the ballot**, but a concise statement of its nature shall be printed together with a question permitting the elector to indicate approval or disapproval of its adoption.

**Q6: Why does United to Amend prefer that every municipality (Town, City, Village, County) have a referendum rather than just pass the resolution directly?**

**A6:** There are several reasons why passing a referendum is better than a direct resolution.

- a) *More Power*: Citizen votes show more power, to legislators, than a council or board voting for a resolution (especially with high YES vote),

- b) *More Media*: Having multiple communities pass on ballot after ballot generates more statewide media than unreported council or board votes. This generates more awareness which builds the movement and results in more champions contacting us. And obvious reported significant success generates inspiration and more movement. We are building a movement ballot by ballot.
- c) *Consistent Language*: The council/board cannot change the language of the resolution if the required signatures are collected – we are working for a consistent language, which has more credibility. Statewide, and better nationwide, wording consistency shows strength,
- d) *Better Education of Representatives*: We get municipalites to send letters to all their fed and state representatives – letting all levels of representation know we want reform,
- e) *More Citizen Education*: We educate citizens while getting the signatures, and during the pre-ballot education effort,
- f) *More Supporters*: These education efforts yield new supporters, grow the movement, and increases the YES vote percentage (the record 91% YES vote achieved in four Wisconsin communities supports this idea),
- g) *More Group Sustainability*: The referendum campaign is a movement building activity. This helps us build stronger groups in the communities – that we need for the long haul reform movement,
- h) *Better Coalition Building*: We are building a movement and working with many Wisconsin groups, and;
- i) *More Cover for Scared Politicians*: Occasionally, where council/board members are politically oriented, it gives them perceived political cover – because voters required the “passage” of the resolution.

**Q7: Why do we need an AMENDMENT to (...Get money out of politics, restore our democracy, etc.)?**

**A7:** We need an amendment to our U.S. Constitution to reduce the massive influence that money has over our corrupt two-party political system because nothing else will be strong enough. Why not:

Pass State Laws: Montana already tried State Legislation but the Supreme Court overruled them. (Tried that.) And, state laws do not affect the rules for federal offices.

Pass Legislation: Some people think we can pass laws to limit the corrupting money in politics. There are three problems with this option. First, the politicians we have now are literally complicit in the problem, they have shown they will not try to solve it – and many outright oppose reforms. Second, even if they wrote laws to “address” the problem, they would write intentionally ineffective laws. Third, even if Congress could write an effective law, the Supreme Court has demonstrated that they will overrule it. In short this approach is: not possible, or not effective, or not defensible.

Wait for Friendly New Supreme Court: Some people think we can wait until there is a Supreme Court that is friendly to reform. There are two problems with this option. First, when do you think that will happen since both parties are satisfied with the system and THEY appoint the judges – several who are young? Second, even if one party decides to appoint reform-friendly judges, what happens when the other party regains power and changes the makeup again. This is: Not soon or likely, or not durable. Look at the political refusal of the McConnell senate to allow Obama to appoint a new judge (Merrit Garland) after Scalia died in 2016 – saying the next president should decide, hoping that president will be of their party, and appoint partisan judges.

**Q8: What is the first outcome that United to Amend is working toward?**

A8: United to Amend is first seeking to get our state legislators to “make the call,” to Congress, to pass the *We the People* amendment currently introduced in the Congress. A corollary goal, that is less visible, is to have a strong enough movement that we can ensure that the Congress passes a bill calling for the *We the People* amendment – or a bill that includes at least the elements of the *We the People* amendment. (The actual bill might add elements that make the amendment even stronger.)

**Q9: What about a Constitutional Convention? Isn't a Constitutional Convention dangerous?** (Similar questions.)

A9: Article 5 of the Constitution allows for citizens and their states to create an amendment without assistance from any branch of the federal government. If necessary, we would do this by calling for a convention of the states to meet, create an amendment, and then send this amendment back to the State Legislatures for approval (recall from H.S = “ratify.”)

Some reformers are interested in this approach to getting an effective constitutional amendment. Others are fearful that this convention would be a free-for-all where the opposing party would use this opportunity to destroy our current democracy.

United to Amend is currently undistracted by this concern for a several reasons:

We Are Not Pushing for a Convention: United to Amend is working to get our federal legislators to pass the *We The People* amendment that has been introduced in Congress in each of the last four sessions of Congress. We expect to build the power to force them to do this straight up – without a convention.

It Has Never Happened: America has passed 17 amendments since the original ten (Bill of Rights), and for not one of these was a convention convened. And we believe it will not happen this time either – basically, the federal politicians do not want to lose control of power to state legislators.

The Suffrage movement, the civil rights movement and others did not let this fear stop them – and their amendments were ultimately passed by Congress – their determination and risk-taking paid off.

Most are Working to Avoid a Convention: There are groups currently working to ensure that when we have enough states to force discussion of an amendment it will be done without a constitutional convention.

A Super Majority of States is Needed to Pass an Amendment – Screening Out Insanity: Even if a runaway convention is possible and 2/3 of the states’ delegates proposed some apocalyptic changes, any proposed amendment would still need to be approved by 75% of our state legislatures. Robust discussions in the 50 states would not garner three-quarters of them accepting the craziness.

We Won't be Distracted by Theories: We are busy building the movement to get 34 states to call for our amendment – and we are focused. When we get close to having the required 34 states, we will have legal scholars and lawyers to ensure the appropriate approach and outcome. This is one reason why it is imperative that we BUILD A MOVEMENT.

**Q10: What is the difference between direct legislation and an advisory referendum?**

**A10:** Direct legislation is the ability of the citizens to force the council/board to pass a resolution. When the council/board passes a resolution, this resolution is only advisory to higher levels of government. Advisory means that what the local municipality tells the state government or the U.S. Congress what it would like (advise) them to do, these bodies are **not** required to do what is asked – then can take the advice or leave it.

Do not use the word “advisory” in any discussions with council and board members or other municipal employees. Resistant persons in these organizations will use your use of the word to confuse and undermine the effort. For more information on this see doc “5.J What if clerk or other says WEC says they can ignore petition.”

**Q11: What bookkeeping do we have to do?**

**A11:** This relates to reporting funds related rules for conducting local referenda for asking a community to pass a resolution like the ones we have passed. Any work done to convince the municipal board or council, prior to their agreeing to a referendum, is not considered political work. Therefore, there is no need to track any spending.

However, once the board or council agrees to put our referendum on the ballot, all work from this time on is considered political campaigning – so you might consider tracking you expenses from this point on.

The bottom line is that if a group spends less than \$10,000 in any year on this type of campaign, there are no reporting requirements. However, the group might create a bank account to track donations and spending so they can prove they did not spend more than \$10,000 if they are ever challenged for proof that they did not exceed the limit. If a group does one referendum in the year, or more than one, the \$10,000 trigger applies.

**Q12: Where can I set up to collect signatures in my town?**

**A12:** Generally, you can petition on city and state public property, as well as public sidewalks. Libraries are tricky, and rules are different in each locality. Check first.

Libraries and schools have their own rules, although you can likely catch teachers in the parking lot, not in the school, as long as you don’t approach students. At public colleges or universities, you can be just about anywhere (hallways, doorways, cafeterias) except in a classroom, but sometimes they have processes to get a table outside the cafeteria or other central location. At private schools, student groups can get involved and do it, but not outside groups generally. They (the students) need to jump through hoops, and maybe get a table, etc. These private schools can reject your request.

Schools and universities vary, and what is perceived as public may not be public in the way we think. The Neenah Joint School District (NJSD) owns their property, not the city, and a written policy does not allow any petitioning in or on any school property, including parking lots. This was verified through the city, who at first gave permission to be on the premises during an

election as many polls are housed in schools, but the city also learned the campuses were exempt as NJSD property is a separate entity and they write their own rules.

UW-Fox Valley only allowed petitioning in one area outside of a building and it rendered little signatures so the volunteer did not utilize more than a couple of times. UW-GB allowed a table inside, but later sent them outside after weeks of being inside.

Parking lots at grocery stores, etc. are private property and require permission from owner/manager.

At Farmer's Markets it depends where they are being held. If it's on public property, you have a right to petition there. Farmer's Markets may be off limits within their perimeters. In Neenah, *Future Neenah* has sole rights to their market area during their markets - the UTA group was told that for literature distribution and conversation only they could be nearby in certain areas only, not in the inner circle. In Menasha they were allowed to table in their market area, but with permission and only for doing education, no petitioning. Appleton too; only outside of the perimeters of their market is allowed. The organizations that run them have special rights due to permits and may limit or exclude these types of activities. You often can collect petition signature on public land where the farmers market is being held. You can be on any public sidewalk, as long as you don't block doors, and in any park.

In Evansville there was tangible resistance, within the power structure (Mayor was against), to the United to Amend effort, but the resistance did not represent the majority opinion. There is only one polling place in Evansville – in a building that is a combination community center and senior center. This center is funded by both public and private money, much of it city money – so it is only quasi-public. This led to some resistance to the team collecting signatures for the petition drive – and the information provided by the GAB for this situation is ambiguous. So there was some tension on the election day when they tried to collect signatures – and they decided to abandon collecting signatures at the polls. They collect signatures by other means - and this resulted in a very impressive 80% approval.

In Oshkosh a lot of the polling places have been moved to churches – which are private property. At least one church administration was vehemently opposed to signature collections. Most of the other churches did not respond to a letter sent – so it took more work to meet someone who could make a decision.

Your strategy for collecting signatures on an election day should compare the number of volunteers you have with which polling sites are open and which have the largest voting traffic – to be most effective.

Best practice: Rules vary by location. Talk to the people in charge wherever you intend to circulate, so they are not surprised and nobody's feathers get ruffled.

**Q13: Can United to Amend informational meetings and presentations be held in public libraries?**

**A13:** Mostly: Libraries usually allow meetings to be held without constraints. However, the Reedsburg Public Library told our volunteers that when hosting public informational events, they cannot use a sign-in form that requests contact information in order to build membership in a particular group or for a particular cause. The group found a "get-around" by having a form that asks attendees if they have any other concerns they would like addressed in future *informational* events. As with all such civic events, check with the facility manager to avoid negative interactions.

**Q14: What should I do if the city/village clerk says they will not send the resolution to the state and federal representatives serving their municipalities?**

**A14:** We had a few challenges regarding this in the early years. That is why we now have the final "Be It Further Resolved" statement on both the petition and in the full resolution.

In one case the clerk said that we should do that rather than the city. Our champion in that community said that it was important that the city send out the letters, and the resolutions, on City Stationary, to let our representatives know that this resolution is authentic, rather than just being made up and sent by our group.

The clerk then asked where the bill for preparation time and postage should be sent. Our champion said that this is part of the official city business, and that ordinarily the city would pay for this, and that no other city or village had asked us to pay for it. In addition, our champion told the official that if this was a burden he would print the letters, envelopes, postage, if the clerk would give him the official stationary to do it - and he would bring them to the clerk for signing. Our champion was aware that it would be unlikely that the clerk would part with official City Stationary, for fear someone could send out illicit mail appearing to come from the city. Ultimately, the clerk decided to do all these things himself, at no cost to the group.

We suggest you be persistent, call the city clerks and present arguments a) mention the "Be It Also Resolved" statement on the petition and resolution, b) the other communities that have passed the resolution have seen it as a cost of regular business, c) offer to print out everything on their stationary and bring it back to them for signing – knowing they likely will not give up their letterhead. If done with patience, kindness, and persistence, some should see the need to do it themselves. If they still refuse, call us to discuss options.

Ultimately, if they will not do it, we cannot make them – don't get stressed if they won't. Save your strength for the movement.

**Q15. Why are unions included in the language of point 1. on the petition?**

**A15.** Some persons will ask why unions are included in the wording of the amendment. And, though rare, some leaders in unions might take offence to this. While most unions are corporations, the word "unions" is included on the petition to make it clear that they should not have the constitutional rights meant for only humans any more than corporations should have

them. We have found that if unions are not spelled out on the petition, some conservative voters will see the effort (right or wrong) as a liberal effort and not sign the petition – and some will vote NO on the ballot.

We have had persons say they cannot sign the petition because it includes unions. And we have had a person who was considering helping the local group until she saw that unions are included – then did not help. Our response in both cases is to thank them for speaking with us but we believe it is important to building a movement that we include **all entities** that are not human.

We are building a non-partisan movement and have to be sensitive to the interpretations of all citizens. Also, we have gotten feedback from a couple of town board members in communities that they thought it was important that unions are explicitly identified.

Alternatively, we are occasionally asked if we include unions with the corporations in our amendment – by conservative citizens who have not read our petition or materials. For some this is how they judge the movement validity. It is a nice feeling when you can point to the word on the petition and say, “**you bet!** only human beings should have constitutional rights. All others should be granted privileges to protect their interests.” Conservatives who are shown this will likely sign – we have passed their test.

**Q16. What do we do if we do NOT get the required minimum 15% signatures within the 60 day period?**

**A16.** This has happened in two communities in WI. You have two options:

- 1) You might consider continuing to collect signatures if you are close AND you did not collect a lot of signature on the first few days of signature collection. If you continue to collect the signatures, those you collected on the first and subsequent days will become disqualified for each day you continue. You will have to do the math to determine if this will help.
- 2) In both communities where we did not meet the 15% threshold, the United to Amend groups brought the signatures they had to the council and asked them to put it on the ballot anyway. While the council could have said no, both put it on the ballot – without changing the language. And when it passed with more than 50% in both communities, the cities passed the resolution.

This is one of many reasons that we suggest to each local UTA group to build relationships with the clerk *and* board members up front – with respect and kindness. The board or council is made up of citizens like you – and most of them can see that our democracy is threatened by the big money in politics. Our suggestion is less to sell your municipal representatives, and more to educate them with respect – so you don’t lose them.

**Q17. Where can we get maps to make routes for doing door-to-door petitioning?**



**A17.** Some municipalities have maps of the community (possibly called “address maps”) that you can purchase inexpensively. These are often great for copying and printing sections of – to show your petitioners their routes. We found that the City of Sun Prairie has maps on its site in PDF format. One document shows the whole city on one page. But they have another PDF that breaks the city into 8 pages. Printing them out individually is a good size for outlining routes for door-to-door canvassing. And one page has the names of the streets in the city listed.

Another way to get maps is to go to [googlemap.com](http://googlemap.com) or another mapping site and print sizes that are useful. This sometimes gives pdf maps with poor resolution on street outlines.

Try to find someone in your circles or in your group that has mapping skills.

### **Q18. Should nearby communities work together?**

**A18.** OMG, yes. There are multiple benefits from communities working together:

- People know people in other communities they can talk to – to get the word out and find volunteers,
- Each community has people with different skills and interests that they contribute to the other communities during the referendum work,
- Communities can share ideas and suggestions about what to do,
- The pitch is more impressive when you say other local communities are involved,
- Some people in nearby communities read each other’s papers and there is more awareness building, and
- When one community is falling behind in its petition signatures, the people from the other community can pitch in.

### **Q19. Comparing the wording on the referendum to the wording of the bills introduced in the Wisconsin legislature, they are different – why?**

**A19.** The first goal of UTA in Wisconsin is to get our State Legislature to call for the passing of the *We The People* amendment bill that has been introduced in both houses of Congress. There is no mechanism in the Wisconsin Constitution that allows the citizens to force the legislature to make the call for the U.S. constitutional amendment. Thus WIUTA is growing a movement to persuade our legislature to call for the *We The People* amendment. We are doing this by first getting many local municipalities to pass resolution asking the state to do this.

The language on the petition is the same as in the related resolution we seek to have each municipality pass. This language honed to be succinct, clear and indicative of the language of the *We The People* amendment.

In concert, we have worked, and continue to work, with friendly legislators in the WI state legislature to introduce bills in calling for passage of the U.S. constitutional amendment. This has resulted in the two State bills included in the UTA Handbook – one introduced in each of the state assembly and the state senate during each of the legislative sessions starting 2013, 2015, 2017 and 2019. The language of these bills depends on what we can negotiate with the legislators at the beginning of each session – and it changes slightly for each session. Most of

the difference relates to the nature of the lawyer constructed state bills – it is legalese, and the resolutions are citizen friendly

In short, we have developed our referendum question to be easy to understand by voting citizens. For each legislative session the language we are able to negotiate complements the citizen friendly resolution language.

**Q20. I want to start collecting signatures at the polls during the upcoming election but the council (or board) does not meet again until after the election. What can I do?**

**A20.** This question is prompted by the understanding that our recommendation is for you to build relations with your local council or board prior to starting the petition signature collection to put our referendum on a future ballot. Most communities try to get on the agenda at a council/board meeting prior to collecting signatures to show respect by alerting the council/board about what their intention is.

If you want to start collecting signatures at the polls and cannot get on the council/board agenda before that, you can do one of these:

- a) You can start collecting signatures without alerting the board – then make an apology with them at the next meeting after the election. This is not the preferred method. If you do choose to do this, we still recommend that you discuss your intent with the city/village clerk and the police department.
- b) You can give the clerk a package of information that includes the petition, a copy of the full resolution, a letter suggesting that you intend to get on the agenda for the next meeting after the election, and any other information that you believe will comfort the council/board members. And if your team has time, you might consider calling each of the members to ask if they have any initial questions. The champion in the Village of Spring Valley used this approach.
- c) Or, you can delay the signature collection until after this election and still have plenty of time to collect signatures to put the referendum on the next election ballot. Your group will assess the dispositions of the board members, the clerk, the police and other elements of you community in assessing the best option.

**Q21. Due to a form copying error, some of the petition sheets we collected signatures on do not have the top line “PETITION FOR DIRECT LEGISLATION” showing. Are the signatures on these forms still legitimate = will be counted?**

**A21.** We asked a woman at the GAB. She said that for a petition for direct legislation, those signatures would be invalid.” We suggest you turn them in to the clerk with all the other forms – the clerk might accept them. And perhaps you put this challenged petitions at the bottom of the pile – and maybe the error will not be noticed. This is one example of why we suggest groups collect up to 20% signatures rather than the minimum 15% signatures.

**Q22. If we collect signatures early enough to get on the upcoming April election, can we ask the council/board to put our referendum on the following November elections instead?**

**A22.** The short answer is yes = you can ask.

The long answer is: You have options. State statute 9.20 (4) says the council "shall, without alteration, either pass the ordinance or resolution within 30 days following the date of the clerk's final certificate, or submit it to the electors at the next spring or general election..." The council/board has options.

We suggest you decide first, whether you want to have it on the April or the November ballot. The advantage of asking them to put it on the next (April) ballot is that there is less opportunity of nefarious attempts between April and November. If you have a friendly council this is not a concern. If you have enough "politically oriented" opponents this might be a concern. The advantage of the November election is that there will be a lot more people voting and your education is wider reaching.

Whatever you decide, you will ask of the council – at the next council meeting after the clerk certifies the results. Regardless of this issue, you want to have as many people in the chamber – some wearing T-shirts or buttons – to show a strong presence.

At the council meeting after the certification – where they must have this on the agenda – if you say nothing about which election you prefer, they will likely, naturally pick the next (April in this case) election. As long as there are more than 70 days until the April election, and you prefer that election, than you need not say anything.

If at that meeting they, unusually, lean toward putting it on the next November election, and you want it in April, you will have to speak up. You can respectfully request them to put it on the April election. But, depending on our local political environment, you might just accept it in November.

If you want it on the November ballot, you can respectfully request that of them - and they can accept or reject this idea. And remember, at that meeting they can decide not to put it to a referendum – and pass the, with your language, at that meeting. If this suggestion comes up remind them that you really hope they “will let the citizens be heard” by referendum.

So, if you prefer to have the referendum on a later ballot, you can ask and hope.

**Q23. Can I change the petition form from the suggested template provided in the Handbook on the WIUTA website?**

**A23.** The shortest answer is DEFINITELY DON'T. We have had challenges by a couple of municipal boards/councils based on past customized preambles on the petition forms. We suggest you do not alter the petition form other than inserting the community name where indicated on the form. However, you should always have the full resolution on the back of the petition which is consistent with the suggested Full Resolution in Chapter 5 of this handbook.

**Q24: A board member asks: Why should we (local board/council) get involved in national issues we have no control over?**

**A24: (Short version):** Maintaining a functioning Republic is not a national issue – it is a citizen responsibility. Municipal involvement is not only appropriate, but necessary. When the upper levels of power no longer listen to the American people, the citizens need to build power to demand representation. We The People includes our local representatives to support the effort

to create change – citizen voting on referenda and municipal bodies passing resolutions in support of an amendment magnifies the voice for change. We are not telling them what they HAVE TO do, we are telling them what the people want them to do – through referendum and resolution instruments of democracy.

**(Long version):** Maintaining a functioning Republic is not a national issue – it is a citizen responsibility. Municipal involvement is not only appropriate, but necessary. When the upper levels of power no longer listen to the American people, the citizens need to build power to demand representation. We The People include the local representatives to support their effort to create change – citizen voting on referenda and municipal bodies passing resolutions in support of an amendment magnifies the voice for change. We are not telling them what they HAVE TO do, we are telling them what the people want them to do – through referendum and resolution instruments of democracy.

The Framers created two paths for a constitutional amendment in Article V of the constitution. Either top down OR bottom up. For “top-down,” the congress creates an amendment for reform and gets the states to “ratify” or approve it. How many of you believe this is currently probable? By “bottom-up” the citizens get their states to call for amendment. The **States** create the amendment, then the **States** ratify it – w/o the need to involve the corrupted federal political system.

So, We The People have started a national movement to get our States to make this call for the amendment. We are doing this by asking our local municipal leaders to give us a needed voice to our legislators. We are asking YOU to give the citizens of (your town) that voice by first putting our referendum on the ballot and then responding by passing our resolution for this call. Our individual voices have been muffled – we are asking for a community voice.

**Q25: How can I respond if a council or board member suggests that the citizens do not understand the issue of money in politics and therefore should not be asked to vote on it?**

**A25.** This concern/belief was actually raised in one Wisconsin community – even if it is disturbing. The champion thought this was raised for one of the following reasons: (1) to whatever extent they understand the Citizens United ruling, they don't think it should be overturned, or (2) they never heard of the Citizens United ruling, don't understand the issue, so assume the voters can't.

We suggest your best response is to TRY to show them that citizens DO understand that there is too much money in politics, and they DO understand that something must be done; even if they are unaware to the Citizens United ruling or the history behind it. Also, where this is proposed by a conservative, you should suggest that “I have confidence in the intelligence of voters, and I hope you do too.”

We suggest you pick from the responses listed here and prepare a rebuttal:

a) National poles related to money in politics and the need to reform the corrupted political system have ranged from 80% to 96% of people say the big money in politics is a problem that hurts our republic and has to be fixed. This suggests an average about 88% understanding that we need reforms.

b) In communities where we collect signatures we have found that people clearly get the big money in politics by corporations and the superrich is undermining our republic. Even if people don't know about Citizens United (and we do not include mention of it in the ballot question) most are enthusiastic about signing our petition. Our signature collectors often report that it is fun collecting signatures because people easily get what we are doing and want to vote on it.

c) Of the 163 resolutions passed, 108 held referendum and the citizens voted an average 80% YES vote. This suggests that they do understand the issue and question.

d) When we hold education presentations, people quickly connect the corruption caused by big money in politics and the need for an amendment to clarify that only human beings have constitutional rights - and that money is not speech.

e) The people should be allowed to speak about whether we need to pass an amendment that will allow us to restore our representation.

f) If you cannot convince the board, or the lawyer, that the people are capable of understanding this and voting on it, I suggest you default to asking them to *represent* their constituents and pass the resolution directly – to call for the amendment.

If you can get some time to meet with the board member who made the claim, or the municipal's lawyer, you might discuss some of these arguments to see if you can get her/him to change her/his mind or suggest to the board to pass the resolutions directly, w/o a referendum. Perhaps you will change your fortunes if you can get another hearing at the next council/board meeting.

**Q26: What can I tell the clerk if s/he asks what should be put in a Class A or a Class C Notification in the local newspaper?**

**A26:** We have worked with a community to develop their notification in the newspaper. Document “5.1 Type A and Type C Notice examples.doc” in Chapter 5 of the City/Village Handbook is what we came up with. We suggest you send this document to any inquiring clerk or municipal agent so they can just modify it to their needs if they choose to.

**Q27: What do we do if the council or board refuses to put the referendum on the ballot after the signatures have been certified?**

Pre-note – it is very important to not change anything on the petition form. We have had a couple of challenges by councils – resulting from incremental refining of the language on the front of the petition. This does not ensure a board or council that is bent on not complying won't challenge – hoping that you don't push back.

**A27:** If the council or board refuses to put our referendum on the ballot you have several options:

- a) Let it go – and perhaps try again in the future with a more receptive board.

- b) Go back to some of the council board members and lobby to have them change their opinion/vote. Perhaps try to negotiate actions the team can take for the board/council to put it on the ballot. This might include a statement and supporting information from a lawyer member of United to Amend. This might include finding a couple of highly respected community leaders to meet with key council/board members to get them to change their minds.
- c) Ask them to pass the resolutions directly if they don't want a referendum.
- d) File a complaint with the Wisconsin Ethics Commission (WEC) to review the decision. This will allow us to get a clear decision from the WEC. If the Commission rules in favor of the board/council, nullifying the intention of Statute 9.20, we recommend considering a review/appeal in court. WIUTA will seek to provide substantial support for both levels of challenge.

If you are refused, please contact someone from Wisconsin United to Amend to discuss the options in more detail so you can make your best choice – and we can track this situation. WIUTA defers the final decision to the local community leader.

**Q28: What does it cost to add a referendum on a ballot?**

**A28:** This is not clear. However a member of the Green County Board told a member of the Town of York Board that April ballots tend to have so many changes between communities that they're all different anyway – so there would be no cost. However, later the county said to the town that there would be a charge. The UTA champion negotiated with the town/county by reducing the language on the ballot to reduce the cost – so this community's UTA ballot language is a little different than most others.

We have pared the language on the ballot to its shortest possible, while still giving voters the context for what they are voting on. Try to get the board or clerk to not truncate it.

The current version of the suggested ballot language (document “5.F Proposed Ballot Language) tries to optimize for cost. If you negotiate shorter language, make sure you maintain the language of the bullet points as shown in this document – these are the most important part that we are trying to keep very consistent.

If a town asks about the cost, tell them this primarily has not been a problem so far. If the town is resistant, suggest that if they will get the cost you will see if you can find a way to reimburse them. More than one resistant town saw our interest and determination and just paid the cost. I believe not town so far has ultimately refused based on cost (I'm not absolute on this.) We have no information on what it would cost for a city or village.

If the municipality or the county says that the cost is too high to put this on the ballot and they do not have the money in the budget for it, your argument becomes an existential/moral one. One point of, lost, data suggested the cost is less than 10 cents per ballot. Consider the moral issue, something like “do we really want to start denying our voters the right to democracy for a few cents per ballot?”

One of our champions made a novel, but sincere, offer: “When three towns brought up the issue of cost, I said, and I quote, ‘I believe in this movement so much that if you receive a detailed bill from the county clerk specifying the cost, I will pay it out of my pocket.’ I never received a bill.”

In 2019 a local champion ran into a rare situation. In Oneida County, the County charges any government agency to put a referendum on the ballot in any election where there is no “municipal officer” seat election on the ballot. The small towns that have only three board members only run elections for the board seats every other two-year cycle – with all seats on the ballot together. If a town puts a referendum on the ballot during this cycle, the county charges an extra cost for that referendum.

Towns that have five or more board members split the seat elections between both of the two-year cycles – so there is no “off-year” to charge for.

For example, in April 2020, the State ran a referendum question – and paid the cost in off-cycle small towns because they can afford to. The UTA champions in the county decided not to ask some affected towns – where it is an “off year” for the three-member boards – to put our referendum on the ballot. They decided to wait until the next cycle to bring the referendum back to the town – when there will be no cost.

This appears to be a unique, at least rare, case across counties – Vilas County, just north of Oneida County, does not charge extra for this “off-year” situation. The charging for referendum on the ballot is determined by each county independently and often differently. Also, the cost may be different for paper ballot machines compared to paperless ballot machines.”

All this suggests that the local champion might inquire with the town clerk whether there are situations where costs can be avoided or minimized. And in counties with rules similar to Oneida County, the champions might delay asking for our referendum in small towns until a year where the board members are up for election – to avoid the cost.

For example: luckily, our disciplined champion in Oneida County did get cost figures for the one city in the county, Rhinelander, and several of the towns as follows:

Crescent - \$821.25

Hazelhurst - \$636.25

Lake Tomahawk - \$802.50

Newbold - \$1110.00 (would have been billed as they had board members on the ballot also)

Pelican - \$958.75

Pine Lake - \$965.00 (would have been billed as they had board members on the ballot also)

Woodruff - \$1015.00 (would have been billed as they had board members on the ballot also)

Rhinelander - \$2800.00 (would have been billed as they had board members on the ballot also)

The cost here varies because it is based on the number of ballots they will print – which is based on the number of voters in the community. The notes in parentheses here relate to the earlier discussion. There is no added cost for the referendum for those communities (with notes in parentheses above) that had council or board seat contests during that election. So planning might make sense for small towns in counties where they have rules similar to Oneida County.

We currently know no other counties where this applies – but the point here is that it makes sense to be aware of your county’s rules for costing.

In summary:

Where a board member says they will have to pay for the referendum and can’t afford it, first try to verify that with the county clerk. If this is true, then we suggest you try to appeal to their sense of value of investing in our democracy.

Tell them that if we want our democracy to continue, we have to invest in it. Ask them if they believe the “swamp” is working to the people at this point. Consider Question: **Q23: Why should we (local board/council) get involved in national issues we have no control over?** in this document.

Opine that: One way we can protect our local interests is for We the People to start to hold them accountable. And these referenda are one way we build power to demand reform – by showing them en masse by our referendum votes, even if only as an advisory resolution by the communities.

Ask them how many times have they had to deal with unfunded mandates by the state that they felt they couldn’t afford – but had to come up with the money. If you can find a specific incident in your county, use that because it is more powerful than a general statement. And ask them how often the state has taken away their ability to meet the needs, safety and security of the citizens of their town or county. Follow that by asking them if they are aware of the more than 160 rules, laws and unfunded mandates that the State passed behind closed doors between 2010 and 2017.) Before you use this argument, make sure you have a copy of the supporting document: “LegFisclBureau local control memo updated 011818.” Contact George or Jim for a copy of this and maybe other docs to support this statement.

**More Q&A will be added as identified.**