

Understanding Proposed Amendments to the Wisconsin Constitution in a Christian Context

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Wisconsin voters who cast ballots in the Spring Election on April 2, 2024, will be confronted with two questions on their ballot that, if they receive a majority of “yes” votes, will amend the Wisconsin Constitution. It is important for all Wisconsin voters to understand these questions and what they would mean for our state’s constitution if they receive a majority of “yes” votes. And it is important for all of us who profess to be followers of Jesus Christ to consider the impact of these proposed amendments in the context of our shared faith. So, before exploring the practical implications of these ballot questions, I invite you to ponder the question of how God calls us to discipleship in Jesus Christ and what that call means for us in our public lives, including how we cast our ballots in elections. How we respond to the invitation of grace to give our lives to Christ—including how we live our civic lives—should be a front-of-mind question for everyone who proclaims themselves to be a follower of Jesus.

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A Christian faith contextual perspective on engagement in public life

The call to discipleship and to public witness of the gospel is one of the very first priorities addressed in the Gospel According to Mark. From the opening words of Mark’s gospel, Mark doesn’t mince words or waste time in telling us the good news. He jumps right into the story of Jesus’ ministry: John the Baptist is arrested, and Jesus comes to Galilee and proclaims the good news of God. That good news, according to Mark, is that the time is fulfilled, the kingdom of God is near, and people must repent. Immediately after announcing this good news, Jesus calls his first disciples, two brothers named Simon and Andrew, who are fishermen. Jesus’ enticement to them is that if they follow him, he will make them fish for people. Mark tells us that Simon and Andrew “immediately” left their nets to follow Jesus. The scene repeated itself a little while later, when Jesus called two other brothers who also were fishermen — James and John — and they left the boat in which they had been fishing with their father and his hired men, and followed Jesus. (Mark 1:14-20)

As Mark tells it, Jesus called these fishermen to discipleship to make them “fish for people.” What an odd turn of phrase! Perhaps those of us reading Mark’s gospel today might think that Jesus was just using a play on words, given these first disciples’ trade as fishermen. Overwhelmingly, contemporary views of this phrase understand it as a call to evangelism; that is to say, Jesus was inviting these four to join him in recruiting others to join the Jesus movement. But there is another

way of interpreting the phrase “fish for people” that is more grounded in its use in scripture and the historical understanding of the Jewish people. In his groundbreaking book, *Binding The Strong Man: A Political Reading of Mark’s Story of Jesus*, Ched Myers explains:

“There is perhaps no expression more traditionally misunderstood than Jesus’ invitation to these workers to become “fishers of men” This metaphor, despite the grand old tradition of missionary interpretation, does not refer to the “saving of souls,” as if Jesus were conferring upon these men instant evangelist status. Rather, the image is carefully chosen from Jeremiah ..., where it is used as a symbol of Yahweh’s censure of Israel. Elsewhere the “hooking of fish” is a euphemism for judgment upon the rich ... and powerful Taking this mandate for his own, Jesus is inviting common folk to join him in his struggle to overturn the existing order of power and privilege.”

This call to fundamental, systemic change is underscored by Jesus’s use of the term “repent.” Unfortunately, contemporary use of the term “repent” focuses so much on using it to shame and browbeat people for what is characterized as engaging in sinful behavior that it has been stripped of its original meaning and is instead seen as a term used by Christians to judge others. But the Greek word used in the earliest versions of Mark for “repent” is *metanoia*, a word that means a fundamental and complete change of heart and life. The call that Jesus makes to these first four disciples is, therefore, one that he intended to bring about fundamental change to the social and religious structures that rewarded and protected the rich and powerful at the expense of the poor and the oppressed. It is not a call just to personal transformation, but to societal transformation through collective action.

In telling this call story right out of the gate, Mark seems to be trying to tell us something about our own call to discipleship in Jesus Christ. My own experience, formed over decades, is that faithful self-reflection about the purpose and impact of my life and my labor—considering what I am to do with the gifts with which God has blessed me, or, as Mark frames it, how is God calling me to fish for people—has brought me to a realization that I cannot separate my faith from my civic and professional life. Consistent with the call to discipleship and to living in the way that Jesus teaches, I cannot help but work toward building a more just, equitable, and generous community, one in which power, control, opportunity, and wealth are not concentrated in the hands of the privileged few. And I also see now that all facets of my life must be grounded in that calling, including the work I perform as a lawyer with the opportunities, privilege, abilities, and talents with which I have been graced. Consequently, over time, I have shifted my legal practice from one focused purely on commercial litigation to one that is dominated by representing the interests of individuals and groups from mostly historically marginalized communities in voting rights, redistricting, and election law cases.

So, as we approach our opportunity to elect people to serve in public offices this spring, and to vote on proposed amendments to the Wisconsin Constitution, I encourage you to question how the

decisions you make in casting your ballot reflect how you are called by God to discipleship in Jesus Christ, not only in serving your faith community, but in your public life as well.

The process of amending Wisconsin's Constitution

Before launching into the questions themselves, it is important to understand how the appearance of these questions on April's Spring Election ballot ties into the process of amending Wisconsin's Constitution.

Wisconsin adopted its Constitution in 1848, shortly before being admitted into the United States of America. We have never had any constitution other than that first one, adopted 176 years ago. Although our first constitution is still in effect, it has not remained static; it has been amended 148 times since it was adopted, with the most recent amendments coming just last year. But how many people in Wisconsin understand the process by which our constitution is amended? And how many understand how the questions that appear from time to time on our ballots are connected to the constitutional amendment process?

Unlike other states like Michigan, Wisconsin citizens cannot initiate an amendment to the Wisconsin Constitution. In Michigan, for example, citizens may petition to have a question placed on the statewide ballot that would amend the Michigan Constitution. That is exactly what Michigan voters did in 2018 when they approved a petition submitted by citizens that amended the Michigan Constitution to transfer the power to draw the state's congressional and legislative districts from the state legislature to an independent redistricting commission. In Wisconsin, by contrast, amendments to our state constitution may be initiated only by the Legislature in either of two ways: through ballot questions (art. XII, § 1) or by calling a constitutional convention (art. XII, § 2). Wisconsin has had only two constitutional conventions in its history: one in 1846, which produced a constitution that was not approved by the voters; and a second in 1847, which was approved by the voters and resulted in our current constitution. No constitutional convention has been held since 1847.

All of the 148 amendments to Wisconsin's Constitution have come through ballot questions. This procedure has three steps. First, a majority of the Assembly and a majority of the Senate each must approve an amendment to the constitution in a legislative session. This vote is not subject to veto by the Governor. Second, in the next new legislative session following a general election, a majority of the Assembly and a majority of the Senate must each again approve the proposed amendment. Again, the vote is not subject to gubernatorial veto. If the amendment also passes this second legislative session, then it must be submitted to voters as a ballot question for approval by a majority vote. If a majority of voters approve the ballot question, it effectuates a constitutional amendment.

The ballot questions that will appear on the April 2 ballot have already been approved by majority votes in the Assembly and in the Senate in two successive legislative sessions. So, the vote on the ballot questions on April 2 is the third and final step in this process for the proposed constitutional amendments. In other words, if a majority of voters who return ballots in the April 2 election vote “Yes” on either question, the question(s) with a majority “Yes” vote will be added to the Wisconsin Constitution.

The questions that will appear on the April 2 ballot

There are two ballot questions that will appear on the April 2 Spring Election ballot.

Question 1

The first question, which will appear as Question 1, reads as follows:

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?”

The background for this proposed amendment is that in 2020, Facebook founder Mark Zuckerberg and his wife, Dr. Priscilla Chan, donated a total of \$350 million to the Center for Tech and Civic Life (CTCL), an existing nonprofit based in Chicago that describes itself as “a team of civic technologists, trainers, researchers, election administration and data experts working to foster a more informed and engaged democracy, and helping to modernize U.S. elections.” Approximately \$10 million of those funds were used by over 100 municipalities in 38 of Wisconsin’s 72 counties that applied for and received funding to cover the increased costs of administering elections during the COVID-19 pandemic. The funds that were donated were given to support the following types of expenses:

Poll worker recruitment, hazard pay, and training

Polling place rental

Temporary staffing support

Drive-through voting

Equipment to process ballots and applications

Personal protective equipment (PPE) for poll workers

Nonpartisan voter education from cities and counties

A majority “yes” vote for Question 1 would create a constitutional amendment banning the use of funds donated from private sources for future elections. Generally speaking, conservative groups and those that promote “election integrity”—meaning the most restrictive reading of voting laws—favor a “yes” vote on Question 1. On the opposite side of the spectrum, groups that seek to maximize the opportunity and participation of all those who are eligible to vote in our elections favor a “no” vote on Question 1.

An excellent summary of Question 1 and the positions of various groups both supporting and opposing this constitutional amendment may be found [here](#).

Question 2

The second question, which will appear on the April 2 ballot as Question 2, reads as follows:

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?”

Wisconsin’s statutes already provide extensive and rigorous requirements for “election officials,” a category that is more typically referred to as “poll workers” and includes chief election inspectors, election inspectors, greeters, tabulators, election registration officials, and special voting deputies. For example, among other requirements, election officials must be approved by the municipality from a list of nominees submitted by the two major political parties; must be able to read and write English; must be qualified voters in the county in which the polling place where they will serve is located; cannot be candidates on the ballot; and cannot be immediately related to any candidate on the ballot.

A majority “yes” vote for Question 2 would restrict the performance of tasks “in the conduct of primaries, elections, and referendums” only to election officials. Yet because Wisconsin Statutes currently provide that “only election officials appointed under” the two statutory provisions governing the appointment of election officials “may conduct an election,” it is unclear how the addition of this provision to the Wisconsin Constitution would enhance Wisconsin’s election laws. The Legislature has identified no specific need for this constitutional amendment, nor has it pointed to any shortcoming of the present statutory restrictions on who may serve as an election official. Consequently, it appears that the inclusion of this question on the ballot is an attempt to enshrine in the Constitution provisions that exist now only in statutes, which would make them much more difficult to change should political control of the legislature and the legislative process shift from its current state.

As with Question 1, conservative and “election integrity” groups favor a “yes” vote on Question 2, whereas groups that seek to expand access to and participation in voting favor a “no” vote on Question 2. There is a concern among some pro-democracy groups that amending the Constitution to include the provision reflected in Question 2 might lead to efforts to stifle current practices that enhance voter participation.

Further information regarding this constitutional amendment may be found [here](#).

A concluding perspective: bringing decision-making in our public lives back to our faith

To bring the topic of voting on the proposed constitutional amendments in April back to where this discussion began – a Christian faith-based context—I want to return to the opening words of Mark’s gospel, and in particular, Jesus’ directive that people repent. As contemporary theologians Marcus Borg and John Dominic Crossan have explained, one meaning of the word “repent” is to “go beyond the mind that you have.” Marcus Borg & John Dominic Crossan, *The Last Week: What the Gospels Really Teach about Jesus’s Final Days in Jerusalem* (HarperCollins ebooks 2009), pp. 24-25). The need to transcend our own practical, human reasoning by making decisions instead through the lens of Jesus’ teachings is similarly reflected in the observation that the apostle Paul makes in his letter to the Philippians when he implores his congregation: “Let each of you look not to your own interests, but to the interests of others. Let the same mind be in you that was in Christ Jesus.” (Philippians 2:4-5) This admonition applies just as much to us 21st-century Christians living in Wisconsin as it did to those first followers of Jesus 2,000 years ago. Let us keep it at the forefront of our minds in all that we do, including as we consider our choices in casting our ballots this April.

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