

# NOTICE OF REFERENDUM ELECTION

NOVEMBER 7, 2006

NOTICE IS HEREBY GIVEN, that at an election to be held in the several towns, villages, wards, and election districts of the State of Wisconsin, on Tuesday, November 7, 2006, the following questions will be submitted to a vote of the people pursuant to law:

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## 2005 ENROLLED JOINT RESOLUTION 30

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*To create* section 13 of article XIII of the constitution; **relating to:** providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

Whereas, the 2003 legislature in regular session considered a proposed amendment to the constitution in 2003 Assembly Joint Resolution 66, which became 2003 Enrolled Joint Resolution 29, and agreed to it by a majority of the members elected to each of the 2 houses, which proposed amendment reads as follows:

**SECTION 1.** Section 13 of article XIII of the constitution is created to read:  
[Article XIII] Section 13. Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.

**SECTION 2. Numbering of new provision.** The new section 13 of article XIII of the constitution created in this joint resolution shall be designated by the next higher open whole section number in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a section 13 of article XIII of the constitution of this state. If one or more joint resolutions create a section 13 of article XIII simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the sections created shall be numbered and placed in a sequence so that the sections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the sections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the sections.

*Now, therefore, be it resolved by the senate, the assembly concurring, That* the foregoing proposed amendment to the constitution is agreed to by the 2005 legislature; and, be it further

*Resolved, That* the foregoing proposed amendment to the constitution be submitted to a vote of the people at the election to be held on the Tuesday after the first Monday in November 2006; and, be it further

*Resolved, That* the question concerning ratification of the foregoing proposed amendment to the constitution be stated on the ballot as follows:

**QUESTION 1: "Marriage.** Shall section 13 of article XIII of the constitution be created to provide that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state and that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state?"

### EXPLANATION

Under present Wisconsin law, only a marriage between a husband and a wife is recognized as valid in this state. A husband is commonly defined as a man who is married to a woman, and a wife is commonly defined as a woman who is married to a man.

A "yes" vote would make the existing restriction on marriage as a union between a man and a woman part of the state constitution, and would prohibit any recognition of the validity of a marriage between persons other than one man and one woman.

A "yes" vote would also prohibit recognition of any legal status which is identical or substantially similar to marriage for unmarried persons of either the same sex or different sexes. The constitution would not further specify what is, or what is not, a legal status identical or substantially similar to marriage. Whether any particular type of domestic relationship, partnership or agreement between unmarried persons would be prohibited by this amendment would be left to further legislative or judicial determination.

A "no" vote would not change the present law restricting marriage to a union between a man and a

woman nor impose restrictions on any particular kind of domestic relationship, partnership or agreement between unmarried persons.

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**2005 ENROLLED JOINT RESOLUTION 58**

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**Relating to:** providing for an advisory referendum on the question of enacting the death penalty in this state.

*Resolved by the senate, the assembly concurring, That* the following question be submitted, for advisory purposes only, to the voters of this state at the November 2006 general election:

**QUESTION 2: Death penalty in Wisconsin.** “Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?”

**EXPLANATION**

This is an advisory referendum only. Neither a “yes” vote nor a “no” vote will directly make any change in the law. The Legislature and the Governor are not legally bound by the results of this advisory referendum.

The present penalty for first-degree intentional homicide is life in prison. The court imposing a life sentence may also prohibit the defendant from ever being released from prison. This is commonly referred to as life without the possibility of parole.

A “yes” vote would advise members of the Legislature that you want them to change the penalty for first-degree intentional homicide so that the penalty would be death when a person is convicted of first-degree intentional homicide, and the conviction is supported by DNA evidence. The referendum question does not suggest what level of DNA evidence would be sufficient.

A “no” vote would advise members of the Legislature that you do not want them to change the present penalty for first-degree intentional homicide at this time.

DONE in the \_\_\_\_\_ of \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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(Signature of County Clerk)

(Type C)