

Judge Blocks Unconstitutional Lame-Duck Session Laws

Written by League of Women Voters Wisconsin
Thursday, 21 March 2019 21:57 -

<http://newiprogressive.com/images/stories/S5/dane-county-circuit-court-s5.jpg>



Court undoes laws limiting the incoming governor's power, rules they were passed during an unlawful "extraordinary session".

MADISON – The Dane County Circuit Court ruled today in favor of the League of Women Voters of Wisconsin in our suit against the state legislature. During a lame-duck session last year, the Wisconsin state legislature passed a series of laws limiting the incoming governor's power, undermining the desire of the voters. Today's decision undoes the unconstitutional actions of the lame-duck legislature.

Judge Richard G. Niess ruled that the plaintiffs were likely to succeed in showing that the laws were invalid because they were passed during an unlawful "extraordinary session." The Wisconsin constitution empowers the legislature to meet only in regular sessions established by statute, or in a "special session" called by the governor. No constitutional provision allows for the legislature to call an "extraordinary session" on its own initiative. And for good reason. As the court concluded, "the people's liberty is imperiled by a Legislature that can meet at will any time, with little warning and even less of a published agenda."

LWVWI members, staff, and board sat in the courtroom Monday afternoon to hear the lawyer representatives give their arguments on behalf of the defendants and plaintiffs in the League of Women Voters v. Knutson case. LWVWI, Disability Rights Wisconsin, and Black Leaders Organizing for Communities, as well as Green County Clerk Michael Doyle (the only county clerk elected in Wisconsin as an independent), and three Wisconsin residents, are the plaintiffs represented in the matter by Madison and Milwaukee-based law firm Stafford Rosenbaum, nonpartisan nonprofit Protect Democracy, and law firm Robbins Russell. This lawsuit is the only one that sought to invalidate the entire "extraordinary session" as unconstitutional. Today Judge

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Niess made his ruling in favor of the plaintiffs.

The Executive Director of the League of Women Voters of Wisconsin, Erin Grunze, issued the following statement:



“Today’s court ruling is a victory for the people of Wisconsin, who are entitled to a government that represents their interests transparently, welcomes citizens’ input, and respects the limits of its constitutional authority. As an organization dedicated to voting rights and informed participation in government, we feel vindicated that the court saw the Legislature’s ‘extraordinary session’ for what it was—an unconstitutional act that harmed Wisconsin voters and taxpayers.”

The president of the League of Women Voters of the United States, Chris Carson added the following:

“The League stands up for democracy whenever it is attacked, and today’s victory is a huge win for fairness in our system of government. Elected officials have a duty to respect the state constitution under which they serve and honor the will of the voters above their own political interests. The actions of the Wisconsin legislature undermined the peaceful transfer of power that voters expected when they elected new leadership. Because of today’s ruling, the desires of Wisconsin voters will once again be intact, and the unconstitutional bills will be dissolved.”

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The League of Women Voters of Wisconsin is a nonpartisan political organization that advocates for informed and active participation in government. There are 20 local Leagues throughout Wisconsin. More information at lwwi.org.