



## The Governor's Veto Power: To What Extent Can the Governor Reject Legislation?

### WHAT IS A VETO?

Once the legislature has passed a bill, the bill is forwarded to the governor for his or her approval or rejection. A rejection is called a "veto." If the governor approves the bill, it becomes a law; if the governor rejects, or vetoes, the bill, in whole or in part, only the approved portion of the bill becomes law. If the governor fails either to approve or reject the bill within a specified time frame, the entire bill becomes a law.

In 1930, Wisconsin voters endorsed an amendment to the Wisconsin Constitution that grants the governor the right to veto partially any bill that contains an appropriation. Article 5, section 10, subsection (1), paragraph (b) of the Wisconsin Constitution reads:

If the governor approves and signs the bill [passed by the legislature], the bill shall become law. Appropriation bills may be approved in whole or in part by the governor, and the part approved shall become law.

The words are few and simple, but execution of this power has resulted in some complex legal and political wrangling.

### TYPES OF VETOES

There are two types of vetoes in Wisconsin: whole and partial. The governor may reject, or veto, any bill in its entirety. This is a whole veto.

As mentioned earlier, article 5, section 10, subsection (1), paragraph (b) of the Wisconsin Constitution allows the governor to veto partially any bill that contains an appropriation. An appropriation is an expenditure or distribution of state money. Perhaps the most famous appropriation bill is the state budget bill, which is approved by the legislature every two years.

The partial veto can be a versatile and powerful tool for the governor. Consider, for example, a partial veto in the 2005-2007 biennial budget bill. In July 2005 the legislature passed two different provisions in the budget bill that read:

The secretary of administration may not lapse or transfer moneys to the general fund from any appropriation account specified in para-

graph (a) if the lapse or transfer would violate a condition imposed by the federal government on the expenditure of the moneys or if the lapse or transfer would violate the federal or state constitution.

(2) TRANSFER FROM GENERAL FUND TO TAXPAYER PROTECTION FUND. There is transferred \$36,000,000 from the general fund to the taxpayer protection fund.

The governor then used his partial veto power and eliminated words to change the provisions to read:

The secretary of administration may transfer moneys to any appropriation account or FUND from the general fund.

By vetoing certain words in the provisions, the governor combined two completely different and unrelated sections of the budget bill to create a broad expansion of executive power. Read literally, the secretary of administration can now transfer money anywhere within the general fund or to other funds from the general fund. Such is the reach of the partial veto power.

Perhaps it is not surprising, then, that governors have been taken to court by legislators and other citizens who believe the partial veto power has been misused.

## **A SHORT HISTORY OF THE PARTIAL VETO IN WISCONSIN**

When faced with an appropriation bill that authorized more money than certain governors were willing to spend, governors have used the partial veto to strike a single number from an appropriation. For example, if the legislature approved an expenditure of \$100,000, the governor simply vetoed the last “0,” thereby reducing the expenditure to only \$10,000. Some legislators were convinced that this type of “digit veto” was an abuse of veto power, but the Wisconsin Supreme Court upheld the practice. The court reasoned that the Wisconsin Constitution granted broad veto powers, even if the governor used the veto to subvert the intent of the legislature. More recent supreme court decisions have allowed the governor to veto appropriation figures approved by the legislature and to write in a lower amount.

Similarly, if the legislature passed an appropriation bill prohibiting a certain activity that a governor believed should be permitted, the governor could simply change the word “cannot” to “can” by vetoing the “not” from the word. In this way, creative governors were able to create wholly new laws by vetoing particular letters and stringing together partial words to form new words and sentences.

Again, this kind of veto was challenged, but the Wisconsin Supreme Court upheld the practice, holding that it too fell within the broad powers granted by the Wisconsin Constitution.

However, in 1990, Wisconsin citizens approved a constitutional amendment to prohibit this type of veto. Article 5, section 10, subsection (1), paragraph (c) of the Wisconsin Constitution now explicitly states:

In approving an appropriation bill in part, the governor may not create a new word by rejecting individual letters in the words of the enrolled bill.

This change, in practice, has been only partially successful in limiting the creative veto powers of the governor. A governor may still, by creatively crossing out individual words, sentences, even paragraphs or entire pages of text, string together an entirely new provision to further his or her goals.

## **WHAT HAPPENS WHEN A BILL IS VETOED IN WHOLE OR IN PART?**

If a governor vetoes a bill in whole or in part, the legislature gets one more chance to pass the bill. The legislature can override the governor’s veto by approving the vetoed bill, or the vetoed portion of the bill, by a two-thirds majority in both the assembly and senate.

If both houses approve the vetoed bill or vetoed portion of the bill by a two-thirds majority—that is, if the houses override the governor’s veto—the bill or portion of the bill

becomes law despite the veto. However, if either house of the legislature fails to pass the bill or vetoed portion of the bill by a two-thirds majority, the bill or vetoed portion of the bill does not become law and only the non-vetoed portion of the partially vetoed bill becomes law.

## **SUMMARY**

Wisconsin provides the governor with one of the most versatile and powerful veto powers in the nation. Although the governor may no longer choose individual letters within a word to veto, he or she may strike individual words within an appropriation bill to refashion legislation. Additionally, the governor may reduce appropriation amounts by striking individual numbers and writing in a lower number. The legislature may override the governor’s vetoes, but only if it can pass the vetoed bill or vetoed portion of the bill by a two-thirds majority in each house.

# Governing Wisconsin: "Governor's Veto"

## Study Questions

1	If the governor vetoes a bill, either in whole or in part, can the legislature override it? Explain.	
2	How did the people of Wisconsin limit the "creative" veto power of the governor?	
3	You are the governor. Approve, veto, or partially veto this bill: "To improve graduation rates, the high school calendar is increased by 15 days. \$30 million shall be set aside to fund the program."	
4	Does a governor who can veto in part have more or less power than a governor who can veto only in whole? Why?	
5	Can the governor of Wisconsin partially veto a bill that reads, "The citizens of Wisconsin may carry concealed handguns when accompanied by a permit"?	
6	What reasons can you think of for why the partial veto applies only to appropriations bills?	

## *Governing Wisconsin: “Governor’s Veto”*

### *Study Questions in the Cognitive Domain*

1	If the governor vetoes a bill, either in whole or in part, can the legislature override it? Explain.	Yes, the legislature can override the veto if both the senate and the assembly pass the bill by a two-thirds majority vote.	Cognition
2	How did the people of Wisconsin limit the “creative” veto power of the governor?	In 1990, the people of Wisconsin approved an amendment to the state constitution prohibiting the governor from eliminating individual letters in the words of a bill.	Comprehension
3	You are the governor. Approve, veto, or partially veto this bill: “To improve graduation rates, the high school calendar is increased by 15 days. \$30 million shall be set aside to fund the program.”	Students should explain their action on the bill. Note: if students decide to partially veto, make sure they understand that they may strike words but not letters; they cannot add or change the number of days, although they can strike that part of the sentence. They may reduce but not increase the funding allotted for the program.	Application
4	Does a governor who can veto in part have more or less power than a governor who can veto only in whole? Why?	The partial veto gives the governor more power. It is difficult to override a veto, and a governor can drastically change the spirit of the law or the funding for a program with partial vetoes. Since 1931, there have been only 37 budget bill veto overrides and none since 1985.	Analysis
5	Can the governor of Wisconsin partially veto a bill that reads, “The citizens of Wisconsin may carry concealed handguns when accompanied by a permit”?	No. The partial veto can be used only on bills that contain appropriations (the distribution of money). This bill can be signed or vetoed only in its entirety.	Synthesis
6	What reasons can you think of for why the partial veto applies only to appropriations bills?	The governor’s partial veto power prevents the legislature from bundling several expensive programs into one bill and forcing the governor to approve or reject the whole bill. Some people like the partial veto because it limits government spending. Partial veto power on all legislation would violate the separation of powers.	Evaluation