

Wisconsin Institute for Law & Liberty: Former lawmakers, WILL enter extraordinary session lawsuit

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The News: Today at the Wisconsin Supreme Court, in League of Women Voters v. Legislature, WILL has filed an [amicus brief](#) on behalf of former lawmakers explaining how the extraordinary session in December 2018 is constitutional — just as extraordinary sessions have always been constitutional. Yet if the Dane County Circuit Court ruling is upheld, the legality of nearly 50 years of extraordinary sessions and over 300 legislative actions would be called into question.

The brief was filed on behalf of former Lt. Governor Margaret Farrow, Speaker of the Assembly Scott Jensen, Senators Terry Moulton and Leah Vukmir, and Representatives Garey Bies, Adam Jarchow, and Jesse Kremer.

The Brief - In Short: The Wisconsin Constitution states that “each house may determine the rules of its own proceedings” and courts have long held that the judiciary has no right to interfere with the internal rules and procedures of the legislature. For over 50 years, Democrats and Republicans have relied on that to call extraordinary sessions.

But a previous circuit court decision in Dane County deviates from precedent and the text of the Constitution to hold that extraordinary sessions are unconstitutional. In doing so, it jeopardizes the legality of hundreds of laws. For example, extraordinary sessions have been used by Democrats to pass tax increases (2009)

and Republicans to pass Right to Work (2015). Other extraordinary session laws include creating over \$100 million in school safety grants, providing the framework for financing of the Fiserv Forum (home of the Milwaukee Bucks and host of the 2020 DNC), election-law reforms, collective-bargaining agreements with law enforcement, and redistricting.

The Quotes: Speaker of the Assembly Scott Jensen: “The Dane County Circuit Court decision would make the legislature a less than co-equal branch of government, elevating the other branches of government above it. It would take power away from the people and be in direct conflict to what our founders intended when they gave the legislative branch the ability to determine its own rules.”

Lt. Governor Margaret Farrow: “On behalf of our coalition of former lawmakers, I thank the Supreme Court for giving us the opportunity to explain the long bipartisan history of extraordinary sessions and the dangers of the Dane County Circuit Court’s decision. It calls into question a number of laws passed in extraordinary sessions such as the recent school safety grants. We ask the Supreme Court to reverse the Dane County decision and protect the constitutional power of the legislature.”

What’s Next: The Wisconsin Supreme Court has scheduled oral arguments for the case on May 15, 2019 at 9:45 a.m.

Read the amicus brief [HERE](#).