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Testimony in Support of SJR 116

Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs

January 7, 2026

Chairman Kapenga and Committee Members,

My name is Kyle Koenen, and I am the Policy Director at the Wisconsin Institute for Law & Liberty, a nonpartisan law and policy center based in Milwaukee. Thank you for the opportunity to testify in support of Senate Joint Resolution 116.

SJR 116 addresses a longstanding and well-documented problem in Wisconsin government. The governor's partial veto power is extraordinarily broad and has been repeatedly used to alter, rather than simply reject, legislative policy decisions. Wisconsin remains a national outlier in the scope of this authority.

For too long, governors of both parties have acted as "super-legislators," carving out new policies by vetoing individual words, digits, and sentence fragments—far beyond what the original 1930 partial veto amendment ever intended. The result has been legal uncertainty, executive overreach, and a steady erosion of the separation of powers. Here are a few examples of how those line-item powers have been abused over the years.

- Governor Tony Earl pioneered the “Vanna White” veto by striking individual letters within words to form entirely new meanings, and Governor Tommy Thompson continued the practice in the 1987 budget. This led voters to approve an amendment in 1990 to bar letter-level vetoes.
- In 2005, Governor Jim Doyle employed a “Frankenstein” veto by deleting select words and phrases from a 752-word budget section to splice together a new \$427 million fund transfer that the Legislature had never approved. In reaction, voters approved an amendment in 2008 that barred this practice.
- Most recently, in the 2023-25 budget, Governor Tony Evers used a “digit-veto” to extend a two-year \$325 annual school funding increase until the year 2425—effectively locking in property tax hikes for the next 400 years.

These outcomes were never the intent of the original partial veto powers. The Legislative Reference Bureau put it plainly in a 2019 report:¹

¹ Legislative Reference Bureau - *Reading the Constitution*, Vol. 4, No. 1 (2019)

“There is no evidence that the partial veto power was originally intended to allow the governor to fashion new words or sentences or to embark on new policy directions not intended by the legislature.”

SJR 116 responds directly to this problem. The power to tax is among the most consequential authorities in government. Under our constitutional system, that power belongs to the legislative branch, which is closest and most accountable to the people. This amendment ensures that no governor of either party may use the partial veto to create or increase a tax or fee, or to authorize their creation or increase.

Importantly, SJR 116 does not eliminate the partial veto or undermine its legitimate use. Governors would retain the authority to veto entire provisions and to reduce taxes, fees or appropriations. What they could not do is use selective vetoes to impose fiscal outcomes that the Legislature never approved.

Concentrating too much authority in any one branch weakens democratic accountability and erodes the balance of power between the Legislature and the executive. SJR 116 reflects a basic principle that should unite legislators regardless of party. Fiscal policy should be set by the elected representatives who vote on it, not rewritten through the veto pen.

Wisconsin has addressed partial veto abuses before by amending its Constitution. This resolution continues that tradition by giving voters the opportunity to clarify the limits of executive power once again, while preserving the veto as it was originally intended.

Thank you for the opportunity to testify today. I respectfully urge your support for SJR 116 and would be happy to answer any questions.