

El. Bd. Op. 76-8 (Reaffirmed 2/25/08)

Summary:

Petitions under §9.20, Stats., to place an issue on the general election ballot may be circulated prior to June 1 preceding the election. (Issued to Roney L. Sorenson, April 21, 1976)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on February 25, 2008.

Opinion:

You indicate that you are interested in circulating a petition under §9.20, Stats., to place an issue on the November ballot. You also state that you "have heard that ... (you) cannot start petitioning until June 1 because §9.20 (2) mentions that the 'preparation and form of the direct legislation petition shall be governed by §8.15.'"

You therefore request the Board's opinion whether a petition under §9.20, Stats., to place an issue on the general election ballot may be circulated prior to June 1 preceding the election.

Section 8.15, Stats., concerns nominations for the September primary and sets forth the requirements for the preparation and form of nomination papers. In addition, it prohibits the circulation of nomination papers sooner than June 1 preceding the election.

It is the Board's opinion that "the preparation and form" referred to in §9.20 (2), Stats., refers only to the manner in which the petition is prepared. That is, it requires that the petition for direct legislation be in the same form as nomination papers. It does not, however, include the time restrictions of §8.15, Stats. Preparation and form should be interpreted to mean "how" the petition is prepared and not "when" it is prepared. The purpose of §9.20 (2), Stats., is merely to require that the form of the petition for direct legislation be in the same form as nomination papers are for the September primary and not to set any time limitations on the circulation of such petitions.

Hence, you are advised that you may petition under §9.20, Stats., to place an issue on the general election ballot prior to June 1 preceding the election.