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SUPREME COURT

No. 24AP729-OA

In the Supreme Court of Wisconsin

JEFFERY A. LEMIEUX and DAVID T. DEVALK,

PETITIONERS,

v.

TONY EVERS, in his official capacity as Governor of Wisconsin, SARAH GODLEWSKI, in her official capacity as Secretary of State of Wisconsin, and JILL UNDERLY, in her official capacity as Wisconsin State Superintendent of Public Instruction,

RESPONDENTS.

NON-PARTY BRIEF OF THE BROWN COUNTY TAXPAYERS ASSOCIATION IN SUPPORT OF PETITIONERS

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ISSUE STATEMENT

Wisconsinites delegated a limited partial veto power to the governor. Article V, Section 10(1)(b) of the Wisconsin Constitution states: "Appropriation bills may be approved in whole or in part by the governor, and the part approved shall become law." Section 10(1)(c) provides: "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 …."

Governor Tony Evers has attempted to alter a bill that authorized increases to property tax levy limit for school districts. Among other things, he rejected the alphanumeric characters in red below:

SECTION 402. 121.905 (3) (c) 9. of the statutes is created to read:

121.905 **(3)** (c) 9. For the limit for the 2023–24 school year and the 2024–25 school year , add $325 to the result under par. (b). **Vetoed In Part**

If permissible, the law will read: "For the limit for 2023-2425, add $325 …." A policy will be codified that increases levy limits for hundreds of years even though the legislature did not approve an increase past the 2024-25 school year.

Did Governor Evers transgress the partial veto power?

ARGUMENT

Yes. This Court should:

(1) interpret "part" in Section 10(1)(b) as referring to the substance of a bill; and

(2) hold that Governor Evers transgressed the partial veto power because the extra 400 years were not a substantive part of the bill.

Alternatively, this Court should hold that Governor Evers violated Section 10(1)(c).

I. This Court should consider the substance of a bill.

A "part" of a bill refers to the substance of a bill. How the substance is conveyed (i.e., a bill's form) is irrelevant under Section 10(1)(b). After all, a bill is a "policy proposal"—not a series of alphanumeric characters. *Bartlett v. Evers*, 2020 WI 68, ¶241, 393 Wis. 2d 172, 945 N.W.2d 685 (Hagedorn, J., concurring); *see id.*, ¶¶175-76, 180 (Kelly, J., concurring/dissenting); *see also Risser v. Klauser*, 207 Wis. 2d 176, 190 n.10, 203 n.19, 558 N.W.2d 108 (1997) (quoting *CUB v. Klauser*, 194 Wis. 2d 484, 506 n.13, 534 N.W.2d 608 (1995)) (explaining this Court looks at the substance, not the "form," of a bill when determining the constitutionality of an attempted partial veto under Section 10(1)(b), so "[i]t is of no import whether the appropriation amount is expressed in numerals or numeric words").

Text, history, precedent (to some degree), the Wisconsin Statutes, and public policy are in accord with this understanding of a bill. Accordingly, a "part" of a bill must refer to something substantively in the bill.

A. Textually, a "part" of a bill refers to the substance of the bill.

This Court should determine what "part" was understood to mean when the partial veto power was ratified. *See WJI v. WEC*, 2023 WI 38, ¶21, 407 Wis. 2d 87, 990 N.W.2d 122 (explaining "the purpose" of both constitutional and statutory interpretation is to determine "original understanding").

Courts had interpreted "part" in similar constitutional provisions before Wisconsinites ratified the partial veto power—it had an accepted meaning in the context of vetoes. *See Borek Cranberry Marsh, Inc. v. Jackson Cnty.*, 2010 WI 95, ¶21, 328 Wis. 2d 613, 785 N.W.2d 615

(considering how New York courts had interpreted a New York statute because a Wisconsin statute was partly based on New York's).

None of these courts equated a "part" of a bill with its alphanumeric characters. For example, the Mississippi Constitution of 1890 read: "The governor may veto parts of any appropriations bill, and approve parts of the same and the portions approved shall be law." Miss. Const. art. IV, § 73 (1890). Eight years after its ratification, the Mississippi Supreme Court rhetorically remarked: "If the governor may select, dissent, and dissever, where is the limit of his right? Must it be a sentence or a clause or a word? Must it be a section, or any part of a section, that may meet with executive disapprobation?" *State ex rel. Tchrs. & Officers of Indus. Inst. & Coll. v. Holder*, 23 So. 643, 645 (Miss. 1898). The court held that a "part" is a portion of a bill that is "separable" such that it could constitute a "complete" law on its own. *Id.*; *see, e.g.*, *The Veto Case*, 222 P. 428, 431 (Mont. 1924) ("Part or parts of what? …. [T]he [g]overnor approves some of the items and disapproves others; the item or items—the part or parts—of the bill approved become law, the item or items disapproved are void."); *see also* Henry Campbell Black, *The Relation of the Executive Power to Legislation* 101 (1919) (defining "the selective or partial veto" as the power to veto "items"). *See generally* John Mabry Mathews, *American State Government* 223 (1927) (defining "item" as "any part of a[n appropriation] bill which is sufficiently distinct that it may be separated without serious damage to the essential force of the residue").

Contextually, Section 10(2)(b) indicates that "part" in Section 10(1)(b) refers to a substantive component. *See Brey v. State Farm Mut. Auto. Ins.*, 2022 WI 7, ¶11, 400 Wis. 2d 417, 970 N.W.2d 1 (explaining

"context" is relevant to textualism). Section 10(2)(b) states that "[t]he rejected part of an appropriation bill, together with the governor's objections in writing, shall be returned to the house in which the bill originated. The house … shall … proceed to reconsider the rejected part …." The "part rejected" must be a policy proposal capable of being reconsidered by the legislature. *See* 62 Wis. Att'y Gen. Op. 238, 239-40 (1973).

Governor Evers's contrary interpretation is extraordinary—to him, "part" is a "mousehole" in which Wisconsinites "hid[an] elephant[]." *See Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 468 (2001). He claims Wisconsinites delegated to the governor the power to effectively rewrite bills, a power no other governor or the President has. *See* Gordon B. Baldwin, *The Partial Veto Threatens Democracy: A Rebuttal*, 5 Graven Images 267, 268 (2002) (explaining debates about the difference between a partial veto power and the power to veto items have emerged in only one state—Wisconsin); Letter from George Washington to Edmund Pendleton (Sept. 23, 1793), *in* 33 *The Writings of George Washington* 94, 96 (1940) ("I must approve all the parts of a [b]ill, or reject it in toto.").

An extraordinary claim requires extraordinary evidence—which Governor Evers does not have. *See Biden v. Nebraska*, 143 S. Ct. 2355, 2379-80 (2023) (Barrett, J., concurring) ("[A] parent hands … [a] babysitter her credit card and says: 'Make sure the kids have fun.' Emboldened, the babysitter takes the kids on a road trip to an amusement park, where they spend … one night in a hotel…. [W]as the trip consistent with a *reasonable* understanding of the parent's instruction? Highly doubtful."); *cf. Augsburger v. Homestead Mut. Ins.*, 2014 WI 133, ¶40, 359 Wis. 2d 385, 856 N.W.2d 874 ("[L]egislation in

derogation of the common law should be strictly construed ….”). Text does not warrant a departure from general separation of powers principles.

B. Historically, a “part” of a bill refers to the substance of the bill.

Nothing in the historical record indicates that Wisconsinites thought they were doing anything novel when they ratified the partial veto power. *See Wis. Legislature v. Palm*, 2020 WI 42, ¶26, 391 Wis. 2d 497, 942 N.W.2d 900 (“[T]he Legislative Reference Bureau never described the added language as changing … [an agency]’s authority.”); *Lamie v. U.S. Tr.*, 540 U.S. 526, 539 (2004) (“It is fair to doubt that Congress would so rework their longstanding role without announcing the change in the congressional record.”).

About a century ago, when Wisconsinites were considering the partial veto power, one newspaper reported that 37 states had constitutional provisions vesting their governor with the power to “veto single items in appropriation bills.” Opinion, *Vote for Amendment*, Eau Claire Leader Telegram, Nov. 4, 1930, at 8.

The purpose of these constitutional provisions was to combat “logrolling”—a legislative practice of packaging various policy proposals together that, if voted on individually, could not pass, with the hopes that the package deal can. Richard A. Champagne, Staci Duros & Madeline Kasper, *The Wisconsin Governor’s Partial Veto*, 4 Reading Const., no. 1, 2019, at 1, 2-3.

Wisconsinites were also trying to address logrolling—not make the governor editor-in-chief of bills. *Id.*; *see also Veto Rule Better Law, Step, Claim*, Wis. State J., Oct. 13, 1930, at 7 (explaining the partial veto power was not “revolutionary” because 37 states already had it); Wis. S.

Journal 1302-03, 51st Sess. (Aug. 7, 1913) (explaining a governor's complaint that he lacked the power to veto "items"); Charles McCarthy, *The Wisconsin Idea* 202 (1912) (explaining "budget bills" are dangerous because legislators do not carefully consider each "item").

In 1925, a senator introduced a proposed amendment that would have given the governor the power to "disapprove or reduce parts of items." 1925 S.J. Res. 23, *as reprinted in* Champagne et al., *supra*, at 5-6. To little "fanfare," the senate declined to adopt the joint resolution. Champagne et al., *supra*, at 6. Unfortunately, Wisconsin did not begin keeping drafting files until 1927. Little is known about this proposed amendment.

In 1927, a different senator introduced a proposed amendment that would go on to be ratified and vest the partial veto power. 1927 S.J. Res. 35. A cover sheet in the drafting file states: "Res. to permit Gov. to veto items in app. bills." Drafting File, 1927 S.J. Res. 35. The file also includes a letter from the Chief of the Legislative Reference Library, Edwin E. Witte, to the senator, stating, "[e]nclosed herewith is a revised draft … to allow the [g]overnor to veto items in appropriations bills." *Id.* For context, proposed amendments must be passed in two consecutive sessions of the legislature and then be ratified by Wisconsinites. Wis. Const. art. XII, § 1. The 1929 drafting file contains a cover sheet similarly stating: "Constitutional amendment passed in 1927 to allow the governor to veto items …." Drafting File, 1929 S.J. Res. 40. Neither file contains any document indicating that the partial veto power was understood to be different from the power to veto items.

During the ratification campaign, advocates also consistently indicated that the proposed amendment would merely vest the power to

veto items. In an essay, Mr. Witte said: "*The governor's veto of items in appropriation bills is an essential part of the executive budget system…. The executive veto of items in appropriation bills, as proposed in Wisconsin, does not invade the proper sphere of the legislature*." Edwin E. Witte, *Brief in Support of the Proposed Amendment to the Constitution to Allow the Governor to Veto Items in Appropriation Bills* 123-24 (1930) (on file with the Legislative Reference Bureau). He also said that the proposed amendment would not allow the governor to "dictate appropriations" but rather "block any appropriation which he [or she] deems unwise …." *Id.* at 125. He even argued that the proposed amendment would vest a weaker—not stronger—power to veto items than some other states had because it "does not allow the governor to reduce items[] but only to veto them entirely." *Id.* at 124; *see also* Frederick B. Wade, *The Origin and Evolution of Partial Veto Power*, Wis. Law., Mar. 2008, at 12, 14 ("[Mr. Witte] use[d] the words *item* and *items* a total of 19 times.... [I]t appears that [Mr.] Witte viewed the terms *part* and *item* as interchangeable synonyms for expressing the item veto concept.").

Many newspaper articles echoed the content of Mr. Witte's essay. *See, e.g.*, *Dairyland Greyhound Park, Inc. v. Doyle*, 2006 WI 107, ¶¶38-44, 295 Wis. 2d 1, 719 N.W.2d 408 (relying on contemporary newspaper articles).

One reported that a sponsor of the proposed amendment in the senate argued that "[t]he item veto is absolutely indispensable to the successful operation of the Wisconsin budget plan …." *Duncan Tells Need for New Vote Powers*, Cap. Times, Oct. 14, 1930, at 7. He further said, "a governor's veto of items in appropriation bills would not invade the proper sphere of the legislature" (language also appearing in Mr. Witte's

essay). *Id.*; *see, e.g.*, *Duncan Amendment Is Important Issue for Voters Tuesday*, La Crosse Trib., Nov. 3, 1930, at 1, 6 (explaining the proposed amendment would give the governor power to disapprove of "certain items"); *League of Voters Draws Attention to Voting at Election*, Cap. Times, Nov. 2, 1930, at 16 (explaining Wisconsinites would decide whether to "enable the governor to veto single items in an appropriations bill"); H.K. Derus, *Light Vote Is Expected Next Tuesday*, Appleton Post-Cresent, Nov. 1, 1930, at 3 (explaining "a two-thirds legislative majority would be required to re-enact a vetoed item"); *Partial Veto Power Fate Up to Voter*, Wis. Stat. J., Oct. 9, 1930, at 17 (explaining the governor was "unable to disapprove objectionable items");*Voters to Pass on Amendment to Constitution*, La Crosse Trib., Sept. 5, 1929, at 10 (explaining the proposed amendment would give the governor "the power to cut out any items he saw fit").

Even opponents of the partial veto power presumed it was a mere power to veto items. For example, in 1929, a statute authorized the Milwaukee mayor to "disapprove any item or items ...." Wis. Stat. § 65.05(7) (1929). According to one account, "[a]lthough the method of allowing the mayor of Milwaukee to veto items in an appropriation bill has proven advantageous there, Phillip La Follette, Republican candidate for governor, ... said the same power should not be held by the governor ...." *Veto Bill Gives Too Much Power Philip Declares*, Daily Northwestern, Oct. 30, 1930, at 3.

Shortly after ratification, a summary of the amendment said it "allows the [g]overnor to veto single items ...." *The Wisconsin Blue Book* 583 n.1 (1931); *see also* Albert Bushnell Hart, *The American Year Book* 111 (1931) (noting an "item veto was approved in Wisconsin").

Governors have often abused the partial veto power, but their tomfoolery cannot change original understanding. *See NLRB v. Noel Canning*, 573 U.S. 513, 572 (2014) (Scalia, J., concurring in the judgment) (explaining legislative vetoes were declared unconstitutional even though hundreds of statutes, enacted over several decades, purportedly authorized them). These vetoes have looked nothing like their early predecessors. *E.g.*, Wis. Assemb. Journal 1137, 16th Sess. (Apr. 21, 1931).

Governor Evers likewise did not veto items or even substantive components of policy proposals approved by the legislature. Instead, he changed the substance of a bill, attempting to codify policy that the legislature never approved.

C. Precedentially (to some degree), a "part" of a bill refers to the substance of the bill.

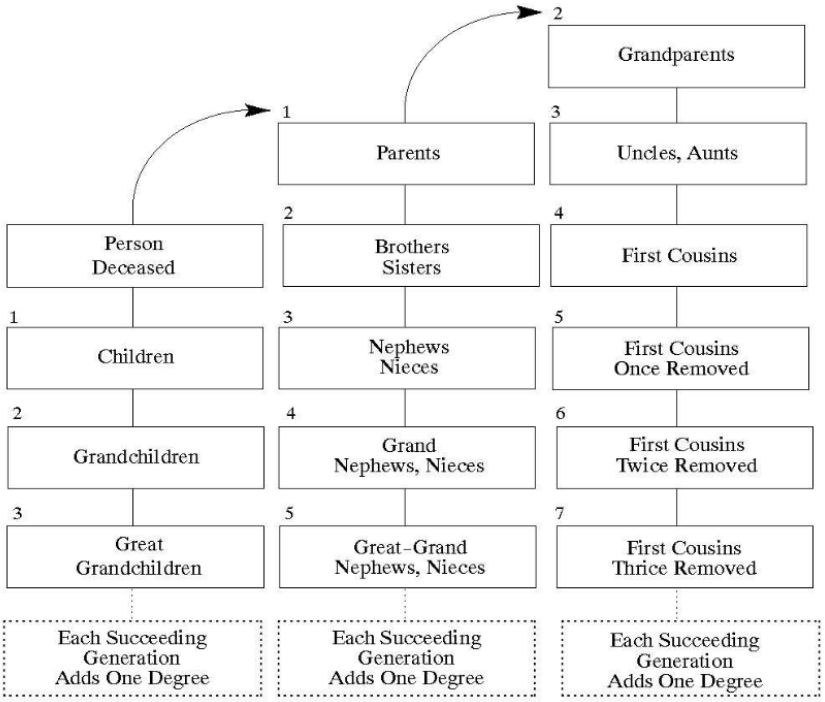
At least one precedent is irreconcilable with an implementing doctrine centered on form. In 1995, this Court reasoned that a governor may "strike a numerical sum appropriated in ... [a] bill and ... insert a different smaller number as the appropriated sum." *CUB*, 194 Wis. 2d at 488. Accordingly, this Court held that a governor could strike "$350,000" and write in its place "$100,000" because the $250,000 difference was a "part" of what the legislature approved. *Id.* at 505. This precedent is inconsistent with Section 10(1)(c), but it correctly indicates that an implementing doctrine for Section 10(1)(b) should be about substance, not form.

This Court would need to overrule this precedent to hold Governor Evers's attempted partial vetoes constitutional—$350,000 cannot be altered to $100,000 just by rejecting alphanumeric characters. The write-

in veto presupposes that "part" does not refer to alphanumeric characters but rather the substance of a bill.

D. The Wisconsin Statutes demonstrate that bills are about substance, not alphanumeric characters.

Similarly, the Wisconsin Statutes show that bills are about substance, not alphanumeric characters. For example, Wis. Stat. § 990.001(16) (2021-22) states, "[t]he degree of kinship is computed according to the rules of the civil law, as follows," and then provides this figure:



Alphanumeric characters are not even the only way that the legislature conveys policy proposals in bills.

Also, Wis. Stat. § 35.17(1) requires the Legislative Reference Bureau to "correct minor clerical errors" in a bill before it goes to the governor for presentment. These edits are not considered "alternation[s]" to the bill—because they do not change its substance. *See* § 35.17(1). If a bill is just alphanumeric characters, then every bill that the Bureau

corrected was never actually presented to the governor. *Cf.* § 35.17(2) (explaining the Bureau "shall correct obvious nonsubstantive errors when publishing the Wisconsin [S]tatutes").

For example, the Bureau recently made 21 "corrections" to a bill aimed at banning wedding barns before Governor Evers signed it. *See* Wis. S. Journal 631-32, 106th Sess. (Nov. 20, 2023). Among other things, the Bureau replaced "second" with "2nd"—the same word but conveyed differently. *Id.* at 631.

E. Considering substance will result in a better law-making process.

Lastly, law-making is not a game, yet a focus on form over substance effectively makes the legislature and the governor like contestants on a Wheel of Fortune episode. Anthony S. Earl, *Personal Reflections on the Partial Veto*, 77 Marq. L. Rev. 437, 441 (1994).

Sometimes, legislators and their staff consequently try to "veto-proof" language in appropriation bills, often only to realize such efforts are unlikely to succeed. *See id.* Legislators may then decline to put a policy proposal into an appropriation bill solely because they cannot fully anticipate how a governor might try to change the bill's language. Baylor Spears, *How Gov. Evers Could Shape the Budget Bill Using His Veto Power*, Wis. Exam'r (July 3, 2023). Fear of gamesmanship is an awful reason for a proposal not to be included in a bill.

Other times, an expansive partial veto power encourages legislators to be "irresponsible" about what they put in appropriation bills because they can tell Wisconsinites, "I did my best—you can blame the governor—please continue your contributions …." Baldwin, *supra*, at 269.

An expansive partial veto power is anti-democratic in another way. A governor has only a few days to return an appropriation bill to the legislature, or it automatically becomes law. Wis. Const. art. V, § 10(3). These bills are typically "enormous." Alys Brooks, Opinion, *Line-item Veto Part of a System that Needs Reform*, Cap. Times (July 29, 2023). Accordingly, Wisconsinites do not have a meaningful chance to offer input before the governor acts. *See id.*

The stakes are high: Policy proposals that go beyond deciding how to spend money are often placed in the biennium budget. *E.g.*, 1987 Wis. Act 399, § 472zkcp (creating a felony murder statute).

Imagine an appropriation bill that reads, in part, "no doctor shall perform an abortion after the 14th week of pregnancy." Under Governor Evers's argument, he could strike the "1," banning all abortions after the "4th" week. He could also strike "after the 14th week of pregnancy," leaving "no doctor shall perform an abortion" as the entire law. These results would not represent anything that the legislature approved, yet Governor Evers thinks he could edit such laws into existence.

II. Governor Evers transgressed the partial veto power because he extended a durational period.

Considering substance, Governor Evers transgressed the partial veto power. In a future action, this Court may need to adopt a more exacting implementing doctrine; however, because this action deals with durational periods, it can adopt a narrow rule. It should hold that a period cannot be increased. Governor Evers extended a period by 400 years—the legislature did not approve the extra 400 years.

In *Bartlett v. Evers*, Justice Brian Hagedorn provided the following example: "[I]magine the legislature proposes that $500,000 be appropriated for the building of a house, which may be painted white or

blue or brown." 393 Wis. 2d 172, ¶265 (Hagedorn, J., concurring). Perhaps a governor could strike "brown" given the disjunctive nature of the appropriation—the house would still be painted white or blue, which were options approved by the legislature. *Id.* The governor could not, however, rewrite the proposal to appropriate the money to the general fund because that would "creat[e] a policy proposal that was not previously there." *Id.*

Governor Evers went too far because the extra 400 years were not "previously there." *Id.*; *see also WSBU v. Brennan*, 2020 WI 69, ¶60, 393 Wis. 2d 308, 946 N.W.2d 101 (Rebecca Bradley, J., dissenting) (reaching the merits, which the majority did not, and concluding the governor transgressed the partial veto power by extending a durational period passed any point approved by the legislature).

III. Governor Evers's contrary arguments are wrong; regardless, he violated Section 10(1)(c).

Governor Evers's contrary arguments are wrong. Recall that Section 10(1)(c) specifies that a governor cannot "create a new word by rejecting individual letters in the words of the enrolled bill" when "approving an appropriation bill in part." Governor Evers misunderstands Section 10(1)(c) insofar as he suggests that it indicates "part" refers to alphanumeric characters rather than the substance of a bill. Regardless, he violated Section 10(1)(c).

A. Section 10(1)(c) limits the worst abuses of the partial veto power—it does not expand that power.

Wisconsinites ratified Section 10(1)(c) via two amendments after this Court departed from the original understanding of Section 10(1)(b) and equated the substance of a bill with the alphanumeric characters

printed in the bill. *See State ex rel. Wis. Senate v. Thompson*, 144 Wis. 2d 429, 437, 424 N.W.2d 385 (1988).

In 1988, this Court held that a governor could use the partial veto power to strike individual letters if the approved part is a "complete, entire, and workable law" and "germane" to the policy proposal conveyed in the bill. *Id.* at 437, 453.

Wisconsinites reacted viscerally. *See, e.g.*, Opinion, *Nutty Ruling: Invites Veto Excesses*, Dunn Cnty. News, June 29, 1988, at 2, 8 (explaining the "framers" of the partial veto power would not have anticipated the precedent); Opinion, *Veto Power Needs a New Balance*, Cap. Times, June 17, 1988, at 14 (explaining Wisconsinites needed a "chance to restore a more even distribution of power").

In 1990, Wisconsinites ratified the first amendment. In 2008, they ratified the second (which is not at issue in this action).

The historical record indicates that the 1990 amendment was advertised as a partial return to the partial veto power's original understanding. Section 10(1)(c) does nothing more than "fortif[y]" language to limit an "obvious[ly]" incorrect precedent. *See State v. Cox*, 2018 WI 67, ¶¶19-20, 382 Wis. 2d 338, 913 N.W.2d 780. It does not change the meaning of Section 10(1)(b); instead, it is a stopgap on the worst abuses of the partial veto power. *See Bartlett*, 393 Wis. 2d 172, ¶255 (explaining the amendment did not "green-light[]" everything less than it prohibits). So, Governor Evers is wrong in suggesting that the 1990 amendment somehow expanded the partial veto power—it did not.

Notably, Section 10(1)(c) can be given effect (i.e., not rendered surplusage) even if "part" in Section 10 (1)(b) does not refer to alphanumeric characters. For example, if an enrolled bill authorizes

doctors to perform abortions before the "fifteenth week" of pregnancy, Section 10 (1)(c) prevents the governor from striking the "fif" and "e," such that "fifteenth" becomes "tenth" even if the tenth week can be considered a "part" of the fifteen-week period.

B. Even if Section 10(1)(c) changed the meaning of "part" in Section 10(1)(b), Governor Evers violated Section 10(1)(c).

Regardless, Governor Evers has violated Section 10(1)(c) by creating a new word—"2425"—by striking letters. He says numeral characters are not letters, but he is wrong.

As a preliminary matter, in multiple partial veto actions, this Court has favored *Webster's New International Dictionary*. *E.g.*, *Risser*, 207 Wis. 2d at 192; *CUB*, 194 Wis. 2d at 506; *see also* Wis. Stat. § 35.17(3) ("On questions of orthography the current edition of Webster's new international dictionary shall be taken as standard.").

Under the definition provided in this dictionary, "2425" is a "word." Specifically, a "word" is "any segment of written or printed discourse ordinarily appearing between spaces or between a space and a punctation mark." *Word*, *Webster's Third New International Dictionary* (1961). "2425" fits this definition perfectly (so does "2024-25"). Indeed, in counting the number of words in this brief to comply with this Court's order for non-party briefs not to exceed "4,400 words," the undersigned counsel included each time the brief uses "2425."

Governor Evers struck "2" and "0" to create "2425," both of which are "letters." According to this dictionary, "letter ... often include[s] the [A]rabic numbers." *Id.* at *Letter*. One such context is the partial veto power.

For example, the author of a 1989 op-ed argued: "[The governor] was rightly accused of playing Scrabble with the budget document by excising letters, words, paragraphs or whole sections.... In one noteworthy example, he changed the figure of 1.6 percent to 6 percent by slicing out the '1' and the decimal point." Opinion, *Modify Wisconsin's Line Item Veto Law*, Portage Daily Reg., Oct. 12, 1989, at 4. This author referred to "letters," not "digits" or "numbers," and then gave a single example about striking "1."

As another example, Wis. Stat. § 895.481(4) requires "equine professionals" to post a sign with the following notice, and "each letter" must be a "minimum of one inch in height":

> NOTICE: A person who is engaged for compensation in the rental of equines ... is not liable for the injury or death of a person involved in equine activities resulting from the inherent risks of equine activities, as defined in section 895.481 (1) (e) ....

The numeral characters "895.481 (1)" are letters—they may not be printed in microscopic font when all the other characters must be "one inch in height." *See, e.g.*, Wis. Stat. § 814.69(d) (explaining court transcripts "shall be standard pica with 10 letters to the inch").

So, "2425" is a new "word" created by Governor Evers. He rejected "letters" ("2" and "0") from a previous word, "2024-25," to accomplish this rewrite. Accordingly, he violated Section 10(1)(c).

CONCLUSION

This Court should declare the attempted partial vetoes unconstitutional.

Dated: September 17, 2024.

Respectfully submitted,

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CERTIFICATION

I certify that this brief conforms to the rules contained in Wis. Stat. § (Rule) 809.19(8)(b), (bm), and (c) and Wis. Stat. § (Rule) 809.81(4), as modified by the April 15, 2024, Order of this Court. The length of this brief is 4,374, including 4,266 words as calculated by Microsoft Word and 108 words hand counted by the undersigned counsel to account for the words in two images.

Dated this 17th Day of September, 2024.

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