
MEMORANDUM

To: Madison Common Council
From: Assistant City Attorney John Strange
Re: Legislative Item 63772
Date: January 15, 2021

On January 5, 2021, the Common Council enacted RES-21-00025, which authorizes the placement of four (4) advisory referendum questions related to the structure of city government on the Spring 2021 election ballot. In that resolution, one of the advisory referendum questions is formatted as follows:

“Madison currently has a part-time Common Council comprised of twenty (20) alderpersons, one from each alderperson district.

Beginning with the 2023 Spring Election, SHOULD the size of the City of Madison Common Council be reduced?

Beginning with the 2023 Spring Election, SHOULD the size of the City of Madison Common Council be increased?

SHOULD the size of the City of Madison Common Council remain the same?”

As such, the question is intended to provide voters with information relevant to each option (e.g., that Madison currently has a part-time Common Council comprised of twenty (20) alderpersons...) and then follow that information with three possible policy directions, to which the electorate could respond “Yes” or “No”.

Following the enactment of the RES-21-00025, staff worked with the City and County Clerks to begin the process of placing the advisory referendum questions on the Spring election ballot. The County Clerk informed staff that the election equipment could not format the above question as formatted, with “yes” or “no” options, without breaking it up into multiple questions, but that the question could be programmed in a traditional multiple choice format, like this:

“Madison currently has a part time Common Council comprised of twenty (20) alderpersons, one from each alderperson district. Beginning with the 2023 Spring Election, SHOULD the size of the City of Madison Common Council:

_____ be reduced?

_____ be increased?

_____ remain the same?”

While traditional multiple choice questions are not allowed in a binding referendum, they are allowed in an advisory referendum.¹ Thus, Legislative item 63772 is a Resolution that changes the formatting, but not the substance, of the question above so that it can be programmed by the election equipment as near as possible to the format originally approved by the Common Council.

This Resolution is necessary because, although the format change it authorizes is minor, the Common Council must approve the formatting of questions to appear on a referendum ballot. This Resolution is on the January 19, 2021 Common Council Agenda for adoption under suspension of the rules because Wis. Stat. § 8.37 requires that the City provide the County Clerk with at least 70 days-notice of the referendum questions, which, in this case, requires notice to the County Clerk by January 26, 2021.

¹ See Wisconsin Elections Commission, *A Guide to Understanding Referendum Elections*, p. 4.
<https://elections.wi.gov/sites/elections.wi.gov/files/2019-11/Guide%20to%20Understanding%20Referenda%20%28Rev.%202019-11%29.pdf>