

NOTICE OF REFERENDUM

KENOSHA COUNTY

November 8, 2022

Referendum Election Details

At an election to be held in Kenosha County on November 8, 2022, the following proposed Resolution of the County Board, will be submitted to a vote of the people:

Resolution to Conduct Countywide Advisory Referendum on making the State of Wisconsin a 2nd Amendment Sanctuary State

WHEREAS, the Constitution of the United States is the Supreme Law of our nation, and;

WHEREAS, the Right of the People to Keep and Bear Arms is guaranteed as an Individual Right under the Second Amendment to the United States Constitution, and reads “A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed,” and;

WHEREAS, the Constitution of the State of Wisconsin, Article 1, Section 25, reads “The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose,” and;

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home, and;

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states, and;

WHEREAS, the United States Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment, and;

WHEREAS, the Right of the People to Keep and Bear Arms for the defense of Life, Liberty, and Property is regarded as an Inalienable Right by the People of the Kenosha County, and;

WHEREAS, the People of Kenosha County derive an economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Wisconsin using all types of firearms allowable under the United States Constitution and the Constitution of the State of Wisconsin, and;

WHEREAS, the Citizens of Kenosha County are concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Kenosha County to keep and bear arms, and;

WHEREAS, The Kenosha County Board of Supervisors desires to hear the views of the public on this important matter; and subsection 59.52 (25) of the Wisconsin Statutes permits the County Board of Supervisors to conduct a countywide referendum for advisory purposes, and;

WHEREAS, The following advisory referendum question provides a way for the public to express its views on making Wisconsin a 2nd Amendment Sanctuary State:

Question: Should the Wisconsin State Legislature declare the State of Wisconsin be a Second Amendment Sanctuary State?

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors, in legal session assembled will place the following question on the November 8, 2022 ballot as an advisory referendum question. Question: Should the Wisconsin State Legislature declare the State of Wisconsin be a Second Amendment Sanctuary State? YES _____ NO _____, and;

BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors directs Corporation Counsel to prepare a Notice of Referendum to be published by the Kenosha County Clerk in accordance with statutory requirement, and;

BE IT FURTHER RESOLVED, that this resolution and the referendum shall be filed with Kenosha County Clerk no later than 70 days prior to the November 8, 2022 election at which the question will appear on the ballot, and;

BE IT FURTHER RESOLVED, that a copy of this ballot referendum shall be forwarded to Kenosha County's legislative delegation, all other Wisconsin counties, the Wisconsin Counties Association and Governor Evers.

Ballot Text

The question will appear on the ballot as follows:

“Should the Wisconsin State Legislature declare the State of Wisconsin to be a Second Amendment Sanctuary State?”

Explanation

Several states around the nation have enacted some form of declaration or legislation designed to further protections of the Second Amendment right to “keep and bear arms.” The Kenosha County Board of Supervisors desires to have the citizens of Kenosha County advise the Wisconsin State Legislature whether they should follow suit. The Wisconsin State Legislature previously passed such legislation, but it was vetoed by the Governor. The intent of the referendum, if successful, would be to urge the Wisconsin State Legislature to pass legislation substantially similar to 2021 Assembly Bill 293. This would have: required manufacturers of firearms in Wisconsin to

include a stamp reading “Made in Wisconsin” on such firearms; noted that firearms, accessories, or ammunition which do not leave Wisconsin are not subject to any federal regulation under the Commerce Clause of the Constitution; and indicated that incorporation of a component from another state into a firearm manufactured in Wisconsin would not subject it to federal regulation under the Commerce Clause. It would further prohibit any person from enforcing: a federal act, law, statute, rule, regulation, treaty or order that bans or restricts semi-automatic firearms, assault weapons or magazines; regulates the capacity of magazines, or requires registration of firearms, magazines or other firearm accessories; regulates the quantity of ammunition or bullets an individual may possess; prohibits types of ammunition or bullets; or requires the confiscation of a firearm. There are some exceptions, including the enforcement of a federal law that is identical to a state law. Finally, it would prohibit any state agency or other body in state government and any local governmental unit from expending moneys or using other resources to confiscate a firearm, firearm accessory, or ammunition that is lawfully possessed under the laws of Wisconsin.

A YES vote means that the Kenosha County Board of Supervisors should advise the Wisconsin State Legislature to declare Wisconsin a Second Amendment Sanctuary State as described above.

A NO vote means that the Kenosha County Board of Supervisors should not advise the Wisconsin State Legislature to declare Wisconsin a Second Amendment Sanctuary State as described above.

Done in the County of Kenosha, on August 30, 2022.

A handwritten signature in black ink, appearing to read "Raji Waligora", is written over a horizontal line.

Kenosha County Clerk