



# LEGISLATIVE REFERENCE BUREAU

## Ballot Initiative and Referendum in Wisconsin

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## Introduction

Other than candidates for office, anything that appears on a ballot is known as a **ballot measure**.<sup>1</sup> There are two types of ballot measures—**initiatives** and **referendums**. Together, **ballot initiative and referendum** generally refers to the procedure that allows citizens to circumvent the state legislature through a petition in order to place a proposed state law or constitutional amendment directly on the ballot for citizens to adopt or reject at a referendum election. While there is no national initiative and referendum process in the United States, 24 states have a statewide ballot initiative and referendum process.<sup>2</sup>

Wisconsin voters cannot introduce initiatives or referendums on a statewide basis, but voters do have the opportunity to participate in the law-making process in cities and villages. A statewide initiative and referendum process made it to the ballot for ratification of the state constitution only once in Wisconsin's history—over a century ago, in November 1914. Voters rejected this constitutional amendment, with 64 percent voting against it. At the same general election, Wisconsin voters overwhelmingly rejected another constitutional amendment that required the legislature, upon petition by citizens, to submit constitutional amendments to the people for ratification, with 69 percent voting against it.

This publication provides an overview of ballot measures in Wisconsin. The first section describes basic terminology. The second section discusses statewide referendums and how the Wisconsin Legislature submits them to the Wisconsin electorate. The third section looks at local ballot initiative and referendum processes available to Wisconsin citizens. Finally, the fourth section concludes with recent examples of Wisconsin referendums. While there are numerous situations where local voters may vote on actions in referendum elections, these recent referendums exemplify what a Wisconsin voter is likely to encounter on a ballot.<sup>3</sup>

## Terminology

### **Ballot initiatives—direct and indirect**

A **ballot initiative** is the process by which a specified number of voters may circulate a petition to invoke a popular vote in a referendum election on proposed laws or constitutional amendments, bypassing the legislative body. Where they are allowed at the state or local level, ballot initiatives can create, change, or repeal state and local laws; amend state constitutions; or amend local charters.

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1. Ballot measures are also known as “ballot propositions” or “ballot questions.”

2. Of these 24 states, some allow citizens to propose statutes, some allow citizens to propose constitutional amendments, and some allow both. Additionally, some states give the people the right to approve or reject an act of the legislature at a referendum election, which is sometimes referred to as the “citizen's veto.”

3. Statutory references in Wisconsin law to particular referendums are numerous and situationally specific; therefore, this publication will not cover every single instance.

Ballot initiatives may be direct or indirect. A **direct initiative** places a proposed measure directly on the ballot for popular vote in a future election if a sufficient number of signatures are gathered by petition. In an **indirect initiative**, after gathering a sufficient number of signatures, petitioners refer a proposed law or ordinance to a legislative body that has the power to decide to act on the proposal or not. If the body refuses to enact the measure within a prescribed time period, the proposed measure typically must qualify once more by gaining enough signatures to appear on a ballot for voters to decide the issue in a referendum election.

### **Referendums—advisory, binding, and petition**

The term **referendum** typically refers to any election in which the people vote to approve or reject a specific proposal.<sup>4</sup> There are three main types of referendums—advisory, binding, and petition. In an **advisory referendum**, a legislative body places a proposed measure on the ballot to gauge the opinion of the electorate. The results of an advisory referendum are not binding, and governing bodies are not required to act in accordance with the majority opinion. By contrast, in a **binding referendum**,<sup>5</sup> constitutional or statutory provisions mandate that certain proposed measures be submitted to the electorate for ratification in order to take effect. The term **petition referendum**<sup>6</sup> has two possible meanings: it can refer to the referendum election that completes the ballot initiative process, or it can refer alternatively to the process by which citizens can force a referendum election on whether or not a law already passed by a legislative body will remain in effect.

In Wisconsin, a referendum can be placed on the ballot through a number of means. Most commonly, a referendum election is triggered by the direct or indirect actions of a governing body or through circulation of a petition by a voter (direct legislation) in a city or village.

## **Statewide referendums in Wisconsin**

While Wisconsin does not have a state-level initiative process, state law does require a statewide referendum in three specific instances: constitutional amendments;<sup>7</sup> any authorization of statewide debt in excess of constitutional limits;<sup>8</sup> and the extension of the right to vote to additional classes of people.<sup>9</sup>

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4. Wis. Stat. § 5.02 (16s) defines referendum as “an election at which an advisory, validating, or ratifying question is submitted to the electorate.”

5. A “binding referendum” is also referred to as a “contingent referendum.”

6. A “petition referendum” is also referred to as a “citizen’s referendum” or “protest referendum.”

7. Wis. Const. art. XII, § 1.

8. Wis. Const. art. VIII, §§ 6 and 7 (2) (g).

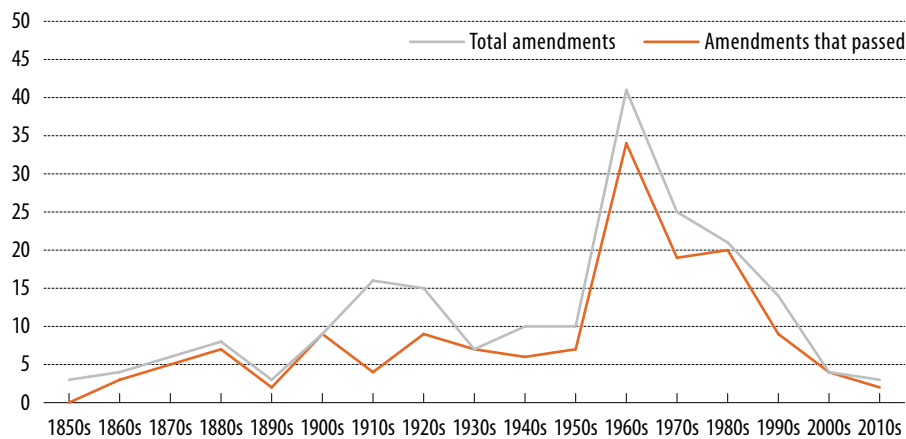
9. Wis. Const. art. III, § 2 (5). The Wisconsin Constitution did include an additional statewide referendum requiring final approval by the electorate for all laws that affected banking under art. XI, § 5; however, this section was repealed in 1902.

## Constitutional amendments

A proposal to amend the Wisconsin Constitution must be passed by a majority of members in both houses as a joint resolution, known as “first consideration,” and then in identical form by the next session of the legislature, known as “second consideration.” After this, the legislature submits the proposed constitutional amendment for ratification by a majority of the electorate in a statewide referendum election.

Since the adoption of the Wisconsin Constitution in 1848, the electorate has voted 145 times, out of 197 opportunities, to amend the constitution.

Figure 1. Number of proposed constitutional amendments



This graph shows constitutional amendments put to a vote and passed by decade. The spike in rejections in the 1910s is related to a number of amendments proposed by Progressive Republicans, including an amendment to allow direct legislation at the state level. The spike in amendments in the 1960s is, in part, related to a 1963 commission on constitutional reforms.<sup>10</sup>

## Other statewide referendums

Besides constitutional amendments, there are three other instances in which the Wisconsin Legislature may submit questions for the people to approve or reject in a statewide referendum election: ratifying a law extending the right of suffrage; ratifying an enacted law contingent on voter approval in order for it to go into effect; and gauging voter preferences on specific issues or general policy through an advisory referendum.<sup>11</sup> Since 1848, the Wisconsin Legislature has submitted 54 statewide referendum questions to the electorate, 37 of which have been approved.

The last time the legislature submitted a proposal that extended the right of suffrage *and* was contingent on voter approval occurred in November 2000, when 1999 Wisconsin

10. Todd Milewski, “Wisconsin Sees Sharp Decline in Number of Constitutional Amendment Questions on the Ballot,” *The Capital Times*, Oct 31, 2014, <https://madison.com/>.

11. For statewide advisory referendums on specific questions, the legislature follows the procedure set out under Wis. Stat. §§ 8.37 and 13.175.

sin Act 182 proposed to extend suffrage in federal elections to adult children of U.S. citizens living abroad. The following ballot question was submitted: “Shall sections 68 and 70 of [1999 Wisconsin Act 182], which extend the right to vote in federal elections in this state to the adult children of U.S. citizens who resided in this state prior to establishing residency abroad, become effective on January 1, 2001?”

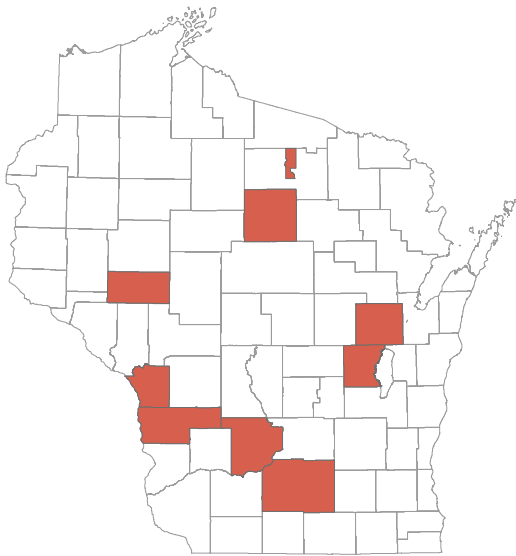
## Local ballot measures in Wisconsin

### Counties

County boards are permitted to hold a countywide referendum for advisory purposes.<sup>12</sup> There have been dozens of countywide advisory referendums on a wide variety of topics, including marijuana legalization,<sup>13</sup> the dark store loophole,<sup>14</sup> corporate personhood,<sup>15</sup> and nonpartisan redistricting reform.<sup>16</sup>

For example, eight counties and one town in Wisconsin held and passed advisory referendums that gauged the level of countywide support for nonpartisan redistricting procedures. The question that appeared on the ballots in these counties asked, “Should the Wisconsin Legislature create a nonpartisan procedure for the preparation of legislative and congressional district plans and maps?”

Figure 2. **Areas that held and passed nonpartisan redistricting reform referendums**



In addition, county-level binding referendums may be held in order to approve a county board’s enactment of an ordinance or adoption of a resolution that is contingent upon approval in a referendum election.<sup>17</sup> For either binding or advisory referendums, the county board must adopt a resolution or seek to enact an ordinance that contains the

12. Wis. Stat. § 59.52 (25).

13. Don Behm, “Pro Pot: Voters Support All Marijuana Advisory Referendums on Tuesday’s Ballots,” *Milwaukee Journal Sentinel*, November 7, 2018, <https://www.jsonline.com>.

14. Alison Dirr, “Wisconsin Election: Voters Favor Closing ‘Dark Stores’ Property Tax Loophole,” *Appleton Post-Crescent*, November 7, 2018, <https://www.postcrescent.com>.

15. Laurel White, “11 Wisconsin Communities Pass Anti-Citizens United Referendums,” *Wisconsin Public Radio*, April 8, 2016, <https://www.wpr.org>.

16. Hope Kirwan, “Voters in La Crosse, Vernon Counties Support Nonpartisan Redistricting Referendums,” *Wisconsin Public Radio*, April 4, 2019, <https://www.wpr.org>. Kirwan also mentions that the town of Newbold, WI, in Oneida County has held an advisory referendum to seek voter preferences on the topic of nonpartisan redistricting reform. Sixty-nine percent voted in favor of the reform.

17. Wis. Stat. § 59.52 (25).

question that will appear on the ballot. Then the county board must either call for a special referendum<sup>18</sup> or specify that the referendum will be held at the next succeeding election (spring primary or election, or partisan primary or election). The board must then file the ballot measure with the proper official in charge of preparing the ballots for that election no later than 70 days prior to the election at which the measure appears on the ballot.<sup>19</sup> This “70 days prior to election” requirement applies to all ballot measures that are to be submitted to a vote of the people.<sup>20</sup>

There is no statutory authorization for county electors to use a direct legislation process. However, there are a number of statutory authorizations for Wisconsin county residents to use the referendum process in specific circumstances. Examples include the following:

- Relocating a county seat.<sup>21</sup>
- Consolidating counties.<sup>22</sup>
- Approving salary increases for county board supervisors in counties with a population of less than 750,000.<sup>23</sup>
- Changing the number of supervisors.<sup>24</sup>
- Creating or abolishing the office of county executive in counties with a population of less than 750,000.<sup>25</sup>
- Creating the office of county administrator.<sup>26</sup>
- Approving board action related to conducting a county fair.<sup>27</sup>
- Approving board action to exceed the levy limits.<sup>28</sup>

Note that the referendum procedure for counties is exactly the same as the one outlined for cities and villages below, except that instead of filing documents with the municipal clerk, the county clerk would receive and review the paperwork.

### **Cities and villages**

Both the Wisconsin Constitution and state statutes grant cities and villages home rule power,<sup>29</sup> which allows the governing bodies of cities and villages to conduct advisory and

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18. Wis. Stat. § 8.55.

19. Wis. Stat. § 8.37.

20. Pursuant to Wis. Stat. § 8.37, the requirement applies to the official filing of referendum petitions or questions unless otherwise required by law.

21. Wis. Stat. § 59.05 relates to the relocation. Wis. Const. art. XIII, § 8 states that no county seat may be moved unless a majority of those voting in a countywide referendum favor its removal to a specified point.

22. Wis. Stat. § 59.08; Wis. Stat. § 59.08 (5).

23. Wis. Stat. § 59.10 (2) (c) 3.

24. Wis. Stat. § 59.10 (3) (cm).

25. Wis. Stat. § 59.17 (1) (b).

26. Wis. Stat. § 59.18 (1).

27. Wis. Stat. § 59.56 (14) (e).

28. Wis. Stat. § 59.605 (3).

29. Wis. Const. art. XI § 3; Wis. Stat. § 61.34 (1) for villages and § 62.11 (5) for cities.

binding referendums for the same purposes as the county board. In addition, state law provides that local ordinances can be established or amended by direct initiative.<sup>30</sup> This section discusses the local ballot initiative process in cities and villages and the ballot initiative procedure.

Wisconsin’s “Direct Legislation” statute, Wis. Stat. § 9.20, provides the procedure for residents of Wisconsin cities and villages to submit petitions proposing legislation.<sup>31</sup> For the legislation to become effective, it must either be passed verbatim by the municipality’s governing body or submitted to a referendum and approved by the majority of voters. City or village legislation adopted via initiative cannot be vetoed by the mayor or village president. However, laws adopted by initiative may be repealed or amended by another initiative action.<sup>32</sup>

A series of decisions by the Wisconsin Supreme Court have dealt with Wis. Stat. § 9.20 and set limits on its use. The court has ruled that direct legislation must relate to new legislation and cannot be designed to amend or repeal existing legislation that has been properly enacted; in addition, direct legislation is restricted to legislative-type actions—ordinances and resolutions—and is not applicable to executive, administrative, or judicial activities.<sup>33</sup>

The ballot initiative process begins with the circulation of a petition. Once proponents of a legislative proposal begin the petition process, they have 60 days to gather a number of valid signatures of qualified city or village electors<sup>34</sup> equal to at least 15 percent of the votes cast in the city or village for governor in the last election. The petition’s form and preparation is governed by Wis. Stat. § 8.40. If enough signatures are gathered in the 60-day period, the petitions are filed with the municipal clerk. The time frame for the clerk to review the petition and rule on its validity, including verifying that the correct number of signatures has been obtained and determining whether the proposal is properly worded is provided by Wis. Stat. § 9.20 (3). The role of the common council or village board in dealing with a clerk-certified petition and the time frames that trigger certain events are outlined under Wis. Stat. § 9.20 (4).

The city council or village board has 30 days from the receipt of the petition to either pass the proposal in unaltered form or put it to a referendum vote at the next spring or general election, if the election is scheduled more than 70 days after the expiration of the 30-day period. If the next election is within 70 days, the referendum must be delayed until the following spring or general election, unless the council or board agrees by a three-

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30. The most familiar examples are two related to school district finances: Wis. Stat. § 67.05 (6a), which relates to school district bonds, and Wis. Stat. § 121.91 (3), which relates to school district revenue limits.

31. Although Wis. Stat. § 9.20 is titled “Direct Legislation,” the fact that the proposal must first receive municipal legislative consideration places this mechanism in the “indirect initiative” category, because supporters of a proposal cannot move the measure directly from the petition phase to placement on the ballot.

32. Wis. Stat. § 9.20 (8).

33. In particular, *Landt v. Wisconsin Dells*, 30 Wis. 2d 470 (1966); *Heider v. Wauwatosa*, 37 Wis. 2d 466 (1967); and *State ex rel. Althouse v. Madison*, 79 Wis. 2d 97 (1977) have set limits on the use of this procedure.

34. Legal residents of voting age who are U.S. citizens.



fourths vote of the entire elected membership of the body to order a special election for the purpose of voting on the proposal.<sup>35</sup>

It is not necessary that the full wording of the proposed ordinance be printed on the ballot, but if it is not, the ballot must include a concise printed statement of the nature of the proposal.<sup>36</sup> The wording of the ballot question must permit the voter to clearly indicate approval or rejection by a straightforward “yes” or “no” vote.<sup>37</sup> If the majority of those voting in the referendum favor the ordinance, it takes effect on the date of its publication, which must occur within 10 days after the election.<sup>38</sup>

City councils or village boards in Wisconsin may enact, amend, or repeal by ordinance the city or village charter. If the local governing body adopts a charter ordinance, the proposed charter ordinance is subject to the 60-day waiting period required by Wis. Stat. § 66.0101 (5). During that period, if electors are opposed to the measure, they can seek to prevent the proposed charter ordinance from taking effect by filing a petition requiring the charter ordinance to be submitted to the electors for a vote. The petition must be signed by a number of voters equal to not less than 7 percent of the votes cast in the city or village for governor in the last election. The referendum is held at the spring election or at a different time permitted under Wis. Stat. § 9.20 (4).<sup>39</sup> If a majority of those voting in a referendum reject it, the ordinance is nullified.

## **Towns**

Towns are not authorized to act under Wis. Stat. § 9.20, and there is no generalized statutory authority relating to town referendums.<sup>40</sup> In addition, there are few statutory references that specifically authorize residents of towns to use the initiative procedure for specific circumstances.

Any qualified town elector, however, may vote at an annual or special town meeting. These include

- Division and dissolution of towns generally.<sup>41</sup>
- Town withdrawal from county zoning.<sup>42</sup>

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35. No more than one such special election may be held in any six-month period.

36. *Metropolitan Milwaukee Association of Commerce, Inc. v. City of Milwaukee*, 2011 WI App 45, 332 Wis. 2d 459, 798 N.W.2d 287, 09-1874.

37. These rules also apply to statewide and countywide referendums.

38. Wis. Stat. § 9.20 (7). Prior to every referendum, Wis. Stat. § 10.01 (2) (c) requires that the county or municipal clerk publish at least one notice about the election in the appropriate newspapers. The notice must include the following: the date of the referendum, the entire text of the question and the proposed enactment, if any, and an explanatory statement that describes, in plain language, the effect of the proposed law if enacted. The explanatory statement is prepared by the chief legal officer of the jurisdiction.

39. Wis. Stat. § 66.0101 (7) and (8).

40. Wis. Stat. § 60.10 (1) provides a list for the powers of a town meeting.

41. Wis. Stat. § 60.03.

42. Wis. Stat. § 60.23 (34) (b) 3.

- Appointment of a person to fill a town office position.<sup>43</sup>
- Zoning authority if exercising village powers.<sup>44</sup>
- Method of selection of town sanitary district commissioners.<sup>45</sup>
- Consolidation of town sanitary district boundaries.<sup>46</sup>

## School district referendums

### FUNDING

School districts may initiate two types of referendums to increase funding. First, a district may need to hold a referendum to issue debt for a specified purpose.<sup>47</sup> These are often referred to as “capital referenda,” because the funds are typically (but not always) for construction and other large capital projects. That process begins when a school board or the electors at a regularly called school district meeting adopt a resolution to raise money by issuing bonds.<sup>48</sup> If the board did not call for a referendum along with the resolution to issue bonds, the school board must then hold a public hearing at least 10 days after the initial resolution is adopted. The board must choose whether that hearing will be purely informational or whether the attendees will be allowed to vote on whether to hold a referendum at the meeting. If an informational hearing is held, then a petition signed by the lesser of 7,500 electors or 20 percent of all electors in the district can initiate a referendum on the initial resolution. The school district clerk must then submit the referendum to voters at the next primary or general election, as long as at least 70 days pass between the resolution’s adoption and the election.<sup>49</sup>

These debt referendums must follow the general procedure for municipal bond referendums outlined in Wis. Stat. § 67.05 (1), (3), and (7) to (15). As with referendums on municipal legislation, the text of the actual referendum question is a “concise statement” of the question.<sup>50</sup>

Second, a district may initiate a referendum to exceed its revenue limit without issuing new debt.<sup>51</sup> This process starts when a school board adopts a resolution to exceed the limit. The permission to exceed the revenue limit can be for either recurring or nonrecurring purposes, i.e., can continue indefinitely or be only for a set period. The school district clerk must then submit the referendum to voters at the next primary or

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43. Wis. Stat. § 60.30 (1e).

44. Wis. Stat. § 60.62 (2).

45. Wis. Stat. § 60.74 (5) (b) and (5m) (b).

46. Wis. Stat. § 60.785 (2).

47. Wis. Stat. § 67.05 (6a).

48. A bond is a certificate, provided to an individual or entity that lends money to a government or business for a set period, with the promise that the government or business will repay that money plus interest.

49. A referendum can be held outside the normal election schedule if it is in the six-month period after a natural disaster.

50. Wis. Stat. § 5.64 (2).

51. Wis. Stat. § 121.91 (3).

general election, as long as at least 70 days pass between the resolution's adoption and the election.

Districts may not conduct referendums to exceed the revenue limit or issue debt more than twice per year.<sup>52</sup>

Tangentially related to raising funding, school boards may also use referendums to give teachers raises. A school board that wishes to raise the base wages of teachers in the district is limited to an increase equal to an increase in the Consumer Price Index, a measure of inflation.<sup>53</sup> However, it can exceed that limit by conducting a referendum in its district.<sup>54</sup> No additional revenue or debt is raised by this type of referendum.

#### TERRITORY

Not all school district referendums relate directly to money. Chapter 117 of the Wisconsin Statutes sets out the processes for the reorganization of school districts, and many of these processes require referendums. A referendum may be required or requested when a school district is created, is dissolved, or attaches or detaches large amounts of territory, or when two or more districts are consolidated.

**Consolidation.** A binding referendum may be held when two or more school districts initiate the process to consolidate. A referendum on consolidation occurs if any of the school boards involved order the holding of a referendum or if 10 percent of the electors in any affected district sign a petition asking for a referendum; the petition is filed in the district with the greatest land value.<sup>55</sup> If a referendum is called, it takes place in each school district that would be affected by the consolidation. The referendum must obtain a majority in each of the affected school districts. If the referendum fails in any of the affected districts, the consolidation does not occur.<sup>56</sup>

**Dissolution.** An advisory referendum may be held when a school district initiates the process to dissolve itself. Following the adoption of an order to dissolve, an advisory referendum must be held if either the school board orders an advisory referendum at the time of adopting the resolution or 10 percent of the electors in the dissolving district sign a petition to hold a referendum.<sup>57</sup> In any referendum, the electors are the residents of the school district where the dissolution is proposed. The referendum is purely advisory; the final decision to dissolve is made by the School District Boundary Appeal Board (SDBAB), but the outcome of the referendum must be considered when that decision is made.<sup>58</sup>

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52. Wis. Stat. § 67.05 (6a) (a) 2. a.

53. Wis. Stat. § 111.70 (4) (mb) 2. a.

54. Wis. Stat. § 118.245.

55. Wis. Stat. §§ 117.08 (3) (a) 1. and 2. and 117.09 (3) (a) 1. and 2. In the case of a consolidation of high school and elementary districts, filing and the referendum itself are held in the high school district.

56. Wis. Stat §§ 117.08 (4) and 117.09 (4).

57. Wis. Stat. § 117.10 (3) (a) 1. and 2.

58. Wis. Stat. §§ 117.10 (4) and 117.15 (7).

**Change in territory.** The attempted transfer of a large territory<sup>59</sup> from one school district to another may result in a binding referendum. The detachment/attachment process is initiated when either a majority of the electors in that territory or the owners of a majority of the territory's value file a petition for a detachment with the school district where the territory is located.<sup>60</sup> A referendum on the transfer is held only if either of the school boards of the affected districts orders one or if 10 percent of the electors in either affected district sign a petition asking for a referendum.<sup>61</sup> If held, a detachment referendum occurs during the fall general election and must obtain a majority in each of the affected school districts. If the referendum fails in any of the affected districts, the transfer does not occur.<sup>62</sup>

**Creation.** The creation of a school district from the territory of an existing district must be ratified by voters. There are two types of district creation referendums. The first is initiated if

- The school boards of all the affected districts approve the reorganization and there is no review by the SDBAB;<sup>63</sup>
- The school boards of all the affected districts approve the reorganization, there is a review by the SDBAB, and SDBAB grants the reorganization;<sup>64</sup> or
- The school boards of one or more of the affected districts deny the reorganization, there is a review by the SDBAB, and SDBAB grants the reorganization.<sup>65</sup>

In this type of referendum, the electors are the residents of the proposed new district.<sup>66</sup>

The second type of referendum usually occurs after the first, but only when

- The school boards of one or more of the affected districts deny the reorganization, there is a review by the SDBAB, and SDBAB grants the reorganization; and<sup>67</sup>
- A petition requesting a referendum, signed by 20 percent of the electors in the affected school districts, is filed in the affected school district with the greatest land value.<sup>68</sup>

In the second referendum, the electors are the residents of all affected districts, regardless of whether they reside in the proposed new district.<sup>69</sup>

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59. Seven percent of the enrollment or the equalized valuation of the district for the land requesting detachment.

60. Wis. Stat. § 117.11 (2).

61. Wis. Stat. § 117.11 (4) (a) 1. and 2.

62. Wis. Stat. §§ 117.11 (4) (b) and 117.20 (1) (a).

63. Wis. Stat. § 117.105 (3) (a) 1.

64. Wis. Stat. § 117.105 (3) (a) 2.

65. Wis. Stat. § 117.105 (3) (c).

66. Wis. Stat. § 117.105 (3) (b).

67. Wis. Stat. § 117.105 (3) (c).

68. Wis. Stat. § 117.105 (3) (c).

69. Wis. Stat. § 117.105 (3) (d).

If any of the referendums in the creation process fail, the proposed district is not created.

## Recent referendums

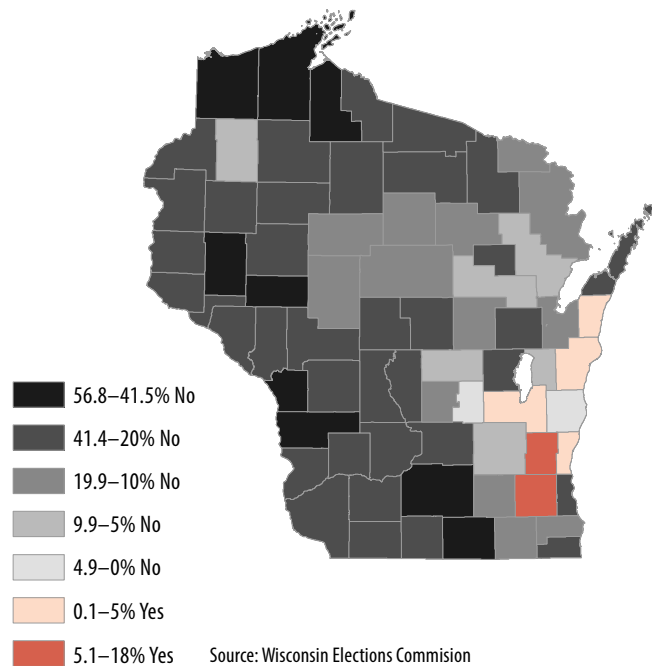
### Statewide referendums

In the past decade, three constitutional amendments have been placed on ballots for consideration by the Wisconsin electorate. The first, which required revenues generated from the use of the state's transportation system to be placed in the state transportation fund, passed in November 2014 with 80 percent of the votes.<sup>70</sup> The second, which allowed the chief justice of the Wisconsin Supreme Court to be elected by the justices rather than determined by seniority, passed in April 2015 with 53 percent in favor of it.<sup>71</sup> The third, which eliminated the office of state treasurer, failed in November 2018 with only 38 percent of the votes.<sup>72</sup>

Following the passage of [2017 Senate Joint Resolution 53](#) and [2019 Senate Joint Resolution 2](#), a vote on a new constitutional amendment will take place on April 7, 2020. That amendment, popularly known as "Marsy's Law," would define "victims" of crimes and codify several rights for victims.

The last statewide advisory referendum election occurred in 2006 and asked Wisconsinites about the death penalty, which has been prohibited in Wisconsin since 1853.<sup>73</sup> The following ballot question was submitted: "Should the death penalty be enacted in the state of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?" The outcome of the referendum was 55

Figure 3. **State treasurer constitutional amendment referendum vote margin**



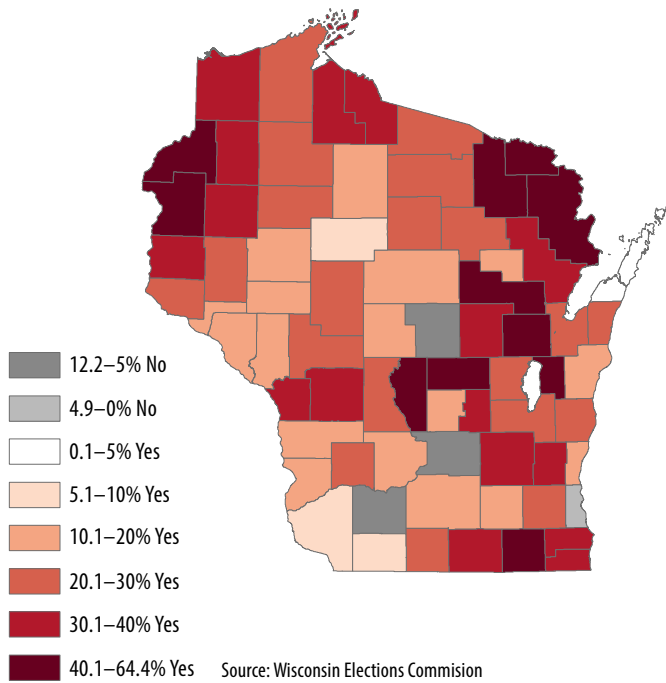
70. [2013 Wis. AJR 2](#).

71. [2015 Wis. SJR 2](#).

72. [2017 Wis. SJR 3](#).

73. [Chapter 103, Laws of 1853](#).

Figure 4. **Death penalty advisory referendum vote margin**



percent in favor and 45 percent against it.

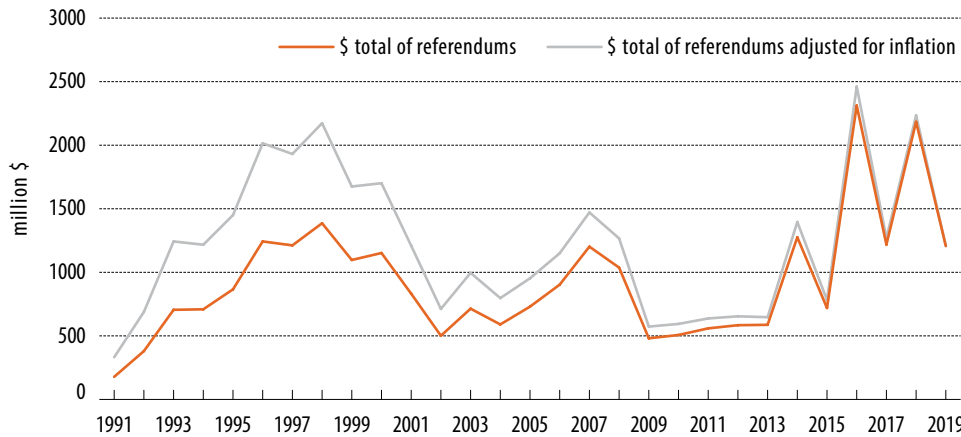
**School finance referendums**

The number of financing referendums increased throughout the 2010s, and the amount of money those referendums intended to raise reached new all-time highs even when adjusting for inflation.<sup>74</sup> In 2018 and 2019, districts proposed raising, respectively, \$2.18 billion and \$1.21 billion via referendum. Since the imposition of school district revenue limits by 1993 Wisconsin Act 16, 40 percent of

school referendums were dedicated to exceeding that limit.

The proportion of successful referendums has also increased recently. The success

Figure 5. **Total dollar amount of school referendums**



rate for referendums was 76 percent from 2015 to 2019, compared to 62 percent for all referendums since 1991.

As seen in figure 8, funding referendums are used by all types of school districts.

74. Adjusted using data from U.S. Bureau of Labor Statistics, “Consumer Price Index for All Urban Consumers,” <https://data.bls.gov>.

Figure 6. Number of school referendums

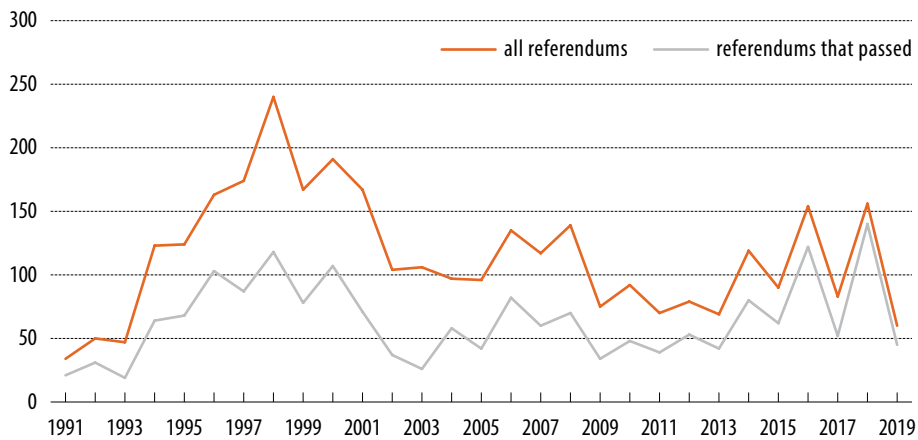


Figure 7. Number of school referendums by type

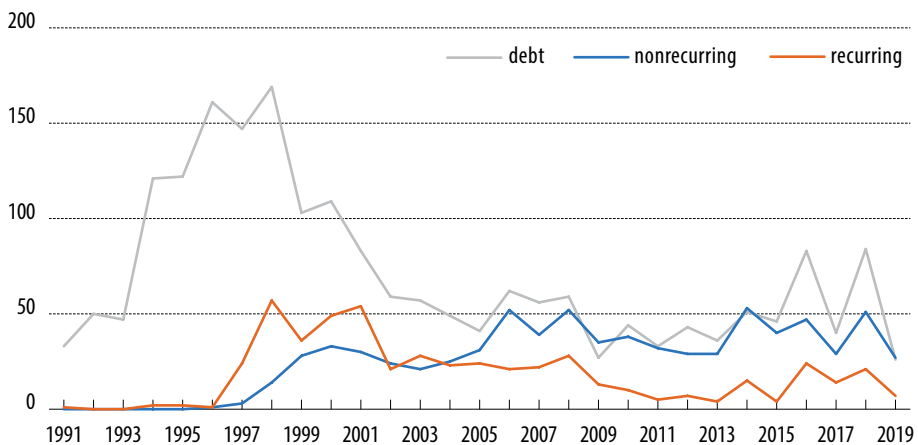


Figure 7 shows school referendums separated by whether they ask to take loans, exceed the revenue limit for nonrecurring purposes (e.g., construction), or exceed the revenue limit for recurring purposes (e.g., keeping a school open).

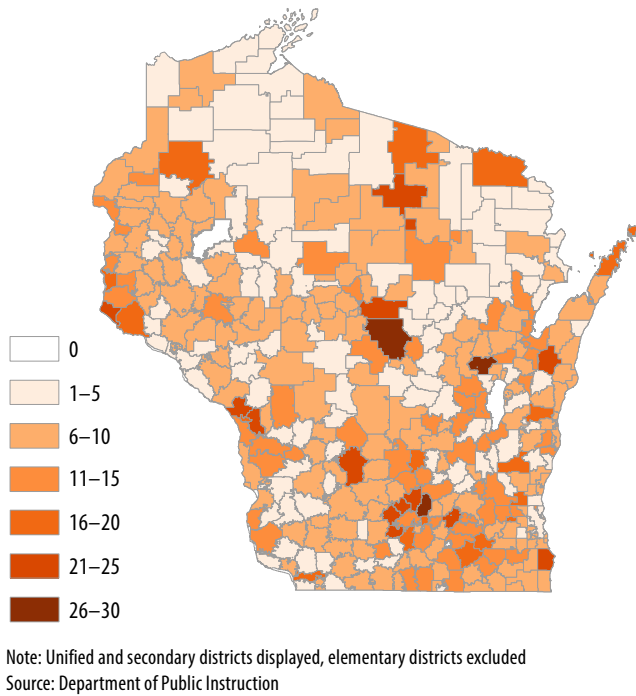
School districts use this funding for a variety of reasons, from rural districts seeking to maintain funding as the proportion of children in their area shrinks, to urban districts building schools in order to manage growth.<sup>75</sup>

Since 2010, there have been only two major district reorganization referendums. The school districts of Chetek and Weyerhaeuser consolidated on July 1, 2010, following a successful referendum.<sup>76</sup> The school district of Palmyra-Eagle held an advisory referendum

75. State aid and school revenue limits are tied to the number of students in a district, so the declining enrollment in many rural areas is creating pressures on schools. Sarah Kemp, “Shifts in Student Numbers Help Drive School Referendums Across Wisconsin,” *Wiscontext*, Oct. 25, 2018, <https://www.wiscontext.org>.

76. Christa Pugh, “School District Reorganization,” *Informational Paper 30* (Madison, WI: Legislative Fiscal Bureau, 2019), 4. School District of Chetek and Weyerhaeuser Area School District, “Order of School District Reorganization” (July 15, 2009), <https://dpi.wi.gov>.

Figure 8. **Number of school referendums, 1991–2019**



to dissolve the district in November 2019. The referendum was successful;<sup>77</sup> however, the disillusion was rejected by the SDBAB in January 2020.<sup>78</sup>

## Conclusion

Unlike a number of other states, Wisconsin does not have any statewide initiative process that would allow electors to propose new state laws or constitutional amendments through a petition and to compel a referendum vote. However, residents of Wisconsin do have the ballot initiative process at their disposal

at the local level to compel a referendum vote via a petition. ■

77. Bob Dohr, “Residents Vote in Favor of Dissolving the Palmyra-Eagle School District in an Advisory Referendum,” *Milwaukee Journal Sentinel* (Nov. 5, 2019), <https://www.jsonline.com>.

78. Bob Dohr, “The Cash-Strapped Palmyra-Eagle Area School District Will Not Dissolve, State Panel Rules,” *Milwaukee Journal Sentinel*, (Jan. 9, 2020), <https://www.jsonline.com>.



# Appendix

## History of proposed constitutional amendments since 1854

Article	Section	Subject	Election result	Vote totals	Date	Proposed amendment
IV	4	Assemblymen, 2-year terms . . . . .	rejected	6,549–11,580	Nov. 1854	1854 Ch. 89
IV	5	Senators, 4-year terms . . . . .	rejected	6,348–11,885	Nov. 1854	1854 Ch. 89
IV	11	Biennial legislative sessions . . . . .	rejected	6,752–11,589	Nov. 1854	1854 Ch. 89
V	5	Governor's salary, changed from \$1,250 to \$2,500 a year . . . . .	rejected	14,519–32,612	Nov. 1862	1862 JR 6
IV	21	Change legislators' pay to \$350 a year . . . . .	ratified	58,363–24,418	Nov. 1867	1866 JR 3
V	5	Change governor's salary from \$1,250 to \$5,000 a year . . . . .	ratified	47,353–41,764	Nov. 1869	1869 JR 2
V	9	Change lieutenant governor's salary to \$1,000 a year . . . . .	ratified	47,353–41,764	Nov. 1869	1869 JR 2
I	8	Grand jury system modified . . . . .	ratified	48,894–18,606	Nov. 1870	1870 JR 3
IV	31, 32	Private and local laws, prohibited on 9 subjects . . . . .	ratified	54,087–3,675	Nov. 1871	1871 JR 1
VII	4	Supreme court, 1 chief and 4 associate justices . . . . .	rejected	16,272–29,755	Nov. 1872	1872 JR 8
XI	3	Indebtedness of municipalities limited to 5% . . . . .	ratified	66,061–1,509	Nov. 1874	1873 JR 4
VII	4	Supreme court, 1 chief and 4 associate justices . . . . .	ratified	79,140–16,763	Nov. 1877	1877 JR 1
VIII	2	Claims against state, 6-year limit . . . . .	ratified	33,046–3,371	Nov. 1877	1877 JR 4
IV	4, 5, 11	Biennial sessions; assemblymen 2-year, senators 4-year terms . . . . .	ratified	53,532–13,936	Nov. 1881	1881 AJR 7 <sup>1</sup>
IV	21	Change legislators' pay to \$500 a year . . . . .	ratified	53,532–13,936	Nov. 1881	1881 AJR 7 <sup>1</sup>
III	1	Voting residence 30 days; in municipalities voter registration . . . . .	ratified	36,223–5,347	Nov. 1882	1882 JR 5
VI	4	County officers except judicial, vacancies filled by appointment . . . . .	ratified	60,091–8,089	Nov. 1882	1882 JR 3
VII	12	Clerk of court, full term election . . . . .	ratified	60,091–8,089	Nov. 1882	1882 JR 3
XIII	1	Political year; biennial elections . . . . .	ratified	60,091–8,089	Nov. 1882	1882 JR 3
X	1	State superintendent, qualifications and pay fixed by legislature . . . . .	rejected	12,967–18,342	Nov. 1888	1887 JR 4
VII	4	Supreme court, composed of 5 justices of supreme court . . . . .	ratified	125,759–14,712	Apr. 1889	1889 JR 3
IV	31	Cities incorporated by general law . . . . .	ratified	15,718–9,015	Nov. 1892	1891 JR 4
X	1	State superintendent, pay fixed by law . . . . .	rejected	38,752–56,506	Nov. 1896	1895 JR 2
VIII	7	Circuit judges, additional in populous counties . . . . .	ratified	45,823–41,513	Apr. 1897	1897 JR 9
X	1	State superintendent, nonpartisan 4-year term, pay fixed by law . . . . .	ratified	71,550–57,411	Nov. 1902	1901 JR 3
XI	4	General banking law authorized . . . . .	ratified	64,836–44,620	Nov. 1902	1901 JR 2
XI	5	Banking law referenda requirement repealed . . . . .	ratified	64,836–44,620	Nov. 1902	1901 JR 2
XIII	11	Free passes prohibited . . . . .	ratified	67,781–40,697	Nov. 1902	1901 JR 9
VII	4	Supreme court, 7 justices, 10-year terms . . . . .	ratified	51,377–39,857	Apr. 1903	1903 JR 7
III	1	Suffrage for full citizens only . . . . .	ratified	85,838–36,733	Nov. 1908	1907 JR 25
V	10	Governor's approval of bills in 6 days . . . . .	ratified	85,958–27,270	Nov. 1908	1907 JR 13
VIII	1	Income tax . . . . .	ratified	85,696–37,729	Nov. 1908	1907 JR 29
VIII	10	Highways, appropriations for . . . . .	ratified	116,421–46,739	Nov. 1908	1907 JR 18
IV	3	Apportionment after each federal census . . . . .	ratified	54,932–52,634	Nov. 1910	1909 JR 55
IV	21	Change legislators' pay to \$1,000 a year . . . . .	rejected	44,153–76,278	Nov. 1910	1909 JR 7
VIII	10	Water power and forests, appropriations for <sup>2</sup> . . . . .	rejected	62,468–45,924 <sup>2</sup>	Nov. 1910	1909 Ch. 514
VII	10	Judges' salaries, time of payment . . . . .	ratified	44,855–34,865	Nov. 1912	1911 JR 24
XI	3	City or county debt for lands, discharge within 50 years . . . . .	ratified	46,369–34,975	Nov. 1912	1911 JR 42
XI	3a	Public parks, playgrounds, etc. . . . .	ratified	48,424–33,931	Nov. 1912	1911 JR 48
IV	1	Initiative and referendum . . . . .	rejected	84,934–148,536	Nov. 1914	1913 JR 22
IV	21	Change legislators' pay to \$600 a year, 2 cents a mile for additional round trips . . . . .	rejected	68,907–157,202	Nov. 1914	1913 JR 24
VII	6, 7	Judicial circuits, decreased number, additional judges . . . . .	rejected	63,311–154,827	Nov. 1914	1913 JR 26
VIII	—	State annuity insurance . . . . .	rejected	59,909–170,338	Nov. 1914	1913 JR 35
VIII	—	State insurance . . . . .	rejected	58,490–165,966	Nov. 1914	1913 JR 12
XI	—	Home rule of cities and villages . . . . .	rejected	86,020–141,472	Nov. 1914	1913 JR 21
XI	—	Municipal power of condemnation . . . . .	rejected	61,122–154,945	Nov. 1914	1913 JR 25
XII	1	Constitutional amendments, submission after 3/5 approval by one legislature . . . . .	rejected	71,734–160,761	Nov. 1914	1913 JR 17
XII	—	Constitution amended upon petition . . . . .	rejected	68,435–150,215	Nov. 1914	1913 JR 22
XIII	—	Recall of civil officers . . . . .	rejected	81,628–144,386	Nov. 1914	1913 JR 15
IV	21	Legislators' pay fixed by law . . . . .	rejected	126,243–132,258	Apr. 1920	1919 JR 37
VII	6, 7	Judicial circuits, decreased number, additional judges . . . . .	rejected	113,786–116,436	Apr. 1920	1919 JR 92
I	5	Jury verdict, 5/6 in civil cases . . . . .	ratified	171,433–156,820	Nov. 1922	1921 JR 17
VI	4	Sheriffs, no limit on successive terms . . . . .	rejected	161,832–207,594	Nov. 1922	1921 JR 36
XI	—	Municipal indebtedness for public utilities . . . . .	rejected	105,234–219,639	Nov. 1922	1921 JR 37
IV	21	Change legislators' pay to \$750 a year . . . . .	rejected	189,635–250,236	Apr. 1924	1923 JR 18
VII	7	Circuit judges, additional in populous counties . . . . .	ratified	240,207–226,562	Nov. 1924	1923 JR 64
VIII	10	Forestry, appropriations for . . . . .	ratified	336,360–173,563	Nov. 1924	1923 JR 57
XI	3	Home rule for cities and villages . . . . .	ratified	299,792–190,165	Nov. 1924	1923 JR 34
V	5	Governor's salary fixed by law . . . . .	ratified	202,156–188,302	Nov. 1926	1925 JR 52
XIII	12	Recall of elective officials . . . . .	ratified	205,868–201,125	Nov. 1926	1925 JR 16
IV	21	Change legislators' pay to \$1,000 for session . . . . .	rejected	151,786–199,260	Apr. 1927	1927 JR 12
VIII	1	Severance tax: forests, minerals . . . . .	ratified	179,217–141,888	Apr. 1927	1927 JR 13
IV	21	Legislators' salary repealed; to be fixed by law . . . . .	ratified	237,250–212,846	Apr. 1929	1929 JR 6
VI	4	Sheriffs succeeding themselves for 2 terms . . . . .	ratified	259,881–210,964	Apr. 1929	1929 JR 13
V	10	Item veto on appropriation bills . . . . .	ratified	252,655–153,703	Nov. 1930	1929 JR 43
V	5	Governor's salary provision repealed; fixed by law . . . . .	ratified	452,605–275,175	Nov. 1932	1931 JR 52

## History of proposed constitutional amendments since 1854, continued

Article	Section	Subject	Election result	Vote totals	Date	Proposed amendment
V	9	Lieutenant governor's salary repealed; fixed by law . . . . .	ratified	427,768–267,120	Nov. 1932	1931 JR 53
VII	1	Wording of section corrected . . . . .	ratified	436,113–221,563	Nov. 1932	1931 JR 58
XI	3	Municipal indebtedness for public utilities . . . . .	ratified	401,194–279,631	Nov. 1932	1931 JR 71
III	1	Women's suffrage . . . . .	ratified	411,088–166,745	Nov. 1934	1933 JR 76
XIII	11	Free passes, permitted as specified. . . . .	ratified	365,971–361,799	Nov. 1936	1935 JR 98
VIII	1	Installment payment of real estate taxes . . . . .	ratified	330,971–134,808	Apr. 1941	1941 JR 18
VII	15	Justice of peace, abolish office in first class cities . . . . .	ratified	160,965–113,408	Apr. 1945	1945 JR 2
VIII	10	Aeronautical program . . . . .	ratified	187,111–101,169	Apr. 1945	1945 JR 3
VI	4	Sheriffs, no limit on successive terms . . . . .	rejected	121,144–170,131	Apr. 1946	1945 JR 47
IV	33	Auditing of state accounts . . . . .	ratified	480,938–308,072	Nov. 1946	1945 JR 73
VI	2	Auditing (part of same proposal) . . . . .	ratified	480,938–308,072	Nov. 1946	1945 JR 73
X	3	Public transportation of school children to any school. . . . .	rejected	437,817–545,475	Nov. 1946	1945 JR 78
XI	2	Repeal; relating to exercise of eminent domain by municipalities . . . . .	rejected	210,086–807,318	Nov. 1948	1947 JR 48
II	2	Prohibition on taxing federal lands repealed. . . . .	rejected	245,412–297,237	Apr. 1949	1949 JR 2
VIII	10	Allow internal improvement debt for veterans' housing. . . . .	ratified	311,576–290,736	Apr. 1949	1949 JR 1
II	2	Prohibition on taxing federal lands repealed. . . . .	ratified	305,612–186,284	Apr. 1951	1951 JR 7
XI	3	City debt limit 8% for combined city and school purposes . . . . .	ratified	313,739–191,897	Apr. 1951	1951 JR 6
IV	3, 4, 5	Apportionment based on area and population <sup>3</sup> . . . . .	rejected	433,043–406,133 <sup>3</sup>	Apr. 1953	1953 JR 9
VII	9	Judicial elections to full terms. . . . .	ratified	386,972–345,094	Apr. 1953	1953 JR 12
VII	24	Judges: qualifications, retirement. . . . .	ratified	380,214–177,929	Apr. 1955	1955 JR 14
XI	3	School debt limit, equalized value . . . . .	ratified	320,376–228,641	Apr. 1955	1955 JR 12
IV	26	Teachers' retirement benefits . . . . .	ratified	365,560–255,284	Apr. 1956	1955 JR 17
VI	4	Sheriffs, no limit on successive terms . . . . .	rejected	269,722–328,603	Apr. 1956	1955 JR 53
XI	3a	Municipal acquisition of land for public purposes . . . . .	ratified	376,692–193,544	Apr. 1956	1955 JR 36
XIII	11	Free passes, not for public use. . . . .	rejected	188,715–380,207	Apr. 1956	1955 JR 54
VIII	10	Port development . . . . .	ratified	472,177–451,045	Apr. 1960	1959 JR 15
XI	3	Debt limit in populous counties, 5% of equalized valuation . . . . .	ratified	686,104–529,467	Nov. 1960	1959 JR 32
IV	26	Salary increases during term for various public officers . . . . .	rejected	297,066–307,575	Apr. 1961	1961 JR 11
IV	34	Continuity of civil government . . . . .	ratified	498,869–132,728	Apr. 1961	1961 JR 10
VI	4	Sheriffs, no limit on successive terms . . . . .	rejected	283,495–388,238	Apr. 1961	1961 JR 9
VIII	1	Personal property classified for tax purposes . . . . .	ratified	381,881–220,434	Apr. 1961	1961 JR 13
XI	2	Municipal eminent domain, abolished jury verdict of necessity . . . . .	ratified	348,406–259,566	Apr. 1961	1961 JR 12
XI	3	Debt limit 10% of equalized valuation for integrated aid school district . . . . .	ratified	409,963–224,783	Apr. 1961	1961 JR 8
IV	3	"Indians not taxed" exclusion removed from apportionment formula. . . . .	ratified	631,296–259,577	Nov. 1962	1961 JR 32
IV	23	County executive: 4-year term. . . . .	ratified	527,075–331,393	Nov. 1962	1961 JR 64
VI	4	County executive: 2-year terms . . . . .	ratified	527,075–331,393	Nov. 1962	1961 JR 64
IV	23a	County executive veto power . . . . .	ratified	524,240–319,378	Nov. 1962	1961 JR 64
IV	3	Time for apportionment of seats in the state legislature. . . . .	rejected	232,851–277,014	Apr. 1963	1963 JR 9
IV	26	Salary increases during term for justices and judges . . . . .	rejected	216,205–335,774	Apr. 1963	1963 JR 7
XI	3	Equalized value debt limit . . . . .	ratified	285,296–231,702	Apr. 1963	1963 JR 8
VIII	10	Maximum state appropriation for forestry increased. . . . .	rejected	440,978–536,724	Apr. 1964	1963 JR 32
XI	3	Property valuation for debt limit adjusted . . . . .	rejected	336,994–572,276	Apr. 1964	1963 JR 33
XII	1	Constitutional amendments, submission of related items in a single proposition . . . . .	rejected	317,676–582,045	Apr. 1964	SS 1963 JR 14
VI	4	Coroner and surveyor abolished in counties of 500,000 . . . . .	ratified	380,059–215,169	Apr. 1965	1965 JR 5
IV	24	Lotteries, definition revised . . . . .	ratified	454,390–194,327	Apr. 1965	1965 JR 2
IV	13	Legislators on active duty in armed forces . . . . .	ratified	362,935–189,641	Apr. 1966	1965 JR 14
VII	2	Establishment of inferior courts. . . . .	ratified	321,434–216,341	Apr. 1966	1965 JR 50
VII	15	Justices of the peace abolished . . . . .	ratified	321,434–216,341	Apr. 1966	1965 JR 50
XI	3	Special district public utility debt limit . . . . .	ratified	307,502–199,919	Apr. 1966	1965 JR 51 1965 JR 58
I	23	Transportation of children to private schools . . . . .	ratified	494,236–377,107	Apr. 1967	1967 JR 13
IV	26	Judicial salary increased during term . . . . .	ratified	489,989–328,292	Apr. 1967	1967 JR 17
V	1m, 1n	4-year term for governor and lieutenant governor . . . . .	ratified	534,368–310,478	Apr. 1967	1967 JR 10
V	3	Joint election of governor and lieutenant governor . . . . .	ratified	507,339–312,267	Apr. 1967	1967 JR 11 1967 JR 14
VI	1m	4-year term for secretary of state . . . . .	ratified	520,326–311,974	Apr. 1967	1967 JR 10
VI	1n	4-year term for state treasurer. . . . .	ratified	514,280–314,873	Apr. 1967	1967 JR 10
VI	1p	4-year term for attorney general . . . . .	ratified	515,962–311,603	Apr. 1967	1967 JR 10
VI	4	Sheriffs, no limit on successive terms . . . . .	ratified	508,242–324,544	Apr. 1967	1967 JR 12
IV	11	Legislative sessions, more than one permitted in biennium . . . . .	ratified	670,757–267,997	Apr. 1968	1967 JR 48
VII	24	Uniform retirement date for justices and circuit judges . . . . .	ratified	734,046–215,455	Apr. 1968	1967 JR 56
VII	24	Temporary appointment of justices and circuit judges . . . . .	ratified	678,249–245,807	Apr. 1968	1967 JR 56
VIII	10	Forestry appropriation from sources other than property tax . . . . .	ratified	652,705–286,512	Apr. 1968	1967 JR 25
IV	23	Uniform county government modified . . . . .	ratified	326,445–321,851	Apr. 1969	1969 JR 2
IV	23a	County executive to have veto power . . . . .	ratified	326,445–321,851	Apr. 1969	1969 JR 2
VIII	7	State public debt for specified purposes allowed . . . . .	ratified	411,062–258,366	Apr. 1969	1969 JR 3
I	24	Private use of school buildings . . . . .	ratified	871,707–298,016	Apr. 1972	1971 JR 27
IV	23	County government systems authorized . . . . .	ratified	571,285–515,255	Apr. 1972	1971 JR 13
VI	4	Coroner/medical examiner option . . . . .	ratified	795,497–323,930	Apr. 1972	1971 JR 21

## History of proposed constitutional amendments since 1854, continued

Article	Section	Subject	Election result	Vote totals	Date	Proposed amendment
X	3	Released time for religious instruction . . . . .	ratified	595,075–585,511	Apr. 1972	1971 JR 28
I	25	Equality of the sexes . . . . .	rejected	447,240–520,936	Apr. 1973	1973 JR 5
IV	24	Charitable bingo authorized . . . . .	ratified	645,544–391,499	Apr. 1973	1973 JR 3
IV	26	Increased benefits for retired public employees . . . . .	ratified	396,051–315,545	Apr. 1974	1973 JR 15
VII	13	Removal of judges by 2/3 vote of legislature for cause . . . . .	ratified	493,496–193,867	Apr. 1974	1973 JR 25
VIII	1	Taxation of agricultural lands . . . . .	ratified	353,377–340,518	Apr. 1974	1973 JR 29
VIII	3, 7	Public debt for veterans' housing . . . . .	ratified	385,915–300,232	Apr. 1975	1975 JR 3
VIII	7, 10	Internal improvements for transportation facilities <sup>5</sup> . . . . .	rejected	342,396–341,291 <sup>5</sup>	Apr. 1975	1975 JR 2
XI	3	Exclusion of certain debt from municipal debt limit . . . . .	rejected	310,434–337,925	Apr. 1975	1973 JR 133
XIII	2	Dueling: repeal of disenfranchisement . . . . .	ratified	395,616–282,726	Apr. 1975	1975 JR 4
XI	3	Municipal indebtedness increased up to 10% of equalized valuation . . . . .	rejected	328,097–715,420	Apr. 1976	1975 JR 6
VIII	7(2)(a), 10	Internal improvements for transportation facilities <sup>5</sup> . . . . .	rejected	722,658–935,152	Nov. 1976 <sup>5</sup>	1975 JR 2
IV	24	Charitable raffle games authorized . . . . .	ratified	483,518–300,473	Apr. 1977	1977 JR 6
VII	2	Unified court system [also affected I 21; IV 17, 26; VII 3–11, 14, 16–23; XIV 16(1)–(4)] . . . . .	ratified	490,437–215,939	Apr. 1977	1977 JR 7
VII	5	Court of appeals created [also affected I 21(1); VII 2, 3(3); XIV 16(5)] . . . . .	ratified	455,350–229,316	Apr. 1977	1977 JR 7
VII	11, 13	Court system disciplinary proceedings . . . . .	ratified	565,087–151,418	Apr. 1977	1977 JR 7
VII	24	Retirement age for justices and judges set by law . . . . .	ratified	506,207–244,170	Apr. 1977	1977 JR 7
IV	23	Town government uniformity . . . . .	rejected	179,011–383,395	Apr. 1978	1977 JR 18
V	7, 8	Gubernatorial succession . . . . .	ratified	538,959–187,440	Apr. 1979	1979 JR 3
XIII	10	Lieutenant governor vacancy . . . . .	ratified	540,186–181,497	Apr. 1979	1979 JR 3
IV	9	Senate presiding officer . . . . .	ratified	372,734–327,008	Apr. 1979	1979 JR 3
V	1	4-year constitutional officer terms (improved wording) [also affected V 1m, 1n; VI 1, 1m, 1n, 1p]. . . . .	ratified	533,620–164,768	Apr. 1979	1979 JR 3
I	8	Right to bail <sup>6</sup> . . . . .	ratified	505,092–185,405 <sup>6</sup>	Apr. 1981	1981 JR 8
XI	1, 4	Obsolete corporation and banking provisions . . . . .	ratified	418,997–186,898	Apr. 1981	1981 JR 9
XI	3	Indebtedness period for sewage collection or treatment systems . . . . .	ratified	386,792–250,866	Apr. 1981	1981 JR 7
XIII	12	Primaries in recall elections . . . . .	ratified	366,635–259,820	Apr. 1981	1981 JR 6
VI	4	Counties responsible for acts of sheriff . . . . .	ratified	316,156–219,752	Apr. 1982	1981 JR 15
I	1, 18	Gender-neutral wording [also affected X 1, 2] . . . . .	ratified	771,267–479,053	Nov. 1982	1981 JR 29
IV	3	Military personnel treatment in redistricting . . . . .	ratified	834,188–321,331	Nov. 1982	1981 JR 29
IV	4, 5	Obsolete 1881 amendment reference . . . . .	ratified	919,349–238,884	Nov. 1982	1981 JR 29
IV	30	Elections by legislature . . . . .	ratified	977,438–193,679	Nov. 1982	1981 JR 29
X	1	Obsolete reference to election and term of superintendent of public instruction . . . . .	ratified	934,236–215,961	Nov. 1982	1981 JR 29
X	2	Obsolete reference to military draft exemption purchase; school fund . . . . .	ratified	887,488–295,693	Nov. 1982	1981 JR 29
XIV	3	Obsolete transition from territory to statehood [also affected XIV 4–12; XIV 14, 15] . . . . .	ratified	926,875–223,213	Nov. 1982	1981 JR 29
XIV	16(1)	Obsolete transitional provisions of 1977 court reorganization [also affected XIV 16(2), (3), (5)] . . . . .	ratified	882,091–237,698	Nov. 1982	1981 JR 29
XIV	16(4)	Terms on supreme court effective date provision . . . . .	ratified	960,540–190,366	Nov. 1982	1981 JR 29
I	1	Rewording to parallel Declaration of Independence . . . . .	ratified	419,699–65,418	Apr. 1986	1985 JR 21
III	1–6	Revision of suffrage defined by general law . . . . .	ratified	401,911–83,183	Apr. 1986	1985 JR 14
XIII	1	Modernizing constitutional text . . . . .	ratified	404,273–82,512	Apr. 1986	1985 JR 14
XIII	5	Obsolete suffrage right on Indian land . . . . .	ratified	381,339–102,090	Apr. 1986	1985 JR 14
IV	24(5)	Permitting pari-mutuel on-track betting . . . . .	ratified	580,089–529,729	Apr. 1987	1987 JR 3
IV	24(6)	Authorizing the creation of a state lottery . . . . .	ratified	739,181–391,942	Apr. 1987	1987 JR 4
VIII	1	Authorizing income tax credits or refunds for property or sales taxes . . . . .	rejected	405,765–406,863	Apr. 1989	1989 JR 2
V	10	Redefining the partial veto power of the governor . . . . .	ratified	387,068–252,481	Apr. 1990	1989 JR 39
VIII	10	Providing housing for persons of low or moderate income . . . . .	rejected	295,823–402,921	Apr. 1991	1991 JR 2
VIII	7(2)(a)1	Railways and other railroad facilities [also created VIII 10]. . . . .	ratified	650,592–457,690	Apr. 1992	1991 JR 9
IV	26	Legislative and judiciary compensation, effective date . . . . .	ratified	736,832–348,645	Apr. 1992	1991 JR 13
VIII	1	Residential property tax reduction . . . . .	rejected	675,876–1,536,975	Nov. 1992	1991 JR 14
I	9m	Crime victims . . . . .	ratified	861,405–163,087	Apr. 1993	1993 JR 2
IV	24	Gambling, limiting "lottery"; divorce under general law [also affected IV 31, 32] . . . . .	ratified	623,987–435,180	Apr. 1993	1993 JR 3
I	3	Removal of unnecessary references to masculine gender [also affected I 3, 7, 9, 19, 21(2); IV 6, 12, 13, 23a; V 4, 6; VI 2; VII 1, 12; XI 3a; XIII 4, 11, 12(6)]. . . . .	rejected	412,032–498,801	Apr. 1995	1995 JR 3
IV	24(6)(a)	Authorizing sports lottery dedicated to athletic facilities . . . . .	rejected	348,818–618,377	Apr. 1995	1995 JR 2
VII	10(1)	Removal of restriction on judges holding nonjudicial public office after resignation during the judicial term . . . . .	rejected	390,744–503,239	Apr. 1995	1995 JR 4
XIII	3	Eligibility to seek or hold public office if convicted of a felony or a misdemeanor involving violation of a public trust . . . . .	ratified	1,292,934–543,516	Nov. 1996	1995 JR 28
I	25	Guaranteeing the right to keep and bear arms . . . . .	ratified	1,205,873–425,052	Nov. 1998	1997 JR 21
VI	4(1), (3), (5), (6)	4-year term for sheriff; sheriffs permitted to hold nonpartisan office; allowed legislature to provide for election to fill vacancy during term . . . . .	ratified	1,161,942–412,508	Nov. 1998	1997 JR 18

## History of proposed constitutional amendments since 1854, continued

Article	Section	Subject	Election result	Vote totals	Date	Proposed amendment
IV	24(3), (5), (6)	Distributing state lottery, bingo and pari-mutuel proceeds for property tax. . . . .	ratified	648,903–105,976	Apr. 1999	1999 JR 2
I	26	Right to fish, hunt, trap, and take game . . . . .	ratified	668,459–146,182	Apr. 2003	2003 JR 8
VI	4(1), (3), (4)	4-year term for county clerks, treasurers, clerks of circuit court, district attorneys, coroners, elected surveyors, and registers of deeds [also affected VII 12] . . . . .	ratified	534,742–177,037	Apr. 2005	2005 JR 2
XIII	13	Marriage between one man and one woman . . . . .	ratified	1,264,310–862,924	Nov. 2006	2005 JR 30
V	10(1)(c)	Gubernatorial partial veto power . . . . .	ratified	575,582–239,613	Apr. 2008	2007 JR 26
IV	9(2)	Department of transportation and transportation fund [also created VIII 11] . . . . .	ratified	1,733,101–434,806	Nov. 2014	2013 JR 1
VIII	1	Election of chief justice of the supreme court . . . . .	ratified	433,533–384,503	Apr. 2015	2015 JR 2
VI	1,3	Elimination of state treasurer [also affected X 7, 8 and XIV 17] . . . . .	rejected	363,562–586,134	Apr. 2018	2017 JR7

Note: To amend the Wisconsin Constitution, it is necessary for two consecutive legislatures to adopt an identical amendment (known as “first consideration” and “second consideration”) and for a majority of the electorate to ratify the amendment at a subsequent election. See Art. XII, Sec. 1. JR 41 of 1925, which became Joint Rule 16 of the Wisconsin Legislature, established a new procedure to incorporate the “submission to the people” clause into the proposal at second approval.

Since the adoption of the Wisconsin Constitution in 1848, the electorate has voted 145 out of 196 times to amend a total of 128 sections of the constitution (excluding the same vote for more than one item but including a vote that was later resubmitted by the legislature and two votes that were declared invalid by the courts). The Wisconsin Legislature adopted 158 acts or joint resolutions to submit these changes to the electorate.

Ch.—Chapter; JR—Joint resolution; SS—Special session.

1. No other number was assigned to this joint resolution. 2. Ratified but declared invalid by Supreme Court in *State ex rel. Owen v. Donald*, 160 Wis. 21 (1915). 3. Ratified but declared invalid by Supreme Court in *State ex rel. Thomson v. Zimmerman*, 264 Wis. 644 (1953). 4. Special session December 1964. 5. Recount resulted in rejection (342,132 to 342,309). However, the Dane County Circuit Court ruled the recount invalid due to election irregularities and required that the referendum be resubmitted to the electorate. Resubmitted to the electorate November 1976 by the 1975 Wisconsin Legislature through Ch. 224, s.145r, Laws of 1975. 6. As a result of a Dane County Circuit Court injunction, vote totals were certified April 7, 1982, by the Board of State Canvassers.

Sources: Official records of the Wisconsin Elections Commission; *Laws of Wisconsin*, 2017 and previous volumes.

## Statewide referendums other than constitutional amendments since 1849

Subject	Election result	Vote totals	Date	Submitting law
Extend suffrage to colored persons <sup>1</sup>	Approved	5,265–4,075	Nov. 1849	1849 Ch. 137
State banks; advisory	Approved	31,289–9,126	Nov. 1851	1851 Ch. 143
General banking law	Approved	32,826–8,711	Nov. 1852	1852 Ch. 479
Liquor prohibition; advisory	Approved	27,519–24,109	Nov. 1853	1853 Ch. 101
Extend suffrage to colored persons	Rejected	28,235–41,345	Nov. 1857	1857 Ch. 44
Amend general banking law; redemption of bank notes	Approved	27,267–2,837	Nov. 1858	1858 Ch. 98
Amend general banking law; circulation of bank notes	Approved	57,646–2,515	Nov. 1861	1861 Ch. 242
Amend general banking law; interest rate 7% per year	Approved	46,269–7,794	Nov. 1862	1862 Ch. 203
Extend suffrage to colored persons <sup>1</sup>	Rejected	46,588–55,591	Nov. 1865	1865 Ch. 414
Amend general banking law; taxing shareholders	Approved	49,714–19,151	Nov. 1866	1866 Ch. 102
Amend general banking law; winding up circulation	Approved	45,796–11,842	Nov. 1867	1866 Ch. 143; 1867 JR 12
Abolish office of bank comptroller	Approved	15,499–1,948	Nov. 1868	1868 Ch. 28
Incorporation of savings banks and savings societies	Approved	4,029–3,069	Nov. 1876	1876 Ch. 384
Women's suffrage upon school matters	Approved	43,581–38,998	Nov. 1886	1885 Ch. 211
Revise 1897 banking law; banking department under commission	Rejected	86,872–92,607	Nov. 1898	1897 Ch. 303
Primary election law	Approved	130,366–80,102	Nov. 1904	1903 Ch. 451
Pocket ballots and coupon voting systems	Rejected	45,958–111,139	Apr. 1906	1905 Ch. 522
Women's suffrage	Rejected	135,545–227,024	Nov. 1912	1911 Ch. 227
Soldiers' bonus financed by 3-mill property tax and income tax	Approved	165,762–57,324	Sept. 1919	1919 Ch. 667
Wisconsin prohibition enforcement act	Approved	419,309–199,876	Nov. 1920	1919 Ch. 556
U.S. prohibition act (Volstead Act); memorializing Congress to amend	Approved	349,443–177,603	Nov. 1926	1925 JR 47
Repeal of Wisconsin prohibition enforcement act; advisory	Approved	350,337–196,402	Nov. 1926	1925 JR 47
Modification of Wisconsin prohibition enforcement act; advisory	Approved	321,688–200,545	Apr. 1929	1929 JR 16
County distribution of auto licenses; advisory	Rejected	183,716–368,674	Apr. 1931	1931 JR 11
Sunday blue law repeal; advisory	Approved	396,436–271,786	Apr. 1932	1931 JR 114
Old-age pensions; advisory	Approved	531,915–154,729	Apr. 1934	SS 1933 JR 64
Teacher tenure law repeal; advisory	Approved	403,782–372,524	Apr. 1940	1939 JR 100
Property tax levy for high school aid; 2 mills of assessed valuation	Rejected	131,004–410,315	Apr. 1944	1943 Ch. 525
Daylight saving time; advisory	Rejected	313,091–379,740	Apr. 1947	1947 JR 4
3% retail sales tax for veterans bonus; advisory	Rejected	258,497–825,990	Nov. 1948	1947 JR 62
4-year term for constitutional officers; advisory	Rejected	210,821–328,613	Apr. 1951	1951 JR 13
Apportionment of legislature by area and population; advisory	Rejected	689,615–753,092	Nov. 1952	1951 Ch. 728
New residents entitled to vote for president and vice president	Approved	550,056–414,680	Nov. 1954	1953 Ch. 76
Statewide educational television tax-supported; advisory	Rejected	308,385–697,262	Nov. 1954	1953 JR 66
Daylight saving time	Approved	578,661–480,656	Apr. 1957	1957 Ch. 6
Ex-residents entitled to vote for president and vice president	Approved	627,279–229,375	Nov. 1962	1961 Ch. 512
Gasoline tax increase for highway construction; advisory	Rejected	150,769–889,364	Apr. 1964	SS 1963 JR 3
New residents entitled to vote after 6 months	Approved	582,389–256,246	Nov. 1966	1965 Chs. 88,89
State control and funding of vocational education; advisory	Rejected	292,560–409,789	Apr. 1969	1969 JR 4
Recreational lands bonding; advisory	Approved	361,630–322,882	Apr. 1969	1969 JR 5
Water pollution abatement bonding; advisory	Approved	446,763–246,968	Apr. 1969	1969 JR 5
New residents entitled to vote after 10 days	Approved	1,017,887–660,875	Nov. 1976	1975 Ch. 85
Presidential voting revised	Approved	782,181–424,386	Nov. 1978	1977 Ch. 394
Overseas voting revised	Approved	658,289–524,029	Nov. 1978	1977 Ch. 394
Public inland lake protection and rehabilitation districts	Approved	1,210,452–355,024	Nov. 1980	1979 Ch. 299
Nuclear weapons moratorium and reduction; advisory	Approved	641,514–205,018	Sept. 1982	1981 JR 38
Nuclear waste site locating; advisory	Rejected	78,327–628,414	Apr. 1983	1983 JR 5
Gambling casinos on excursion vessels; advisory	Rejected	465,432–604,289	Apr. 1993	1991 WisAct 321
Gambling casino restrictions; advisory	Approved	646,827–416,722	Apr. 1993	1991 WisAct 321
Video poker and other forms of video gambling allowed; advisory	Rejected	358,045–702,864	Apr. 1993	1991 WisAct 321
Pari-mutuel on-track betting continuation; advisory	Approved	548,580–507,403	Apr. 1993	1991 WisAct 321
State-operated lottery continuation; advisory	Approved	773,306–287,585	Apr. 1993	1991 WisAct 321
Extended suffrage in federal elections to adult children of U.S. citizens living abroad	Approved	1,293,458–792,975	Nov. 2000	1999 WisAct 182
Death penalty; advisory	Approved	1,166,571–934,508	Nov. 2006	2005 JR 58

Note: Statewide referendum questions are submitted to the electorate by the Wisconsin Legislature: 1) to ratify a law extending the right of suffrage (as required by the state constitution); 2) to ratify a law that has been passed contingent on voter approval; or 3) to seek voter opinion through an advisory referendum. Since 1848, the Wisconsin Legislature has presented 53 referendum questions to the Wisconsin electorate through the passage of acts or joint resolutions; 39 were ratified. Prior to statehood, the territorial legislature sent four questions to the electorate, as follows: Formation of a state government, submitted by Territorial Laws 1846, page 5 (Jan.31), approved April 1846, 12,334 votes for, 2,487 against; Ratification of first constitution, submitted by Art. XIX, Sec. 9 of 1846 Constitution, rejected April 1847, 14,119 votes for, 20,231 against; Extend suffrage to colored persons, submitted by supplemental resolution to 1846 Constitution, rejected April 1847, 7,664 votes for, 14,615 against; Ratification of second constitution, submitted by Art. XIV, Sec. 9 of 1848 Constitution, approved March 1848, 16,799 votes for, 6,384 against.

Ch.—Chapter; JR—Joint resolution; SS—Special session.

1. In *Gillespie v. Palmer*, 20 Wis. 544 (1866), the Wisconsin Supreme Court ruled that Chapter 137, Laws of 1849, extending suffrage to colored persons, was ratified November 6, 1849.

Sources: Official records of the Wisconsin Elections Commission; *Laws of Wisconsin*, 2015 and previous volumes.