



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRB-1418/P2

MPG:klm

DOA:.....Bork, BB0298 - Legislative Action on Referendum Constitutional Amendment

**FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

**LEGISLATURE**

***Popular initiative and referendum***

This bill requires the legislature to introduce and vote on a joint resolution providing for a constitutional amendment that creates a petition process by which the people may propose and approve laws and constitutional amendments at an election and that creates a referendum process by which the people may reject an act of the legislature. A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

Specifically, the proposed constitutional amendment provides that the people may file a petition with the agency that administers state elections (currently the Elections Commission) for a referendum to reject any act of the legislature, a section of any act, or an item of appropriation in any act.

A petition for referendum must be signed by qualified electors equaling at least 4 percent of the vote cast for the office of governor at the last preceding gubernatorial election. A qualified elector is a U.S. citizen age 18 or older who has resided in an election district or ward in Wisconsin for at least 28 days.

After validating a petition's signatures, the agency that administers state elections is required to order a referendum at the next general election occurring at least 120 days after the petition was filed with the agency. No act or part of an act rejected in a referendum may be reenacted during the legislative session in which it was rejected.

The proposed constitutional amendment further provides that the people may propose, by petition filed with the agency that administers state elections, laws and constitutional amendments for a vote at an election. The petition must satisfy all of the following conditions:

1. For a petition for an initiative law, be signed by qualified electors equaling at least 6 percent of the vote cast for the office of governor at the last preceding gubernatorial election.
2. For a petition for an initiative constitutional amendment, be signed by

**BILL**

qualified electors equaling at least 8 percent of the vote cast for the office of governor at the last preceding gubernatorial election.

3. Include the full text of the proposed law or constitutional amendment prepared in proper form. Upon request by any qualified elector, the agency that administers state elections is required to have the proposed law or constitutional amendment drafted in proper form and made available to the public. The proposed law or amendment must embrace no more than one subject, and that subject must be expressed in the title.

4. Be filed with the agency that administers state elections not less than 120 days before the election at which the proposed law or constitutional amendment is to be voted upon.

Similar to the process for a referendum, after verifying an initiative petition's signatures, the agency that administers state elections is required to order the submission of the initiative law or constitutional amendment to the qualified electors of the state for their approval or rejection at the next succeeding general election occurring at least 120 days after the petition was filed with the agency.

If approved by a majority of the qualified electors voting at the election, an initiative law or constitutional amendment goes into effect on the 30th day after the date the agency that administers state elections certifies the election results, unless a different effective date is specified in the initiative. The legislature may not repeal or amend an initiative law for the two years immediately succeeding its publication and may not repeal or amend an initiative law except by a vote of two-thirds of all members elected to each house. If an initiative law or constitutional amendment is rejected at the election, substantially the same initiative law or amendment, as determined by the agency that administers state elections, may not be considered again by voters under the initiative process for at least five years.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 9128. Nonstatutory provisions; Legislature.**

(1) POPULAR INITIATIVE AND REFERENDUM.

(a) No later than August 1, 2025, both houses of the legislature shall introduce a proposed constitutional amendment by joint resolution, which may not be amended, that substantially provides the following:

***“Resolved by the [assembly/senate], the [assembly/senate] concurring,***

***That:***

**BILL****SECTION 1**

**SECTION 1.** Section 1 of article IV of the constitution is amended to read:

[Article IV] Section 1. The legislative power, except for the initiative and referendum powers reserved to the people, shall be vested in a senate and assembly.

**SECTION 2.** Section 17 (2) of article IV of the constitution is amended to read:

[Article IV] Section 17 (2) ~~No~~ Except as provided under sub. (6) (c), no law shall be enacted except by bill. No law shall be in force until published.

**SECTION 3.** Section 17 (5) of article IV of the constitution is created to read:

[Article IV] Section 17 (5) (a) The people reserve to themselves the power to reject at a referendum any act of the legislature or part of an act as provided in this subsection. The people may petition for a referendum on the passage of an act, one or more sections of an act, or one or more items of appropriation in an act. The petition for a referendum shall satisfy all of the following conditions:

1. Be signed by qualified electors equaling at least 4 percent of the vote cast for the office of governor at the last preceding gubernatorial election.

2. Be filed with the agency administering state elections.

(b) All signatures for a petition submitted under par. (a) must be made on paper. After verifying the sufficiency of the signatures for a petition, the agency administering state elections shall order the submission of the act or each act section or each item of appropriation in the petition to the qualified electors of the state for their rejection at the next succeeding general election occurring subsequent to 120 days after the filing of the petition.

(c) No act of the legislature or part of an act rejected in a referendum may be reenacted during the legislative session in which it was rejected.

**SECTION 4.** Section 17 (6) of article IV of the constitution is created to read:

**BILL****SECTION 4**

[Article IV] Section 17 (6) (a) The people reserve to themselves the power of initiative to propose laws and amendments to this constitution and to approve or reject them at an election independently of the legislature as provided in this subsection. The people may propose an initiative law or constitutional amendment by petition for a vote of the people on the passage of the law or ratification of the amendment. The petition shall satisfy all of the following conditions:

1. If a petition for an initiative law, be signed by qualified electors equaling at least 6 percent of the vote cast for the office of governor at the last preceding gubernatorial election.

2. If a petition for an initiative constitutional amendment, be signed by qualified electors equaling at least 8 percent of the vote cast for the office of governor at the last preceding gubernatorial election.

3. Include the full text of the proposed law or constitutional amendment prepared in proper form, as provided by law. Upon request by any qualified elector, the agency administering state elections shall have the proposed law or constitutional amendment drafted in proper form, as provided by law, and made available to the public. The proposed law or amendment shall embrace no more than one subject, and that shall be expressed in the title.

4. Be filed with the agency administering state elections not less than 120 days before the election at which the proposed law or constitutional amendment is to be voted upon.

(b) All signatures for a petition submitted under par. (a) must be made on paper. After verifying the sufficiency of the signatures for a petition, the agency administering state elections shall order the submission of the initiative law or

**BILL****SECTION 4**

constitutional amendment to the qualified electors of the state for their approval or rejection at the next succeeding general election occurring subsequent to 120 days after the filing of the petition.

(c) If approved by a majority of the qualified electors voting at the election, an initiative law or constitutional amendment shall go into effect on the 30th day after the date the agency administering state elections certifies the election results as provided by law, unless a different effective date is specified in the initiative law or amendment. The legislature may not repeal or amend an initiative law or any part of an initiative law for the 2 years immediately succeeding its publication and may not repeal or amend an initiative law or any part of an initiative law except by a vote of two-thirds of all the members elected to each house.

(d) If rejected by a majority of the qualified electors voting at the election, substantially the same initiative law or constitutional amendment, as determined by the agency administering state elections, may not be submitted again to the qualified electors under par. (b) until a general election occurring at least 5 years after the general election at which the initiative law or constitutional amendment was rejected.

**SECTION 5.** Section 17 (7) of article IV of the constitution is created to read:

[Article IV] Section 17 (7) No person may pay to or receive from another person money or any other thing of value based on the number of signatures obtained on an initiative or referendum petition under this section. This subsection does not prohibit payment for signature gathering that is not based, either directly or indirectly, on the number of signatures obtained.

**SECTION 6. Numbering of new provisions.** If another constitutional

**BILL****SECTION 6**

amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict and shall adjust any cross-references to those provisions.

*Be it further resolved, That* this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for three months previous to the time of holding such election.”.

(b) No later than November 1, 2025, both houses of the legislature shall hold a final vote on the joint resolution under par. (a).

**(END)**