



2025 SENATE JOINT RESOLUTION 4

February 5, 2025 - Introduced by Senators TOMCZYK, NASS, BRADLEY, CABRAL-GUEVARA, FELZKOWSKI, JAMES, KAPENGA and QUINN, cosponsored by Representatives TUSLER, GREEN, ALLEN, ARMSTRONG, BEHNKE, BRILL, BROOKS, CALLAHAN, DITTRICH, DONOVAN, FRANKLIN, GOEBEN, GUNDRUM, GUSTAFSON, HURD, B. JACOBSON, KNODL, KREIBICH, MAXEY, MURPHY, NEDWESKI, O'CONNOR, PENTERMAN, PIWOWARCZYK, TITTL and WICHGERS. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

- 1 **To amend** section 18 of article I of the constitution; **relating to:** the freedom to
- 2 gather in places of worship during a state of emergency (second consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given second consideration by the 2025 legislature for submittal to the voters in November 2026, was first considered by the 2023 legislature in 2023 Senate Joint Resolution 54, which became 2023 Enrolled Joint Resolution 11.

This constitutional amendment provides that the state or a political subdivision of the state may not order the closure of or forbid gatherings in places of worship in response to a state of emergency at the national, state, or local level, including an emergency related to public health.

PROCEDURE FOR SECOND CONSIDERATION

When a proposed constitutional amendment is before the legislature on second consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that second consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on second

consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

1 Whereas, the 2023 legislature in regular session considered a proposed
2 amendment to the constitution in 2023 Senate Joint Resolution 54, which became
3 2023 Enrolled Joint Resolution 11, and agreed to it by a majority of the members
4 elected to each of the two houses, which proposed amendment reads as follows:

SECTION 1. Section 18 of article I of the constitution is amended to read:

[Article I] Section 18. The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend, erect or support any place of worship, or to maintain any ministry, without consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries; nor shall the state or a political subdivision of the state order the closure of or forbid gatherings in places of worship in response to a state of emergency at the national, state, or local level, including an emergency related to public health.

5 ***Now, therefore, be it resolved by the senate, the assembly concurring,***
6 ***That*** the foregoing proposed amendment to the constitution is agreed to by the
7 2025 legislature; and, be it further

8 ***Resolved, That*** the foregoing proposed amendment to the constitution be
9 submitted to a vote of the people at the election to be held on the first Tuesday of
10 November 2026; and, be it further

11 ***Resolved, That*** the question concerning ratification of the foregoing proposed
12 amendment to the constitution be stated on the ballot as follows:

13 **QUESTION 1: “Freedom to gather in places of worship during an**

1 **emergency.** Shall section 18 of article I of the constitution, which deals with
2 religious liberty, be amended to prohibit the state or a political subdivision of the
3 state from ordering the closure of, or forbidding gatherings in, places of worship in
4 response to a state of emergency, including a public health emergency?”

5

(END)