



REFERENDA QUESTIONS ON WISCONSIN STATEWIDE BALLOT SPRING 2023 – ELECTION DAY, APRIL 4, 2023

The state legislature has approved three (3) referenda questions on the statewide ballot for this spring’s nonpartisan general election.

Questions 1 and 2 are “binding” referenda, meaning if they pass, the state constitution will be amended to include language as reflected in the questions. If they fail, the state constitution will not be amended.

Here are the questions taken directly from the ballot, with some annotation Wisconsin Family Council is supplying to help voters understand what each question involves. Simply put, both questions give judges more flexibility when setting bail. Voters indicate either “yes” or “no” in response to the questions.

State of Wisconsin Conditions of Release Before Conviction Referendum - Question 1

QUESTION 1: “Conditions of release before conviction. Shall section 8 (2) of article I of the constitution be amended to allow a court to impose on an accused person being released before conviction conditions that are designed to protect the community from serious harm?”

Question 1 is about whether or not a judge can consider “serious harm” (public safety) when setting conditions of bail. ***A “yes” vote will amend the Wisconsin constitution as noted; a “no” vote means the noted section of the Wisconsin constitution will remain as it currently is.***

Under current law, judges can only consider conditions that prevent the risk of death or potentially life-threatening injury. For example, a pedophile awaiting trial currently can’t be prevented from going to a playground as a condition of bail, because that condition (banning the pedophile from playgrounds) isn’t really necessary to prevent a risk of injury potentially resulting in death. It would just be preventing sexual assault.

State of Wisconsin Cash Bail Before Conviction Referendum - Question 2

QUESTION 2: “Cash bail before conviction. Shall section 8 (2) of article I of the constitution be amended to allow a court to impose cash bail on a person accused of a violent crime based on the totality of the circumstances, including the accused’s previous convictions for a violent crime, the probability that the accused will fail to appear, the need to protect the community from serious harm and prevent witness intimidation, and potential affirmative defenses?”

Question 2 deals with whether a judge can consider the “totality of the circumstances” when setting cash bail for violent crimes. ***A “yes” vote will amend the Wisconsin constitution as noted; a “no” vote means the noted section of the Wisconsin constitution will remain as it currently is.***

Currently in Wisconsin a judge is limited to a single factor (flight risk) when setting cash bail. This question allows a judge to look at additional factors (past criminal convictions, serious harm, etc.) when setting cash bail for violent crimes.

The third question on the statewide ballot is strictly advisory, meaning if the “yes” votes outnumber the “no” votes, nothing changes in our law; and if the “no” votes outnumber the “yes” votes nothing changes in our law. The state legislature put this question to the voters to get a sense of what citizens think about this issue. The question is very straight-forward.

State of Wisconsin Welfare Benefits Referendum - Question 3

QUESTION 3: “Shall able-bodied, childless adults be required to look for work in order to receive taxpayer-funded welfare benefits?”