



STATEWIDE REFERENDUM DEFINITIONS

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.

Local Advisory Referendum. As a result of 2023 Act 12, county boards and municipalities holding advisory referendums in their jurisdictions to gauge the opinion of the electorate. Prior to Act 12, county boards and municipalities held advisory referendums on wide varieties of topics, including marijuana legalization, dark store loopholes, corporate personhood, and nonpartisan redistricting reform. Limited exceptions granted include revenue sharing and capital expenditure issues.

Binding Referendum. Can be a statutory provision or a constitutional amendment.

A statutory provision is contingent on voter approval to go into effect. If it passes, the proposed statutory action takes effect immediately and becomes part of the statutory law. An example is AB 975 that the legislature proposed in the 2023-2024 session to ban abortion at 14 weeks. This type of binding resolution can be vetoed by the governor.

A constitutional amendment is a proposal to amend the Constitution and must be passed by a majority 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 binding referendum election. Proposed constitutional amendments cannot be vetoed by the governor.

Ballot Initiative (statewide not available in Wisconsin). 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 binding referendum vote. However, residents of Wisconsin do have the ballot initiative at their disposal in the law-making process in cities and villages.

LOCAL REFERENDUMS

School District Referendum. A binding referendum to exceed spending caps or to authorize borrowing (capital referenda) for schools, or to dissolve, change territory, or create a school district.

County and Municipal Referendums

County binding referendums may be held to approve a county board's enactment of an ordinance or adoption of a resolution that is contingent upon approval in a referendum election. The county board must adopt a resolution or seek to enact an ordinance that contains the question that will appear on the ballot. Topics: •Relocating a county seat •Consolidating counties •Approving salary increases for county board supervisors in counties with a population of less than 750,000 •Changing the number of supervisors •Creating or abolishing the office of county executive in counties with a population of less than 750,000 •Creating the office of county administrator •Approving board action related to conducting a county fair •Approving board action to exceed the levy limits.

Municipalities, through Wisconsin's "Direct Legislation" statute, allow individuals of Wisconsin cities/villages to submit petitions proposing legislation. To become effective, the legislation must either be passed verbatim by the municipality's governing body or submitted to a referendum and approved by the majority of voters. City/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. Some restrictions have since been enacted by the Wisconsin Supreme Court. Municipal governments hold binding referendums regarding local shared revenue agreements, cooperative boundary agreements, and certain cable and telecommunication operations.

[Ballot Initiative and Referendum in Wisconsin](#)