

Wisconsin Constitutional Amendments on April 4, 2023 Ballot

Wisconsin Question 1, the **Conditions of Release Before Conviction Amendment**,

A **"yes"** vote supports amending the state constitution to authorize the state legislature to define *serious harm* in relation to the conditions, designed to protect the community from serious harm, a judge imposes on an accused person released before conviction.

A **"no"** vote opposes amending the state constitution to authorize the state legislature to define *serious harm* in relation to the conditions, designed to protect the community from serious harm, a judge imposes on an accused person released before conviction.

What would Question 1 do?

Question 1 would amend Section 8(2) of Article I of the Wisconsin Constitution to authorize the state legislature to define serious harm when deciding the conditions under which an accused person can be released before conviction. Currently, the constitution states that an accused person may be released under certain conditions meant to "protect members of the community from serious bodily harm or prevent the intimidation of witnesses." [2] it allows a judge to consider 'serious harm' to others instead of 'Serious Bodily Harm' when setting conditions of release. This is an important change, because 'Serious Bodily Harm' is a statutorily defined term, essentially meaning harm that could cause death or serious, permanent, disfigurement."

Wisconsin Question 2, the Conditions for Cash Bail Amendment, is on the [ballot](#) in [Wisconsin](#) as a [legislatively referred constitutional amendment](#) on [April 4, 2023](#).^{[1][2]}

A **"yes"** vote supports amending the state constitution to authorize judges to consider the following conditions when imposing and setting cash bail:

- a previous conviction of a violent crime,
- the probability the accused will not appear in court,
- the need to protect the community from serious harm as defined by the state legislature,
- the need to prevent witness intimidation, and
- the potential affirmative defenses of the accused.

A **"no"** vote opposes this amendment, thereby maintaining the existing conditions for imposing cash bail.

Question 2 would amend Section 8(2) of Article I of the Wisconsin Constitution to authorize judges to consider the following conditions when imposing and setting cash bail:

a previous conviction of a violent crime as defined by the legislature,
the probability the accused will not appear in court,
the need to protect the community from serious harm as defined by the state legislature,
the need to prevent witness intimidation, and
the potential affirmative defenses of the accused.

Currently, the state constitution authorizes judges to consider whether "there is a reasonable basis to believe that the conditions are necessary to assure appearance in court" when they consider cash bail.

The **Wisconsin Work Requirement for Welfare Benefits Advisory Question**

A "**yes**" vote supports advising the state legislature to require "able-bodied, childless adults... to look for work in order to receive taxpayer-funded welfare benefits."

A "**no**" vote opposes advising the state legislature to require "able-bodied, childless adults... to look for work in order to receive taxpayer-funded welfare benefits."

What would the question advise the state to do?

The advisory question would ask voters if able-bodied childless adults should be required to look for work in order to receive welfare benefits. The question is not legally binding and would not enact a work requirement law for welfare benefits.

Currently, state law requires able-bodied individuals without dependents to look for work in order to receive unemployment insurance. There is also a work requirement for Wisconsin's food stamp program, Wisconsin Foodshare, but the requirement has been waived since October 2020 due to the coronavirus pandemic.