



# Wisconsin Briefs

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## WISCONSIN CONSTITUTION

As amended through April 1979

### PREAMBLE

We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare, do establish this constitution.

### ARTICLE I.

#### DECLARATION OF RIGHTS

**Equality; inherent rights.** SECTION 1. All men are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

**Slavery prohibited.** SECTION 2. There shall be neither slavery, nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

**Free speech; libel.** SECTION 3. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

**Right to assemble and petition.** SECTION 4. The right of the people peaceably to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

**Trial by jury; verdict in civil cases.** SECTION 5. [As amended November 1922] The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law. Provided, however, that the legislature may, from time to time, by statute provide that a valid verdict, in civil cases, may be based on the votes of a specified number of the jury, not less than five-sixths thereof. [1919 AJR-26; 1921 AJR-14; 1921 c. 50A]

**Excessive bail; cruel punishments.** SECTION 6. Excessive bail shall not be required nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.

**Rights of accused.** SECTION 7. In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and in prosecution by indictment, or information, to a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.

**Prosecutions; second jeopardy; self-incrimination; bail; habeas corpus.** SECTION 8. [As amended November 1870] No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it. [1869 AJR-6; 1870 SJR-3; 1870 c. 118]

**Remedy for wrongs.** SECTION 9. Every person is entitled to a certain remedy in the laws for all injuries, or wrongs which he may receive in his person, property, or character; he ought to obtain justice

freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

**Treason.** SECTION 10. Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**Searches and seizures.** SECTION 11. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

**Attainder; ex post facto; contracts.** SECTION 12. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

**Private property for public use.** SECTION 13. The property of no person shall be taken for public use without just compensation therefor.

**Feudal tenures; leases; alienation.** SECTION 14. All lands within the state are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agricultural land for a longer term than fifteen years in which rent or service of any kind shall be reserved, and all fines and like restraints upon alienation reserved in any grant of land, hereafter made, are declared to be void.

**Equal property rights for aliens and citizens.** SECTION 15. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

**Imprisonment for debt.** SECTION 16. No person shall be imprisoned for debt arising out of or founded on a contract, expressed or implied.

**Exemption of property of debtors.** SECTION 17. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

**Freedom of worship; liberty of conscience; state religion; public funds.** SECTION 18. The right of every man to worship Almighty God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any ministry, against his 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.

**Religious tests prohibited.** SECTION 19. No religious tests shall ever be required as a qualification for any office of public trust under the state, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

**Military subordinate to civil power.** SECTION 20. The military shall be in strict subordination to the civil power.

**Rights of suitors.** SECTION 21. [As amended April 1977] (1) Writs of error shall never be prohibited, and shall be issued by such courts as the legislature designates by law.

(2) In any court of this state, any suitor may prosecute or defend his suit either in his own proper person or by an attorney of the suitor's choice. [1975 AJR-11; 1977 SJR-9]

**Maintenance of free government.** SECTION 22. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

**Transportation of school children.** SECTION 23. [As created April 1967] Nothing in this constitution shall prohibit the legislature from providing for the safety and welfare of children by providing for the transportation of children to and from any parochial or private school or institution of learning. [1965 AJR-70; 1967 AJR-7]

**Use of school buildings.** SECTION 24. [As created April 1972] Nothing in this constitution shall prohibit the legislature from authorizing, by law, the use of public school buildings by civic, religious or charitable organizations during nonschool hours upon payment by the organization to the school district of reasonable compensation for such use. [1969 AJR-74; 1971 AJR-10]

ARTICLE II.  
BOUNDARIES

**State boundary.** SECTION 1. It is hereby ordained and declared that the state of Wisconsin doth consent and accept of the boundaries prescribed in the act of congress entitled "An act to enable the

people of Wisconsin territory to form a constitution and state government, and for the admission of such state into the Union," approved August sixth, one thousand eight hundred and forty-six, to wit: Beginning at the northeast corner of the state of Illinois — that is to say, at a point in the center of Lake Michigan where the line of forty-two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of the state of Michigan, through Lake Michigan, Green Bay, to the mouth of the Menominee river; thence up the channel of the said river to the Brule river; thence up said last-mentioned river to Lake Brule; thence along the southern shore of Lake Brule in a direct line to the center of the channel between Middle and South Islands, in the Lake of the Desert; thence in a direct line to the head waters of the Montreal river, as marked upon the survey made by Captain Cram; thence down the main channel of the Montreal river to the middle of Lake Superior; thence through the center of Lake Superior to the mouth of the St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollet's map; thence due south to the main branch of the river St. Croix; thence down the main channel of said river to the Mississippi; thence down the center of the main channel of that river to the northwest corner of the state of Illinois; thence due east with the northern boundary of the state of Illinois to the place of beginning, as established by "An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states," approved April 18th, 1818.

**Enabling act accepted.** SECTION 2. [*As amended April 1951*] The propositions contained in the act of congress are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this state shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations congress may find necessary for securing the title in such soil to bona fide purchasers thereof; and in no case shall nonresident proprietors be taxed higher than residents. Provided, that nothing in this constitution, or in the act of congress aforesaid, shall in any manner prejudice or affect the right of the state of Wisconsin to 500,000 acres of land granted to said state, and to be hereafter selected and located and under the act of congress entitled "An act to appropriate the proceeds of the sales of the public lands, and grant pre-emption rights," approved September fourth, one thousand eight hundred and forty-one [*1949 AJR-64; 1951 AJR-7*]

### ARTICLE III.

#### SUFFRAGE

**Electors.** SECTION 1. [*As amended November 1934*] Every person, of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote such time as may be prescribed by the legislature, not exceeding thirty days, shall be deemed a qualified elector at such election:

- (1) Citizens of the United States.
- (2) Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.
- (3) The legislature may at any time extend, by law, the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast on that question at such election; and provided further, that the legislature may provide for the registration of electors, and prescribe proper rules and regulations therefor. [*1931 AJR-52; 1933 SJR-74*]

**Who not electors.** SECTION 2. No person under guardianship, non compos mentis or insane shall be qualified to vote at any election; nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

**Votes to be by ballot.** SECTION 3. All votes shall be given by ballot except for such township officers as may by law be directed or allowed to be otherwise chosen.

**Residence saved.** SECTION 4. No person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state.

**Military stationing does not confer residence.** SECTION 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed within the same.

**Exclusion from suffrage.** SECTION 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election from the right to vote at such election.

ARTICLE IV.

LEGISLATIVE

**Legislative power.** SECTION 1. The legislative power shall be vested in a senate and assembly.

**Legislature, how constituted.** SECTION 2. The number of the members of the assembly shall never be less than fifty-four nor more than one hundred. The senate shall consist of a number not more than one-third nor less than one-fourth of the number of the members of the assembly.

**Apportionment.** SECTION 3. [*As amended November 1962*] At their first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants, excluding soldiers, and officers of the United States army and navy. [*1959 SJR-12; 1961 SJR-11*]

**Representatives to the assembly, how chosen.** SECTION 4. [*As amended November 1881*] The members of the assembly shall be chosen biennially, by single districts, on the Tuesday succeeding the first Monday of November after the adoption of this amendment, by the qualified electors of the several districts, such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable. [*1880 SJR-9; 1881 AJR-7; 1881 c. 262*]

**Senators, how chosen.** SECTION 5. [*As amended November 1881*] The senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen, and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even-numbered districts. The senators elected or holding over at the time of the adoption of this amendment shall continue in office till their successors are duly elected and qualified; and after the adoption of this amendment all senators shall be chosen for the term of four years. [*1880 SJR-9; 1881 AJR-7; 1881 c. 262*]

**Qualifications of legislators.** SECTION 6. No person shall be eligible to the legislature who shall not have resided one year within the state, and be a qualified elector in the district which he may be chosen to represent.

**Organization of legislature; quorum; compulsory attendance.** SECTION 7. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner under such penalties as each house may provide.

**Rules; contempts; expulsion.** SECTION 8. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.

**Officers.** SECTION 9. [*As amended April 1979*] Each house shall choose its presiding officers from its own members. [*1977 SJR-51; 1979 SJR-1*]

**Journals; open doors; adjournments.** SECTION 10. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without consent of the other, adjourn for more than three days.

**Meeting of legislature.** SECTION 11. [*As amended April 1968*] The legislature shall meet at the seat of government at such time as shall be provided by law, unless convened by the governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened. [*1965 AJR-5; 1967 AJR-15*]

**Ineligibility of legislators to office.** SECTION 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

**Ineligibility of federal officers.** SECTION 13. [*As amended April 1966*] No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat. This restriction shall not prohibit a legislator from accepting short periods of active duty as a member of the reserve or from serving in the armed forces during any emergency declared by the executive. [*1963 SJR-24; 1965 SJR-15*]

**Filling vacancies.** SECTION 14. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

**Exemption from arrest and civil process.** SECTION 15. Members of the legislature shall in all cases, except treason, felony and breach of the peace, be privileged from arrest; nor shall they be subject to any civil process, during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session.

**Privilege in debate.** SECTION 16. No member of the legislature shall be liable in any civil action, or criminal prosecution whatever, for words spoken in debate.

**Enactment of laws.** SECTION 17. *[As amended April 1977]* (1) The style of all laws of the state shall be "The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:".

(2) No law shall be enacted except by bill. No law shall be in force until published.

(3) The legislature shall provide by law for the speedy publication of all laws. *[1975 AJR-11; 1977 SJR-9]*

**Title of private bills.** SECTION 18. No private or local bill which may be passed by the legislature shall embrace more than one subject, and that shall be expressed in the title.

**Origin of bills.** SECTION 19. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended by the other.

**Yeas and nays.** SECTION 20. The yeas and nays of the members of either house on any question shall, at the request of one-sixth of those present, be entered on the journal.

SECTION 21. *[Repealed. 1927 SJR-61; 1929 SJR-7; vote April 1929]*

**Powers of county boards.** SECTION 22. The legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe.

**Town and county government.** SECTION 23. *[As amended April 1972]* The legislature shall establish but one system of town government, which shall be as nearly uniform as practicable, but the legislature may provide for the election at large once in every 4 years of a chief executive officer in any county with such powers of an administrative character as they may from time to time prescribe in accordance with this section and shall establish one or more systems of county government. *[1969 SJR-58; 1971 SJR-4]*

**Chief executive officer to approve or veto resolutions or ordinances; proceedings on veto.** SECTION 23a. *[As amended April 1969]* Every resolution or ordinance passed by the county board in any county shall, before it becomes effective, be presented to the chief executive officer. If he approves, he shall sign it; if not, he shall return it with his objections, which objections shall be entered at large upon the journal and the board shall proceed to reconsider the matter. Appropriations may be approved in whole or in part by the chief executive officer and the part approved shall become law, and the part objected to shall be returned in the same manner as provided for in other resolutions or ordinances. If, after such reconsideration, two-thirds of the members-elect of the county board agree to pass the resolution or ordinance or the part of the resolution or ordinance objected to, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. In all such cases, the votes of the members of the county board shall be determined by ayes and noes and the names of the members voting for or against the resolution or ordinance or the part thereof objected to shall be entered on the journal. If any resolution or ordinance is not returned by the chief executive officer to the county board at its first meeting occurring not less than 6 days, Sundays excepted, after it has been presented to him, it shall become effective unless the county board has recessed or adjourned for a period in excess of 60 days, in which case it shall not be effective without his approval. *[1967 AJR-18; 1969 SJR-8]*

**Lotteries and divorces.** SECTION 24. *[As amended April 1977]* The legislature shall never authorize any lottery or grant any divorce.

(1) The legislature may authorize bingo games licensed by the state, and operated by religious, charitable, service, fraternal or veterans' organizations or those to which contributions are deductible for federal or state income tax purposes. All profits must inure to the licensed organization and no salaries, fees or profits shall be paid to any other organization or person.

(2) The legislature may authorize raffle games licensed by the state, and operated by local religious, charitable, service, fraternal or veterans' organizations or those to which contributions are deductible for federal or state income tax purposes. The legislature shall limit the number of raffles conducted by any such organization. All profits must inure to the licensed local organization and no salaries, fees or profits shall be paid to any other organization or person.

(3) Except as the legislature may provide otherwise, the following activities do not constitute consideration as an element of a lottery:

(a) To listen to or watch a television or radio program.

(b) To fill out a coupon or entry blank, whether or not proof of purchase is required.

(c) To visit a mercantile establishment or other place without being required to make a purchase or pay an admittance fee. [1975 AJR-43; 1977 AJR-10]

**Stationery and printing.** SECTION 25. The legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by them to be done for their use, or for the state, shall be let by contract to the lowest bidder, but the legislature may establish a maximum price; no member of the legislature or other state officer shall be interested, either directly or indirectly, in any such contract.

**Extra compensation; salary change.** SECTION 26. [As amended April 1977] The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract entered into; nor shall the compensation of any public officer be increased or diminished during his term of office except that when any increase or decrease provided by the legislature in the compensation of the justices of the supreme court or judges of any court of record shall become effective as to any such justice or judge, it shall be effective from such date as to each of such justices or judges. This section shall not apply to increased benefits for persons who have been or shall be granted benefits of any kind under a retirement system when such increased benefits are provided by a legislative act passed on a call of ayes and noes by a three-fourths vote of all the members elected to both houses of the legislature, which act shall provide for sufficient state funds to cover the costs of the increased benefits. [1975 AJR-11; 1977 SJR-9]

**Suits against state.** SECTION 27. The legislature shall direct by law in what manner and in what courts suits may be brought against the state.

**Oath of office.** SECTION 28. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of the state of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

**Militia.** SECTION 29. The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same in such manner as shall be prescribed by law.

**Elections by legislature.** SECTION 30. In all elections to be made by the legislature the members thereof shall vote viva voce, and their votes shall be entered on the journal.

**Special and private laws prohibited.** SECTION 31. [As amended November 1892] The legislature is prohibited from enacting any special or private laws in the following cases:

- 1st. For changing the name of persons or constituting one person the heir at law of another.
- 2nd. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands may be granted by congress.
- 3d. For authorizing persons to keep ferries across streams at points wholly within this state.
- 4th. For authorizing the sale or mortgage of real or personal property of minors or others under disability.
- 5th. For locating or changing any county seat.
- 6th. For assessment or collection of taxes or for extending the time for the collection thereof.
- 7th. For granting corporate powers or privileges, except to cities.
- 8th. For authorizing the apportionment of any part of the school fund.
- 9th. For incorporating any city, town or village, or to amend the charter thereof. [1889 SJR-13; 1891 SJR-13; 1891 c. 362]

**General laws on enumerated subjects.** SECTION 32. [Created November 1871] The legislature shall provide general laws for the transaction of any business that may be prohibited by section thirty-one of this article, and all such laws shall be uniform in their operation throughout the state. [1870 SJR-14; 1871 AJR-29; 1871 c. 122]

**Auditing of state accounts.** SECTION 33. [Created November 1946] The legislature shall provide for the auditing of state accounts and may establish such offices and prescribe such duties for the same as it shall deem necessary. [1943 SJR-35; 1945 SJR-24]

**Continuity of civil government.** SECTION 34. [Created April 1961] The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from enemy action in the form of an attack, shall (1) forthwith provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of

such offices, and (2) adopt such other measures as may be necessary and proper for attaining the objectives of the section. [1959 AJR-48; 1961 SJR-1]

## ARTICLE V.

### EXECUTIVE

**Governor; lieutenant governor; term.** SECTION 1. [As amended April 1979] The executive power shall be vested in a governor who shall hold office for 4 years; a lieutenant governor shall be elected at the same time and for the same term. [1977 SJR-51; 1979 SJR-1]

Section 1m. [Repealed. 1977 SJR-51; 1979 SJR-1; vote April 1979]

Section 1n. [Repealed. 1977 SJR-51; 1979 SJR-1; vote April 1979]

**Eligibility.** SECTION 2. No person except a citizen of the United States and a qualified elector of the state shall be eligible to the office of governor or lieutenant governor.

**Election.** SECTION 3. [As amended April 1967] The governor and lieutenant governor shall be elected by the qualified electors of the state at the times and places of choosing members of the legislature. They shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices beginning with the general election in 1970. The persons respectively having the highest number of votes cast jointly for them for governor and lieutenant governor shall be elected; but in case two or more slates shall have an equal and the highest number of votes for governor and lieutenant governor, the two houses of the legislature, at its next annual session shall forthwith, by joint ballot, choose one of the slates so having an equal and the highest number of votes for governor and lieutenant governor. The returns of election for governor and lieutenant governor shall be made in such manner as shall be provided by law. [1965 AJR-3; 1967 AJR-8 and SJR-11]

**Powers and duties.** SECTION 4. The governor shall be commander in chief of the military and naval forces of the state. He shall have power to convene the legislature on extraordinary occasions, and in case of invasion, or danger from the prevalence of contagious disease at the seat of government, he may convene them at any other suitable place within the state. He shall communicate to the legislature, at every session, the condition of the state, and recommend such matters to them for their consideration as he may deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

SECTION 5. [Repealed. 1929 SJR-81; 1931 SJR-6; vote November 1932]

**Pardoning power.** SECTION 6. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve with his reasons for granting the same.

**Lieutenant governor, when governor.** SECTION 7. [As amended April 1979] (1) Upon the governor's death, resignation or removal from office, the lieutenant governor shall become governor for the balance of the unexpired term.

(2) If the governor is absent from this state, impeached, or from mental or physical disease, becomes incapable of performing the duties of the office, the lieutenant governor shall serve as acting governor for the balance of the unexpired term or until the governor returns, the disability ceases or the impeachment is vacated. But when the governor, with the consent of the legislature, shall be out of this state in time of war at the head of the state's military force, the governor shall continue as commander in chief of the military force. [1977 SJR-51; 1979 SJR-1]

**Secretary of state, when governor.** SECTION 8. [As amended April 1979] (1) If there is a vacancy in the office of lieutenant governor and the governor dies, resigns or is removed from office, the secretary of state shall become governor for the balance of the unexpired term.

(2) If there is a vacancy in the office of lieutenant governor and the governor is absent from this state, impeached, or from mental or physical disease becomes incapable of performing the duties of the office, the secretary of state shall serve as acting governor for the balance of the unexpired term or until the governor returns, the disability ceases or the impeachment is vacated. [1977 SJR-51; 1979 SJR-1]

## SECTION 9. [Repealed. 1929 SJR-82; 1931 SJR-7; vote November 1932]

**Governor to approve or veto bills; proceedings on veto.** SECTION 10. [As amended November 1930] Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal and proceed to reconsider it. Appropriation bills may be approved in whole or in part by the governor, and the part approved shall become law, and the part objected to shall be returned in the same manner as provided for other bills. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, or the part of the bill objected to, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill or the part of the bill objected to, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislature shall, by their adjournment, prevent its return, in which case it shall not be a law. [1927 SJR-35; 1929 SJR-40]

## ARTICLE VI.

## ADMINISTRATIVE

**Election of secretary of state, treasurer and attorney general; term.** SECTION 1. [As amended April 1979] The qualified electors of this state, at the times and places of choosing the members of the legislature, shall in 1970 and every 4 years thereafter elect a secretary of state, treasurer and attorney general who shall hold their offices for 4 years. [1977 SJR-51; 1979 SJR-1]

Section 1m. [Repealed. 1977 SJR-51; 1979 SJR-1; vote April 1979]

Section 1n. [Repealed. 1977 SJR-51; 1979 SJR-1; vote April 1979]

Section 1p. [Repealed. 1977 SJR-51; 1979 SJR-1; vote April 1979]

**Secretary of state; duties, compensation.** SECTION 2. [As amended November 1946] The secretary of state shall keep a fair record of the official acts of the legislature and executive department of the state, and shall, when required, lay the same and all matters relative thereto before either branch of the legislature. He shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services yearly such sum as shall be provided by law, and shall keep his office at the seat of government. [1943 SJR-35; 1945 SJR-24]

**Treasurer and attorney general; duties, compensation.** SECTION 3. The powers, duties and compensation of the treasurer and attorney general shall be prescribed by law.

**County officers; election, terms, removal; vacancies.** SECTION 4. [As amended April 1972] Sheriffs, coroners, register of deeds, district attorneys, and all other county officers except judicial officers and chief executive officers, shall be chosen by the electors of the respective counties once in every two years. The offices of coroner and surveyor in counties having a population of 500,000 or more are abolished. Counties not having a population of 500,000 shall have the option of retaining the elective office of coroner or instituting a medical examiner system. Two or more counties may institute a joint medical examiner system. Sheriffs shall hold no other office; they may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant, but the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being heard in his defense. All vacancies shall be filled by appointment, and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified. [1969 SJR-63; 1971 SJR-38]

## ARTICLE VII.

## JUDICIARY

**Impeachment; trial.** SECTION 1. [As amended November 1932] The court for the trial of impeachments shall be composed of the senate. The assembly shall have the power of impeaching all civil officers of this state for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court. No judicial officer shall exercise his office, after he shall have been impeached, until his acquittal. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit or

trust under the state; but the party impeached shall be liable to indictment, trial and punishment according to law. [1929 SJR-103; 1931 SJR-8]

**Court system.** SECTION 2. [As amended April 1977] The judicial power of this state shall be vested in a unified court system consisting of one supreme court, a court of appeals, a circuit court, such trial courts of general uniform statewide jurisdiction as the legislature may create by law, and a municipal court if authorized by the legislature under section 14. [1975 AJR-11; 1977 SJR-9]

**Supreme court: jurisdiction.** SECTION 3. [As amended April 1977] (1) The supreme court shall have superintending and administrative authority over all courts.

(2) The supreme court has appellate jurisdiction over all courts and may hear original actions and proceedings. The supreme court may issue all writs necessary in aid of its jurisdiction.

(3) The supreme court may review judgments and orders of the court of appeals, may remove cases from the court of appeals and may accept cases on certification by the court of appeals. [1975 AJR-11; 1977 SJR-9]

**Supreme court: election, chief justice, court system administration.** SECTION 4. [As amended April 1977] (1) The supreme court shall have 7 members who shall be known as justices of the supreme court. Justices shall be elected for 10-year terms of office commencing with the August 1 next succeeding the election. Only one justice may be elected in any year. Any 4 justices shall constitute a quorum for the conduct of the court's business.

(2) The justice having been longest a continuous member of said court, or in case 2 or more such justices shall have served for the same length of time, the justice whose term first expires, shall be the chief justice. The justice so designated as chief justice may, irrevocably, decline to serve as chief justice or resign as chief justice but continue to serve as a justice of the supreme court.

(3) The chief justice of the supreme court shall be the administrative head of the judicial system and shall exercise this administrative authority pursuant to procedures adopted by the supreme court. The chief justice may assign any judge of a court of record to aid in the proper disposition of judicial business in any court of record except the supreme court. [1975 AJR-11; 1977 SJR-9]

SECTION 5. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

**Court of appeals.** SECTION 5. [Created April 1977] [1] The legislature shall by law combine the judicial circuits of the state into one or more districts for the court of appeals and shall designate in each district the locations where the appeals court shall sit for the convenience of litigants.

(2) For each district of the appeals court there shall be chosen by the qualified electors of the district one or more appeals judges as prescribed by law, who shall sit as prescribed by law. Appeals judges shall be elected for 6-year terms and shall reside in the district from which elected. No alteration of district or circuit boundaries shall have the effect of removing an appeals judge from office during the judge's term. In case of an increase in the number of appeals judges, the first judge or judges shall be elected for full terms unless the legislature prescribes a shorter initial term for staggering of terms.

(3) The appeals court shall have such appellate jurisdiction in the district, including jurisdiction to review administrative proceedings, as the legislature may provide by law, but shall have no original jurisdiction other than by prerogative writ. The appeals court may issue all writs necessary in aid of its jurisdiction and shall have supervisory authority over all actions and proceedings in the courts in the district. [1975 AJR-11; 1977 SJR-9]

**Circuit court: boundaries.** SECTION 6. [As amended April 1977] The legislature shall prescribe by law the number of judicial circuits, making them as compact and convenient as practicable, and bounding them by county lines. No alteration of circuit boundaries shall have the effect of removing a circuit judge from office during the judge's term. In case of an increase of circuits, the first judge or judges shall be elected. [1975 AJR-11; 1977 SJR-9]

**Circuit court: election.** SECTION 7. [As amended April 1977] For each circuit there shall be chosen by the qualified electors thereof one or more circuit judges as prescribed by law. Circuit judges shall be elected for 6-year terms and shall reside in the circuit from which elected. [1975 AJR-11; 1977 SJR-9]

**Circuit court: jurisdiction.** SECTION 8. [As amended April 1977] Except as otherwise provided by law, the circuit court shall have original jurisdiction in all matters civil and criminal within this state and such appellate jurisdiction in the circuit as the legislature may prescribe by law. The circuit court may issue all writs necessary in aid of its jurisdiction. [1975 AJR-11; 1977 SJR-9]

**Judicial elections, vacancies.** SECTION 9. [As amended April 1977] When a vacancy occurs in the office of justice of the supreme court or judge of any court of record, the vacancy shall be filled by appointment by the governor, which shall continue until a successor is elected and qualified. There shall

be no election for a justice or judge at the partisan general election for state or county officers, nor within 30 days either before or after such election. [1975 AJR-11; 1977 SJR-9]

**Judges: eligibility to office.** SECTION 10. [As amended April 1977] (1) No justice of the supreme court or judge of any court of record shall hold any other office of public trust, except a judicial office, during the term for which elected. No person shall be eligible to the office of judge who shall not, at the time of election or appointment, be a qualified elector within the jurisdiction for which chosen.

(2) Justices of the supreme court and judges of the courts of record shall receive such compensation as the legislature may authorize by law, but may not receive fees of office. [1975 AJR-11; 1977 SJR-9]

SECTION 11. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

**Disciplinary proceedings.** SECTION 11. [Created April 1977] Each justice or judge shall be subject to reprimand, censure, suspension, removal for cause or for disability, by the supreme court pursuant to procedures established by the legislature by law. No justice or judge removed for cause shall be eligible for reappointment or temporary service. This section is alternative to, and cumulative with, the methods of removal provided in sections 1 and 13 of this article and section 12 of article XIII. [1975 AJR-11; 1977 SJR-9]

**Clerks of circuit and supreme courts.** SECTION 12. [As amended November 1882] There shall be a clerk of the circuit court chosen in each county organized for judicial purposes by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law; in case of a vacancy, the judge of the circuit court shall have power to appoint a clerk until the vacancy shall be filled by an election; the clerk thus elected or appointed shall give such security as the legislature may require. The supreme court shall appoint its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme court. [1881 AJR-16; 1882 SJR-20; 1882 c. 290]

**Justices and judges: removal by address.** SECTION 13. [As amended April 1977] Any justice or judge may be removed from office by address of both houses of the legislature, if two-thirds of all the members elected to each house concur therein, but no removal shall be made by virtue of this section unless the justice or judge complained of is served with a copy of the charges, as the ground of address, and has had an opportunity of being heard. On the question of removal, the ayes and noes shall be entered on the journals. [1975 AJR-11; 1977 SJR-9]

**Municipal court.** SECTION 14. [As amended April 1977] The legislature by law may authorize each city, village and town to establish a municipal court. All municipal courts shall have uniform jurisdiction limited to actions and proceedings arising under ordinances of the municipality in which established. Judges of municipal courts may receive such compensation as provided by the municipality in which established, but may not receive fees of office. [1975 AJR-11; 1977 SJR-9]

SECTION 15. [Repealed. 1963 SJR-32; 1965 SJR-26; vote April 1966]

SECTION 16. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

SECTION 17. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

SECTION 18. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

SECTION 19. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

SECTION 20. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

SECTION 21. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

SECTION 22. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

SECTION 23. [Repealed. 1975 AJR-11; 1977 SJR-9; vote April 1977]

**Justices and judges: eligibility for office; retirement.** SECTION 24. [As amended April 1977] (1) To be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.

(2) Unless assigned temporary service under subsection (3), no person may serve as a supreme court justice or judge of a court of record beyond the July 31 following the date on which such person attains that age, of not less than 70 years, which the legislature shall prescribe by law.

(3) A person who has served as a supreme court justice or judge of a court of record may, as provided by law, serve as a judge of any court of record except the supreme court on a temporary basis if assigned by the chief justice of the supreme court. [1975 AJR-11; 1977 SJR-9]

ARTICLE VIII.

FINANCE

**Rule of taxation uniform; income, privilege and occupation taxes.** SECTION 1. [As amended April 1974] The rule of taxation shall be uniform but the legislature may empower cities, villages or towns to

collect and return taxes on real estate located therein by optional methods. Taxes shall be levied upon such property with such classifications as to forests and minerals including or separate or severed from the land, as the legislature shall prescribe. Taxation of agricultural land and undeveloped land, both as defined by law, need not be uniform with the taxation of each other nor with the taxation of other real property. Taxation of merchants' stock-in-trade, manufacturers' materials and finished products, and livestock need not be uniform with the taxation of real property and other personal property, but the taxation of all such merchants' stock-in-trade, manufacturers' materials and finished products and livestock shall be uniform, except that the legislature may provide that the value thereof shall be determined on an average basis. Taxes may also be imposed on incomes, privileges and occupations, which taxes may be graduated and progressive, and reasonable exemptions may be provided. [1971 AJR-2; 1973 AJR-1]

**Appropriation; limitation.** SECTION 2. [As amended November 1877] No money shall be paid out of the treasury except in pursuance of an appropriation by law. No appropriation shall be made for the payment of any claim against the state except claims of the United States and judgments, unless filed within six years after the claim accrued. [1876 SJR-14; 1877 SJR-5; 1877 c. 158]

**Credit of state.** SECTION 3. [As amended April 1975] Except as provided in s. 7 (2) (a), the credit of the state shall never be given, or loaned, in aid of any individual, association or corporation. [1973 AJR-145; 1975 AJR-1]

**Contracting state debts.** SECTION 4. The state shall never contract any public debt except in the cases and manner herein provided.

**Annual tax levy to equal expenses.** SECTION 5. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the state for each year, and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency as well as the estimated expenses of such ensuing year.

**Public debt for extraordinary expense; taxation.** SECTION 6. For the purpose of defraying extraordinary expenditures the state may contract public debts (but such debts shall never in the aggregate exceed one hundred thousand dollars). Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt and the principal within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

**Public debt for public defense; bonding for public purposes.** SECTION 7. [As amended April 1975] (1) The legislature may also borrow money to repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

(2) Any other provision of this constitution to the contrary notwithstanding:

(a) The state may contract public debt and pledges to the payment thereof its full faith, credit and taxing power:

1. To acquire, construct, develop, extend, enlarge or improve land, waters, property, highways, buildings, equipment or facilities for public purposes.

2. To make funds available for veterans' housing loans.

(b) The aggregate public debt contracted by the state in any calendar year pursuant to paragraph (a) shall not exceed an amount equal to the lesser of:

1. Three-fourths of one per centum of the aggregate value of all taxable property in the state; or

2. Five per centum of the aggregate value of all taxable property in the state less the sum of: a. the aggregate public debt of the state contracted pursuant to this section outstanding as of January 1 of such calendar year after subtracting therefrom the amount of sinking funds on hand on January 1 of such calendar year which are applicable exclusively to repayment of such outstanding public debt and, b. the outstanding indebtedness as of January 1 of such calendar year of any entity of the type described in paragraph (d) to the extent that such indebtedness is supported by or payable from payments out of the treasury of the state.

(c) The state may contract public debt, without limit, to fund or refund the whole or any part of any public debt contracted pursuant to paragraph (a), including any premium payable with respect thereto and any interest to accrue thereon, or to fund or refund the whole or any part of any indebtedness

incurred prior to January 1, 1972, by any entity of the type described in paragraph (d), including any premium payable with respect thereto and any interest to accrue thereon.

(d) No money shall be paid out of the treasury, with respect to any lease, sublease or other agreement entered into after January 1, 1971, to the Wisconsin State Agencies Building Corporation, Wisconsin State Colleges Building Corporation, Wisconsin State Public Building Corporation, Wisconsin University Building Corporation or any similar entity existing or operating for similar purposes pursuant to which such nonprofit corporation or such other entity undertakes to finance or provide a facility for use or occupancy by the state or an agency, department or instrumentality thereof.

(e) The legislature shall prescribe all matters relating to the contracting of public debt pursuant to paragraph (a), including: the public purposes for which public debt may be contracted; by vote of a majority of the members elected to each of the 2 houses of the legislature, the amount of public debt which may be contracted for any class of such purposes; the public debt or other indebtedness which may be funded or refunded; the kinds of notes, bonds or other evidence of public debt which may be issued by the state; and the manner in which the aggregate value of all taxable property in the state shall be determined.

(f) The full faith, credit and taxing power of the state are pledged to the payment of all public debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and instalments of principal of all such public debt as the same falls due, but, in any event, suit may be brought against the state to compel such payment.

(g) At any time after January 1, 1972, by vote of a majority of the members elected to each of the 2 houses of the legislature, the legislature may declare that an emergency exists and submit to the people a proposal to authorize the state to contract a specific amount of public debt for a purpose specified in such proposal, without regard to the limit provided in paragraph (b). Any such authorization shall be effective if approved by a majority of the electors voting thereon. Public debt contracted pursuant to such authorization shall thereafter be deemed to have been contracted pursuant to paragraph (a), but neither such public debt nor any public debt contracted to fund or refund such public debt shall be considered in computing the debt limit provided in paragraph (b). Not more than one such authorization shall be thus made in any 2-year period. [1973 AJR-145; 1975 AJR-1]

**Vote on fiscal bills; quorum.** SECTION 8. On the passage in either house of the legislature of any law which imposes, continues or renews a tax, or creates a debt or charge, or makes, continues or renews an appropriation of public or trust money, or releases, discharges or commutes a claim or demand of the state, the question shall be taken by yeas and nays, which shall be duly entered on the journal; and three-fifths of all the members elected to such house shall in all such cases be required to constitute a quorum therein.

**Evidences of public debt.** SECTION 9. No scrip, certificate, or other evidence of state debt, whatsoever, shall be issued, except for such debts as are authorized by the sixth and seventh sections of this article.

**Internal improvements.** SECTION 10. [As amended April 1968] The state shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the state, especially dedicated by the grant to particular works of internal improvement, the state may carry on such particular works and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion. Provided, that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways or the development, improvement and construction of airports or other aeronautical projects or the acquisition, improvement or construction of veterans' housing or the improvement of port facilities. Provided, that the state may appropriate moneys for the purpose of acquiring, preserving and developing the forests of the state; of the moneys appropriated under the authority of this section in any one year an amount not to exceed two-tenths of one mill of the taxable property of the state as determined by the last preceding state assessment may be raised by a tax on property. [1965 SJR-28; 1967 SJR-18]

ARTICLE IX.

EMINENT DOMAIN AND PROPERTY OF THE STATE

**Jurisdiction on rivers and lakes; navigable waters.** SECTION 1. The state shall have concurrent jurisdiction on all rivers and lakes bordering on this state so far as such rivers or lakes shall form a common boundary to the state and any other state or territory now or hereafter to be formed, and bounded by the same; and the river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the state as to the citizens of the United States, without any tax, impost or duty therefor.

**Territorial property.** SECTION 2. The title to all lands and other property which have accrued to the territory of Wisconsin by grant, gift, purchase, forfeiture, escheat or otherwise shall vest in the state of Wisconsin.

**Ultimate property in lands; escheats.** SECTION 3. The people of the state, in their right of sovereignty, are declared to possess the ultimate property, in and to all lands within the jurisdiction of the state; and all lands the title to which shall fall from a defect of heirs shall revert or escheat to the people.

ARTICLE X.

EDUCATION

**Superintendent of public instruction.** SECTION 1. [*As amended November 1902*] The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the supreme court, and shall hold his office for four years from the succeeding first Monday in July. The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday in July, 1905, and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law. [*1899 SJR-21; 1901 SJR-24; 1901 c. 258*]

**School fund created; income applied.** SECTION 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this state for educational purposes (except the lands heretofore granted for the purpose of a university) and all moneys and the clear proceeds of all property that may accrue to the state by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty; and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the state is entitled by the provisions of an act of congress, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one; and also the five per centum of the net proceeds of the public lands to which the state shall become entitled on her admission into the union (if congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund to be called "the school fund," the interest of which and all other revenues derived from the school lands shall be exclusively applied to the following objects, to wit:

1. To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.
2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

**District schools; tuition; sectarian instruction; released time.** SECTION 3. [*As amended April 1972*] The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years; and no sectarian instruction shall be allowed therein; but the legislature by law may, for the purpose of religious instruction outside the district schools, authorize the release of students during regular school hours. [*1969 AJR-41; 1971 AJR-17*]

**Annual school tax.** SECTION 4. Each town and city shall be required to raise by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes from the income of the school fund.

**Income of school fund.** SECTION 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the state for the support of common schools therein, in some just proportion to the number of children and youth resident therein between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town for the year in which said city or town shall fail to raise such tax; nor to any school district for the year in which a school shall not be maintained at least three months.

**State university; support.** SECTION 6. Provision shall be made by law for the establishment of a state university at or near the seat of state government, and for connecting with the same, from time to time, such colleges in different parts of the state as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the state for the support of a university shall be and remain a perpetual fund to be called "the university fund," the interest of which shall be appropriated to the support of the state university, and no sectarian instruction shall be allowed in such university.

**Commissioners of public lands.** SECTION 7. The secretary of state, treasurer and attorney general, shall constitute a board of commissioners for the sale of the school and university lands and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

**Sale of public lands.** SECTION 8. Provision shall be made by law for the sale of all school and university lands after they shall have been appraised; and when any portion of such lands shall be sold and the purchase money shall not be paid at the time of the sale, the commissioners shall take security by mortgage upon the lands sold for the sum remaining unpaid, with seven per cent interest thereon, payable annually at the office of the treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands, and to discharge any mortgages taken as security, when the sum due thereon shall have been paid. The commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other university and school funds, in such manner as the legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

ARTICLE XI.

CORPORATIONS

**Corporations; how formed.** SECTION 1. Corporations without banking powers or privileges may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws or special acts enacted under the provisions of this section may be altered or repealed by the legislature at any time after their passage.

**Property taken by municipality.** SECTION 2. [As amended April 1961] No municipal corporation shall take private property for public use, against the consent of the owner, without the necessity thereof being first established in the manner prescribed by the legislature. [1959 AJR-22; 1961 SJR-8]

**Municipal home rule; debt limit; tax to pay debt.** SECTION 3. [As amended April 1966]  
 Cities and villages organized pursuant to state law are hereby empowered, to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village. The method of such determination shall be prescribed by the legislature. No county, city, town, village, school district or other municipal corporation may become indebted in an amount that exceeds an allowable percentage of the taxable property located therein equalized for state purposes as provided by the legislature. In all cases the allowable percentage shall be five per centum except as follows: (a) For any city authorized to issue bonds for school purposes, an additional ten per centum shall be permitted for school purposes only, and in such cases the territory attached to the city for school purposes shall be included in the total taxable property supporting the bonds issued for school purposes. (b) For any school district which offers no less than grades one to twelve and which at the time of incurring such debt is eligible for the highest level of school aids, ten per centum shall be permitted. Any county, city, town, village, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same; except that when such indebtedness is incurred in the acquisition of lands by cities, or by counties having a population of one hundred fifty thousand or over, for public, municipal purposes, or for the permanent improvement thereof, the city or county incurring the same shall, before or at the time of so doing, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within a period not exceeding fifty years from the time of contracting the same. An indebtedness created for the purpose of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility of a town, village, city or special district, and secured solely by the property or income of such public utility, and whereby no municipal liability is created, shall not be considered an indebtedness of such town, village, city or special district, and shall not be included in arriving at such debt limitation. [1963 SJR-59; 1965 AJR-10]

**Acquisition of lands by state and subdivisions; sale of excess.** SECTION 3a. [As amended April 3, 1956] The state or any of its counties, cities, towns or villages may acquire by gift, dedication, purchase, or condemnation lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, highways, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same; and after the establishment, layout, and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate, so as to protect such public works and improvements, and their environs.

and to preserve the view, appearance, light, air, and usefulness of such public works. If the governing body of a county, city, town or village elects to accept a gift or dedication of land made on condition that the land be devoted to a special purpose and the condition subsequently becomes impossible or impracticable, such governing body may by resolution or ordinance enacted by a two-thirds vote of its members elect either to grant the land back to the donor or dedicator or his heirs or accept from the donor or dedicator or his heirs a grant relieving the county, city, town or village of the condition; however, if the donor or dedicator or his heirs are unknown or cannot be found, such resolution or ordinance may provide for the commencement of proceedings in the manner and in the courts as the legislature shall designate for the purpose of relieving the county, city, town or village from the condition of the gift or dedication. [1953 SJR-29; 1955 SJR-9]

SECTION 4. [Repealed. 1899 AJR-16; 1901 SJR-25; 1901 c. 73; vote November 1902]

SECTION 5. [Repealed. 1899 AJR-16; 1901 SJR-25; 1901 c. 73; vote November 1902]

**General banking law.** SECTION 4. [Created November 1902. This section was proposed and adopted as a substitute for sections 4 and 5 of this article, above] The legislature shall have power to enact a general banking law for the creation of banks, and for the regulation and supervision of the banking business, provided that the vote of two-thirds of all the members elected to each house, to be taken by yeas and nays, be in favor of the passage of such law. [1899 AJR-16; 1901 SJR-25; 1901 c. 73]

ARTICLE XII.

AMENDMENTS

**Constitutional amendments.** SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election; and if, in the legislature so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become part of the constitution; provided that if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendment separately.

**Constitutional conventions.** SECTION 2. If at any time a majority of the senate and assembly shall deem it necessary to call a convention to revise or change this constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the legislature. And if it shall appear that a majority of the electors voting thereon have voted for a convention, the legislature shall, at its next session, provide for calling such convention.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS

**Political year; elections.** SECTION 1. [As amended November 1882] The political year for the state of Wisconsin shall commence on the first Monday in January in each year, and the general election shall be holden on the Tuesday next succeeding the first Monday in November. The first general election for all state and county officers, except judicial officers, after the adoption of this amendment, shall be holden in the year A.D. 1884, and thereafter the general election shall be held biennially. All state, county or other officers elected at the general election in the year 1881, and whose term of office would otherwise expire on the first Monday of January in the year 1884, shall hold and continue in such offices respectively until the first Monday in January in the year 1885. [1881 AJR-16; 1882 SJR-20; 1882 c. 290]

SECTION 2. [Repealed. 1973 SJR-6; 1975 SJR-4; vote April 1975]

**Eligibility to office.** SECTION 3. No member of congress, nor any person holding any office of profit or trust under the United States (postmasters excepted) or under any foreign power; no person convicted of any infamous crime in any court within the United States; and no person being a defaulter to the United States or to this state, or to any county or town therein, or to any state or territory within the United States, shall be eligible to any office of trust, profit or honor in this state.

**Great seal.** SECTION 4. It shall be the duty of the legislature to provide a great seal for the state, which shall be kept by the secretary of state, and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

**Residents on Indian lands, where to vote.** SECTION 5. All persons residing upon Indian lands, within any county of the state, and qualified to exercise the right of suffrage under the constitution, shall be entitled to vote at the polls which may be held nearest their residence, for state, United States or county officers. Provided, that no person shall vote for county officers out of the county in which he resides.

**Legislative officers.** SECTION 6. The elective officers of the legislature, other than the presiding officers, shall be a chief clerk and a sergeant at arms, to be elected by each house.

**Division of counties.** SECTION 7. No county with an area of nine hundred square miles or less shall be divided or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

**Removal of county seats.** SECTION 8. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county voting on the question shall have voted in favor of its removal to such point.

**Election or appointment of statutory officers.** SECTION 9. All county officers whose election or appointment is not provided for by this constitution shall be elected by the electors of the respective counties, or appointed by the boards of supervisors, or other county authorities, as the legislature shall direct. All city, town and village officers whose election or appointment is not provided for by this constitution shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof as the legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people or appointed, as the legislature may direct.

**Vacancies in office.** SECTION 10. [*As amended April 1979*] (1) The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

(2) Whenever there is a vacancy in the office of lieutenant governor, the governor shall nominate a successor to serve for the balance of the unexpired term, who shall take office after confirmation by the senate and by the assembly. [*1977 SJR-51; 1979 SJR-1*]

**Passes, franks and privileges.** SECTION 11. [*As amended November 1936*] No person, association, copartnership, or corporation, shall promise, offer or give, for any purpose, to any political committee, or any member or employe thereof, to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, or to any person at the request or for the advantage of all or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

No political committee, and no member or employe thereof, no candidate for and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality of this state, shall ask for, or accept, from any person, association, copartnership, or corporation, or use, in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

Any violation of any of the above provisions shall be bribery and punished as provided by law, and if any officer or any member of the legislature be guilty thereof, his office shall become vacant.

No person within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence.

Notaries public and regular employes of a railroad or other public utilities who are candidates for or hold public offices for which the annual compensation is not more than three hundred dollars to whom no passes or privileges are extended beyond those which are extended to other regular employes of such corporations are excepted from the provisions of this section. [*1933 AJR-50; 1935 AJR-67*]

**Recall of elective officers.** SECTION 12. [*Created November 1926*] The qualified electors of the state or of any county or of any congressional, judicial or legislative district may petition for the recall of any elective officer after the first year of the term for which he was elected, by filing a petition with the officer with whom the petition for nomination to such office in the primary election is filed, demanding the recall of such officer. Such petition shall be signed by electors equal in number to at least twenty-five per cent of the vote cast for the office of governor at the last preceding election, in the state, county or district from which such officer is to be recalled. The officer with whom such petition is filed shall call

a special election to be held not less than forty nor more than forty-five days from the filing of such petition. The officer against whom such petition has been filed shall continue to perform the duties of his office until the result of such special election shall have been officially declared. Other candidates for such office may be nominated in the manner as is provided by law in primary elections. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term. The name of the candidate against whom the recall petition is filed shall go on the ticket unless he resigns within ten days after the filing of the petition. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected. This article shall be self-executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the right of recall. [1923 SJR-39; 1925 SJR-12; 1925 c. 270]

#### ARTICLE XIV.

##### SCHEDULE

**Effect of change from territory to state.** SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place; and all process which may be issued under the authority of the territory of Wisconsin previous to its admission into the union of the United States shall be as valid as if issued in the name of the state.

**Territorial laws continued.** SECTION 2. All laws now in force in the territory of Wisconsin which are not repugnant to this constitution shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

**Territorial fines accrue to state.** SECTION 3. All fines, penalties, or forfeitures accruing to the territory of Wisconsin shall enure to the use of the state.

**Rights of action and prosecution saved.** SECTION 4. All recognizances heretofore taken, or which may be taken before the change from territorial to a permanent state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state; and all bonds executed to the governor of the territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state authority and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate, or property, real, personal or mixed, and all judgments, bonds, specialties, choses in action and claims or debts of whatsoever description of the territory of Wisconsin, shall enure to and vest in the state of Wisconsin, and may be sued for and recovered in the same manner and to the same extent by the state of Wisconsin as the same could have been by the territory of Wisconsin. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the territory of Wisconsin before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Wisconsin with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Wisconsin at the time of the change from a territorial to a state government may be continued and transferred to any court of the state which shall have jurisdiction of the subject matter thereof.

**Existing officers hold over.** SECTION 5. All officers, civil and military, now holding their offices under the authority of the United States or of the territory of Wisconsin shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

**Seat of government.** SECTION 6. The first session of the legislature of the state of Wisconsin shall commence on the first Monday in June next, and shall be held at the village of Madison, which shall be and remain the seat of government until otherwise provided by law.

**Local officers hold over.** SECTION 7. All county, precinct, and township officers shall continue to hold their respective offices, unless removed by the competent authority, until the legislature shall, in conformity with the provisions of this constitution, provide for the holding of elections to fill such offices respectively.

**Copy of constitution for president.** SECTION 8. The president of this convention shall, immediately after its adjournment, cause a fair copy of this constitution, together with a copy of the act of the legislature of this territory, entitled "An act in relation to the formation of a state government in Wisconsin, and to change the time of holding the annual session of the legislature," approved October 27, 1847, providing for the calling of this convention, and also a copy of so much of the last census of this

territory as exhibits the number of its inhabitants, to be forwarded to the president of the United States to be laid before the congress of the United States at its present session.

**Ratification of constitution; election of officers.** SECTION 9. This constitution shall be submitted at an election to be held on the second Monday in March next, for ratification or rejection, to all white male persons of the age of twenty-one years or upwards, who shall then be residents of this territory and citizens of the United States, or shall have declared their intention to become such in conformity with the laws of congress on the subject of naturalization; and all persons having such qualifications shall be entitled to vote for or against the adoption of this constitution, and for all officers first elected under it. And if the constitution be ratified by the said electors it shall become the constitution of the state of Wisconsin. On such of the ballots as are for the constitution shall be written or printed the word "yes," and on such as are against the constitution the word "no." The election shall be conducted in the manner now prescribed by law, and the returns made by the clerks of the boards of supervisors or county commissioners (as the case may be) to the governor of the territory at any time before the tenth day of April next. And in the event of the ratification of this constitution by a majority of all the votes given, it shall be the duty of the governor of this territory to make proclamation of the same, and to transmit a digest of the returns to the senate and assembly of the state on the first day of their session. An election shall be held for governor, lieutenant governor, treasurer, attorney-general, members of the state legislature, and members of congress, on the second Monday of May next; and no other for further notice of such election shall be required.

**Congressional apportionment.** SECTION 10. Two members of congress shall also be elected on the second Monday of May next; and until otherwise provided by law, the counties of Milwaukee, Waukesha, Jefferson, Racine, Walworth, Rock and Green, shall constitute the first congressional district, and elect one member; and the counties of Washington, Sheboygan, Manitowoc, Calumet, Brown, Winnebago, Fond du Lac, Marquette, Sauk, Portage, Columbia, Dodge, Dane, Iowa, LaFayette, Grant, Richland, Crawford, Chippewa, St. Croix and La Pointe, shall constitute the second congressional district, and shall elect one member.

**First elections.** SECTION 11. The several elections provided for in this article shall be conducted according to the existing laws of the territory; provided, that no elector shall be entitled to vote except in the town, ward or precinct where he resides. The returns of election for senators and members of assembly shall be transmitted to the clerk of the board of supervisors or county commissioners, as the case may be; and the votes shall be canvassed and certificates of election issued as now provided by law. In the first senatorial district the returns of the election for senator shall be made to the proper officer in the county of Brown; in the second senatorial district to the proper officer in the county of Columbia; in the third senatorial district to the proper officer in the county of Crawford; in the fourth senatorial district to the proper officer in the county of Fond du Lac; and in the fifth senatorial district to the proper officer in the county of Iowa. The returns of election for state officers and members of congress shall be certified and transmitted to the speaker of the assembly, at the seat of government, in the same manner as the vote for delegate to congress are required to be certified and returned by the laws of the territory of Wisconsin, to the secretary of said territory, and in such time that they may be received on the first Monday in June next; and as soon as the legislature shall be organized the speaker of the assembly and the president of the senate shall, in the presence of both houses, examine the returns and declare who are duly elected to fill the several offices hereinbefore mentioned, and give to each of the persons elected a certificate of his election.

**Legislative apportionment.** SECTION 12. Until there shall be a new apportionment, the senators and members of the assembly shall be apportioned among the several districts, as hereinafter mentioned, and each district shall be entitled to elect one senator or member of the assembly, as the case may be. [*Enumeration of districts omitted as obsolete: see R.S. 1849 pp. 40-43; R.S. 1858 pp. 49-53*]

**Common law continued in force.** SECTION 13. Such parts of the common law as are now in force in the territory of Wisconsin, not inconsistent with this constitution, shall be and continue part of the law of this state until altered or suspended by the legislature.

**Officers, when to enter on duties.** SECTION 14. The senators first elected in the even-numbered senate districts, the governor, lieutenant governor and other state officers first elected under this constitution, shall enter upon the duties of their respective offices on the first Monday of June next, and shall continue in office for one year from the first Monday of January next; the senators first elected in the odd-numbered senate districts, and the members of the assembly first elected, shall enter upon their duties respectively on the first Monday of June next, and shall continue in office until the first Monday in January next.

**Oath of office.** SECTION 15. The oath of office may be administered by any judge or justice of the peace until the legislature shall otherwise direct.

**Implementing revised structure of judicial branch.** SECTION 16. [Created April 1977] (1) The 1975/1977 amendment relating to a revised structure of the judicial branch shall take effect on August 1 of the year following the year of ratification by the voters.

(2) All county courts and the branches thereof in existence on the effective date of this amendment shall, as trial courts of general uniform statewide jurisdiction, continue after such effective date with the same jurisdiction, powers and duties conferred by law upon such courts and the branches and judges thereof until the legislature by law alters or abolishes such county courts and their jurisdiction, powers and duties.

(3) Subject to the jurisdiction established in section 14 of article VII, municipal courts and municipal court judges shall continue after the effective date of this amendment with the same jurisdiction, powers and duties as conferred upon such courts and judges as of the effective date until the legislature acts under sections 2 and 14 of article VII to alter or abolish such municipal courts and their jurisdiction, powers and duties.

(4) The terms of office of justices of the supreme court serving on the effective date shall expire on the July 31 next preceding the first Monday in January on which such terms would otherwise have expired, but such advancement of the date of term expiration shall not impair any retirement rights vested in any such justice if the term had expired on the first Monday in January.

(5) Prior to the effective date of this amendment the legislature shall by law establish one or more appeals court districts, provide for the election of appeals judges in such districts, and determine the jurisdiction of the court of appeals under section 21 of article I and section 5 of article VII as affected by this amendment, so that the court of appeals shall become operative on the effective date. [1975 AJR-11; 1977 SJR-9]