

**1974  
REVISED CODE  
of  
WASHINGTON**

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**Published under authority of chapter 1.08 RCW.**

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Containing all laws of a general and permanent nature up to and including the laws enacted in the 1974 extraordinary session which adjourned sine die April 24, 1974.

# REVISED CODE OF WASHINGTON

1974 Edition

## CERTIFICATE

The 1974 edition of the Revised Code of Washington, published officially by the Statute Law Committee, is, in accordance with the provisions of RCW 1.08.037, certified to comply with the current specifications of the committee.

(signed)

Robert L. Charette, Chairman,  
STATUTE LAW COMMITTEE

# REVISED CODE OF WASHINGTON

1. General provisions
- Judicial**
2. Courts of record
3. Justices of the peace and constables
4. Civil procedure
5. Evidence
6. Enforcement of judgments
7. Special proceedings
8. Eminent domain
9. Crimes and punishments
10. Criminal procedure
11. Probate law and procedure—1965 Act
12. Justice courts—Civil procedure
13. Juvenile courts and juvenile delinquents
14. **Aeronautics**
- Agriculture**
15. Agriculture and marketing
16. Animals, estrays, brands and fences
17. Weeds, rodents and pests
- Businesses and professions**
18. Businesses and professions
19. Business regulations—Miscellaneous
20. Commission merchants—Agricultural products
21. Securities and investments
22. Warehousing and deposits
- Corporations, associations and partnerships**
23. Corporations and associations (Profit)
- 23A. Washington business corporation act
24. Corporations and associations (Nonprofit)
25. Partnerships
26. **Domestic relations**
- Education**
27. Libraries, museums and historical activities
- 28A. Common school provisions
- 28B. Higher education
29. **Elections**
- Financial institutions**
30. Banks and trust companies
31. Miscellaneous loan agencies
32. Mutual savings banks
33. Savings and loan associations
- Government**
34. Administrative Law
35. Cities and towns
- 35A. Optional municipal code
36. Counties
37. Federal areas and jurisdiction
38. Militia and military affairs
39. Public contracts and indebtedness
40. Public documents, records and publications
41. Public employment, civil service and pensions
42. Public officers and agencies
43. State government—Executive
44. State government—Legislative
45. Townships
- Highways and motor vehicles**
46. Motor vehicles
47. Public highways
48. **Insurance**
- Labor**
49. Labor regulations
50. Unemployment compensation
51. Industrial insurance
- Local service districts**
52. Fire protection districts
53. Port districts
54. Public utility districts
55. Sanitary districts
56. Sewer districts
57. Water districts
- Property rights and incidents**
58. Boundaries and plats
59. Landlord and tenant
60. Liens
61. Mortgages and trust receipts
62. Negotiable instruments
- 62A. Uniform commercial code
63. Personal property
64. Real property and conveyances
65. Recording, registration and legal publication
- Public health, safety and welfare**
66. Alcoholic beverage control
67. Athletics, sports and entertainment
68. Cemeteries, morgues and human remains
69. Food, drugs, cosmetics and poisons
70. Public health and safety
71. Mental illness and inebriacy
72. State institutions
73. Veterans and veterans' affairs
74. Public assistance
- Public resources**
75. Food fish and shellfish
76. Forests and forest products
77. Game and game fish
78. Mines, minerals and petroleum
79. Public lands
- Public service**
80. Public utilities
81. Transportation
- Taxation**
82. Excise taxes

- 83. Inheritance and gift taxes
- 84. Property taxes

**Waters**

- 85. Diking and drainage
- 86. Flood control
- 87. Irrigation
- 88. Navigation and harbor improvements
- 89. Reclamation, soil conservation and land settlement
- 90. Water rights
- 91. Waterways

# PREFACE

**Numbering system:** The number of each section of this code is made up of three factors, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus RCW 1.04.020 is Title 1, chapter 4, section 20. The section factor of the number (.020) is originally a three-digit factor, constitutes a true decimal, and provides a facility for numbering new sections to be inserted between old sections already consecutively numbered, merely by adding a digit at the right hand end of the number, ad infinitum. In most chapters of the code, sections have been numbered by tens (.010, .020, .030, .040, etc.) thus leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section factor beyond three digits.

**History of the Revised Code of Washington; Source Notes.** The Revised Code of Washington was adopted by the legislature in 1950, see chapter 1.04 RCW. The original publication (1951) contained material variances from the language and organization of the session laws from which it was derived, including a variety of divisions and combinations of the session law sections. During the years 1953-1959, the Statute Law Committee in exercise of the powers contained in chapter 1.08 RCW completed a comprehensive study of these variances and by means of a series of administrative orders or reenactment bills, restored each title of the code so as to truly reflect its session law parentage, retaining however the general codification scheme originally adopted. An audit trail of this activity has been preserved in the concluding phrases of the source note of each section of the code so affected. The legislative source of each section is enclosed in brackets at the end of the section. Reference to session laws is abbreviated; thus "1891 c 23 § 1; 1854 p 99 § 135" refers to section 1, chapter 23, Laws of 1891 and section 135, page 99, Laws of 1854". "Prior" indicates a break in the statutory chain, usually a repeal and reenactment. "RRS or Rem. Supp.—" indicates the parallel citation in Remington's Revised Code, last published in 1949.

Where, prior to restoration, a section of this code constituted a consolidation of two or more sections of the session laws, or of sections separately numbered in Remington, the line of derivation is shown for each component section, each line of derivation being set off from the others by use of small Roman numerals, "(i)", "(ii)", etc.

Where, prior to restoration, only a part of a session law section was reflected in a particular RCW section the history note reference is followed by the word "part".

"Formerly" and its correlative form "FORMER PART OF SECTION" followed by an RCW citation preserves the record of original codification as it existed prior to restoration.

**Index:** Titles 1 through 91 are indexed in the RCW General Index. Separate indexes are provided for the Rules of Court and the State Constitution.

**Sections repealed or decodified; Disposition table:** Memorials to RCW sections repealed or decodified are no longer carried in place. They are now tabulated in numerical order in the table entitled "Disposition of former RCW sections".

**Parallel tables:** To convert a session law citation to its RCW number (laws of 1951 or later) consult the parallel tables. A similar table is included to relate the disposition in RCW of sections of Remington's Revised Statutes.

**Errors or omissions:** Although great care has been used in the production of this code, within the range of available time and facilities, it is inevitable in so large a work that there will be errors, both mechanical and of judgment. As such errors are detected, or are believed to exist in particular sections, by those who use this code, it is requested that a short notation, citing the section involved and the nature of the error, be mailed to the code reviser, Legislative Building, Olympia, so that correction may be made in any subsequent publication.



# CONSTITUTION OF THE UNITED STATES OF AMERICA

## DIGEST

### Preamble

### Article I Legislative

#### Sections

1. Legislative powers
2. House of representatives, how constituted, power of impeachment.
3. The senate, how constituted, impeachment trials.
4. Election of senators and representatives.
5. Quorum, journals, meetings, adjournments.
6. Compensation, privileges, disabilities.
7. Procedure in passing bills and resolutions.
8. Powers of congress.
9. Limitations upon powers of congress.
10. Restrictions upon powers of states.

### Article II Executive

#### Sections

1. Executive power, election, qualifications of the president.
2. Powers of the president.
3. Powers and duties of the president.
4. Impeachment.

### Article III Judicial

#### Sections

1. Judicial power, tenure of office.
2. Jurisdiction.
3. Treason, proof and punishment.

### Article IV

#### Sections

1. Faith and credit among states.
2. Privileges and immunities, fugitives.
3. Admission of new states.
4. Guarantee of republican government.

### Article V Amendment of the Constitution

### Article VI Debts, supremacy, oath

### Article VII Ratification and establishment

### Amendments:

#### No.

1. Freedom of religion, of speech, and of the press.
2. Right to keep and bear arms.
3. Quartering of soldiers.
4. Security from unwarrantable search and seizure.
5. Rights of accused in criminal proceedings.
6. Right to speedy trial, witnesses, etc.
7. Trial by jury in civil cases.
8. Bails, fines, punishments.

9. Reservation of rights of the people.
10. Powers reserved to states or people.
11. Restriction of judicial power.
12. Election of president and vice president.
13. Abolition of slavery.
14. Sections
  1. Citizenship rights not to be abridged by states.
  2. Apportionment of representatives in congress.
  3. Persons disqualified from holding office.
  4. What public debts are valid.
15. Negro suffrage.
16. Authorizing income taxes.
17. Popular election of senators.
18. National liquor prohibition.
19. Woman suffrage.
20. Sections
  1. Terms of office.
  2. Time of convening congress.
  3. Death of president elect.
  4. Election of the president.
21. Sections
  1. National liquor prohibition repealed.
  2. Transportation of liquor into "dry" states.
22. Terms of office of president.
23. Granting representation in the electoral college to the District of Columbia.
24. Failure to pay tax shall not deny right to vote for federal offices.
25. Succession to the presidency and vice presidency—Inability of president to discharge powers and duties of office.
26. Extending the right to vote to citizens eighteen years of age or older.

## The Constitution of the United States of America

### Preamble

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I

§ 1 **LEGISLATIVE POWERS.** All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

§ 2 **HOUSE OF REPRESENTATIVES, HOW CONSTITUTED, POWER OF IMPEACHMENT.** The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other person.\* The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

\*Note: Modified by Amendment XIV, Section 2.

§ 3 **THE SENATE, HOW CONSTITUTED, IMPEACHMENT TRIALS.** The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make

temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.\*

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried the chief justice shall preside: 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, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

\*Note: Provisions changed by Amendment XVII.

§ 4 **ELECTION OF SENATORS AND REPRESENTATIVES.** The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.\*

\*Note: Provision changed by Amendment XX, Section 2.

§ 5 **QUORUM, JOURNALS, MEETINGS, ADJOURNMENTS.** 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 be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

**§ 6 COMPENSATION, PRIVILEGES, DISABILITIES.** The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

**§ 7 PROCEDURE IN PASSING BILLS AND RESOLUTIONS.** All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; 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 on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, 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 that house, 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 persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

**§ 8 POWERS OF CONGRESS.** The congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

**§ 9 LIMITATIONS UPON POWERS OF CONGRESS.** The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

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.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

**§ 10 RESTRICTIONS UPON POWERS OF STATES.** No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II

**§ 1 EXECUTIVE POWER, ELECTION, QUALIFICATIONS OF THE PRESIDENT.** The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected, as follows

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice president.\*

The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president, and the congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

\*Note: Provisions superseded by Amendment XII.

**§ 2 POWERS OF THE PRESIDENT.** The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the congress may by law vest the appointment of such inferior officers, as they think proper in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

**§ 3 POWERS AND DUTIES OF THE PRESIDENT.** He shall from time to time give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

**§ 4 IMPEACHMENT.** The president, vice president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III

**§ 1 JUDICIAL POWER, TENURE OF OFFICE.** The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

**§ 2 JURISDICTION.** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties

made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.\*

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

\*Note: Clause changed by Amendment XI.

**§ 3 TREASON, PROOF AND PUNISHMENT.** Treason against the United States, shall consist only in levying war against them, or in adhering to their 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.

The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

### ARTICLE IV

**§ 1 FAITH AND CREDIT AMONG STATES.** Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

**§ 2 PRIVILEGES AND IMMUNITIES, FUGITIVES.** The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

§ 3 **ADMISSION OF NEW STATES.** New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

§ 4 **GUARANTEE OF REPUBLICAN GOVERNMENT.** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## ARTICLE V

**Amendment of the Constitution.** The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

## ARTICLE VI

**Debts, supremacy, oath.** All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII

**Ratification and establishment.** The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth.\* In witness whereof we have hereunto subscribed our names,

GEO. WASHINGTON, President  
and Deputy from Virginia.

<b>New Hampshire</b>	<b>Delaware</b>
John Langdon	Geo. Read
Nicholas Gilman	Gunning Bedford, Jr.
<b>Massachusetts</b>	John Dickinson
Nathaniel Gorham	Richard Bassett
Rufus King	Jaco. Broom
<b>Connecticut</b>	<b>Maryland</b>
Wm. Saml. Johnson	James McHenry
Roger Sherman	Dan of St. Thos. Jenifer
<b>New York</b>	Danl. Carroll
Alexander Hamilton	<b>Virginia</b>
<b>New Jersey</b>	John Blair
Wil. Livingston	James Madison, Jr.
David Brearley	<b>North Carolina</b>
Wm. Paterson	Wm. Blount
Jona. Dayton	Richd. Dobbs Spaight
<b>Pennsylvania</b>	Hu. Williamson
B. Franklin	<b>South Carolina</b>
Thomas Mifflin	J. Rutledge
Robt. Morris	Charles Cotesworth Pinckney
Geo. Clymer	Charles Pinckney
Thos. FitzSimons	Pierce Butler
Jared Ingersoll	<b>Georgia</b>
James Wilson	William Few
Gouv. Morris	Abr. Baldwin

\*Note: The Constitution was submitted on September 17, 1787, by the Constitutional Convention, was ratified by the conventions of several states at various dates up to May 29, 1790, and became effective on March 4, 1789.

# Amendments to the Constitution of the United States 1791–1971

## AMENDMENT I

**FREEDOM OF RELIGION, OF SPEECH, AND OF THE PRESS.** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## AMENDMENT II

**RIGHT TO KEEP AND BEAR ARMS.** A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

## AMENDMENT III

**QUARTERING OF SOLDIERS.** No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

## AMENDMENT IV

**SECURITY FROM UNWARRANTABLE SEARCH AND SEIZURE.** 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 warrants 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.

## AMENDMENT V

**RIGHTS OF ACCUSED IN CRIMINAL PROCEEDINGS.** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## AMENDMENT VI

**RIGHT TO SPEEDY TRIAL, WITNESSES, ETC.** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

## AMENDMENT VII

**TRIAL BY JURY IN CIVIL CASES.** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

## AMENDMENT VIII

**BAILS, FINES, PUNISHMENTS.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## AMENDMENT IX

**RESERVATION OF RIGHTS OF THE PEOPLE.** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## AMENDMENT X

**POWERS RESERVED TO STATES OR PEOPLE.** The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.\*

\*Note: The first ten amendments were all proposed by congress on September 25, 1789, and were ratified and adoption certified on December 15, 1791.

## AMENDMENT XI

**RESTRICTION OF JUDICIAL POWERS.** The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.\*

\*Note: Proposed by congress on March 4, 1794, and declared ratified on January 8, 1798.

## AMENDMENT XII

**ELECTION OF PRESIDENT AND VICE PRESIDENT.** The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the

fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice president of the United States.\*

\*Note: Proposed by congress on December 9, 1803; declared ratified on September 25, 1804; supplemented by Amendment XX.

### AMENDMENT XIII

§ 1 ABOLITION OF SLAVERY. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

§ 2 POWER TO ENFORCE THIS ARTICLE. Congress shall have power to enforce this article by appropriate legislation.\*

\*Note: Proposed by congress on January 31, 1865; declared ratified on December 18, 1865.

### AMENDMENT XIV

§ 1 CITIZENSHIP RIGHTS NOT TO BE ABRIDGED BY STATES. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

§ 2 APPORTIONMENT OF REPRESENTATIVES IN CONGRESS. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridges, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

§ 3 PERSONS DISQUALIFIED FROM HOLDING OFFICE. No person shall be a senator or representative in congress, or elector of president and vice

president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may by a vote of two-thirds of each house, remove such disability.

§ 4 WHAT PUBLIC DEBTS ARE VALID. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

§ 5 POWER TO ENFORCE THIS ARTICLE. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.\*

\*Note: Proposed by congress on June 13, 1866; declared ratified on July 28, 1868.

### AMENDMENT XV

§ 1 NEGRO SUFFRAGE. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

§ 2 POWER TO ENFORCE THIS ARTICLE. The congress shall have power to enforce this article by appropriate legislation.\*

\*Note: Proposed by congress on February 26, 1869; declared ratified on March 30, 1870.

### AMENDMENT XVI

AUTHORIZING INCOME TAXES. The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.\*

\*Note: Proposed by congress on July 12, 1909; declared ratified on February 25, 1913.

### AMENDMENT XVII

POPULAR ELECTION OF SENATORS. The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any state may empower the executive thereof to make temporary appointments

until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.\*

\*Note: Proposed by congress on May 13, 1912; declared ratified on May 31, 1913.

#### AMENDMENT XVIII

§ 1 NATIONAL LIQUOR PROHIBITION. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

§ 2 POWER TO ENFORCE THIS ARTICLE. The congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

§ 3 RATIFICATION WITHIN SEVEN YEARS. This article shall be inoperative until it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the congress.\*

\*Note: Proposed by congress on December 18, 1917; declared ratified on January 29, 1919. Repealed by Amendment XXI.

#### AMENDMENT XIX

WOMAN SUFFRAGE. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have power to enforce this article by appropriate legislation.\*

\*Note: Proposed by congress on June 4, 1919; declared ratified on August 26, 1920.

#### AMENDMENT XX

§ 1 TERMS OF OFFICE. The terms of the president and vice president shall end at noon on the 20th day of January, and the terms of senators and representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

§ 2 TIME OF CONVENING CONGRESS. The congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

§ 3 DEATH OF PRESIDENT ELECT. If, at the time fixed for the beginning of the term of the president, the president elect shall have died, the vice president elect shall become president. If a president shall not have been chosen before the time fixed for the beginning of his term, or if the president elect shall have failed to qualify, then the vice president elect shall act as president until a president shall have qualified; and the congress may by law provide for the case wherein neither a president elect nor a vice president elect shall

have qualified, declaring who shall then act as president, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a president or vice president shall have qualified.

§ 4 ELECTION OF THE PRESIDENT. The congress may by law provide for the case of the death of any of the persons from whom the house of representatives may choose a president whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the senate may choose a vice president whenever the right of choice shall have devolved upon them.

§ 5 Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

§ 6 This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.\*

\*Note: Proposed by congress on March 2, 1932; declared ratified on February 6, 1933.

#### AMENDMENT XXI

§ 1 NATIONAL LIQUOR PROHIBITION REPEALED. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

§ 2 TRANSPORTATION OF LIQUOR INTO "DRY" STATES. The transportation or importation into any states, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

§ 3 This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the congress.\*

\*Note: Proposed by congress on February 20, 1933; declared ratified on December 5, 1933.

#### AMENDMENT XXII

§ 1 TERMS OF OFFICE OF PRESIDENT. No person shall be elected to the office of the president more than twice, and no person who held the office of president, or acted as president, for more than two years of a term to which some other person was elected president, shall be elected to the office of president more than once. But this article shall not apply to any person holding the office of president when this article was proposed by the congress, and shall not prevent any person who may be holding the office of president, or acting as president, during the term within which this article becomes operative from holding the office of president or acting as president during the remainder of such term.

§ 2 WHEN OPERATIVE. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the congress.\*

*\*Note:* The certificate of adoption of the 22nd Amendment, dated March 1, 1951, was published in the Federal Register of March 3, 1951.

## AMENDMENT XXIII

§ 1 GRANTING REPRESENTATION IN THE ELECTORAL COLLEGE TO THE DISTRICT OF COLUMBIA. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

§ 2 LEGISLATION. The Congress shall have power to enforce this article by appropriate legislation.\*

*\*Note:* The certificate of adoption of the 23rd Amendment, dated April 3, 1961, is published in Vol. 26 Federal Register, page 2808.

## AMENDMENT XXIV

§ 1 FAILURE TO PAY TAX SHALL NOT DENY RIGHT TO VOTE FOR FEDERAL OFFICES. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

§ 2 The Congress shall have power to enforce this article by appropriate legislation.\*

*\*Note:* The certificate of adoption of the 24th Amendment dated February 4, 1964, is published in Vol. 29 Federal Register, page 1715.

## AMENDMENT XXV

**SUCCESSION TO THE PRESIDENCY AND VICE PRESIDENCY—INABILITY OF PRESIDENT TO DISCHARGE POWERS AND DUTIES OF OFFICE**

§ 1 In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

§ 2 Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

§ 3 Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

§ 4 Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.\*

*\*Note:* The certificate of adoption of the 25th Amendment dated February 23, 1967 is published in Vol. 32 Federal Register, page 3287.

## AMENDMENT XXVI

**EXTENDING THE RIGHT TO VOTE TO CITIZENS EIGHTEEN YEARS OF AGE OR OLDER**

§ 1 The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

§ 2 The Congress shall have power to enforce this article by appropriate legislation.\*

*\*Note:* The certificate of adoption of the 26th Amendment dated July 5, 1971 is published in Vol. 36, No. 130, Federal Register, page 12726.

# ORGANIC ACT

**Reviser's note:** The original organic act to establish the territorial government of Washington is set forth herein. Note however that the organic act was completely revised in the 1873 United States Revised Statutes which was enacted by Congress in 1874. The 1873 United States Revised Statutes contained a construction section (Title 74, section 5596) which has been construed by the United States Supreme Court (*Dwight v. Merrit*, 140 U.S. 213, 11 S.Ct. 768, 35 U.S. (L. ed.) 45) as abrogating or repealing all prior statutes on the same subject as those revised. As the twenty-one sections of the original organic act were rewritten and combined with the organic acts of other territories the disposition of the original sections into the 1873 United States Revised Statutes cannot be traced with absolute accuracy. A schedule of the disposition of the original organic act sections based on the audit contained in the United States Revised Statutes of 1878, is published herein following section 21 of the organic act.

AN ACT TO ESTABLISH THE TERRITORIAL GOVERNMENT OF WASHINGTON.

(Approved March 2, 1853.) [10 U.S. Statutes at Large, c 90 p 172.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, all that portion of Oregon Territory lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia River, from its mouth to where the forty-sixth degree of north latitude crosses said river, near Fort Wallawalla, thence with said forty-sixth degree of latitude to the summit of the Rocky Mountains, be organized into and constitute a temporary government by the name of the Territory of Washington: *Provided*, That nothing in this act contained shall be construed to affect the authority of the government of the United States to make any regulation respecting the Indians of said Territory, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never been passed: *Provided further*, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the Territorial government of Oregon, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary stations respectively belong.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Washington shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside in said Territory, shall be the commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of Superintendent of Indian Affairs; he may grant pardons and remit fines and

forfeitures for offenses against the laws of said Territory, and respites for offenses against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, where, by law, such commissions shall be required, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his Executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or absence of the Governor from the Territory, the Secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. *And be it further enacted*, That the Legislative power and authority of said Territory shall be vested in a Legislative Assembly, which shall consist of a Council and House of Representatives. The Council shall consist of nine members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue three years. Immediately after they shall be assembled, in consequence of their first election, they shall be divided as equally as may be into three classes. The seats of the members of Council of the first class, shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one third may be chosen every year; and if vacancies happen, by resignation or otherwise, the same shall be filled at the next ensuing election. The House of Representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of

## Organic Act

qualified voters: *Provided*, That the whole number shall never exceed thirty. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county or counties, for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken, by such persons, and in such mode, as the Governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act; and the Governor shall, by his proclamation, give at least sixty days' previous notice of such apportionment, and of the time, places, and manner of holding such election. The persons having the highest number of legal votes in each of said council districts for members of the Council shall be declared by the Governor to be duly elected to the Council, and the persons having the highest number of legal votes for the House of Representatives shall be declared by the Governor to be duly elected members of said House: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place, and on such day, within ninety days after such elections, as the Governor shall appoint. But thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular session of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of sixty days, except the first session, which shall not exceed one hundred days.

SEC. 5. *And be it further enacted*, That every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of

holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, mariner, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote in said Territory, by reason of being on service therein, unless said Territory is, and has been for the period of six months, his permanent domicile: *Provided further*, That no person belonging to the army or navy of the United States shall ever be elected to or hold any civil office or appointment in said Territory.

SEC. 6. *And be it further enacted*, That the Legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the Legislative Assembly shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect: *Provided*, That nothing in this act shall be construed to give power to incorporate a bank or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. No charter granting any privileges of making, issuing, or putting into circulation any notes or bills in the likeness of bank-notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the Legislative Assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in said Territory; nor shall said Legislative Assembly authorize the issue of any obligation, scrip, or evidence of debt, by said Territory, in any mode or manner whatever, except certificates for service to said Territory. And all such laws, or any law or laws inconsistent with the provisions of this act, shall be utterly null and void. And all taxes shall be equal and uniform; and no distinctions shall be made in the assessments between different kinds of property, but the assessments shall be according to the value thereof. To avoid improper influences, which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

SEC. 7. *And be it further enacted*, That all township, district, and county officers not herein otherwise provided for, shall be appointed or elected in such manner as shall be provided by the Legislative Assembly of the Territory of Washington.

SEC. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold or be appointed to

## Organic Act

any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly; and no person holding a commission or appointment under the United States shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any case in which the title to land shall in any wise come in question, or where the debt or damages claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district court to the supreme court under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said supreme court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit court of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed two thousand dollars, and in all cases where the constitution of the United States, or acts of Congress, or a treaty of the United States, is brought in question; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the constitution of the United States and the laws of said Territory, as is vested in the circuit and district courts of the United

States; writs of error and appeal in all such cases shall be made to the supreme court of said Territory the same as in other cases. Writs of error, and appeals from the final decisions of said supreme court, shall be allowed and may be taken to the supreme court of the United States in the same manner as from the circuit courts of the United States, where the value of the property, or the amount in controversy, shall exceed two thousand dollars, and each of said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and also of all cases arising under the laws of said Territory, and otherwise. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of the Territory of Oregon receive for similar services.

SEC. 10. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as is provided by law for the attorney of the United States for the Territory of Oregon. There shall also be a marshal for the Territory appointed, who shall hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as are provided by law for the marshal of the Territory of Oregon, and shall, in addition, be paid the sum of two hundred dollars annually as a compensation for extra services.

SEC. 11. *And be it further enacted*, That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations by the laws in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken; and such certificates shall be received and recorded by the said Secretary among the executive proceedings; and the Chief Justice and Associate Justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or Secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted, by the person taking the same, to

## Organic Act

the Secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and fifteen hundred dollars as Superintendent of Indian affairs. The Chief Justice, and Associate Justices, shall each receive an annual salary of two thousand dollars. The Secretary shall receive an annual salary of fifteen hundred dollars. The said salaries shall be paid quarterly, from the dates of the respective appointments, at the Treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the session thereof, and three dollars each for every twenty miles' travel in going to and returning from said sessions, estimated according to the nearest usually traveled route. And a chief clerk, one assistant clerk, a sergeant-at-arms, and door-keeper, may be chosen for each house; and the chief clerk shall receive five dollars per day, and the said other officers three dollars per day, during the session of the legislative assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the legislative assembly annually, unless, on an extraordinary occasion, the Governor shall deem it expedient and proper to call the legislature together. There shall be appropriated, annually, the sum of fifteen hundred dollars, to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the executive department; and there shall also be appropriated, annually, a sufficient sum to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the Governor and Secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid sums of money shall have been expended; and no expenditure, to be paid out of money appropriated by Congress, shall be made by said legislative assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

SEC. 12. *And be it further enacted*, That the laws now in force in said Territory of Washington, by virtue of the legislation of Congress in reference to the Territory of Oregon, which have been enacted and passed subsequent to the first day of September, eighteen hundred and forty-eight, applicable to the said Territory of Washington, together with the legislative enactments of the Territory of Oregon, enacted and passed prior to the passage of, and not inconsistent with, the provisions of this act, and applicable to the said Territory of Washington, be, and they are hereby, continued in

force in said Territory of Washington until they shall be repealed or amended by future legislation.

SEC. 13. *And be it further enacted*, That the legislative assembly of the Territory of Washington shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the legislative assembly shall proceed to locate and establish the seat of government for said Territory, at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by said legislative assembly. And the sum of five thousand dollars, out of any money in the Treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Washington, to be there applied by the Governor to the erection of suitable buildings at the seat of government.

SEC. 14. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as have been heretofore exercised and enjoyed by the delegates from the several other Territories of the United States to the House of Representatives, but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time, and places, and be conducted in such manner, as the Governor shall appoint and direct; of which, and the time, place, and manner of holding such elections, he shall give at least sixty days' notice by proclamation; and at all subsequent elections the time, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly. The delegate from said Territory shall be entitled to receive the same per diem compensation and mileage at present allowed the delegate from the Territory of Oregon.

SEC. 15. *And be it further enacted*, That all suits, complaints, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts established within and for said Territory of Oregon, by act of Congress, entitled "An act to establish the territorial government of Oregon," approved August fourteen, one thousand eight hundred and forty-eight, wherein the venue in said cases, suits at law, or in chancery, or criminal proceedings, shall be included within the limits hereinbefore declared and established for the said Territory of Washington; then, and in that case, said actions so pending in the Supreme or Circuit Courts of the Territory of Oregon shall be, by the clerks of said courts, duly certified to the proper courts of said Territory of Washington; and thereupon said causes shall, in all things concerning the same, be proceeded on, and judgments, verdicts, decrees, and sentences rendered thereon, in the same manner as if

## Organic Act

the said Territory had not been divided. All bonds, recognizances, and obligations of every kind whatsoever, valid, under the existing laws, within the limits of said Territory of Oregon, shall be held valid under this act, and all crimes and misdemeanors against the laws now in force within the said limits of the Territory of Washington may be prosecuted, tried, and punished in the courts established by this act, and all penalties, forfeitures, actions, and causes of action, may be recovered and enforced, under this act, before the Supreme and Circuit Courts established by this act as aforesaid: *Provided*, That no right of action whatever shall accrue against any person for any act done in pursuance of any law heretofore passed by the legislative assembly of the Territory of Oregon, and which may be declared contrary to the Constitution or laws of the United States.

SEC. 16. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and other judicial and ministerial officers, who shall be in office within the limits of said Territory of Washington when this act shall take effect, shall be and they are hereby authorized and required to continue to exercise and perform the duties of their respective offices, as officers of said Territory, until they or others shall be duly elected or appointed, and qualified, to fill their places in the manner herein directed, or until their offices shall be abolished.

SEC. 17. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended, by and under the direction of the Governor of Washington, in the purchase of a library, to be kept at the seat of government for the use of the Governor, legislative assembly, Judges of the Supreme Court, secretary, marshal, and Attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 18. *And be it further enacted*, That until otherwise provided for by law, the Governor of said Territory may define the judicial districts of said Territory, and

assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation, to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem expedient and proper.

SEC. 19. *And be it further enacted*, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Washington, who, by virtue of the provisions of any law of Congress now existing, or which may be enacted during the present session of Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security at such time and place, and in such manner, as the Secretary of the Treasury may prescribe.

SEC. 20. *And be it further enacted*, That when the lands in said Territory shall be surveyed under the direction of the Government of the United States preparatory to bringing the same into market or otherwise disposing thereof, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to common schools in said Territory. And in all cases where said sections sixteen and thirty-six, or either or any of them, shall be occupied by actual settlers prior to survey thereof, the County Commissioners of the counties in which said sections so occupied as aforesaid are situated, be, and they are hereby, authorized to locate other lands to an equal amount in sections, or fractional sections, as the case may be, within their respective counties, in lieu of said sections so occupied as aforesaid.

SEC. 21. *And be it further enacted*, That the Territory of Oregon and the Territory of Washington shall have concurrent jurisdiction over all offenses committed on the Columbia River, where said river forms a common boundary between said Territories.

## Organic Act

Approved, March 2, 1853. [10 U.S. Statutes at Large, c 90 p 172.]

Disposition of Organic Act of 1853:				Organic Act of 1853 (10 St. at Large 172)	1873 Revised Statutes	Repealed by	Placement in United States Code
	Organic Act of 1853 (10 St. at Large 172)	1873 Revised Statutes	Repealed by	Placement in United States Code			
Section 1	§ 1839			T.48 § 1451			
	§ 1840			T.48 § 1452			
	§ 1898		Repealed by 47 S.L. 1429	T.48 § 1453	Section 14	§ 1944	47 S.L. 1429 Repealed by 47 S.L. 1429
Section 2	§ 1841			T.48 § 1453	Section 15	§ 1862	Repealed by 47 S.L. 1429
Section 3	§ 1843			T.48 § 1454	Section 16	§ 1863	Repealed by 47 S.L. 1429
	§ 1844			T.48 § 1455	Section 17	§ 1906	Repealed by 47 S.L. 1429
Section 4	§ 1846		Repealed by 47 S.L. 1429 and in part 20 S.L. 193		Section 18	No record	No record
	§ 1847		Repealed by 47 S.L. 1429 and in part 20 S.L. 193		Section 19	No record	No record
	§ 1848		Repealed by 47 S.L. 1429 and in part 20 S.L. 193		Section 20	§ 1953	Repealed by 47 S.L. 1429
	§ 1849		Repealed by 47 S.L. 1429 and in part 20 S.L. 193		Section 21	§ 1873	
	§ 1922		Repealed by 47 S.L. 1429 and in part 20 S.L. 193			§§ 1913, 1918	Repealed by 47 S.L. 1429
	§ 1923		Repealed by 47 S.L. 1429 and in part 20 S.L. 193		Section 19	§ 1951	Repealed by 47 S.L. 1429
Section 5	§ 1859		Repealed by 47 S.L. 1429		Section 20	§ 1947	Repealed by 47 S.L. 1429
Section 6	§ 1860				Section 21	§ 1950	Repealed by 47 S.L. 1429
	§ 1850		Repealed by 47 S.L. 1429				
	§ 1851		Repealed by 47 S.L. 1429				
	§ 1924		Repealed by 47 S.L. 1429				
Section 7	§ 1857			T.48 § 1458			
Section 8	§ 1854						
	§ 1860			T.48 § 1460			
Section 9	§ 1854			T.48 § 1460a			
	§ 1868			T.48 § 1463			
	§ 1864			T.48 § 1463a			
	§§ 702, 1865, 1866, 1867, 1869, 1870, 1871, 1872, 1883, 1907, 1909, 1910, 1911, 1912, 1926		Repealed by 47 S.L. 1429				
Section 10	§§ 1875, 1876, 1881, 1882		Repealed by 47 S.L. 1429				
Section 11	§ 1877		Repealed by 47 S.L. 1429				
	§ 1878			T.48 § 1465			
	§ 1938		Repealed by 47 S.L. 1429				
	§ 1940		Repealed by 47 S.L. 1429				
	§ 1941		Repealed by 47 S.L. 1429				
Section 12	§ 1852		Repealed by 47 S.L. 1429				
Section 13	§ 1885		Repealed by				

# ENABLING ACT

AN ACT to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States.

(Approved February 22, 1889.) [25 U.S. Statutes at Large, c 180 p 676.]

[President's proclamation declaring Washington a state: 26 St. at Large, Proclamations, p 10, Nov. 11, 1889.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.

SEC. 2. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the legislative assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief-justice, and the secretary of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in

May, eighteen hundred and eighty-nine, which proclamation shall be issued on the fifteenth day of April, eighteen hundred and eighty-nine; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions respectively shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.

SEC. 4. That the delegates to the conventions elected as provided for in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, eighteen hundred and eighty-nine, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and States governments for said proposed states, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall

## Enabling Act

never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said States so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

SEC. 5. That the convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota: *Provided*, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words "For the Sioux Falls constitution," or the words "Against the Sioux Falls constitution," and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section three of this act; and if a majority of all votes cast on this question shall be "for the Sioux Falls constitution" it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls and adopted November third, eighteen hundred and eighty-five, and also the articles and propositions separately submitted at the election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed State, to the re-apportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a State in the Union under said constitution as hereinafter provided; but the archives, records, and books of the Territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said States. But if at the election

for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be "against the Sioux Falls constitution", then and in that event it shall be the duty of the convention which will assemble at the city of Sioux Falls on the fourth day of July, eighteen hundred and eighty-nine, to proceed to form a constitution and State government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

SEC. 6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States of North Dakota and South Dakota; and the agreement reached respecting the Territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said States shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

SEC. 7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the Territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the Territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

SEC. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance

## Enabling Act

for resubmitting the Sioux Falls constitution of eighteen hundred and eighty-five, after having amended the same as provided in section five of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, eighteen hundred and eighty-nine; but if said constitutional convention is authorized and required to form a new constitution for South Dakota it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said proposed State on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed States, respectively, for ratification or rejection at elections to be held in said proposed States on the said first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation.

SEC. 9. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the Representatives to the fifty-first Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

SEC. 10. That upon the admission of each of said States into the Union sections numbered sixteen and thirty-six in every township of said proposed States, and where such sections, or any parts thereof, have

been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

**Reviser's note:** Section 11 has at various times been amended by Congress as follows:

**(1) August 11, 1921:**

AN ACT To amend an Act approved February 22, 1889, entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 11 of the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22, 1889, be, and the same hereby is, amended by adding the following: *Provided, however*, That the State may, upon such terms as it may prescribe, grant such easements or rights in such lands as may be acquired in, to, or over the lands of private properties through proceedings in eminent domain: *And provided further*, That any of such granted lands found, after title thereto has vested in the State, to be mineral in character, may be leased for a period not longer than twenty years upon such terms and conditions as the legislature may prescribe. [42 U.S. Statutes at Large, c 61 p 158. Approved, August 11, 1921.]

**(2) May 7, 1932:**

AN ACT To amend section 11 of the Act approved February 22, 1889 (25 Stat. 676), relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 11 of the Act approved February 22, 1889 (25 Stat. 676), be, and the same is hereby, amended to read as follows:

"That all lands granted by this Act shall be disposed of only at public sale after advertising—tillable lands capable of producing agricultural crops for not less than \$10 per acre and lands principally

## Enabling Act

valuable for grazing purposes for not less than \$5 per acre. Any of the said lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to surveyed, nonmineral, unreserved public lands of the United States within the State.

"The said lands may be leased under such regulations as the legislature may prescribe; but leases for grazing and agricultural purposes shall not be for a term longer than five years; mineral leases, including leases for exploration for oil and gas and the extraction thereof, for a term not longer than twenty years; and leases for development of hydroelectric power for a term not longer than fifty years.

"The State may also, upon such terms as it may prescribe, grant such easements or rights in any of the lands granted by this Act, as may be acquired in privately owned lands through proceedings in eminent domain: *Provided, however,* That none of such lands, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the State.

"With the exception of the lands granted for public buildings, the proceeds from the sale and other permanent disposition of any of the said lands and from every part thereof, shall constitute permanent funds for the support and maintenance of the public schools and the various State institutions for which the lands have been granted. Rentals on leased lands, interest on deferred payments on lands sold, interest on funds arising from these lands, and all other actual income, shall be available for the maintenance and support of such schools and institutions. Any State may, however, in its discretion, add a portion of the annual income to the permanent funds.

"The lands hereby granted shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States whether surveyed or unsurveyed, but shall be reserved for the purposes for which they have been granted."

SEC. 2. Anything in the said Act approved February 22, 1889, inconsistent with the provisions of this Act is hereby repealed. [47 U.S. Statutes at Large c 172 p 150. Approved, May 7, 1932.]

### (3) June 25, 1938:

AN ACT To increase the period for which leases may be made for grazing and agricultural purposes of public lands donated to the States of North Dakota, South Dakota, Montana, and Washington by the Act of February 22, 1889, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the second paragraph of section 11 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, as amended, as reads "but leases for grazing and agricultural purposes shall not be for a term longer than five years", is amended to read as follows: "but leases for grazing and agricultural purposes shall not be for a term longer than ten years". [52 U. S. Statutes at Large c 700 p 1198. Approved, June 25, 1938.]

### (4) April 13, 1948:

AN ACT To authorize the States of Montana, North Dakota, South Dakota, and Washington to lease their State lands for production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, for such terms of years and on such conditions as may be from time to time provided by the legislatures of the respective States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That the second paragraph of section 11 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, as amended, is amended to read as follows: "Except as otherwise provided herein, the said lands may be leased under such regulations as the legislature may prescribe. Leases for the production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, shall be for such term of years and on such conditions as may be from time to time provided by the legislatures of the respective States; leases for grazing and agricultural purposes shall be for a term not longer than ten years; and leases for development of hydroelectric power shall be for a term not longer than fifty years." [62 U.S. Statutes at Large c 183 p 170. Approved April 13, 1948.]

### (5) June 28, 1952:

AN ACT To authorize each of the States of North Dakota, South Dakota, and Washington to pool moneys derived from lands granted to it for public schools and various State institutions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the fourth paragraph of section 11 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, as amended (47 Stat. 151), is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this section, each of the States of North Dakota, South Dakota, and Washington may pool the moneys received by it from oil and gas and other mineral leasing of said lands. The moneys so pooled shall be apportioned among the public schools and the various State institutions in such manner that the public schools and each of such institutions shall receive an amount which bears the same ratio to the total amount apportioned as the number of acres (including any that may have been disposed of) granted for such public schools or for such institutions bears to the total number of acres (including any that may have been disposed of) granted by this Act. Not less than 50 per centum of each such amount shall be covered into the appropriate permanent fund." [66 U.S. Statutes at Large c 480 p 283. Approved June 28, 1952.]

### (6) May 31, 1962:

AN ACT To amend the Act admitting the State of Washington into the Union in order to authorize the use of funds from the disposition of certain lands for the construction of State charitable, educational, penal, or reformatory institutions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States and to make donations of public lands to such States", approved February 22, 1889 (25 Stat. 676, as amended), is amended by inserting before the period at the end of the first sentence in the fourth paragraph of section 11 a comma and the following: "except that proceeds from the sale and other permanent disposition of the two hundred thousand acres granted to the State of Washington for State charitable, educational, penal, and reformatory institutions may be used by such State for the construction of any such institution". [Public Law 87-473. 76 U.S. Statutes at Large p 91. Approved May 31, 1962.]

### (7) June 30, 1967:

AN ACT To authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, educational, penal, and reformatory institutions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of the fourth paragraph of section 11 of the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States", approved February 22, 1889 (25 Stat. 676), as amended, is amended to read as follows: "Rentals on leased land, proceeds from the sale of timber and other crops, interest on deferred payments on land sold, interest on funds arising from these lands, and all other actual income, shall be available for the acquisition and construction of facilities, including the retirement of bonds authorized by law for such purposes, and for the maintenance and support of such schools and institutions." [Public Law 90-41. 81 U.S. Statutes at Large p 106. Approved June 30, 1967.]

### (8) October 16, 1970:

AN ACT To amend section 11 of the Act approved February 22, 1889 (25 Stat. 676) as amended by the Act of May 7, 1932 (47 Stat. 150), and as amended by the Act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of the first paragraph of section 11 of the Act approved

## Enabling Act

February 22, 1889 (25 Stat. 676), as amended by the Act of May 7, 1932 (47 Stat. 150), is hereby amended to read as follows:

"Any of the said lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to Federal lands that are surveyed, nonmineral, unreserved public lands within the State, or are reserved public lands within the State that are subject to exchange under the laws governing the administration of such Federal reserved public lands."

and that a new paragraph be added immediately following the above, as follows:

"All exchanges heretofore made under section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act approved May 7, 1932 (47 Stat. 150), for reserved public lands of the United States that were subject to exchange under law pursuant to which they were being administered and the requirements thereof have been met, are hereby approved to the same extent as though the lands exchanged were unreserved public lands."

and that the present paragraph 2 of section 11 be amended to read as follows:

"The said lands may be leased under such regulations as the legislature may prescribe." [Public Law 91-463, 84 U.S. Statutes at Large p 987. Approved October 16, 1970.]

SEC. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section ten of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

**Reviser's note:** Section 12 has been amended by Congress as follows:

AN ACT To amend section 12 of the Act approved February 22, 1889 (25 Stat. 676) relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, by providing for the use of public lands granted to the States therein for the purpose of construction, reconstruction, repair, renovation, furnishings, equipment, or other permanent improvement of public buildings at the capital of said States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 12 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, is amended to read as follows:

"That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of unappropriated public lands within such States, to be selected and located in legal subdivisions as provided in section 10 of this Act, shall be, and are hereby, granted to said States for public buildings at the capital of said States for legislative, executive, and judicial purposes, including construction, reconstruction, repair, renovation, furnishings, equipment, and any other permanent improvement of such buildings and the acquisition of necessary land for such buildings, and the payment of principal and interest on bonds issued for any of the above purposes."

SEC. 2. This Act shall take effect as of February 22, 1889. [Public Law 85-6, 71 U.S. Statutes at large p 5. Approved February 26, 1957.]

SEC. 13. That five per centum of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively.

SEC. 14. That the lands granted to the Territories of Dakota and Montana by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July seventeenth, eighteen hundred and fifty-four, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the Territory by the act of March fourteenth, eighteen hundred and sixty-four, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided in section eleven of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June sixteenth, eighteen hundred and eighty, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

SEC. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March second, eighteen hundred and eighty-one, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

## Enabling Act

SEC. 16. That ninety thousand acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said States, except to the State of South Dakota, to which one hundred and twenty thousand acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

SEC. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of land are hereby made, to wit:

To the State of South Dakota: For the school of mines, forty thousand acres; for the reform school, forty thousand acres; for the deaf and dumb asylum, forty thousand acres; for the agricultural college, forty thousand acres; for the university, forty thousand acres; for State normal schools, eighty thousand acres; for public buildings at the capital of said State, fifty thousand acres, and for such other educational and charitable purposes as the legislature of said State may determine, one hundred and seventy thousand acres; in all five hundred thousand acres.

To the State of North Dakota a like quantity of land as in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

To the State of Montana: For the establishment and maintenance of a school of mines, one hundred thousand acres; for State normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a State reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, one hundred and fifty thousand acres.

To the State of Washington: For the establishment and maintenance of a scientific school, one hundred thousand acres; for State normal schools, one hundred thousand acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, one hundred thousand acres; for State charitable, educational, penal, and reformatory institutions, two hundred thousand acres.

That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein

mentioned, in such manner as the legislatures of the respective States may severally provide.

SEC. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections sixteen and thirty-six, or any subdivisions or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

SEC. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

SEC. 20. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of forty thousand dollars is so appropriated, twenty thousand dollars each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of three thousand five hundred dollars, payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same

## Enabling Act

powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The Marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

SEC. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require: *Provided*, That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district, and State courts, herein named, shall, respectively, be the successor of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts respectively with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act, in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 23. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively,

shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases, shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause or proceeding now pending, or that prior to the admission of any of the States mentioned in this act, shall be pending in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

SEC. 24. That the constitutional conventions may, by ordinance, provide for the election of officers for full State governments, including members of the legislatures and Representatives in the fifty-first Congress; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the legislature thereof may assemble, organize, and elect two senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted into the Union, the Senators and Representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the legislatures of said Territories or by Congress, are hereby repealed.

Approved, February 22, 1889. [25 U.S. Statutes at Large, c 180 p 676.]



# THE CONSTITUTION OF THE STATE OF WASHINGTON

This Constitution was framed by a convention of seventy-five delegates, chosen by the people of the Territory of Washington at an election held May 14, 1889, under section 3 of the Enabling Act. The convention met at Olympia on the fourth day of July, 1889, and adjourned on the twenty-second day of August, 1889. The Constitution was ratified by the people at an election held on October 1, 1889, and on November 11, 1889, in accordance with section 8 of the Enabling Act, the president of the United States proclaimed the admission of the State of Washington into the Union.

## TABLE OF CONTENTS

- (A) Constitution of the State of Washington
- (B) Constitutional Amendments (in order of adoption)
- (C) Index to State Constitution.

In part (A), for convenience of the reader, the latest constitutional amendments have been integrated with the currently effective original sections of the Constitution with the result that the Constitution is herein presented in its currently amended form.

All current sections, whether original sections or constitutional amendments, are carried in Article and section order and are printed in regular type.

Following each section which has been amended, the original section and intervening amendments (if any) are printed in italics.

Appended to each amendatory section is a history note stating the amendment number and date of its approval as well as the citation to the session law wherein may be found the legislative measure proposing the amendment; e.g. "[AMENDMENT 27, 1951 House Joint Resolution No. 8, p 961. Approved November 4, 1952.]"

In part (B), the constitutional amendments are also printed separately, in order of their adoption.

### (A) Constitution of the State of Washington

#### PREAMBLE

#### Article I—DECLARATION OF RIGHTS

##### Sections

- 1 Political power.
- 2 Supreme law of the land.
- 3 Personal rights.
- 4 Right of petition and assemblage.
- 5 Freedom of speech.
- 6 Oaths—Mode of administering.
- 7 Invasion of private affairs or home prohibited.
- 8 Irrevocable privilege, franchise or immunity prohibited.
- 9 Rights of accused persons.
- 10 Administration of justice.

- 11 Religious freedom.
- 12 Special privileges and immunities prohibited.
- 13 Habeas corpus.
- 14 Excessive bail, fines and punishments.
- 15 Convictions, effect of.
- 16 Eminent domain.
- 17 Imprisonment for debt.
- 18 Military power, limitation of.
- 19 Freedom of elections.
- 20 Bail, when authorized.
- 21 Trial by jury.
- 22 Rights of the accused.
- 23 Bill of attainder, ex post facto law, etc.
- 24 Right to bear arms.
- 25 Prosecution by information.
- 26 Grand jury.
- 27 Treason, defined, etc.
- 28 Hereditary privileges abolished.
- 29 Constitution mandatory.
- 30 Rights reserved.
- 31 Standing army.
- 32 Fundamental principles.
- 33 Recall of elective officers.
- 34 Same.

#### Article II—LEGISLATIVE DEPARTMENT

##### Sections

- 1 Legislative powers, where vested.
- 1A Initiative and referendum, signatures required.
- 2 House of representatives and senate.
- 3 The census.
- 4 Election of representatives and term of office.
- 5 Elections, when to be held.
- 6 Election and term of office of senators.
- 7 Qualifications of legislators.
- 8 Judges of their own election and qualification—Quorum.
- 9 Rules of procedure.
- 10 Election of officers.
- 11 Journal, publicity of meetings—Adjournments.
- 12 Sessions, when—Duration.
- 13 Limitation on members holding office in the state.
- 14 Same, federal or other office.
- 15 Vacancies in legislature and in partisan county elective office.
- 16 Privileges from arrest.
- 17 Freedom of debate.
- 18 Style of laws.
- 19 Bill to contain one subject.
- 20 Origin and amendment of bills.
- 21 Yeas and nays.
- 22 Passage of bills.

- 23 Compensation of members.
- 24 Lotteries and divorce.
- 25 Extra compensation prohibited.
- 26 Suits against the state.
- 27 Elections—Viva voce vote.
- 28 Special legislation.
- 29 Convict labor.
- 30 Bribery or corrupt solicitation.
- 31 Laws, when to take effect.
- 32 Laws, how signed.
- 33 Alien ownership.
- 34 Bureau of statistics, agriculture and immigration.
- 35 Protection of employees.
- 36 When bills must be introduced.
- 37 Revision or amendment.
- 38 Limitation on amendments.
- 39 Free transportation to public officer prohibited.
- 40 Highway funds.
- 41 Laws, effective date. Initiative, referendum—  
Amendment or repeal.
- 42 Governmental continuity during emergency periods.

Article III—THE EXECUTIVE

Sections

- 1 Executive department.
- 2 Governor, term of office.
- 3 Other executive officers, terms of office.
- 4 Returns of elections, canvass, etc.
- 5 General duties of governor.
- 6 Messages.
- 7 Extra legislative sessions.
- 8 Commander-in-chief.
- 9 Pardoning power.
- 10 Vacancy in office of governor.
- 11 Remission of fines and forfeitures.
- 12 Veto power.
- 13 Vacancy in appointive office.
- 14 Salary.
- 15 Commissions, how issued.
- 16 Lieutenant governor, duties and salary.
- 17 Secretary of state, duties and salary.
- 18 Seal.
- 19 State treasurer, duties and salary.
- 20 State auditor, duties and salary.
- 21 Attorney general, duties and salary.
- 22 Superintendent of public instruction, duties and salary.
- 23 Commissioner of public lands—Compensation.
- 24 Records, where kept, etc.
- 25 Qualifications, compensation, offices which may be abolished.

Article IV—THE JUDICIARY

Sections

- 1 Judicial power, where vested.
- 2 Supreme court.
- 2(a) Temporary performance of judicial duties.
- 3 Election and terms of supreme judges.
- 3(a) Retirement of supreme court and superior court judges.

- 4 Jurisdiction.
- 5 Superior court—Election of judges, terms of, etc.
- 6 Jurisdiction of superior courts.
- 7 Exchange of judges—Judge pro tempore.
- 8 Absence of judicial officer.
- 9 Removal of judges, attorney general, etc.
- 10 Justices of the peace.
- 11 Courts of record.
- 12 Inferior courts.
- 13 Salaries of judicial officers—How paid, etc.
- 14 Salaries of supreme and superior court judges.
- 15 Ineligibility of judges.
- 16 Charging juries.
- 17 Eligibility of judges.
- 18 Supreme court reporter.
- 19 Judges may not practice law.
- 20 Decisions, when to be made.
- 21 Publication of opinions.
- 22 Clerk of the supreme court.
- 23 Court commissioners.
- 24 Rules for superior courts.
- 25 Reports of superior court judges.
- 26 Clerk of the superior court.
- 27 Style of process.
- 28 Oath of judges.
- 29 Election of superior court judges.
- 30 Court of appeals

Article V—IMPEACHMENT

Sections

- 1 Impeachment—Power of and procedure.
- 2 Officers liable to.
- 3 Removal from office.

Article VI—ELECTIONS AND ELECTIVE RIGHTS

Sections

- 1 Qualifications of electors.
- 1A Voter qualifications for presidential elections.
- 2 School elections—Franchise, how extended.
- 3 Who disqualified.
- 4 Residence, contingencies affecting.
- 5 Voter—When privileged from arrest.
- 6 Ballot.
- 7 Registration.
- 8 Elections, time of holding.

Article VII—REVENUE AND TAXATION

Sections

- 1 Taxation.
- 2 Forty mill limit.
- 3 Taxation of federal agencies and property.
- 4 No surrender of power or suspension of tax on corporate property.
- 5 Taxes, how levied.
- 6 Taxes, how paid.
- 7 Annual statement.
- 8 Tax to cover deficiencies.
- 9 Special assessments or taxation for local improvements.

- 10 Retired persons property tax exemption.
- 11 Taxation based on actual use.

Article VIII—STATE, COUNTY AND MUNICIPAL INDEBTEDNESS

Sections

- 1 Limitation of state debt.
- 2 Powers extended in certain cases.
- 3 Special indebtedness, how authorized.
- 4 Moneys disbursed only by appropriations.
- 5 Credit not to be loaned.
- 6 Limitations upon municipal indebtedness.
- 7 Credit not to be loaned.
- 8 Port expenditures—Industrial development—Promotion.
- 9 State building authority.

Article IX—EDUCATION

Sections

- 1 Preamble.
- 2 Public school system.
- 3 Funds for support.
- 4 Sectarian control or influence prohibited.
- 5 Loss of permanent fund to become state debt.

Article X—MILITIA

Sections

- 1 Who liable to military duty.
- 2 Organization—Discipline—Officers—Power to call out.
- 3 Soldiers' home.
- 4 Public arms.
- 5 Privilege from arrest.
- 6 Exemption from military duty.

Article XI—COUNTY, CITY AND TOWNSHIP ORGANIZATION

Sections

- 1 Existing counties recognized.
- 2 County seats—Location and removal.
- 3 New counties.
- 4 County government and township organization.
- 5 County government.
- 6 Vacancies in township, precinct or road district offices.
- 7 Tenure of office limited to two terms.
- 8 Salaries and limitations affecting.
- 9 State taxes not to be released or commuted.
- 10 Incorporation of municipalities.
- 11 Police and sanitary regulations.
- 12 Assessment and collection of taxes in municipalities.
- 13 Private property, when may be taken for public debt.
- 14 Private use of public funds prohibited.
- 15 Deposit of public funds.
- 16 Combined city-county.

Article XII—CORPORATIONS OTHER THAN MUNICIPAL

Sections

- 1 Corporations, how formed.
- 2 Existing charters.
- 3 Existing charters not to be extended nor forfeiture remitted.
- 4 Liability of stockholders.
- 5 Term "corporation," defined—Right to sue and be sued.
- 6 Limitations upon issuance of stock.
- 7 Foreign corporations.
- 8 Alienation of franchise not to release liabilities.
- 9 State not to loan its credit or subscribe for stock.
- 10 Eminent domain affecting.
- 11 Stockholder liability.
- 12 Receiving deposits by bank after insolvency.
- 13 Common carriers, regulation of.
- 14 Prohibition against combinations by carriers.
- 15 Prohibition against discriminating charges.
- 16 Prohibition against consolidating of competing lines.
- 17 Rolling stock, personalty for purpose of taxation.
- 18 Maximum rates for transportation.
- 19 Telegraph and telephone companies.
- 20 Prohibition against free transportation for public officers.
- 21 Express companies.
- 22 Monopolies and trusts.

Article XIII—STATE INSTITUTIONS

Sections

- 1 Educational, reformatory and penal institutions.

Article XIV—SEAT OF GOVERNMENT

Sections

- 1 State capital, location of.
- 2 Change of state capital.
- 3 Restrictions on appropriations for capitol buildings.

Article XV—HARBORS AND TIDE WATERS

Sections

- 1 Harbor line commission and restraint on disposition.
- 2 Leasing and maintenance of wharves, docks, etc.
- 3 Extension of streets over tide lands.

Article XVI—SCHOOL AND GRANTED LANDS

Sections

- 1 Disposition of.
- 2 Manner and terms of sale.
- 3 Limitations on sales.
- 4 How much may be offered in certain cases—Platting of.
- 5 Investment of permanent common school fund.

Article XVII—TIDE LANDS

Sections

- 1 Declaration of state ownership.
- 2 Disclaimer of certain lands.

Article XVIII—STATE SEAL

Sections

- 1 Seal of the state.

Article XIX—EXEMPTIONS

Sections

- 1 Exemptions—Homesteads, etc.

Article XX—PUBLIC HEALTH AND VITAL STATISTICS

Sections

- 1 Board of health and bureau of vital statistics.
- 2 Regulations concerning medicine, surgery and pharmacy.

Article XXI—WATER AND WATER RIGHTS

Sections

- 1 Public use of water.

Article XXII—LEGISLATIVE APPORTIONMENT

Sections

- 1 Senatorial apportionment.
- 2 Apportionment of representatives.

Article XXIII—AMENDMENTS

Sections

- 1 How made.
- 2 Constitutional conventions.
- 3 Submission to the people.

Article XXIV—BOUNDARIES

Sections

- 1 State boundaries.

Article XXV—JURISDICTION

Sections

- 1 Authority of the United States.

Article XXVI—COMPACT WITH THE UNITED STATES

Article XXVII—SCHEDULE

Sections

- 1 Existing rights, actions and contracts saved.
- 2 Laws in force continued.
- 3 Debts, fines, etc., to inure to the state.
- 4 Recognizances.
- 5 Criminal prosecutions and penal actions.
- 6 Retention of territorial officers.
- 7 Constitutional officers, when elected.
- 8 Change of courts—Transfer of causes.
- 9 Seals of courts and municipalities.
- 10 Probate court, transfer of.

- 11 Duties of first legislature.
- 12 Election contests for superior judges, how decided.
- 13 Representation in congress.
- 14 Duration of term of certain officers.
- 15 Election on adoption of Constitution, how to be conducted.
- 16 When Constitution to take effect.
- 17 Separate articles.
- 18 Ballot.
- 19 Appropriation.

Article XXVIII—COMPENSATION OF STATE OFFICERS

Sections

- 1 Compensation of state officers.

Article XXIX—INVESTMENTS OF PUBLIC PENSION AND RETIREMENT FUNDS

Sections

- 1 May be invested as authorized by law.

Article XXX—COMPENSATION OF PUBLIC OFFICERS

Sections

- 1 Authorizing compensation increase during term.

Article XXXI—SEX EQUALITY—RIGHTS AND RESPONSIBILITY

Sections

- 1 Equality not denied because of sex.
- 2 Enforcement power of legislature.

**PREAMBLE**

We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution.

**ARTICLE I  
DECLARATION OF RIGHTS**

§ 1 **POLITICAL POWER.** All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

§ 2 **SUPREME LAW OF THE LAND.** The Constitution of the United States is the supreme law of the land.

§ 3 **PERSONAL RIGHTS.** No person shall be deprived of life, liberty, or property, without due process of law.

§ 4 **RIGHT OF PETITION AND ASSEMBLAGE.** The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

**§ 5 FREEDOM OF SPEECH.** Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

**§ 6 OATHS—MODE OF ADMINISTERING.** The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

**§ 7 INVASION OF PRIVATE AFFAIRS OR HOME PROHIBITED.** No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

**§ 8 IRREVOCABLE PRIVILEGE, FRANCHISE OR IMMUNITY PROHIBITED.** No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.

**§ 9 RIGHTS OF ACCUSED PERSONS.** No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

**§ 10 ADMINISTRATION OF JUSTICE.** Justice in all cases shall be administered openly, and without unnecessary delay.

**§ 11 RELIGIOUS FREEDOM.** Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: *Provided, however,* That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony. [AMENDMENT 34, 1957 Senate Joint Resolution No. 14, p 1299. Approved November 4, 1958.]

Amendment 4 (1904)—Art. 1 § 11 RELIGIOUS FREEDOM—*Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment. Provided, however, That this article shall not be so construed as to forbid the employment by the state of a chaplain for the state penitentiary, and for such of the state reformatories as in the discretion of the legislature may seem justified. No religious qualification shall be*

*required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.* [AMENDMENT 4, 1903 p 283 § 1. Approved November, 1904.]

Original text—Art. 1 § 11 RELIGIOUS FREEDOM—*Absolute freedom of conscience in all matters of religious sentiment, belief, and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person, or property, on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for, or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office, or employment, nor shall any person be incompetent as a witness, or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.*

**§ 12 SPECIAL PRIVILEGES AND IMMUNITIES PROHIBITED.** No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.

**§ 13 HABEAS CORPUS.** The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety requires it.

**§ 14 EXCESSIVE BAIL, FINES AND PUNISHMENTS.** Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

**§ 15 CONVICTIONS, EFFECT OF.** No conviction shall work corruption of blood, nor forfeiture of estate.

**§ 16 EMINENT DOMAIN.** Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question and determined as such, without regard to any legislative assertion that the use is public: *Provided,* That the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use. [AMENDMENT 9, 1919 p 385 § 1. Approved November, 1920.]

Original text—Art. 1 § 16 EMINENT DOMAIN—*Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for*

agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having first been made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

§ 17 **IMPRISONMENT FOR DEBT.** There shall be no imprisonment for debt, except in cases of absconding debtors.

§ 18 **MILITARY POWER, LIMITATION OF.** The military shall be in strict subordination to the civil power.

§ 19 **FREEDOM OF ELECTIONS.** All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

§ 20 **BAIL, WHEN AUTHORIZED.** All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great.

§ 21 **TRIAL BY JURY.** The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

§ 22 **RIGHTS OF THE ACCUSED.** In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: *Provided*, The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed. [AMENDMENT 10, 1921 p 79 § 1. Approved November, 1922.]

Original text—Art. 1 § 22 RIGHTS OF ACCUSED PERSONS—*In criminal prosecution, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.*

§ 23 **BILL OF ATTAINDER, EX POST FACTO LAW, ETC.** No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

§ 24 **RIGHT TO BEAR ARMS.** The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

§ 25 **PROSECUTION BY INFORMATION.** Offenses heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as shall be prescribed by law.

§ 26 **GRAND JURY.** No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

§ 27 **TREASON, DEFINED, ETC.** Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in 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 confession in open court.

§ 28 **HEREDITARY PRIVILEGES ABOLISHED.** No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.

§ 29 **CONSTITUTION MANDATORY.** The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

§ 30 **RIGHTS RESERVED.** The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

§ 31 **STANDING ARMY.** No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

§ 32 **FUNDAMENTAL PRINCIPLES.** A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

§ 33 **RECALL OF ELECTIVE OFFICERS.** Every elective public officer of the state of Washington except [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided. [AMENDMENT 8, 1911 p 504 § 1. Approved November, 1912.]

§ 34 **SAME.** The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: *Provided*, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of lawmaking nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent. [AMENDMENT 8, 1911 p 504 § 1. Approved November, 1912.]

## ARTICLE II LEGISLATIVE DEPARTMENT

§ 1 **LEGISLATIVE POWERS, WHERE VESTED.** The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. *Ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed.* [Note: Signature requirements superseded

by Art. 2 Sec. 1(A), AMENDMENT 30.] Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted. *Six per centum, but in no case more than thirty thousand, of the legal voters shall be required to sign and make a valid referendum petition.* [Note: Signature requirements superseded by Art. 2 Sec. 1(A), AMENDMENT 30.]

(c) *No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people*

thereon. [Note: Subsection (c) is expressly superseded by Art. 2 Sec. 41, AMENDMENT 26.]

(d) The filing of a referendum petition against one or more items, sections or parts of any act, law or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular elections, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: *Provided*, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. *The whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.* [Note: Cf. Art. 2 Sec. 1(A), AMENDMENT 30.] All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.

*The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication at least fifty days before the election at which they are to be voted upon.* [Note: This paragraph is expressly superseded by subsection (e) of this section, which was added by AMENDMENT 36.]

(e) The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. These provisions supersede the provisions set forth in the last paragraph of section 1 of this article as amended by the seventh amendment to the Constitution of this state. [AMENDMENT 7, 1911 p 136 § 1. Approved

November, 1912; Subsection (e) added by AMENDMENT 36, 1961 Senate Joint Resolution No. 9, p 2751. Approved November, 1962.]

Original text—Art. 2, § 1. LEGISLATIVE POWERS, WHERE VESTED—*The legislative powers shall be vested in a senate and house of representatives, which shall be called the legislature of the State of Washington.*

Note: Art. 2, Sec. 31 was also stricken by AMENDMENT 7.

§ 1A INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED. Hereafter, the number of valid signatures of legal voters required upon a petition for an initiative measure shall be equal to eight percentum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. Hereafter, the number of valid signatures of legal voters required upon a petition for a referendum of an act of the legislature or any part thereof, shall be equal to four percentum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. These provisions supersede the requirements specified in section 1 of this article as amended by the seventh amendment to the Constitution of this state. [AMENDMENT 30, 1955 Senate Joint Resolution No. 4, p 1860. Approved November, 1956.]

§ 2 HOUSE OF REPRESENTATIVES AND SENATE. The house of representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one-half nor less than one-third of the number of members of the house of representatives. The first legislature shall be composed of seventy members of the house of representatives, and thirty-five senators.

§ 3 THE CENSUS. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

§ 4 ELECTION OF REPRESENTATIVES AND TERM OF OFFICE. Members of the house of representatives shall be elected in the year eighteen hundred and eighty-nine at the time and in the manner provided by this Constitution, and shall hold their offices for the term of one year and until their successors shall be elected.

§ 5 ELECTIONS, WHEN TO BE HELD. The next election of the members of the house of representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the house of representatives shall be

elected biennially and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

**§ 6 ELECTION AND TERM OF OFFICE OF SENATORS.** After the first election the senators shall be elected by single districts of convenient and contiguous territory, at the same time and in the same manner as members of the house of representatives are required to be elected; and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this Constitution, in odd numbered districts, shall go out of office at the end of the first year; and the senators, elected in the even numbered districts, shall go out of office at the end of the third year.

**§ 7 QUALIFICATIONS OF LEGISLATORS.** No person shall be eligible to the legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.

**§ 8 JUDGES OF THEIR OWN ELECTION AND QUALIFICATION—QUORUM.** Each house shall be the judge of the election, returns and qualifications of its own members, and a majority of each house 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 and under such penalties as each house may provide.

*Governmental continuity during emergency periods: Art. 2 § 42.*

**§ 9 RULES OF PROCEDURE.** 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 offense.

**§ 10 ELECTION OF OFFICERS.** Each house shall elect its own officers; and when the lieutenant governor shall not attend as president, or shall act as governor, the senate shall choose a temporary president. When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate.

**§ 11 JOURNAL, PUBLICITY OF MEETINGS—ADJOURNMENTS.** 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 adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

**§ 12 SESSIONS, WHEN—DURATION.** The first legislature shall meet on the first Wednesday after the first Monday in November, A. D., 1889. The second

legislature shall meet on the first Wednesday after the first Monday in January, A. D., 1891, and sessions of the legislature shall be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days.

*Sessions to convene on the second Monday in January: RCW 44.04.010.*

**§ 13 LIMITATION ON MEMBERS HOLDING OFFICE IN THE STATE.** No member of the legislature, during the term for which he is elected, shall 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.

**§ 14 SAME, FEDERAL OR OTHER OFFICE.** No person, being a member of congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the legislature; and if any person after his election as a member of the legislature, shall be elected to congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat, provided, that officers in the militia of the state who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.

**§ 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE.** Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district, county or county commissioner district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county or county commissioner district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill

the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated. [AMENDMENT 52, part, 1967 Senate Joint Resolution No. 24, part. Approved November 5, 1968.]

*Governmental continuity during emergency periods: Art. 2 § 42.*

*Vacancies in county, etc., offices, how filled: Art. 11 § 6.*

*Amendment 32 (1956)—Art. 2 § 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated. [AMENDMENT 32, 1955 Senate Joint Resolution No. 14, p 1862. Approved November, 1956.]*

*Amendment 13 (1930)—Art. 2 § 15 VACANCIES IN LEGISLATURE—Such vacancies as may occur in either house of the legislature shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator, the vacancy shall be filled by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial district. [AMENDMENT 13, 1929 p 690. Approved November, 1930.]*

*Original text—Art. 2 § 15 WRITS OF ELECTION TO FILL VACANCIES—The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.*

**§ 16 PRIVILEGES FROM ARREST.** Members of the legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session.

**§ 17 FREEDOM OF DEBATE.** No member of the legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

**§ 18 STYLE OF LAWS.** The style of the laws of the state shall be: "Be it enacted by the Legislature of the State of Washington." And no laws shall be enacted except by bill.

**§ 19 BILL TO CONTAIN ONE SUBJECT.** No bill shall embrace more than one subject, and that shall be expressed in the title.

**§ 20 ORIGIN AND AMENDMENT OF BILLS.** Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

**§ 21 YEAS AND NAYS.** The yeas and nays of the members of either house shall be entered on the journal, on the demand of one-sixth of the members present.

**§ 22 PASSAGE OF BILLS.** No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.

*Governmental continuity during emergency periods: Art. 2 § 42.*

**§ 23 COMPENSATION OF MEMBERS.** Each member of the legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route.

*Compensation of state officers: Art. 28 § 1, Art. 30.*

*Salaries of elective state officers: RCW 43.03.010.*

**§ 24 LOTTERIES AND DIVORCE.** The legislature shall never grant any divorce. Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon. [AMENDMENT 56, 1971 Senate Joint Resolution No. 5, p 1828. Approved November 7, 1972.]

*Original text—Art. 2, § 24. LOTTERIES AND DIVORCE—The legislature shall never authorize any lottery or grant any divorce.*

**§ 25 EXTRA COMPENSATION PROHIBITED.** The legislature shall never grant any extra compensation to any public officer, agent, employee, 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. Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted. [AMENDMENT 35, 1957 Senate Joint Resolution No. 18, p 1301. Approved November, 1958.]

*Compensation of state officers: Art. 28.*

*Increase during term of certain officers, authorized: Art. 30 § 1.*

*Increase or diminution of compensation during term of office prohibited.*

*county, city, town or municipal officers: Art. 11 § 8.*

*judicial officers: Art. 4 § 13.*

*state officers: Art. 3 § 25.*

*Original text—Art. 2 § 25 EXTRA COMPENSATION, PROHIBITED—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.*

§ 26 **SUITS AGAINST THE STATE.** The legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state.

§ 27 **ELECTIONS—VIVA VOCE VOTE.** In all elections by the legislature the members shall vote viva voce, and their votes shall be entered on the journal.

§ 28 **SPECIAL LEGISLATION.** The legislature is prohibited from enacting any private or special laws in the following cases:

1. For changing the names of persons, or constituting one person the heir at law of another.

2. 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 shall have been or may be granted by congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5. For assessment or collection of taxes, or for extending the time for collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village or to amend the charter thereof.

9. From giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing in whole or in part, the indebtedness, liability or other obligation, of any person, or corporation to this state, or to any municipal corporation therein.

11. Declaring any person of age or authorizing any minor to sell, lease, or encumber his or her property.

12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal actions.

18. Changing county lines, locating or changing county seats, provided, this shall not be construed to apply to the creation of new counties.

*Corporations for municipal purposes shall not be created by special laws: Art. 11 § 10.*

§ 29 **CONVICT LABOR.** After the first day of January eighteen hundred and ninety the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state.

§ 30 **BRIBERY OR CORRUPT SOLICITATION.**

The offense of corrupt solicitation of members of the legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding—except for perjury in giving such testimony—and any person convicted of either of the offenses aforesaid, shall as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

§ 31 **LAWS, WHEN TO TAKE EFFECT.** (This section stricken by AMENDMENT 7, see Art. 2 §§ 1 and 41.)

*Original text—Art. 2 § 31 LAWS, WHEN TO TAKE EFFECT—No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.*

§ 32 **LAWS, HOW SIGNED.** No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the legislature shall prescribe.

§ 33 **ALIEN OWNERSHIP.** [This section repealed by AMENDMENT 42, 1965 ex.s. Senate Joint Resolution No. 20, p 2816. Approved November 8, 1966.]

*Amendment 29 (1953)—Art. 2 § 33 ALIEN OWNERSHIP—The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. [AMENDMENT 29, 1953 House Joint Resolution No. 16, p 853. Approved November 2, 1954.]*

*Amendment 24 (1950)—Art. 2 § 33 ALIEN OWNERSHIP—The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing*

*valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition. [AMENDMENT 24, 1949 Senate Joint Resolution No. 9, p 999. Approved November, 1950.]*

Original text—Art. 2 § 33 OWNERSHIP OF LANDS BY ALIENS, PROHIBITED—EXCEPTIONS—*The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire-clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered on alien for the purposes of this prohibition.*

**§ 34 BUREAU OF STATISTICS, AGRICULTURE AND IMMIGRATION.** There shall be established in the office of the secretary of state, a bureau of statistics, agriculture and immigration, under such regulations as the legislature may provide.

**§ 35 PROTECTION OF EMPLOYEES.** The legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health; and fix pains and penalties for the enforcement of the same.

**§ 36 WHEN BILLS MUST BE INTRODUCED.** No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the legislature, unless the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

**§ 37 REVISION OR AMENDMENT.** No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

**§ 38 LIMITATION ON AMENDMENTS.** No amendment to any bill shall be allowed which shall change the scope and object of the bill.

**§ 39 FREE TRANSPORTATION TO PUBLIC OFFICER PROHIBITED.** It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision.

**§ 40 HIGHWAY FUNDS.** All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor

vehicle fuel and all other state revenue intended to be used for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes. Such highway purposes shall be construed to include the following:

(a) The necessary operating, engineering and legal expenses connected with the administration of public highways, county roads and city streets;

(b) The construction, reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets; including the cost and expense of (1) acquisition of rights-of-way, (2) installing, maintaining and operating traffic signs and signal lights, (3) policing by the state of public highways, (4) operation of movable span bridges, (5) operation of ferries which are a part of any public highway, county road, or city street;

(c) The payment or refunding of any obligation of the State of Washington, or any political subdivision thereof, for which any of the revenues described in section 1 may have been legally pledged prior to the effective date of this act;

(d) Refunds authorized by law for taxes paid on motor vehicle fuels;

(e) The cost of collection of any revenues described in this section:

*Provided, That this section shall not be construed to include revenue from general or special taxes or excises not levied primarily for highway purposes, or apply to vehicle operator's license fees or any excise tax imposed on motor vehicles or the use thereof in lieu of a property tax thereon, or fees for certificates of ownership of motor vehicles. [AMENDMENT 18, 1943 House Joint Resolution No. 4, p 938. Approved November, 1944.]*

**§ 41 LAWS, EFFECTIVE DATE, INITIATIVE, REFERENDUM—AMENDMENT OR REPEAL.** No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: *Provided, That any such act, law or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article as amended by the seventh amendment to the Constitution of this state. [AMENDMENT 26, 1951 Substitute Senate Joint Resolution No. 7, p 959. Approved November 4, 1952.]*

**Reviser's note:** In third sentence, comma between "general" and "regular" omitted in conformity with enrolled resolution.

**§ 42 GOVERNMENTAL CONTINUITY DURING EMERGENCY PERIODS.** The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing 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 and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: *Provided*, That if, in the judgment of the legislature at the time of disaster, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by enemy attack only, from the following sections of the Constitution.

Article 14, Sections 1 and 2, Seat of Government;

Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;

Article 3, Section 10 (Amendment 6), Succession to Governorship: *Provided*, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6 of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;

Article 3, Section 13, Vacancies in State Offices;

Article 11, Section 6, Vacancies in County Office;

Article 11, Section 2, Seat of County Government;

Article 3, Section 24, State Records. [AMENDMENT 39, 1961 House Joint Resolution No. 9, p 2758. Approved November, 1962.]

*Continuity of government act: Chapter 42.14 RCW.*

### ARTICLE III THE EXECUTIVE

**§ 1 EXECUTIVE DEPARTMENT.** The executive department shall consist of a governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and a commissioner of public lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the legislature.

**§ 2 GOVERNOR, TERM OF OFFICE.** The supreme executive power of this state shall be vested in a governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

**§ 3 OTHER EXECUTIVE OFFICERS, TERMS OF OFFICE.** The lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and commissioner of public lands, shall hold their offices for four years respectively, and until their successors are elected and qualified.

**§ 4 RETURNS OF ELECTIONS, CANVASS, ETC.** The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives at the first meeting of the house thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the legislature in such manner as shall be determined by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election until otherwise provided by law.

**§ 5 GENERAL DUTIES OF GOVERNOR.** The governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

**§ 6 MESSAGES.** He shall communicate at every session by message to the legislature the condition of the affairs of the state, and recommend such measures as he shall deem expedient for their action.

**§ 7 EXTRA LEGISLATIVE SESSIONS.** He may, on extraordinary occasions, convene the legislature by proclamation, in which shall be stated the purposes for which the legislature is convened.

**§ 8 COMMANDER-IN-CHIEF.** He shall be commander-in-chief of the military in the state except when they shall be called into the service of the United States.

**§ 9 PARDONING POWER.** The pardoning power shall be vested in the governor under such regulations and restrictions as may be prescribed by law.

**§ 10 VACANCY IN OFFICE OF GOVERNOR.** In case of the removal, resignation, death or disability of the governor, the duties of the office shall devolve upon the lieutenant governor; and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of the governor shall devolve upon the secretary of state. In addition to the line of succession to the office and duties of governor as hereinabove indicated, if the necessity shall arise, in order to fill the vacancy in

the office of governor, the following state officers shall succeed to the duties of governor and in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. In case of the death, disability, failure or refusal of the person regularly elected to the office of governor to qualify at the time provided by law, the duties of the office shall devolve upon the person regularly elected to and qualified for the office of lieutenant governor, who shall act as governor until the disability be removed, or a governor be elected; and in case of the death, disability, failure or refusal of both the governor and the lieutenant governor elect to qualify, the duties of the governor shall devolve upon the secretary of state; and in addition to the line of succession to the office and duties of governor as hereinabove indicated, if there shall be the failure or refusal of any officer named above to qualify, and if the necessity shall arise by reason thereof, then in that event in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor in the order named, viz: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. Any person succeeding to the office of governor as in this section provided, shall perform the duties of such office only until the disability be removed, or a governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of governor for the remainder of the unexpired term. [AMENDMENT 6, 1909 p 642 § 1. Approved November, 1910.]

*Governmental continuity during emergency periods: Art. 2 § 42.*

*Original text—Art. 3 § 10 VACANCY IN—In case of the removal, resignation, death, or disability of the governor, the duties of the office shall devolve upon the lieutenant governor, and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of governor shall devolve upon the secretary of state, who shall act as governor until the disability be removed or a governor elected.*

**§ 11 REMISSION OF FINES AND FORFEITURES.** The governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.

**§ 12 VETO POWER.** Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill 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 cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within ten days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor. If any bill presented to the governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section, or sections; item or items to which he objects and the reasons therefor, and the section or sections, item or items so objected to, shall not take effect unless passed over the governor's objection, as hereinbefore provided.

*Veto power does not extend to initiated or referred measures: Art. 2 § 1(d).*

**§ 13 VACANCY IN APPOINTIVE OFFICE.**

When, during a recess of the legislature, a vacancy shall happen in any office, the appointment to which is vested in the legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

*Appointment of governing boards of educational, reformatory and penal institutions: Art. 13 § 1.*

*Governmental continuity during emergency periods: Art. 2 § 42.*

**§ 14 SALARY.** The governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

*Compensation of state officers: Art. 28 § 1, Art. 30.*

*Salaries of elective state officers: RCW 43.03.010.*

**§ 15 COMMISSIONS, HOW ISSUED.** All commissions shall issue in the name of the state, shall be signed by the governor, sealed with the seal of the state, and attested by the secretary of state.

**§ 16 LIEUTENANT GOVERNOR, DUTIES AND SALARY.** The lieutenant governor shall be presiding officer of the state senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

*Compensation of state officers: Art. 28 § 1, Art. 30.*

*Salaries of elective state officers: RCW 43.03.010.*

**§ 17 SECRETARY OF STATE, DUTIES AND SALARY.** The secretary of state shall keep a 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, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

*Compensation of state officers: Art. 28 § 1, Art. 30.*

*Salaries of elective state officers: RCW 43.03.010.*

**§ 18 SEAL.** There shall be a seal of the state kept by the secretary of state for official purposes, which shall be called, "The Seal of the State of Washington."

*Design of the Seal: Art. 18 § 1.*

*State seal: RCW 1.20.080.*

**§ 19 STATE TREASURER, DUTIES AND SALARY.** The treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed four thousand dollars per annum.

*Compensation of state officers: Art. 28 § 1, Art. 30.*

*Salaries of elective state officers: RCW 43.03.010.*

**§ 20 STATE AUDITOR, DUTIES AND SALARY.** The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

*Compensation of state officers: Art. 28 § 1, Art. 30.*

*Salaries of elective state officers: RCW 43.03.010.*

**§ 21 ATTORNEY GENERAL, DUTIES AND SALARY.** The attorney general shall be the legal adviser of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed thirty-five hundred dollars per annum.

*Compensation of state officers: Art. 28 § 1, Art. 30.*

*Salaries of elective state officers: RCW 43.03.010.*

**§ 22 SUPERINTENDENT OF PUBLIC INSTRUCTION, DUTIES AND SALARY.** The superintendent of public instruction shall have supervision overall matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

*Compensation of state officers: Art. 28 § 1, Art. 30.*

*Salaries of elective state officers: RCW 43.03.010.*

**§ 23 COMMISSIONER OF PUBLIC LANDS—COMPENSATION.** The commissioner of public lands shall perform such duties and receive such compensation as the legislature may direct.

**§ 24 RECORDS, WHERE KEPT, ETC.** The governor, secretary of state, treasurer, auditor, superintendent of public instruction, commissioner of public lands and attorney general shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the governor, secretary of state, treasurer and auditor shall reside.

*Governmental continuity during emergency periods: Art. 2 § 42.*

**§ 25 QUALIFICATIONS, COMPENSATION, OFFICES WHICH MAY BE ABOLISHED.** No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands. [AMENDMENT 31, 1955 Senate Joint Resolution No. 6, p 1861. Approved November, 1956.]

*Authorizing compensation increase during term: Art. 30 § 1.*

*Increase or diminution of compensation during term of office prohibited.*

*county, city, town or municipal officers: Art. 11 § 8.*

*judicial officers: Art. 4 § 13.*

*public officers: Art. 2 § 25.*

*Original text—Art. 3 § 25 QUALIFICATIONS—No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the state treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands.*

## ARTICLE IV THE JUDICIARY

**§ 1 JUDICIAL POWER, WHERE VESTED.** The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

*Court of appeals: Art. 4 § 29.*

**§ 2 SUPREME COURT.** The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, and pronounce a decision. The said court shall always be open for the transaction of business except on nonjudicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court.

**§ 2(a) TEMPORARY PERFORMANCE OF JUDICIAL DUTIES.** When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state.

[AMENDMENT 38, 1961 House Joint Resolution No. 6, p 2757. Approved November, 1962.]

**§ 3 ELECTION AND TERMS OF SUPREME JUDGES.** The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The judge having the shortest term to serve not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

**§ 3(a) RETIREMENT OF SUPREME COURT AND SUPERIOR COURT JUDGES.** A judge of the supreme court or the superior court shall retire from judicial office at the end of the calendar year in which he attains the age of seventy-five years. The legislature may, from time to time, fix a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any such judge attains the age of seventy years, as the legislature deems proper. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to, or at the time of approval and ratification of this provision. Notwithstanding the limitations of this section, the legislature may by general law authorize or require the retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties. [AMENDMENT 25, 1951 House Joint Resolution No. 6, p 960. Approved November 4, 1952.]

**§ 4 JURISDICTION.** The supreme court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars (\$200) unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state or any judge thereof.

**§ 5 SUPERIOR COURT—ELECTION OF JUDGES, TERMS OF, ETC.** There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the general state election: *Provided*, That until otherwise directed by the legislature one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan and Clallam; and one judge for the counties of Whatcom, Skagit and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein or assigned to duty therein by the governor, and the business of the court shall be so distributed and assigned by law or in the absence of legislation therefor, by such rules and orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this Constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and

thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election and until their successors are elected and qualified. The first election of judges of the superior court shall be at the election held for the adoption of this Constitution. If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

*Supreme court may authorize superior court judge to perform judicial duties in any superior court: Art. 4 § 2(a).*

#### § 6 JURISDICTION OF SUPERIOR COURTS.

The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one thousand dollars, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days. [AMENDMENT 28, part, 1951 Substitute House Joint Resolution No. 13, p 962. Approved November 2, 1952.]

*Note: Amendment 28 also amended Art. 4 § 10.*

*Original text—Art. 4 § 6 JURISDICTION OF SUPERIOR COURTS—The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue*

*papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.*

#### § 7 EXCHANGE OF JUDGES—JUDGE PRO TEMPORE.

The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case.

**§ 8 ABSENCE OF JUDICIAL OFFICER.** Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: *Provided*, That in cases of extreme necessity the governor may extend the leave of absence such time as the necessity therefor shall exist.

#### § 9 REMOVAL OF JUDGES, ATTORNEY GENERAL, ETC.

Any judge of any court of record, the attorney general, or any prosecuting attorney may be removed from office by joint resolution of the legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses and on the question of removal the ayes and nays shall also be entered on the journal.

**§ 10 JUSTICES OF THE PEACE.** The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: *Provided*, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed one thousand dollars, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use. [AMENDMENT 28, part, 1951 Substitute House Joint Resolution No. 13, p 962. Approved November 2, 1952.]

Note: Amendment 28 also amended Art. 4 § 6.

Original text—Art. 4 § 10 JUSTICES OF THE PEACE—*The legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace; Provided, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.*

**§ 11 COURTS OF RECORD.** The supreme court and the superior courts shall be courts of record, and the legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.

**§ 12 INFERIOR COURTS.** The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.

**§ 13 SALARIES OF JUDICIAL OFFICERS—HOW PAID, ETC.** No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the supreme court and judges of the superior courts shall severally at stated times, during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the supreme court shall be paid by the state. One-half of the salary of each of the superior court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

*Authorizing compensation increase during term: Art. 30 § 1.*

*Increase or diminution of compensation during term of office prohibited*

*county, city or municipal officers: Art. 11 § 8.*

*public officers: Art. 2 § 25.*

*state officers: Art. 3 § 25.*

**§ 14 SALARIES OF SUPREME AND SUPERIOR COURT JUDGES.** Each of the judges of the supreme court shall receive an annual salary of four thousand dollars (\$4,000); each of the superior court judges shall receive an annual salary of three thousand dollars (\$3,000), which said salaries shall be payable quarterly. The legislature may increase the salaries of judges herein provided.

*Salaries of supreme court judges: RCW 2.04.090.*

*Salaries of superior court judges: RCW 2.08.090.*

**§ 15 INELIGIBILITY OF JUDGES.** The judges of the supreme court and the judges of the superior court shall be ineligible to any other office or public employment than a judicial office, or employment, during the term for which they shall have been elected.

**§ 16 CHARGING JURIES.** Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

**§ 17 ELIGIBILITY OF JUDGES.** No person shall be eligible to the office of judge of the supreme court, or judge of a superior court, unless he shall have been admitted to practice in the courts of record of this state, or of the Territory of Washington.

**§ 18 SUPREME COURT REPORTER.** The judges of the supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

**§ 19 JUDGES MAY NOT PRACTICE LAW.** No judge of a court of record shall practice law in any court of this state during his continuance in office.

**§ 20 DECISIONS, WHEN TO BE MADE.** Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof; *Provided, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a hearing.*

**§ 21 PUBLICATION OF OPINIONS.** The legislature shall provide for the speedy publication of opinions of the supreme court, and all opinions shall be free for publication by any person.

**§ 22 CLERK OF THE SUPREME COURT.** The judges of the supreme court shall appoint a clerk of that court who shall be removable at their pleasure, but the legislature may provide for the election of the clerk of the supreme court, and prescribe the term of his office. The clerk of the supreme court shall receive such compensation by salary only as shall be provided by law.

**§ 23 COURT COMMISSIONERS.** There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

**§ 24 RULES FOR SUPERIOR COURTS.** The judges of the superior courts, shall from time to time, establish uniform rules for the government of the superior courts.

**§ 25 REPORTS OF SUPERIOR COURT JUDGES.** Superior judges, shall on or before the first day of November in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court shall on or before the first day of January in each year report in writing to the governor such defects and omissions in the laws as they may believe to exist.

**§ 26 CLERK OF THE SUPERIOR COURT.** The county clerk shall be by virtue of his office, clerk of the superior court.

**§ 27 STYLE OF PROCESS.** The style of all process shall be, "The State of Washington," and all prosecutions shall be conducted in its name and by its authority.

**§ 28 OATH OF JUDGES.** Every judge of the supreme court, and every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.

**§ 29 ELECTION OF SUPERIOR COURT JUDGES.** Notwithstanding any provision of this Constitution to the contrary, if, after the last day as provided by law for the withdrawal of declarations of candidacy has expired, only one candidate has filed for any single position of superior court judge in any county containing a population of one hundred thousand or more, no primary or election shall be held as to such position, and a certificate of election shall be issued to such candidate. If, after any contested primary for superior court judge in any county, only one candidate is entitled to have his name printed on the general election ballot for any single position, no election shall be held as to such position, and a certificate of election shall be issued to such candidate: *Provided*, That in the event that there is filed with the county auditor within ten days after the date of the primary, a petition indicating that a write in campaign will be conducted for such single position and signed by one hundred registered voters qualified to vote with respect of the office, then such single position shall be subject to the general election. Provisions for the contingency of the death or disqualification of a sole candidate between the last date for withdrawal and the time when the election would be held but for the provisions of this section and such other provisions as may be deemed necessary to implement the provisions of this section, may be enacted by the legislature. [AMENDMENT 41 1965 ex.s. Substitute Senate Joint Resolution No. 6, p 2815. Approved November 8, 1966.]

**§ 30 COURT OF APPEALS.** (1) *Authorization.* In addition to the courts authorized in section 1 of this article, judicial power is vested in a court of appeals, which shall be established by statute.

(2) *Jurisdiction.* The jurisdiction of the court of appeals shall be as provided by statute or by rules authorized by statute.

(3) *Review of Superior Court.* Superior court actions may be reviewed by the court of appeals or by the supreme court as provided by statute or by rule authorized by statute.

(4) *Judges.* The number, manner of election, compensation, terms of office, removal and retirement of judges of the court of appeals shall be as provided by statute.

(5) *Administration and Procedure.* The administration and procedures of the court of appeals shall be as provided by rules issued by the supreme court.

(6) *Conflicts.* The provisions of this section shall supersede any conflicting provisions in prior sections of this article. [AMENDMENT 50, 1967 Senate Joint Resolution No. 6. Approved November 5, 1968.]

**Note:** This section which was adopted as Sec. 29 is herein renumbered Sec. 30 to avoid confusion with Sec. 29, *supra*.

## ARTICLE V IMPEACHMENT

**§ 1 IMPEACHMENT—POWER OF AND PROCEDURE.** The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

**§ 2 OFFICERS LIABLE TO.** The governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

**§ 3 REMOVAL FROM OFFICE.** All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

**ARTICLE VI  
ELECTIONS AND ELECTIVE RIGHTS**

**§ 1 QUALIFICATIONS OF ELECTORS.** All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: *Provided*, That Indians not taxed shall never be allowed the elective franchise: *And further provided*, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex. [AMENDMENT 5, 1909 p 26 § 1. Approved November, 1910.]

*Amendment 2 (1896)—Art. 6 § 1 QUALIFICATIONS OF VOTERS. All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not effect [affect] the right of franchise of any person who is now a qualified elector of this state. The legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section. [AMENDMENT 2, 1895 p 60 § 1. Approved November, 1896.]*

*Original text—Art. 6 § 1 QUALIFICATIONS OF ELECTORS—All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; They shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; Provided, that Indians not taxed shall never be allowed the elective franchise; Provided, further, that all male persons who at the time of the adoption of this Constitution are qualified electors of the Territory, shall be electors.*

**§ 1A VOTER QUALIFICATIONS FOR PRESIDENTIAL ELECTIONS.** In consideration of those citizens of the United States who become residents of the state of Washington during the year of a presidential election with the intention of making this state their permanent residence, this section is for the purpose of authorizing such persons who can meet all qualifications for voting as set forth in section 1 of this article, except for residence, to vote for presidential electors or for the office of President and Vice-President of the United States, as the case may be, but no other: *Provided*, That such persons have resided in the state at least sixty days immediately preceding the presidential election concerned.

The legislature shall establish the time, manner and place for such persons to cast such presidential ballots. [AMENDMENT 46, 1965 ex.s. Substitute House Joint Resolution No. 4, p 2820. Approved November 8, 1966.]

**§ 2 SCHOOL ELECTIONS—FRANCHISE HOW EXTENDED.** This section stricken by AMENDMENT 5, see Art. 6 § 1.

*Original text—Art. 6 § 2 SCHOOL ELECTIONS—FRANCHISE, HOW EXTENDED—The legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.*

**§ 3 WHO DISQUALIFIED.** All idiots, insane persons, and persons convicted of infamous crime unless restored to their civil rights are excluded from the elective franchise.

**§ 4 RESIDENCE, CONTINGENCIES AFFECTING.** For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor-house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

**§ 5 VOTER—WHEN PRIVILEGED FROM ARREST.** Voters shall in all cases except treason, felony, and breach of the peace be privileged from arrest during their attendance at elections and in going to, and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

**§ 6 BALLOT.** All elections shall be by ballot. The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

**§ 7 REGISTRATION.** The legislature shall enact a registration law, and shall require a compliance with such law before any elector shall be allowed to vote; *Provided*, that this provision is not compulsory upon the legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the legislature may or may not require registration as a pre-requisite to the right to vote, and the same system of registration need not be adopted for both classes.

**§ 8 ELECTIONS, TIME OF HOLDING.** The first election of county and district officers not otherwise provided for in this Constitution shall be on the Tuesday next after the first Monday in November 1890, and thereafter all elections for such officers shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this Constitution, after the

election held for the adoption of this Constitution, shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such state officers shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.

*Cf. Art. 27 § 14.*

## ARTICLE VII REVENUE AND TAXATION

§ 1 **TAXATION.** The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: *Provided*, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred (\$300.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner. [AMENDMENT 14, 1929 p 499 § 1. Approved November, 1930.]

*Reviser's note:* Amendment 14 amended Art. 7 by striking all of §§ 1, 2, 3 and 4. Subsequently, Amendment 17 added a new § 2, and Amendment 19 added a new § 3.

*Original text—Art. 7 § 1 ANNUAL STATE TAX—All property in the state, not exempt under the laws of the United States, or under this Constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The legislature shall provide by law for an annual tax sufficient, with other sources of revenue to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.*

Amendment 3 (1900)—Art. 7 § 2, was amended by adding the following proviso: "And provided further, That the legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred dollars (\$300) for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual and bona fide owner." [AMENDMENT 3, 1899 p 121 § 1. Approved November, 1900.]

*Original text—Art. 7 § 2 TAXATION—UNIFORMITY AND EQUALITY—EXEMPTION—The legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property; Provided, that a deduction of debts from credits may be authorized: Provided, further, that the property of the United States and of the state, counties,*

*school districts and other municipal corporations, and such other property as the legislature may by general laws provide, shall be exempt from taxation.*

*Original text—Art. 7 § 3 ASSESSMENT OF CORPORATE PROPERTY—The legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.*

*Original text—Art. 7 § 4 NO SURRENDER OF POWER OR SUSPENSION OF TAX ON CORPORATE PROPERTY—The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.*

§ 2 **LIMITATION ON LEVIES.** Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: *Provided, however*, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than

twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: *Provided*, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, *And provided further*, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [(i) **AMENDMENT 59**, 1971 House Joint Resolution No. 47, p 1834. Approved November, 1972. (ii) **AMENDMENT 55**, 1971 Senate Joint Resolution No. 1, p 1827. Approved November, 1972.]

**Note:** Article 7 § 2 was twice amended in different respects at the November 1972 general election by the ratification of both S.J.R. No. 1. (**AMENDMENT 55**) and H.J.R. No. 47. (**AMENDMENT 59**). 1971 HJR No. 47 contained the following paragraph:

*"Be It Further Resolved*, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1: *Provided*, That if both proposed amendments are approved and ratified, both shall become part of the Constitution" [1971 House Joint Resolution No. 47, part, p 1834]

The section as printed above reflects the content of both amendments.

Amendment 17 (1944)—Art. 7 Sec. 2 FORTY MILL LIMIT—*Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation, shall be fifty per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only*

(a) *By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;*

(b) *By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar*

*year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, and Provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;*

(c) *By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [AMENDMENT 17, 1943 House Joint Resolution No. 1, p 936. Approved November, 1944.]*

*Original Section 2, as amended by Amendment 3, was stricken by Amendment 14: The original section and Amendment 3, are set out following Art. 7, Sec. 1, above.*

**§ 3 TAXATION OF FEDERAL AGENCIES AND PROPERTY.** The United States and its agencies and instrumentalities, and their property, may be taxed under any of the tax laws of this state, whenever and in such manner as such taxation may be authorized or permitted under the laws of the United States, notwithstanding anything to the contrary in the Constitution of this state. [**AMENDMENT 19**, 1945 House Joint Resolution No. 9, p 932. Approved November, 1946.]

**Reviser's note:** Original section 3 was stricken by Amendment 14. The original section is set out following Art. 7 § 1, above.

**§ 4 NO SURRENDER OF POWER OR SUSPENSION OF TAX ON CORPORATE PROPERTY.**

**Reviser's note:** § 4 was stricken by Amendment 14. It is set out following Art. 7 § 1, above.

**§ 5 TAXES, HOW LEVIED.** No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.

**§ 6 TAXES, HOW PAID.** All taxes levied and collected for state purposes shall be paid in money only into the state treasury.

**§ 7 ANNUAL STATEMENT.** An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the legislature may provide.

**§ 8 TAX TO COVER DEFICIENCIES.** Whenever the expenses of any fiscal year shall exceed the income, the legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

**§ 9 SPECIAL ASSESSMENTS OR TAXATION FOR LOCAL IMPROVEMENTS.** The legislature may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes

and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

**§ 10 RETIRED PERSONS PROPERTY TAX EXEMPTION.** Notwithstanding the provisions of Article 7, section 1 (Amendment 14) and Article 7, section 2 (Amendment 17), the following tax exemption shall be allowed as to real property:

The legislature shall have the power, by appropriate legislation, to grant to retired property owners relief from the property tax on the real property occupied as a residence by those owners. The legislature may place such restrictions and conditions upon the granting of such relief as it shall deem proper. Such restrictions and conditions may include, but are not limited to, the limiting of the relief to those property owners below a specific level of income and those fulfilling certain minimum residential requirements. [AMENDMENT 47, 1965 ex.s. House Joint Resolution No. 7, p 2821. Approved November 8, 1966.]

**§ 11 TAXATION BASED ON ACTUAL USE.** Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the true and fair value in money (a) of farms, agricultural lands, standing timber and timberlands, and (b) of other open space lands which are used for recreation or for enjoyment of their scenic or natural beauty shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property. [AMENDMENT 53, 1967 House Joint Resolution No. 1. Approved November 5, 1968.]

## ARTICLE VIII STATE, COUNTY AND MUNICIPAL INDEBTEDNESS

**§ 1 STATE DEBT.** (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending in June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2)

Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (f) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (g) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(f) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: *Provided*, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due

on all obligations for which said source of revenue is pledged.

(g) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state of any agency, department or instrumentality thereof.

(h) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(i) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the 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 installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(j) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(k) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof. [AMENDMENT 60, part, 1971 House Joint Resolution No. 52, part, p 1836. Approved November, 1972.]

Original text—Art. 8, Sec. 1. LIMITATION OF STATE DEBT—*The state may to meet casual deficits or failure in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars (\$400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.*

## § 2 POWERS EXTENDED IN CERTAIN CASES.

In addition to the above limited power to contract debts the state may contract debts to repel invasion, suppress insurrection, or to defend the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and to no other purpose whatever.

## § 3 SPECIAL INDEBTEDNESS, HOW AUTHORIZED.

Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein. No such law shall take effect until it shall, at a general election, hereafter or a special election called for that purpose, have been submitted to the people and have received a majority of all the votes cast for and against it at such election. [AMENDMENT 60, part, 1971 House Joint Resolution No. 52, part, p 1836. Approved November, 1972.]

Amendment 48 (1966)—Art. 8, Sec. 3. SPECIAL INDEBTEDNESS, HOW AUTHORIZED—*Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and notice that such law will be submitted to the people shall be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: Provided, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election.* [AMENDMENT 48, 1965 ex.s. House Joint Resolution No. 39, p 2822. Approved November 8, 1966.]

Original text—Art. 8, Sec. 3. SPECIAL INDEBTEDNESS HOW AUTHORIZED—*Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state, for three months next preceding the election at which it is submitted to the people.*

## § 4 MONEYS DISBURSED ONLY BY APPROPRIATIONS.

No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within one calendar month after the end of the next ensuing fiscal biennium, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other

law to fix such sum. [AMENDMENT 11, 1921 p 80 § 1. Approved November, 1922.]

Original text—Art. 8 § 4 MONEYS DISBURSED ONLY BY APPROPRIATIONS—No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

§ 5 CREDIT NOT TO BE LOANED. The credit of the state shall not, in any manner be given or loaned to, or in aid of, any individual, association, company or corporation.

§ 6 LIMITATIONS UPON MUNICIPAL INDEBTEDNESS. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half percentum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five percentum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: *Provided further*, That (a) any city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality and (b) any school district with such assent, may be allowed to become indebted to a larger amount but not exceeding five percentum additional for capital outlays. [AMENDMENT 27, 1951 House Joint Resolution No. 8, p 961. Approved November 4, 1952.]

*Provisions of Art. 7 § 2 (Limitation on Levies) also subject to limitations contained in Art. 8 § 6: Art. 7 § 2 (b).*

Original text—Art. 8 § 6 LIMITATIONS UPON MUNICIPAL INDEBTEDNESS—No county, city, town, school district or other municipal corporation, shall for any purpose become indebted in any manner to an amount exceeding one and one-half percentum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths of the voters therein, voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state, and county purposes previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes; *Provided*, That no part of the indebtedness allowed in this section, shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes. *Provided further*,

*that any city or town, with such assent may be allowed to become indebted to a larger amount but not exceeding five per centum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality.*

§ 7 CREDIT NOT TO BE LOANED. No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

§ 8 PORT EXPENDITURES—INDUSTRIAL DEVELOPMENT—PROMOTION. The use of public funds by port districts in such manner as may be prescribed by the legislature for industrial development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 7 of this Article. [AMENDMENT 45, 1965 ex.s. Senate Joint Resolution No. 25, p 2819. Approved November 8, 1966.]

§ 9 STATE BUILDING AUTHORITY. The legislature is empowered notwithstanding any other provision in this Constitution, to provide for a state building authority in corporate and politic form which may contract with agencies or departments of the state government to construct upon land owned by the state or its agencies, or to be acquired by the state building authority, buildings and appurtenant improvements which such state agencies or departments are hereby empowered to lease at reasonable rental rates from the Washington state building authority for terms up to seventy-five years with provisions for eventual vesting of title in the state or its agencies. This section shall not be construed as authority to provide buildings through lease or otherwise to nongovernmental entities. The legislature may authorize the state building authority to borrow funds solely upon its own credit and to issue bonds or other evidences of indebtedness therefor to be repaid from its revenues and to secure the same by pledging its income or mortgaging its leaseholds. The provisions of sections 1 and 3 of this article shall not apply to indebtedness incurred pursuant to this section. [AMENDMENT 51, 1967 Senate Joint Resolution No. 17. Approved November 5, 1968.]

Note: This section which was adopted as Sec. 8, is herein renumbered Sec. 9, to avoid confusion with Sec. 8, supra.

## ARTICLE IX EDUCATION

§ 1 PREAMBLE. It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

**§ 2 PUBLIC SCHOOL SYSTEM.** The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.

**§ 3 FUNDS FOR SUPPORT.** The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible. The said fund shall consist of the principal amount thereof existing on June 30, 1965, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals, or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund.

There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on said permanent common school fund from and after July 1, 1967, together with all rentals and other revenues derived therefrom and from lands and other property devoted to the permanent common school fund from and after July 1, 1967; and (3) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section during the period after the effective date of this amendment and prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. [AMENDMENT 43, 1965 ex.s. Senate Joint Resolution No. 22, part 1, p 2817. Approved November 8, 1966.]

Original text—Art. 9 § 3. FUNDS FOR SUPPORT. *The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals, or other property from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund. The interest accruing on said fund together with all rentals and other revenues derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools.*

**§ 4 SECTARIAN CONTROL OR INFLUENCE PROHIBITED.** All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

**§ 5 LOSS OF PERMANENT FUND TO BECOME STATE DEBT.** All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this Constitution.

*Investment of permanent school fund: Art. 16 § 5.*

## ARTICLE X MILITIA

§ 1 **WHO LIABLE TO MILITARY DUTY.** All able-bodied male citizens of this state between the ages of eighteen (18) and forty-five (45) years except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

§ 2 **ORGANIZATION—DISCIPLINE—OFFICERS—POWER TO CALL OUT.** The legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct and shall be commissioned by the governor. The governor shall have power to call forth the militia to execute the laws of the state to suppress insurrections and repel invasions.

§ 3 **SOLDIERS' HOME.** The legislature shall provide by law for the maintenance of a soldiers' home for honorably discharged Union soldiers, sailors, marines and members of the state militia disabled while in the line of duty and who are *bona fide* citizens of the state.

§ 4 **PUBLIC ARMS.** The legislature shall provide by law, for the protection and safe keeping of the public arms.

§ 5 **PRIVILEGE FROM ARREST.** The militia shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.

§ 6 **EXEMPTION FROM MILITARY DUTY.** No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: *Provided*, such person or persons shall pay an equivalent for such exemption.

## ARTICLE XI COUNTY, CITY AND TOWNSHIP ORGANIZATION

§ 1 **EXISTING COUNTIES RECOGNIZED.** The several counties of the Territory of Washington existing at the time of the adoption of this Constitution are hereby recognized as legal subdivisions of this state.

§ 2 **COUNTY SEATS—LOCATION AND REMOVAL.** No county seat shall be removed unless three-fifths of the qualified electors of the county, voting on the proposition at a general election shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

*Governmental continuity during emergency periods: Art. 2 § 42.*

§ 3 **NEW COUNTIES.** No new counties shall be established which shall reduce any county to a population less than four thousand (4,000), nor shall a new county be formed containing a less population than two thousand (2,000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: *Provided*, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use, or under construction, which shall fall within and be retained by the county: *Provided further*, That this shall not be construed to affect the rights of creditors.

§ 4 **COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.** The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall

be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.

Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this section the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.

The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.

After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or hereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county. [AMENDMENT 21, 1947 Senate Joint Resolution No. 5, p 1372. Approved November 2, 1948.]

Original text—Art. 11 § 4 COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION—*The legislature shall establish a system of county government which shall be uniform throughout the state, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization the assessment and collection of the revenue shall be made and the business of such county, and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.*

**§ 5 COUNTY GOVERNMENT.** The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: *Provided*, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population: *Provided*, That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys

which may be paid to them, or officially come into their possession. [AMENDMENT 57, part, 1971 Senate Joint Resolution No. 38, part, p 1829. Approved November, 1972.]

Amendment 12 (1924)—Art. 11. Sec. 5. COUNTY GOVERNMENT—*The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: Provided, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them or officially come into their possession.* [AMENDMENT 12, 1923 p 254 § 1. Approved November, 1924.]

Original text—Art. 11, Sec. 5. ELECTION AND COMPENSATION OF COUNTY OFFICERS—*The legislature by general and uniform laws shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township or precinct and district officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.*

§ 6 VACANCIES IN TOWNSHIP, PRECINCT OR ROAD DISTRICT OFFICE. The board of county commissioners in each county shall fill all vacancies occurring in any township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified. [AMENDMENT 52, part, 1967 Senate Joint Resolution No. 24, part. Approved November 5, 1968.]

*Governmental continuity during emergency periods: Art. 2 § 42.*

*Vacancies in legislature and in partisan county elective office: Art. 2 § 15.*

Original text—Art. 11 § 6 VACANCIES IN COUNTY, ETC., OFFICES, HOW FILLED—*The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.*

§ 7 TENURE OF OFFICE LIMITED TO TWO TERMS. [Repealed by AMENDMENT 22, 1947 House Joint Resolution No. 4, p 1385. Approved November 2, 1948.]

Original text—Art. 11 § 7 TENURE OF OFFICE LIMITED TO TWO TERMS—*No county officer shall be eligible to hold his office more than two terms in succession.*

§ 8 SALARIES AND LIMITATIONS AFFECTING. The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. [AMENDMENT 57,

part, 1971 Senate Joint Resolution No. 38, part, p 1829. Approved November, 1972.]

Original text—Art. 11, Sec. 8. SALARIES AND LIMITATIONS AFFECTING—*The legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of five thousand and upwards; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town, or municipal officers shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.*

§ 9 STATE TAXES NOT TO BE RELEASED OR COMMUTED. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

§ 10 INCORPORATION OF MUNICIPALITIES. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to and controlled by general laws. Any city containing a population of ten thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in the daily newspaper of largest general circulation published in the area to be incorporated as a first class city under the charter or, if no daily newspaper is published therein, then in the newspaper having the largest general circulation within such area at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given as required by law. Said elections may be general or special elections,

and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [AMENDMENT 40, 1963 ex.s. Senate Joint Resolution No. 1, p 1526. Approved November 3, 1964.]

*Original text—Art. 11 § 10 INCORPORATION OF MUNICIPALITIES—Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to, and controlled by general laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefore submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.*

*Authority to incur and limit of indebtedness: Art. 8 § 6.*

#### § 11 POLICE AND SANITARY REGULATIONS.

Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

#### § 12 ASSESSMENT AND COLLECTION OF TAXES IN MUNICIPALITIES.

The legislature shall have no power to impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws,

vest in the corporate authorities thereof, the power to assess and collect taxes for such purposes.

**§ 13 PRIVATE PROPERTY, WHEN MAY BE TAKEN FOR PUBLIC DEBT.** Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

**§ 14 PRIVATE USE OF PUBLIC FUNDS PROHIBITED.** The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

**§ 15 DEPOSIT OF PUBLIC FUNDS.** All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depository to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they belong.

**§ 16 COMBINED CITY-COUNTY.** Any county may frame a "Home Rule" charter subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county". Registered voters equal in number to ten (10) per cent of the voters of any such county voting at the last preceding general election may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article with respect to a petition calling for an election of freeholders to frame a county home rule charter, the election of freeholders, and the framing and adoption of a county home rule charter pursuant to such petition shall apply to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements for publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such "city-county" shall be formed except by a majority vote of the qualified electors voting thereon in the county. The charter shall designate the respective officers of such city-county who shall perform the duties imposed by law upon county officers. Every such city-county shall have and enjoy all rights, powers and privileges asserted in its charter, and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties. In the event of a conflict

in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.

No legislative enactment which is a prohibition or restriction shall apply to the rights, powers and privileges of a city-county unless such prohibition or restriction shall apply equally to every other city, county, and city-county.

The provisions of sections 2, 3, 5, 6, and 8 and of the first paragraph of section 4 of this article shall not apply to any such city-county.

Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and duties of such municipal corporations shall be prescribed by the charter.

No city-county shall for any purpose become indebted in any manner to an amount exceeding three per centum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county or other municipal purposes: *Provided further*, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such municipal corporation without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: *Provided further*, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second sentence of

Article 7, section 1, or by Article 8, section 6 of this Constitution. [AMENDMENT 58, 1971 House Joint Resolution No. 21, p 1831. Approved November, 1972.]

Amendment 23 (1948)—Art. 11, Sec. 16 COMBINED CITY AND COUNTY—*The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determining the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand (300,000) inhabitants. No such city and county shall be formed except by a majority vote of the qualified electors of the area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 10 of this article: Provided, however, That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations: Provided further, That every such charter shall designate the respective officers of such city and county who shall perform the duties imposed by law upon county officers. Every such city and county shall have and enjoy all rights, powers and privileges asserted in its charter, not inconsistent with general laws, and in addition thereto, such rights, powers and privileges as may be granted to it, or possessed and enjoyed by cities and counties of like population separately organized.*

*No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: Provided, That the provisions of sections 2, 3, 4, 5, 6, 7, and 8 of this article shall not apply to any such city and county: Provided further, That the salary of any elective or appointive officer of a city and county shall not be changed after his election or appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city, the method of determining such just proportion to be prescribed by general law, but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, term of office and manner of election or appointment shall be as provided for in its charter, subject to general laws and applicable constitutional provision. [AMENDMENT 23, 1947 House Joint Resolution No. 13, p 1386. Approved November 2, 1948.]*

## ARTICLE XII CORPORATIONS OTHER THAN MUNICIPAL

§ 1 **CORPORATIONS, HOW FORMED.** Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.

§ 2 **EXISTING CHARTERS.** All existing charters, franchises, special or exclusive privileges, under which an actual and *bona fide* organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution shall thereafter have no validity.

**§ 3 EXISTING CHARTERS NOT TO BE EXTENDED NOR FORFEITURE REMITTED.** The legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

**§ 4 LIABILITY OF STOCKHOLDERS.** Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more; and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

**§ 5 TERM "CORPORATION," DEFINED—RIGHT TO SUE AND BE SUED.** The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

**§ 6 LIMITATIONS UPON ISSUANCE OF STOCK.** Corporations shall not issue stock, except to *bona fide* subscribers therefor, or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

**§ 7 FOREIGN CORPORATIONS.** No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

**§ 8 ALIENATION OF FRANCHISE NOT TO RELEASE LIABILITIES.** No corporation shall lease or alienate any franchise, so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

**§ 9 STATE NOT TO LOAN ITS CREDIT OR SUBSCRIBE FOR STOCK.** The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association or corporation.

**§ 10 EMINENT DOMAIN AFFECTING.** The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking the property and franchises of incorporated

companies, and subjecting them to public use the same as the property of individuals.

**§ 11 STOCKHOLDER LIABILITY.** No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

The legislature may provide that stockholders of banking corporations organized under the laws of this state which shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations, shall be relieved from liability for the debts and obligations of such banking corporation to the same extent that stockholders of national banking associations are relieved from liability for the debts and obligations of such national banking associations under the laws of the United States. [AMENDMENT 16, 1939 Senate Joint Resolution No. 8, p 1024. Approved November, 1940.]

Original text—Art. 12 § 11 PROHIBITION AGAINST ISSUANCE OF MONEY AND LIABILITY OF STOCKHOLDERS IN BANKS—*No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association, shall be individually and personally liable equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.*

**§ 12 RECEIVING DEPOSITS BY BANK AFTER INSOLVENCY.** Any president, director, manager, cashier, or other officer of any banking institution, who shall receive or assent to the reception of deposits, after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances, shall be individually responsible for such deposits so received.

**§ 13 COMMON CARRIERS, REGULATION OF.** All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar gauge they shall at all

crossings and at all points, where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

**§ 14 PROHIBITION AGAINST COMBINATIONS BY CARRIERS.** No railroad company, or other common carrier, shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

**§ 15 PROHIBITION AGAINST DISCRIMINATING CHARGES.** No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

**§ 16 PROHIBITION AGAINST CONSOLIDATING OF COMPETING LINES.** No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

**§ 17 ROLLING STOCK, PERSONALTY FOR PURPOSE OF TAXATION.** The rolling stock and other movable property belonging to any railroad company or corporation in this state, shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals and such property shall not be exempted from execution and sale.

**§ 18 MAXIMUM RATES FOR TRANSPORTATION.** The legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

**§ 19 TELEGRAPH AND TELEPHONE COMPANIES.** Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain

lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination and all of such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this state shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.

*Eminent domain: Art. 1 § 16.*

**§ 20 PROHIBITION AGAINST FREE TRANSPORTATION FOR PUBLIC OFFICERS.** No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the legislature, or to any person holding any public office within this state. The legislature shall pass laws to carry this provision into effect.

**§ 21 EXPRESS COMPANIES.** Railroad companies now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state, transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing the business of such express companies not allowed to all express companies.

**§ 22 MONOPOLIES AND TRUSTS.** Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their franchises.

**ARTICLE XIII  
STATE INSTITUTIONS**

**§ 1 EDUCATIONAL, REFORMATORY AND PENAL INSTITUTIONS.** Educational, reformatory and penal institutions; those for the benefit of blind, deaf, dumb, or otherwise defective youth; for the insane or idiotic; and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this Constitution, and of such as shall thereafter be established by law, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by ayes and noes, and entered upon the journal.

**ARTICLE XIV  
SEAT OF GOVERNMENT**

**§ 1 STATE CAPITAL, LOCATION OF.** The legislature shall have no power to change, or to locate the seat of government of this state; but the question of the permanent location of the seat of government of the state shall be submitted to the qualified electors of the Territory, at the election to be held for the adoption of this Constitution. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election the legislature shall, at its first regular session after the adoption of this Constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next ensuing general election: *Provided*, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

**§ 2 CHANGE OF STATE CAPITAL.** When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the legislature.

*Governmental continuity during emergency periods: Art. 2 § 42.*

**§ 3 RESTRICTIONS ON APPROPRIATIONS FOR CAPITOL BUILDINGS.** The legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the Territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capital in pursuance of law.

**ARTICLE XV  
HARBORS AND TIDE WATERS**

**§ 1 HARBOR LINE COMMISSION AND RESTRAINT ON DISPOSITION.** The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or reestablished by the commission pursuant to such provision as may be made therefor by the legislature. The state shall never give, sell, or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce. [AMENDMENT 15, 1931 p 417 § 1. Approved November, 1932.]

*Tide lands: Art. 17.*

*Original text—Art. 15 § 1 HARBOR LINE COMMISSION AND RESTRAINT ON DISPOSITION OF CERTAIN TIDE LANDS—The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof on either side. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.*

**§ 2 LEASING AND MAINTENANCE OF WHARVES, DOCKS, ETC.** The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures, upon the areas mentioned in section one of this article, but no lease shall be made for any term longer than thirty years, or the legislature may provide by general laws for the building and maintaining upon such area wharves, docks, and other structures.

**§ 3 EXTENSION OF STREETS OVER TIDE LANDS.** Municipal corporations shall have the right to extend their streets over intervening tide lands to and across the area reserved as herein provided.

#### ARTICLE XVI SCHOOL AND GRANTED LANDS

**§ 1 DISPOSITION OF.** All the public lands granted to the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

**§ 2 MANNER AND TERMS OF SALE.** None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder, the value thereof, less the improvements shall, before any sale, be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal, the value of the improvements thereon shall be excluded: *Provided*, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners when the purchase price has been paid in good faith, may be confirmed by the legislature.

**§ 3 LIMITATIONS ON SALES.** No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: *provided*, that nothing herein shall be so construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: and *provided, further*, that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

**§ 4 HOW MUCH MAY BE OFFERED IN CERTAIN CASES—PLATTING OF.** No more than one hundred and sixty (160) acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisal to exceed one hundred dollars (\$100) per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

**§ 5 INVESTMENT OF PERMANENT COMMON SCHOOL FUND.** The permanent common school fund of this state may be invested as authorized by law. [AMENDMENT 44, 1965 ex.s. Senate Joint Resolution No. 22, part 2, p 2817. Approved November 8, 1966.]

Amendment 1 (1894)—Art. 16 § 5 INVESTMENT OF SCHOOL FUND—*None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal or school district bonds.* [AMENDMENT 1, 1893 p 9 § 1. Approved November, 1894.]

Original text—Art. 16 § 5 INVESTMENT OF PERMANENT SCHOOL FUND—*None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county or municipal bonds.*

*Funds for support of education: Art. 9 § 3.*

#### ARTICLE XVII TIDE LANDS

**§ 1 DECLARATION OF STATE OWNERSHIP.** The state of Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: *Provided*, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

*Harbors and tide waters: Art. 15.*

**§ 2 DISCLAIMER OF CERTAIN LANDS.** The state of Washington disclaims all title in and claim to all tide, swamp and overflowed lands, patented by the United States: *Provided*, the same is not impeached for fraud.

#### ARTICLE XVIII STATE SEAL

**§ 1 SEAL OF THE STATE.** The seal of the State of Washington shall be, a seal encircled with the words: "The Seal of the State of Washington," with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889."

*Custody of seal: Art. 3 § 18.*

*State seal: RCW 1.20.080.*

#### ARTICLE XIX EXEMPTIONS

**§ 1 EXEMPTIONS—HOMESTEADS, ETC.** The legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

**ARTICLE XX  
PUBLIC HEALTH AND VITAL STATISTICS**

**§ 1 BOARD OF HEALTH AND BUREAU OF VITAL STATISTICS.** There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, with such powers as the legislature may direct.

**§ 2 REGULATIONS CONCERNING MEDICINE, SURGERY AND PHARMACY.** The legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

**ARTICLE XXI  
WATER AND WATER RIGHTS**

**§ 1 PUBLIC USE OF WATER.** The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

**ARTICLE XXII  
LEGISLATIVE APPORTIONMENT**

**§ 1 SENATORIAL APPORTIONMENT** Until otherwise provided by law, the state shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled to three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the fourth district, and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district and be entitled to one senator; the counties of Klickitat, and Skamania shall constitute the eleventh district, and be entitled to one senator; the county of Clarke shall constitute the twelfth district, and be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three

senators; the county of King shall constitute the nineteenth district, and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one senator.

*Districts and apportionment: Chapter 44.07 RCW.*

**§ 2 APPORTIONMENT OF REPRESENTATIVES.** Until otherwise provided by law the representatives shall be divided among the several counties of the state in the following manner; the county of Adams shall have one representative; the county of Asotin shall have one representative; the county of Chehalis shall have two representatives; the county of Clarke shall have three representatives; the county of Clallam shall have one representative; the county of Columbia shall have two representatives; the county of Cowlitz shall have one representative; the county of Douglas shall have one representative; the county of Franklin shall have one representative; the county of Garfield shall have one representative; the county of Island shall have one representative; the county of Jefferson shall have two representatives; the county of King shall have eight representatives; the county of Klickitat shall have two representatives; the county of Kittitas shall have two representatives; the county of Kitsap shall have one representative; the county of Lewis shall have two representatives; the county of Lincoln shall have two representatives; the county of Mason shall have one representative; the county of Okanogan shall have one representative; the county of Pacific shall have one representative; the county of Pierce shall have six representatives; the county of San Juan shall have one representative; the county of Skamania shall have one representative; the county of Snohomish shall have two representatives; the county of Skagit shall have two representatives; the county of Spokane shall have six representatives; the county of Stevens shall have one representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three representatives; the county of Wahkiakum shall have one representative; the county of Whatcom shall have two representatives; the county of Whitman shall have five representatives; the county of Yakima shall have one representative.

*Districts and apportionment: Title 44 RCW.*

**ARTICLE XXIII  
AMENDMENTS**

**§ 1 HOW MADE.** Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each

of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: *Provided*, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: *Provided*, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election. [AMENDMENT 37, 1961 Senate Joint Resolution No. 25, p 2753. Approved November, 1962.]

Original text—Art. 23 § 1 HOW MADE—*Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: Provided, that if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the state.*

## § 2 CONSTITUTIONAL CONVENTIONS.

Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at the next session, provide by law for calling the same; and such convention shall consist of a number of members, not less than that of the most numerous branch of the legislature.

§ 3 SUBMISSION TO THE PEOPLE. Any Constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

## ARTICLE XXIV BOUNDARIES

§ 1 STATE BOUNDARIES. The boundaries of the state of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river thence running

easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of Shoshone or Snake river, thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equidistant between Bonnilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning; until such boundaries are modified by appropriate interstate compacts duly approved by the Congress of the United States. [AMENDMENT 33, 1957 Senate Joint Resolution No. 10, p 1292. Approved November 4, 1958.]

Original text—Art. 24 § 1 STATE BOUNDARIES—*The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river, thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equi distant between Bonnilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning.*

## ARTICLE XXV JURISDICTION

§ 1 AUTHORITY OF THE UNITED STATES. The consent of the State of Washington is hereby given to the exercise, by the congress of the United States, of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first

article of the Constitution of the United States, so long as the same shall be so held and reserved by the United States. *Provided:* That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: and *provided,* That all civil process issued from the courts of this state and such criminal process as may issue under the authority of this state against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

#### ARTICLE XXVI COMPACT WITH THE UNITED STATES

The following ordinance shall be irrevocable without the consent of the United States and the people of this state:

**First.** That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

**Second.** That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein, belonging to or which may be hereafter purchased by the United States or reserved for use: *Provided,* That nothing in this ordinance shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of congress may prescribe.

**Third.** The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

**Fourth.** Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said state.

#### ARTICLE XXVII SCHEDULE

In order that no inconvenience may arise by reason of a change from a Territorial to a State government, it is hereby declared and ordained as follows:

**§ 1 EXISTING RIGHTS, ACTIONS AND CONTRACTS SAVED.** No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

**§ 2 LAWS IN FORCE CONTINUED.** All laws now in force in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature: *Provided,* That this section shall not be so construed as to validate any act of the legislature of Washington Territory granting shore or tide lands to any person, company or any municipal or private corporation.

**§ 3 DEBTS, FINES, ETC., TO INURE TO THE STATE.** All debts, fines, penalties and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.

**§ 4 RECOGNIZANCES.** All recognizances heretofore taken, or which may be taken before the change from a territorial to a 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 Territory of Washington or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall inure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the State of Washington, as the same could have been by the Territory of Washington.

**§ 5 CRIMINAL PROSECUTIONS AND PENAL ACTIONS.** 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 Washington, 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 Washington, 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 Washington, at the time of the change from a territorial to a state government, shall be continued, and transferred to the court of the state having jurisdiction of the subject matter thereof.

**§ 6 RETENTION OF TERRITORIAL OFFICERS.** All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

**§ 7 CONSTITUTIONAL OFFICERS, WHEN ELECTED.** All officers provided for in this Constitution including a county clerk for each county when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this Constitution on the first Tuesday of October, 1889.

**§ 8 CHANGE OF COURTS—TRANSFER OF CAUSES.** Whenever the judge of the superior court of any county, elected or appointed under the provisions of this Constitution shall have qualified the several causes then pending in the district court of the territory except such causes as would have been within the exclusive jurisdiction of the United States district court had such court existed at the time of the commencement of such causes, within such county, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court for such county. And where the same judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county, or counties, other than that in which such records are kept the original papers in all cases pending in such district court and belonging to the jurisdiction of such county or counties together with transcript of so much of the records of said district court as relate to the same; and until the district courts of the Territory shall be superseded in manner aforesaid, the said district courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the Territory. Whenever a quorum of the judges of the supreme court of the state shall have been elected and qualified, the causes then pending in the supreme court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States, circuit court had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded, the supreme court of the Territory and the judges thereof,

shall continue with like powers and jurisdiction as if this Constitution had not been adopted.

**§ 9 SEALS OF COURTS AND MUNICIPALITIES.** Until otherwise provided by law, the seal now in use in the supreme court of the Territory shall be the seal of the supreme court of the state. The seals of the superior courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington with the words: "Seal of the Superior Court of ----- county" surrounding the vignette. The seal of municipalities, and of all county officers of the Territory, shall be the seals of such municipalities, and county officers respectively under the state, until otherwise provided by law.

**§ 10 PROBATE COURT, TRANSFER OF.** When the state is admitted into the Union, and the superior courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the superior court of the same county created by this Constitution, and the said court shall proceed to final judgment or decree, order of other determination in the several matters and causes, as the territorial probate court might have done, if this Constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the Territory. The superior courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

**§ 11 DUTIES OF FIRST LEGISLATURE.** The legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this Constitution, and fix the time for the commencement and duration of their term.

**§ 12 ELECTION CONTESTS FOR SUPERIOR JUDGES, HOW DECIDED.** In case of a contest of election between candidates, at the first general election under this Constitution, for judges of the superior courts, the evidence shall be taken in the manner prescribed by the Territorial laws, and the testimony so taken shall be certified to the secretary of state; and said officer, together with the governor and treasurer of state, shall review the evidence and determine who is entitled to the certificate of election.

**§ 13 REPRESENTATION IN CONGRESS.** One representative in the congress of the United States shall be elected from the state at large, at the first election provided for in this Constitution; and, thereafter, at such times and places, and in such manner, as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts, in accordance with such

apportionment. The vote cast for representative in congress, at the first election, shall be canvassed, and the result determined in the manner provided for by the laws of the Territory for the canvass of the vote for delegate in congress.

**§ 14 DURATION OF TERM OF CERTAIN OFFICERS.** All district, county and precinct officers, who may be in office at the time of the adoption of this Constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D., 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this Constitution; and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted. And such officers shall continue to receive the compensation now provided, until the same be changed by law.

**§ 15 ELECTION ON ADOPTION OF CONSTITUTION, HOW TO BE CONDUCTED.** The election held at the time of the adoption of this Constitution shall be held and conducted in all respects according to the laws of the Territory, and the votes cast at said election for all officers (where no other provisions are made in this Constitution), and for the adoption of this Constitution and the several separate articles and the location of the state capital, shall be canvassed and returned in the several counties in the manner provided by Territorial law, and shall be returned to the secretary of the Territory in the manner provided by the Enabling Act.

**§ 16 WHEN CONSTITUTION TO TAKE EFFECT.** The provisions of this Constitution shall be in force from the day on which the president of the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this Constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

**§ 17 SEPARATE ARTICLES.** The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this Constitution:

**SEPARATE ARTICLE, NO. 1**

"All persons male and female of the age of twenty-one years or over, possessing the other qualifications, provided by this Constitution, shall be entitled to vote at all elections."

**SEPARATE ARTICLE, NO. 2**

"It shall not be lawful for any individual, company or corporation, within the limits of this state, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt or spirituous liquors, except for medicinal, sacramental or scientific purposes."

If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate article so receiving a majority shall become a part of this Constitution and shall govern and control any provision of the Constitution in conflict therewith.

**§ 18 BALLOT.** The form of ballot to be used in voting for or against this Constitution, or for or against the separate articles, or for the permanent location of the seat of government, shall be:

1. For the Constitution -----  
Against the Constitution -----
2. For Woman Suffrage Article -----  
Against Woman Suffrage Article -----
3. For Prohibition Article -----  
Against Prohibition Article -----
4. For the Permanent Location of the Seat of Government (Name of place voted for) -----

*The result of the election was against both woman suffrage and prohibition.*

**§ 19 APPROPRIATION.** The legislature is hereby authorized to appropriate from the state treasury sufficient money to pay any of the expenses of this convention not provided for by the Enabling Act of Congress.

**ARTICLE XXVIII  
COMPENSATION OF STATE OFFICERS**

**§ 1 COMPENSATION OF STATE OFFICERS.** All elected state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be increased or diminished during his term of office, except that the legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949.

The provisions of sections 14, 16, 17, 19, 29, 21, and 22 of Article III and section 23 of Article II in so far as they are inconsistent herewith, are hereby repealed. [AMENDMENT 20, 1947 Senate Joint Resolution No. 4, p 1371. Approved November 2, 1948.]

*Authorizing compensation increase during term: Art. 30 § 1.  
Compensation of state officers: RCW 43.03.010.*

**ARTICLE XXIX  
INVESTMENTS OF PUBLIC PENSION AND  
RETIREMENT FUNDS**

**§ 1 MAY BE INVESTED AS AUTHORIZED BY LAW.** Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund may be invested as authorized by law. [AMENDMENT 49, 1967 Senate Joint Resolution No. 5. Approved November 5, 1968.]

**ARTICLE XXX  
COMPENSATION OF PUBLIC OFFICERS**

**§ 1 AUTHORIZING COMPENSATION INCREASE DURING TERM.** The compensation of all elective and appointive state, county, and municipal officers who do not fix their own compensation, including judges of courts of record and the justice courts may be increased during their terms of office to the end that such officers and judges shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered.

The provisions of section 25 of Article II (Amendment 35), section 25 of Article III (Amendment 31), section 13 of Article IV, section 8 of Article XI, and section 1 of Article XXVIII (Amendment 20) insofar as they are inconsistent herewith are hereby repealed. [AMENDMENT 54, 1967 House Joint Resolution No. 13. Approved November 5, 1968.]

**Reviser's Note:** (1) Amendment 49 (1967 SJR No. 5) and Amendment 54 (1967 HJR No. 13) each added a new Article XXIX to the Constitution. Amendment 49 is carried herein as Article XXIX while Amendment 54 has been herein redesignated as Article XXX.

(2) The name of this article has been supplied by the reviser.

**ARTICLE XXXI  
SEX EQUALITY—RIGHTS AND RESPONSIBILITIES**

**§ 1** Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.

**§ 2** The legislature shall have the power to enforce by appropriate legislation, the provisions of this article. [AMENDMENT 61, 1972 House Joint Resolution No. 61, p 526. Approved November, 1972.]

**Reviser's Note:** The name of this article has been supplied by the reviser.

**CERTIFICATE**

We, the undersigned, members of the convention to form a Constitution for the State of Washington; which is to be submitted to the people for their adoption or rejection, do hereby declare this to be the Constitution formed by us, and in testimony thereof, do hereunto set our hands, this twenty-second day of August *Anno Domini*, one thousand eight hundred and eighty-nine.

John P. Hoyt,  
President  
J. J. Browne  
N. G. Blalock  
John F. Gowey  
Frank M. Dallam  
James Z. Moore  
E. H. Sullivan  
George Turner  
Austin Mires  
M. M. Godman  
Gwin Hicks  
Wm. F. Prosser  
C. H. Warner  
J. P. T. McCroskey  
S. G. Cosgrove  
Thos. Hayton  
Charles P. Coey

Edward Eldridge  
George H. Stevenson  
Louis Sohns  
A. A. Lindsley  
J. J. Weisenburger  
P. C. Sullivan  
R. S. More  
Thomas T. Minor  
J. J. Travis  
Arnold J. West  
Charles T. Fay  
George W. Tibbetts  
H. W. Fairweather  
Thomas C. Griffiths  
J. F. Van Name  
Albert Schooley  
H. C. Willison  
T. M. Reed

Robert F. Sturdevant  
John A. Shoudy  
Allen Weir  
W. B. Gray  
Trusten P. Dyer  
Geo. H. Jones  
B. L. Sharpstein  
H. M. Lillis  
James A. Burk  
John McReavy  
R. O. Dunbar  
Morgan Morgans  
Jas. Power  
B. B. Glascock  
O. A. Bowen  
Sam'l H. Berry  
D. J. Crowley  
J. T. McDonald  
John M. Reed

S. H. Manly  
Richard Jeffs  
Francis Henry  
George Comegys  
Oliver H. Joy  
David E. Durie  
D. Buchanan  
John R. Kinnear  
Sylvius A. Dickey  
Henry Winsor  
Theodore L. Stiles  
Harrison Clothier  
Matt. J. McElroy  
J. T. Eshelman  
Robert Jamieson  
Hiram E. Allen  
H. F. Suksdorf  
J. C. Kellogg  
J. A. Hungate

Attest: JNO. I. BOOGE, Chief Clerk.

The above names are not in the order in which subscribed to the Constitution.

**(B) Constitutional Amendments (in order of adoption)**

Amendment No.	
1	Art. 16 § 5 Investment of school fund.
2	Art. 6 § 1 Qualifications of voters.
3	Art. 7 § 2 (original) Taxation—Uniformity and equality—Exemption.
4	Art. 1 § 11 Religious freedom.
5	Art. 6 § 1 Qualifications of electors.
6	Art. 3 § 10 Vacancy in office of governor.
7	Art. 2 § 1 Legislative powers, where vested.
8	Art. 1 §§ 33, 34 Recall of elective officers.
9	Art. 1 § 16 Eminent domain.
10	Art. 1 § 22 Rights of the accused.
11	Art. 8 § 4 Moneys disbursed only by appropriation.
12	Art. 11 § 5 County government.
13	Art. 2 § 15 Vacancies in legislature.
14	Art. 7 § 1 Taxation (and repealing Art. 7 §§ 1-4.)
15	Art. 15 § 1 Harbor line commission and restraint on disposition.
16	Art. 12 § 11 Stockholder liability.
17	Art. 7 § 2 Forty mill limit.
18	Art. 2 § 40 Highway funds.
19	Art. 7 § 3 Taxation of federal agencies and property.
20	Art. 28 § 1 Compensation of state officers.
21	Art. 11 § 4 County government and township organization.
22	Art. 11 § 7 Tenure of office limited to two terms. (Repealed.)
23	Art. 11 § 16 Combined city and county.
24	Art. 2 § 33 Alien ownership.
25	Art. 4 § 3 (a) Retirement of supreme court and superior court judges.

Amendment No.	
26	Art. 2 § 41 Laws, effective date. Initiative, Referendum—Amendment or repeal.
27	Art. 8 § 6 Limitations upon municipal indebtedness.
28	Art. 4 § 6 Jurisdiction of superior courts.
	Art. 4 § 10 Justices of the peace.
29	Art. 2 § 33 Alien ownership.
30	Art. 2 § 1A Initiative and referendum, signatures required.
31	Art. 3 § 25 Qualifications, compensation, offices which may be abolished.
32	Art. 2 § 15 Vacancies in legislature and in partisan county elective office.
33	Art. 24 § 1 State boundaries.
34	Art. 1 § 11 Religious freedom.
35	Art. 2 § 25 Extra compensation prohibited.
36	Art. 2 § 1 Legislative powers, where vested (publicity of laws referred to the people).
37	Art. 23 § 1 (Amendments to Constitution) How made.
38	Art. 4 § 2 (a) Temporary performance of judicial duties.
39	Art. 2 § 42 Governmental continuity during emergency periods.
40	Art. 11 § 10 Incorporation of municipalities.
41	Art. 4 § 29 Election of superior court judges.
42	(Repeals Art. 2 § 33 and Amendments 24 and 29.)
43	Art. 9 § 3 (Schools) Funds for support.
44	Art. 16 § 5 Investment of permanent common school fund.
45	Art. 8 § 8 Port expenditures—Industrial development—Promotion.
46	Art. 6 § 1A Voter qualifications for presidential elections.
47	Art. 7 § 10 Retired persons property tax exemption.
48	Art. 8 § 3 Special indebtedness, how authorized.
49	Art. 29 § 1 (Investments of public pension and retirement funds.) May be invested as authorized by law.
50	Art. 4 § 30 Court of appeals.
51	Art. 8 § 9 State building authority.
52	Art. 2 § 15 Vacancies in legislature and in partisan county elective office.
	Art. 11 § 6 Vacancies in township, precinct or road district offices.
53	Art. 7 § 11 Taxation based on actual use.
54	Art. 30 § 1 (Compensation of public officers) increase during term.
55	Art. 7 § 2 Limitation on levies.

Amendment No.	
56	Art. 2 § 24 Lotteries and divorce.
57	Art. 11 §§ 5, 8 County government. Salaries and limitations affecting.
58	Art. 11 § 16 Combined city-county.
59	Art. 7 § 2 Limitation on levies.
60	Art. 8 §§ 1, 3 State debt. Special indebtedness, how authorized.
61	Art. 31 §§ 1, 2 Equality not denied because of sex. Enforcement power of legislature.

**AMENDMENT 1**

Art. 16 § 5 INVESTMENT OF SCHOOL FUND. None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal or school district bonds. [1893 p 9 § 1. Adopted November, 1894.]

*Art. 16 § 5 was later amended by Amendment 44.*

**AMENDMENT 2**

Art. 6 § 1 QUALIFICATIONS OF VOTERS. All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: *Provided*, That Indians not taxed shall never be allowed the elective franchise: *And further provided*, That this amendment shall not effect [affect] the right of franchise of any person who is now a qualified elector of this state. The legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section. [1895 p 60 § 1. Approved November, 1896.]

*Art. 6 § 1 was later amended by Amendment 5.*

**AMENDMENT 3**

Art. 7 § 2, was amended by adding the following proviso: "*And provided further*, That the legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred dollars (\$300) for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual and *bona fide* owner." [1889 p 121 § 1. Approved November, 1900.]

*Original Art. 7 § 2 and Amendment 3 were stricken by Amendment 14.*

## AMENDMENT 4

Art. 1 § 11 RELIGIOUS FREEDOM. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment. *Provided, however,* That this article shall not be so construed as to forbid the employment by the state of a chaplain for the state penitentiary, and for such of the state reformatories as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony. [1903 p 283 § 1. Approved November, 1904.]

*Art. 1 § 11 was later amended by Amendment 34.*

## AMENDMENT 5

Art. 6 was amended by striking from said article all of sections one (1) and two (2) and inserting in lieu thereof the following, to be known as section one (1):

§ 1 QUALIFICATIONS OF ELECTORS. All person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: *Provided,* That Indians not taxed shall never be allowed the elective franchise: *And further provided,* That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex. [1909 p 26 § 1. Approved November, 1910.]

*Prior amendment of Art. 6, see Amendment 2.*

## AMENDMENT 6

Art. 3 § 10 VACANCY IN OFFICE OF GOVERNOR. In case of the removal, resignation, death or disability of the governor, the duties of the office shall devolve upon the lieutenant governor; and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of the governor shall devolve upon

the secretary of state. In addition to the line of succession to the office and duties of governor as hereinabove indicated, if the necessity shall arise, in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor and in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. In case of the death, disability, failure or refusal of the person regularly elected to the office of governor to qualify at the time provided by law, the duties of the office shall devolve upon the person regularly elected to and qualified for the office of lieutenant governor, who shall act as governor until the disability be removed, or a governor be elected; and in case of the death, disability, failure or refusal of both the governor and the lieutenant governor elect to qualify, the duties of the governor shall devolve upon the secretary of state; and in addition to the line of succession to the office and duties of governor as hereinabove indicated, if there shall be the failure or refusal of any officer named above to qualify, and if the necessity shall arise by reason thereof, then in that event in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. Any person succeeding to the office of governor as in this section provided, shall perform the duties of such office only until the disability be removed, or a governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of governor for the remainder of the unexpired term. [1909 p 642 § 1. Approved November, 1910.]

## AMENDMENT 7

Article 2 was amended by striking all of sections 1 and 31, and inserting in lieu thereof as section 1 the following, so that the same shall read as follows:

Art. 2 § 1 LEGISLATIVE POWERS, WHERE VESTED. The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less

than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measure shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

*Portion of subdivision (a) is superseded by the 30th amendment.*

*(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted. Six per centum, but in no case more than thirty thousand, of the legal voters shall be required to sign and make a valid referendum petition.*

*Portion of subdivision (b) is superseded by the 30th amendment.*

*(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon.*

*Subdivision (c) is superseded by the 26th amendment.*

*(d) The filing of a referendum petition against one or more items, sections or parts of any act, law or bill shall*

*not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular elections, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. The whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.*

*The legislature shall prove methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication at least fifty days before the election at which they are to be voted upon. [1911 p 136 § 1. Approved November, 1912.]*

*Last paragraph is superseded by the 36th amendment.*

## AMENDMENT 8

Art. 1 was amended by adding the two following sections:

§ 33 RECALL OF ELECTIVE OFFICERS. Every elective public officer of the state of Washington except [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election is filed with the

officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.

§ 34 SAME. The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: *Provided*, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of law-making nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent. [1911 p 504 § 1. Approved November, 1912.]

**AMENDMENT 9**

Art. 1 § 16 EMINENT DOMAIN. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: *Provided*, that the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use. [1919 p 385 § 1. Approved November, 1920.]

**AMENDMENT 10**

Art. 1 § 22 RIGHTS OF THE ACCUSED. In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial

by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: *Provided*, The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed. [1921 p 79 § 1. Approved November, 1922.]

**AMENDMENT 11**

Art. 8 § 4 MONEYS DISBURSED ONLY BY APPROPRIATIONS. No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within one calendar month after the end of the next ensuing fiscal biennium, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum. [1921 p 80 § 1. Approved November, 1922.]

**AMENDMENT 12**

Art. 11 § 5 COUNTY GOVERNMENT. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: *Provided*, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession. [1923 p 254 § 1. Approved November, 1924.]

Art. 11 § 5 was later amended by Amendment 57.

**AMENDMENT 13**

Art. 2 § 15 VACANCIES IN LEGISLATURE. Such vacancies as may occur in either house of the legislature shall be filled by appointment by the board of county

commissioners of the county in which the vacancy occurs, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: *Provided*, That in case of a vacancy occurring in the office of joint senator, the vacancy shall be filled by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial district. [1929 p 690. Approved November, 1930.]

Art. 2 § 15 was later amended by Amendments 32 and 52.

#### AMENDMENT 14

Article 7 is amended by striking out all of sections 1, 2, 3 and 4, and inserting in lieu thereof the following, to be known as section 1:

Art. 7 § 1 TAXATION. The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: *Provided*, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power by appropriate legislation, to exempt personal property to the amount of three hundred (\$300.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner. [1929 p 499 § 1: Approved November, 1930. New § 2 added through Amendment 17: Approved November, 1944. New § 3 added through Amendment 19: Approved November, 1946.]

#### AMENDMENT 15

Art. 15 § 1 HARBOR LINE COMMISSION AND RESTRAINT ON DISPOSITION. The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or reestablished by the commission pursuant to such provision as may be made therefor by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and

the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce. [1931 p 417 § 1. Approved November, 1932.]

#### AMENDMENT 16

Art. 12 § 11 STOCKHOLDER LIABILITY. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

The legislature may provide that stockholders of banking corporations organized under the laws of this state which shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations, shall be relieved from liability for the debts and obligations of such banking corporation to the same extent that stockholders of national banking associations are relieved from liability for the debts and obligations of such national banking associations under the laws of the United States. [1939 Senate Joint Resolution No. 8, p 1024. Approved November, 1940.]

#### AMENDMENT 17

Art. 7 § 2 FORTY MILL LIMIT. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: *Provided, however*, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only.

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: *Provided*, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, and *Provided, further*, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution.

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [1943 House Joint Resolution No. 1, p 936. Approved November, 1944.]

Art. 7 § 2 was later amended by Amendments 55 and 59.

#### AMENDMENT 18

Art. 2 § 40 HIGHWAY FUNDS. All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor vehicle fuel and all other state revenue intended to be used for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes. Such highway purposes shall be construed to include the following:

(a) The necessary operating, engineering and legal expenses connected with the administration of public highways, county roads and city streets;

(b) The construction, reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets; including the cost and expense of (1) acquisition of rights-of-way, (2) installing, maintaining and operating traffic signs and signal lights, (3) policing by the state of public highways, (4) operation of movable span bridges, (5) operation of ferries which are a part of any public highway, county road, or city street;

(c) The payment or refunding of any obligation of the State of Washington, or any political subdivision thereof, for which any of the revenues described in section 1 may have been legally pledged prior to the effective date of this act;

(d) Refunds authorized by law for taxes paid on motor vehicle fuels;

(e) The cost of collection of any revenues described in this section:

*Provided*, That this section shall not be construed to include revenue from general or special taxes or excises not levied primarily for highway purposes, or apply to vehicle operator's license fees or any excise tax imposed on motor vehicles or the use thereof in lieu of a property tax thereon, or fees for certificates of ownership of motor vehicles. [1943 House Joint Resolution No. 4, p 938. Approved November, 1944.]

#### AMENDMENT 19

Art. 7 § 3 TAXATION OF FEDERAL AGENCIES AND PROPERTY. The United States and its agencies and instrumentalities, and their property, may be taxed under any of the tax laws of this state, whenever and in such manner as such taxation may be authorized or permitted under the laws of the United States, notwithstanding anything to the contrary in the Constitution of this state. [1945 House Joint Resolution No. 9, p 932. Approved November, 1946.]

#### AMENDMENT 20

Art. 28 § 1 COMPENSATION OF STATE OFFICERS. All elected state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be increased or diminished during his term of office, except that the legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949.

The provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and section 23 of Article II in so far as they are inconsistent herewith, are hereby repealed. [1947 Senate Joint Resolution No. 4, p 1371. Approved November 2, 1948.]

*Authorizing compensation increase during term: See Amendment 54.*

## AMENDMENT 21

Art. 11 § 4 COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION. The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.

Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the

prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this section, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.

The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.

After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers

by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county. [1947 Senate Joint Resolution No. 5, p 1372. Approved November 2, 1948.]

**AMENDMENT 22**

Section 7, Article XI, Constitution of the State of Washington is hereby repealed. [1947 House Joint Resolution No. 4, p 1385. Approved November 2, 1948.]

**AMENDMENT 23**

Art. 11 § 16 COMBINED CITY AND COUNTY. The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determining the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand (300,000) inhabitants. No such city and county shall be formed except by a majority vote of the qualified electors of the area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 10 of this article: *Provided, however,* That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations: *Provided further,* That every such charter shall designate the respective officers of such city and county who shall perform the duties imposed by law upon county officers. Every such city and county shall have and enjoy all rights, powers and privileges asserted in its charter, not inconsistent with general laws, and in addition thereto, such rights, powers and privileges as may be granted to it, or possessed and enjoyed by cities and counties of like population separately organized.

No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: *Provided,* That the provisions of sections 2, 3, 4, 5, 6, 7, and 8 of this article shall not apply to any such city and

county: *Provided further,* That the salary of any elective or appointive officer of a city and county shall not be changed after his election or appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city, the method of determining such just proportion to be prescribed by general law, but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, term of office and manner of election or appointment shall be as provided for in its charter, subject to general laws and applicable constitutional provision. [1947 House Joint Resolution No. 13, p 1386. Approved November 2, 1948.]

Art. 11 § 16 was later amended by Amendment 58.

**AMENDMENT 24**

[Repealed by AMENDMENT 42, 1965 ex.s. Senate Joint Resolution No. 20, p 2816. Approved November 8, 1966.]

Text of Amendment 24—Art. 2 § 33 ALIEN OWNERSHIP—*The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and in all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition.* [1949 Senate Joint Resolution No. 9, p 999. Approved November 7, 1950.]

Art. 2 § 33 was also amended by Amendment 29.

**AMENDMENT 25**

Art. 4 was amended by adding the following section:

Art. 4 § 3 (a) RETIREMENT OF SUPREME COURT AND SUPERIOR COURT JUDGES. A judge of the supreme court or the superior court shall retire from judicial office at the end of the calendar year in which he attains the age of seventy-five years. The legislature may, from time to time, fix a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any such judge attains the age of seventy years, as the legislature deems proper. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to, or at the time of, approval and ratification of this provision. Notwithstanding the limitations of this section, the legislature may by general law authorize or require the

retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties. [1951 House Joint Resolution No. 6, p 960. Approved November 4, 1952.]

## AMENDMENT 26

Art. 2 was amended by adding the following section:

Art. 2 § 41 LAWS, EFFECTIVE DATE, INITIATIVE, REFERENDUM—AMENDMENT OR REPEAL. No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: *Provided*, That any such act, law or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article as amended by the seventh amendment to the Constitution of this state. [1951 Substitute Senate Joint Resolution No. 7, p 959. Approved November 4, 1952.]

**Reviser's note:** In third sentence, comma between "general" and "regular" omitted in conformity with enrolled resolution.

## AMENDMENT 27

Art. 8 § 6 LIMITATIONS UPON MUNICIPAL INDEBTEDNESS. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half percentum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five percentum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: *Provided further*, That (a) any city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality and (b) any school district with such assent, may be allowed to become indebted to a larger amount but not

exceeding five percentum additional for capital outlays. [1951 House Joint Resolution No. 8, p 961. Approved November 4, 1952.]

## AMENDMENT 28

Art. 4 § 6 JURISDICTION OF SUPERIOR COURTS. The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine and in all other cases in which the demand or the value of the property in controversy amounts to one thousand dollars, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

Art. 4 § 10 JUSTICES OF THE PEACE. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of peace: *Provided*, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed one thousand dollars, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use. [1951 Substitute House Joint Resolution No. 13, p 962. Approved November 4, 1952.]

## AMENDMENT 29

[Repealed AMENDMENT 42, 1965 ex.s. Senate Joint Resolution No. 20, p 2816. Approved November 8, 1966.]

Text of Amendment 29—Art. 2 § 33 ALIEN OWNERSHIP—*The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state.* [1953 House Joint Resolution No. 16, p 853. Approved November 2, 1954.]

Prior amendment of Art. 2 § 33, see Amendment 24.

## AMENDMENT 30

Art. 2 was amended by adding the following section:

Art. 2 § 1A INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED. Hereafter, the number of valid signatures of legal voters required upon a petition for an initiative measure shall be equal to eight percentum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. Hereafter, the number of valid signatures of legal voters required upon a petition for a referendum of an act of the legislature or any part thereof, shall be equal to four percentum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. These provisions supersede the requirements specified in section 1 of this article as amended by the seventh amendment to the Constitution of this state. [1955 Senate Joint Resolution No. 4, p 1860. Approved November 6, 1956.]

## AMENDMENT 31

Art. 3 § 25 QUALIFICATIONS, COMPENSATION, OFFICES WHICH MAY BE ABOLISHED. No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands. [1955 Senate Joint Resolution No. 6, p 1861. Approved November 6, 1956.]

Authorizing compensation increase during term: See Amendment 54.

## AMENDMENT 32

Art. 2 § 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE. Such vacancies as may occur in either house of the legislature

or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the board of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated. [1955 Senate Joint Resolution No. 14, p 1862. Approved November 6, 1956.]

Prior amendment of Art. 2 § 15, see Amendment 13.

Later amendment of Art. 2 § 15, see Amendment 52.

## AMENDMENT 33

Art. 24 § 1 STATE BOUNDARIES. The boundaries of the state of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Snoshone or Snake river, thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equidistant between Bonnilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line,

keeping one marine league off shore to place of beginning; until such boundaries are modified by appropriate interstate compacts duly approved by the Congress of the United States. [1957 Senate Joint Resolution No. 10, p 1292. Approved November 4, 1958.]

## AMENDMENT 34

Art. 1 § 11 RELIGIOUS FREEDOM. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: *Provided, however,* That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony. [1957 Senate Joint Resolution No. 14, p 1299. Approved November 4, 1958.]

Prior amendment of Art. 1 § 11, see Amendment 4.

## AMENDMENT 35

Art. 2 § 25 EXTRA COMPENSATION PROHIBITED. The legislature shall never grant any extra compensation to any public officer, agent, employee, 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. Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted. [1957 Senate Joint Resolution No. 18, p 1301. Approved November 4, 1958.]

*Increase during term in compensation of certain officers authorized: See Amendment 54.*

## AMENDMENT 36

Art. 2, section 1 (LEGISLATIVE POWERS, WHERE VESTED) as amended by AMENDMENT 7 was amended by adding the following subsection:

Article 2, section 1, subsection (e). The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual

place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. These provisions supersede the provisions set forth in the last paragraph of section 1 of this article as amended by the seventh amendment to the Constitution of this state. [1961 Senate Joint Resolution No. 9, p 2751. Approved November, 1962.]

## AMENDMENT 37

Article XXIII, section 1. HOW MADE. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: *Provided,* That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: *Provided,* That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election. [1961 Senate Joint Resolution No. 25, p 2753. Approved November, 1962.]

## AMENDMENT 38

Art. 4 was amended by adding the following section:

Sec. 2 (a). TEMPORARY PERFORMANCE OF JUDICIAL DUTIES. When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state. [1961 House Joint Resolution No. 6, p 2757. Approved November, 1962.]

## AMENDMENT 39

Article II, section 42. GOVERNMENTAL CONTINUITY DURING EMERGENCY PERIODS. The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing 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 and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: *Provided*, That if, in the judgment of the legislature at the time of disaster, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by enemy attack only, from the following sections of the Constitution:

Article 14, Sections 1 and 2, Seat of Government;

Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;

Article 3, Section 10 (Amendment 6), Succession to Governorship: *Provided*, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;

Article 3, Section 13, Vacancies in State Offices;

Article 11, Section 6, Vacancies in County Office;

Article 11, Section 2, Seat of County Government;

Article 3, Section 24, State Records. [1961 House Joint Resolution No. 9, p 2758. Approved November, 1962.]

#### AMENDMENT 40

Article XI, Section 10. INCORPORATION OF MUNICIPALITIES. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to, and controlled by general laws. Any city containing a population of ten thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and

prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in the daily newspaper of largest general circulation published in the area to be incorporated as a first class city under the charter or, if no daily newspaper is published therein, then in the newspaper having the largest general circulation within such area at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given as required by law. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [1963 ex.s. Senate Joint Resolution No. 1, p 1526. Approved November 3, 1964.]

#### AMENDMENT 41

Art. 4 § 29 ELECTION OF SUPERIOR COURT JUDGES. Notwithstanding any provision of this Constitution to the contrary, if, after the last day as provided by law for the withdrawal of declarations of candidacy has expired, only one candidate has filed for any single position of superior court judge in any county containing a population of one hundred thousand or more, no primary or election shall be held as to such position, and a certificate of election shall be issued to such candidate. If, after any contested primary for superior court judge in any county, only one candidate is entitled to have his name printed on the general election ballot for any single position, no election shall be held as to such position, and a certificate of election shall be issued to such candidate: *Provided*, That in the event that there is filed with the county auditor within ten days after the date of the primary, a petition indicating that a write in campaign will be conducted for such single position and signed by one hundred registered voters qualified to vote with respect of the office, then such single position shall be subject to the general election. Provisions for the contingency of the death or disqualification of a sole candidate between the last date for withdrawal and the time when the election would be held but for the provisions of this section, and such other provisions as may be deemed necessary to

implement the provisions of this section, may be enacted by the legislature. [1965 ex.s. Substitute Senate Joint Resolution No. 6, p 2815. Approved November 8, 1966.]

#### AMENDMENT 42

Section 33, Article II and Amendments 24 and 29 amendatory thereof, of the Constitution of the State of Washington are each hereby repealed. [1965 ex.s. Senate Joint Resolution No. 20, p 2816. Approved November 8, 1966.]

#### AMENDMENT 43

Art. 9 § 3 FUNDS FOR SUPPORT. The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible. The said fund shall consist of the principal amount thereof existing on June 30, 1965, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals, or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund.

There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on said permanent common school fund from and after July 1, 1967, together with all rentals and other revenues derived therefrom and from lands and other property devoted to the permanent common school fund from and after July 1, 1967; and (3) such other sources as the

legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section during the period after the effective date of this amendment and prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. [1965 ex.s. Senate Joint Resolution No. 22, part 1, p 2817. Approved November 8, 1966.]

#### AMENDMENT 44

Art. 16 § 5 INVESTMENT OF PERMANENT COMMON SCHOOL FUND. The permanent common school fund of this state may be invested as authorized by law. [1965 ex.s. Senate Joint Resolution No. 22, part 2, p 2817. Approved November 8, 1966.]

Prior amendment of Art. 16 § 5, see Amendment 1.

#### AMENDMENT 45

Art. 8 § 8 PORT EXPENDITURES—INDUSTRIAL DEVELOPMENT—PROMOTION. The use of public funds by port districts in such manner as may be prescribed by the legislature for industrial development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 7 of this Article. [1965 ex.s. Senate Joint Resolution No. 25, p 2819. Approved November 8, 1966.]

#### AMENDMENT 46

Art. 6 § 1A VOTER QUALIFICATIONS FOR PRESIDENTIAL ELECTIONS. In consideration of those citizens of the United States who become residents of the state of Washington during the year of a presidential election with the intention of making this state their permanent residence, this section is for the purpose of authorizing such persons who can meet all qualifications for voting as set forth in section 1 of this article, except for residence, to vote for presidential electors or for the office of President and Vice-President of the United States, as the case may be, but no other: *Provided*, That such persons have resided in the state at least sixty days immediately preceding the presidential election concerned.

The legislature shall establish the time, manner and place for such persons to cast such presidential ballots.

[1965 ex.s. Substitute Joint House Resolution No. 4, p 2820. Approved November 8, 1966.]

#### AMENDMENT 47

Art. 7 § 10 RETIRED PERSONS PROPERTY TAX EXEMPTION. Notwithstanding the provisions of Article 7, section 1 (Amendment 14) and Article 7, section 2 (Amendment 17), the following tax exemption shall be allowed as to real property:

The legislature shall have the power, by appropriate legislation, to grant to retired property owners relief from the property tax on the real property occupied as a residence by those owners. The legislature may place such restrictions and conditions upon the granting of such relief as it shall deem proper. Such restrictions and conditions may include, but are not limited to, the limiting of the relief to those property owners below a specific level of income and those fulfilling certain minimum residential requirements. [1965 ex.s. House Joint Resolution No. 7, p 2821. Approved November 8, 1966.]

#### AMENDMENT 48

Art. 8 § 3 SPECIAL INDEBTEDNESS, HOW AUTHORIZED. Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and notice that such law will be submitted to the people shall be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: *Provided*, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election. [1965 ex.s. House Joint Resolution No. 39, p 2822. Approved November 8, 1966.]

Art. 8 § 3 was later amended by Amendment 60.

#### AMENDMENT 49

The Constitution was amended by adding the following new article;

#### ARTICLE XXIX

#### INVESTMENTS OF PUBLIC PENSION AND RETIREMENT FUNDS

and section 1 thereof:

Art. 29 § 1 MAY BE INVESTED AS AUTHORIZED BY LAW. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund may be invested as authorized by law. [1967 Senate Joint Resolution No. 5, Approved November 5, 1968.]

#### AMENDMENT 50

Art. 4 was amended by adding the following section:

Art. 4 § 30 COURT OF APPEALS. (1) *Authorization*. In addition to the courts authorized in section 1 of this article, judicial power is vested in a court of appeals, which shall be established by statute.

(2) *Jurisdiction*. The jurisdiction of the court of appeals shall be as provided by statute or by rules authorized by statute.

(3) *Review of Superior Court*. Superior court actions may be reviewed by the court of appeals or by the supreme court as provided by statute or by rule authorized by statute.

(4) *Judges*. The number, manner of election, compensation, terms of office, removal and retirement of judges of the court of appeals shall be as provided by statute.

(5) *Administration and Procedure*. The administration and procedures of the court of appeals shall be as provided by rules issued by the supreme court.

(6) *Conflicts*. The provisions of this section shall supersede any conflicting provisions in prior sections of this article. [1967 Senate Joint Resolution No. 6. Approved November 5, 1968.]

**Note:** This section which was adopted as Art. 4 § 29 is herein renumbered Art. 4 § 30 to avoid confusion with Amendment 41.

#### AMENDMENT 51

Art. 8 was amended by adding the following section:

Art. 8 § 9 STATE BUILDING AUTHORITY. The legislature is empowered notwithstanding any other provision in this Constitution, to provide for a state building authority in corporate and politic form which may contract with agencies or departments of the state government to construct upon land owned by the state or its agencies, or to be acquired by the state building authority, buildings and appurtenant improvements which such state agencies or departments are hereby empowered to lease at reasonable rental rates from the Washington state building authority for terms up to

seventy-five years with provisions for eventual vesting of title in the state or its agencies. This section shall not be construed as authority to provide buildings through lease or otherwise to nongovernmental entities. The legislature may authorize the state building authority to borrow funds solely upon its own credit and to issue bonds or other evidences of indebtedness therefor to be repaid from its revenues and to secure the same by pledging its income or mortgaging its leaseholds. The provisions of sections 1 and 3 of this article shall not apply to indebtedness incurred pursuant to this section. [1967 Senate Joint Resolution No. 17. Approved November 5, 1968.]

**Note:** This section which was adopted as Art. 8 § 8 is herein renumbered as Art. 8 § 9 to avoid confusion with Amendment 45.

### AMENDMENT 52

Art. 2 § 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district, county or county commissioner district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county or county commissioner district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days hereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

Art. 11 § 6 VACANCIES IN TOWNSHIP, PRECINCT OR ROAD DISTRICT OFFICE. The board of

county commissioners in each county shall fill all vacancies occurring in any township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified. [1967 Senate Joint Resolution No. 24. Approved November 5, 1968.]

Prior amendments of Art. 2 § 15, see Amendments 13 and 32.

### AMENDMENT 53

Art. 7 was amended by adding the following section:

Art. 7 § 11 TAXATION BASED ON ACTUAL USE. Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the true and fair value in money (a) of farms, agricultural lands, standing timber and timberlands, and (b) of other open space lands which are used for recreation or for enjoyment of their scenic or natural beauty shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property. [1967 House Joint Resolution No. 1. Approved November 5, 1968.]

### AMENDMENT 54

The Constitution was amended by adding the following new article;

#### ARTICLE XXX

#### COMPENSATION OF PUBLIC OFFICERS

and section 1 thereof:

Art. 30 § 1 AUTHORIZING COMPENSATION INCREASE DURING TERM. The compensation of all elective and appointive state, county, and municipal officers who do not fix their own compensation, including judges of courts of record and the justice courts may be increased during their terms of office to the end that such officers and judges shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered.

The provisions of section 25 of Article II (Amendment 35), section 25 of Article III (Amendment 31), section 13 of Article IV, section 8 of Article XI, and section 1 of Article XXVIII (Amendment 20) insofar as they are inconsistent herewith are hereby repealed. [1967 House Joint Resolution No. 13. Approved November 5, 1968.]

**Reviser's Note:** (1) Amendment 49 (1967 SJR No. 5) and Amendment 54 (1967 HJR No. 13) each added a new Article XXIX to the Constitution. Amendment 49 is carried herein as Article XXIX while Amendment 54 has been herein redesignated as Article XXX.

(2) The name of this article has been supplied by the reviser.

### AMENDMENT 55

Art. 7 § 2. LIMITATION ON LEVIES. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax

levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percentum of the true and fair value of such property in money: *Provided, however,* That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: *Provided,* That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, *And Provided Further,* That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6 of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [1971 Senate Joint Resolution No. 1. Approved November 7, 1972.]

**Note:** Art. 7 § 2 was also amended at the November 7, 1972 general election by Amendment 59. (HJR 47.)

Prior amendment of Art. 7 § 2, see Amendment 17.

## AMENDMENT 56

Art. 2 § 24 LOTTERIES AND DIVORCE. The legislature shall never grant any divorce. Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon. [1971 Senate Joint Resolution No. 5. Approved November 7, 1972.]

## AMENDMENT 57

Art. 11 § 5. COUNTY GOVERNMENT. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: *Provided,* That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population: *Provided,* That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

Art. 11 § 8. SALARIES AND LIMITATIONS AFFECTING. The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. [1971 Senate Joint Resolution No. 38. Approved November 7, 1972.]

Prior amendment of Art. 11 § 5, see Amendment 12.

## AMENDMENT 58

Art. 11 § 16. COMBINED CITY-COUNTY. Any county may frame a "Home Rule" charter subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county". Registered voters equal in number to ten (10) percent of the voters of any such county voting at the last preceding general election may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article with respect to a petition calling for an election of freeholders to frame a county home rule charter, the election of freeholders, and the framing and adoption of

a county home rule charter pursuant to such petition shall apply to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements for publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such "city-county" shall be formed except by a majority vote of the qualified electors voting thereon in the county. The charter shall designate the respective officers of such city-county who shall perform the duties imposed by law upon county officers. Every such city-county shall have and enjoy all rights, powers and privileges asserted in its charter, and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties. In the event of a conflict in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.

No legislative enactment which is a prohibition or restriction shall apply to the rights, powers and privileges of a city-county unless such prohibition or restriction shall apply equally to every other city, county, and city-county.

The provisions of sections 2, 3, 5, 6, and 8 and of the first paragraph of section 4 of this Article shall not apply to any such city-county.

Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and duties of such municipal corporations shall be prescribed by the charter.

No city-county shall for any purpose become indebted in any manner to an amount exceeding three per centum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county or other municipal purposes: *Provided further*, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any

purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such municipal corporation without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: *Provided further*, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second sentence of Article 7, section 1, or by Article 8, section 6 of this Constitution. [1971 House Joint Resolution No. 21. Approved November 7, 1972.]

Prior amendment of Art. 11 § 16, see Amendment 23.

## AMENDMENT 59

Art. 7 § 2. LIMITATION ON LEVIES. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: *Provided, however*, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of

electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: *Provided*, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, *And provided further*, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [1971 House Joint Resolution No. 47. Approved November 7, 1972.]

**Note:** Art. 7 § 2 was also amended at the November 7, 1972 general election by Amendment 55 (SJR 1). 1971 HJR No. 47 contained the following paragraph:

*"Be It Further Resolved*, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1: *Provided*, That if both proposed amendments are approved and ratified, both shall become part of the Constitution."

Prior amendment of Art. 7 § 2, see Amendment 17.

### AMENDMENT 60

Art. 8 § 1. STATE DEBT. (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the

state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this Article, obligations guaranteed as provided for in subsection (f) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this Article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (g) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(f) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: *Provided*, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(g) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(h) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(i) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the 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 installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(j) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(k) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this Article shall not be invalid for any irregularity or defect in the proceedings of the issuance or

sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

Art. 8 § 3. SPECIAL INDEBTEDNESS, HOW AUTHORIZED. Except the debt specified in sections one and two of this Article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein. No such law shall take effect until it shall, at a general election, or a special election called for that purpose, have been submitted to the people and have received a majority of all the votes cast for and against it at such election. [House Joint Resolution No. 52. Approved November 7, 1972.]

Prior amendment of Art. 8 § 3, see Amendment 48.

## AMENDMENT 61

The Constitution was amended by adding the following new Article:

### ARTICLE XXXI

#### SEX EQUALITY—RIGHTS AND RESPONSIBILITIES

and sections 1 and 2 thereof:

Art. 31 § 1. EQUALITY NOT DENIED BECAUSE OF SEX. Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.

Art. 31 § 2. ENFORCEMENT POWER OF LEGISLATURE. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this Article. [1972 House Joint Resolution No. 61. Approved November 7, 1972.]

The name of this Article has been supplied by the reviser.

(C) Index to State Constitution

Art. Sec.

<b>Art. Sec.</b>	
<b>Absconding debtors</b> —Imprisonment of, for debt ..	1 17
<b>Absence</b> —Of citizen does not affect residence, for purpose of voting .....	6 4
Of governor, duties devolve on lieutenant governor	3 10
Of judicial officer, works forfeiture of office .....	4 8
<b>Acceptance</b> —Of certain offices under United States vacates seat in legislature .....	2 14
<b>Accused</b> —Rights in criminal prosecutions .....	1 22
Rights of, on removal from office by legislature ..	4 9
<b>Actions</b> —Against the state to be authorized .....	2 26
By and against corporations authorized .....	12 5
Not affected by change in government .....	27 1
Pending in territorial, to be transferred to state courts .....	27 5,8
Transfer to superior court, when to take place ...	27 8
(See Civil Actions; Criminal Actions.)	
<b>Acts</b> —Enacting clause, style of .....	2 18
May become a law, how .....	2 31
Not to be amended unless set forth in full .....	2 37
Presentation to governor necessary .....	3 12
When effective without approval .....	3 12
Veto, passage over .....	3 12
(See Bill; Laws; Statutes; Veto.)	
<b>Adjournment of legislature</b> —From day to day, for want of quorum .....	2 8
Governmental continuity during emergency periods	2 42
Restrictions on each house as to time and place ..	2 11
<b>Adoption of children</b> —Special act forbidden .....	2 28(16)
<b>Ad valorem tax</b> —Authority to levy on mines and reforested lands. (Amendment 14.) .....	7 1
<b>Advances</b> —Advancing money for fees, prohibition against requirement of on accused in criminal action. (Amendment 10.) .....	1 22
<b>Advice and consent of senate</b> —Appointment of officers for state institutions to be by and with ....	13 1
Determined by ayes and nays and entered on journal .....	13 1
<b>Affirmation</b> —Mode of administering .....	1 6
<b>Age</b> —Age of voter. (Amendments 2 and 5.) .....	6 1
<b>Agricultural lands</b> —Taxation based on actual use	7 11
<b>Agriculture</b> —Bureau of, to be established .....	2 34
<b>Alienation of franchise</b> —Corporate liabilities not relieved by .....	12 8
<b>Aliens</b> —Corporation alien, if majority of stock owned by aliens .....	2 33
(Amendment 24; repealed by Amendment 42.)	
Naturalization of, by superior court .....	4 6
Ownership of lands prohibited except in certain cases (Amendments 24 and 29; repealed by Amendment 42.) .....	2 33
Acquisition by inheritance or in collection of debts permitted (Amendments 24 and 29; repealed by Amendment 42.) .....	2 33

<b>Amendment to bills</b> —Act amended to be set forth in full .....	2 37
Initiative measure, prohibition against amendment of (Amendments 7 (a) and 26.) .....	2 41
May originate in either house .....	2 20
Scope and object not to be changed .....	2 38
<b>Amendment to charter</b> —By special act forbidden	2 28(8)
How proposed, submitted and adopted .....	11 10
<b>Amendment to Constitution</b> —Convention, by ....	23 2
Proposal for, may originate in either house (Amendment 37) .....	23 1
Publication of notice of election (Amendment 37)	23 1
Ratification by electors (Amendment 37) .....	23 1
Revised Constitution, adoption by people .....	23 3
Separate amendments, to be separately voted on (Amendment 37) .....	23 1
Vote proposing amendment or revision, two-thirds of each house necessary (Amendment 37) ....	23 1,2
Yeas and nays to be taken and entered (Amendment 37) .....	23 1

**Amendments to Constitution: Ratified**

(1) In order of amendments:

<b>Amendment</b>	
No. 1 to art 16 sec 5	
No. 2 to art 6 sec 1	
No. 3 to art 7 sec 2	
No. 4 to art 1 sec 11	
No. 5 to art 6 sec 1	
6 sec 2 (deleted)	
No. 6 to art 3 sec 10	
No. 7 to art 2 sec 1	
2 sec 31 (deleted)	
No. 8 to art 1 sec 33 (added)	
1 sec 34 (added)	
No. 9 to art 1 sec 16	
No. 10 to art 1 sec 22	
No. 11 to art 8 sec 4	
No. 12 to art 11 sec 5	
No. 13 to art 2 sec 15	
No. 14 to art 7 sec 1	
7 sec 2,3,4 (deleted)	
No. 15 to art 15 sec 1	
No. 16 to art 12 sec 11	
No. 17 to art 7 sec 2	
No. 18 to art 2 sec 40 (added)	
No. 19 to art 7 sec 3 (new)	
No. 20 to art 2 sec 23 (part repeal)	
3 sec 14, 16, 17, 19, 20, 21, 22 (part repeal)	
28 sec 1 (added)	
No. 21 to art 11 sec 4 (new)	
No. 22 to art 11 sec 7 (repealed)	
No. 23 to art 11 sec 16 (added)	
No. 24 to art 2 sec 33	
No. 25 to art 4 sec 3 (a) (added)	
No. 26 to art 2 sec 41 (added)	
No. 27 to art 8 sec 6	
No. 28 to art 4 sec 6	
4 sec 10	
No. 29 to art 2 sec 33	
No. 30 to art 2 sec 1A (added)	
No. 31 to art 3 sec 25	
No. 32 to art 2 sec 15	
No. 33 to art 24 sec 1	
No. 34 to art 1 sec 11	
No. 35 to art 2 sec 25	
No. 36 to art 2 sec 1(e) (added)	
No. 37 to art 23 sec 1	
No. 38 to art 4 sec 2(a) (added)	
No. 39 to art 2 sec 42 (added)	
No. 40 to art 11 sec 10	
No. 41 to art 4 sec 29 (added)	

**Amendments**

No. 42 to art	2 sec	33 (repealing art 2 sec 33 and Amendments 24 and 29)
No. 43 to art	9 sec	3
No. 44 to art	16 sec	5
No. 45 to art	8 sec	8 (added)
No. 46 to art	6 sec	1A (added)
No. 47 to art	7 sec	10
No. 48 to art	8 sec	3
No. 49 to art	29 sec	1 (added)
No. 50 to art	30 sec	1 (added)
No. 51 to art	8 sec	9 (added)
No. 52 to art	2 sec	15
	11 sec	6
<i>Also amends Amendments 13 and 32</i>		
No. 53 to art	7 sec	11 (added)
No. 54 to art	30 sec	1 (added)
No. 55 to art	7 sec	2
<i>Also amends Amendment 17</i>		
No. 56 to art	2 sec	24
No. 57 to art	11 sec	5
	11 sec	8
No. 58 to art	11 sec	16
<i>Also amends Amendment 23</i>		
No. 59 to art	7 sec	2
<i>Also amends Amendment 17</i>		
No. 60 to art	8 sec	1
	8 sec	3
<i>Also amends Amendment 48</i>		
No. 61 to art	31 sec	1 (added)
	31 sec	2 (added)

(2) In order of articles and sections affected:

Art 1	sec 11—Amendment	No. 4
	sec 11	No. 34
	sec 16	No. 9
	sec 22	No. 10
	sec 33—(added)	No. 8
	sec 34—(added)	No. 8
Art 2	sec 1—Amendment	No. 7
	sec 1(e)—(added)	No. 36
	sec 1A—(added)	No. 30
	sec 15	No. 13
	sec 15	No. 32
	sec 15	No. 52
	sec 23—(part rep.)	No. 20
	sec 24—Amendment	No. 56
	sec 25—Amendment	No. 35
	sec 25—(part rep.)	No. 54
	sec 31—(deleted)	No. 7
	sec 33	No. 24
	sec 33	No. 29
	sec 33—(repealed)	No. 42
	sec 40—(added)	No. 18
	sec 41—(added)	No. 26
	sec 42—(added)	No. 39
Art 3	sec 10—Amendment	No. 6
	sec 14	
	sec 16	
	sec 17	
	sec 19—Amendment	No. 20
	sec 20 (part rep.)	
	sec 21	
	sec 22	
	sec 25—Amendment	No. 31
	sec 25—(part rep.)	No. 54
Art 4	sec 2(a)—added	No. 38
	sec 3(a)—Amendment	No. 25
	sec 6	No. 28
	sec 10	No. 28
	sec 13—(part rep.)	No. 54
	sec 29—(added)	No. 41
	sec 30—(added)	No. 50
Art 6	sec 1—Amendment	No. 2
	sec 1	No. 5
	sec 1A—(added)	No. 46
	sec 2—(deleted)	No. 5

**Amendments**

Art 7	sec 1—Amendment	No. 14
	sec 2	
	sec 3—(deleted)	No. 14
	sec 4	
	sec 2—(original)	No. 3
	sec 2—(new)	No. 17
	sec 2—(new)	No. 55
	sec 2—(new)	No. 59
	sec 3—(new)	No. 19
	sec 10—(added)	No. 47
	sec 11—(added)	No. 53
Art 8	sec 1—(cited)	No. 51
	sec 1—Amendment	No. 60
	sec 3—Amendment	No. 48
	sec 3—(cited)	No. 51
	sec 3—Amendment	No. 60
	sec 4—Amendment	No. 11
	sec 5—(cited)	No. 49
	sec 6	No. 27
	sec 7—(cited)	No. 49
	sec 8—(added)	No. 45
	sec 9—(added)	No. 51
Art 9	sec 3—Amendment	No. 43
Art 11	sec 4—Amendment	No. 21
	sec 5	No. 12
	sec 5	No. 57
	sec 6—Amendment	No. 52
	sec 7—(repealed)	No. 22
	sec 8—(part rep.)	No. 54
	sec 8—(part rep.)	No. 57
	sec 10—Amendment	No. 40
	sec 16—(added)	No. 23
	sec 16—(added)	No. 58
Art 12	sec 9—(cited)	No. 49
	sec 11—Amendment	No. 16
Art 15	sec 1—Amendment	No. 15
Art 16	sec 5—Amendment	No. 1
	sec 5—Amendment	No. 44
Art 23	sec 1—Amendment	No. 37
Art 24	sec 1—Amendment	No. 33
Art 28	sec 1—(added)	No. 20
	sec 1—(part rep.)	No. 54
Art 29	sec 1—(added)	No. 49
Art 30	sec 1—(added)	No. 54
Art 31	sec 1—(added)	No. 61
	sec 2—(added)	No. 61

(3) Amendments amended or repealed:

Amendment 1	amended by Amendment 44
Amendment 2	amended by Amendment 5
Amendment 7	amended by Amendments 26, 30, and 36
Amendment 13	amended by Amendments 32 and 52
Amendment 17	amended by Amendments 55 and 59
Amendment 20 (part rep.)	by Amendment 54
Amendment 23	amended by Amendment 58
Amendment 24	repealed by Amendment 42
Amendment 29	repealed by Amendment 42
Amendment 31 (part rep.)	by Amendment 54
Amendment 32	amended by Amendment 52
Amendment 35 (part rep.)	by Amendment 54
Amendment 48	amended by Amendment 60

<b>Amount in controversy</b> —Appellate jurisdiction of supreme court, limited by	4	4
Original jurisdiction of superior court	4	6

<b>Annulment of marriage</b> —Appellate jurisdiction of supreme court	4	4
Original jurisdiction of superior court	4	6
(See Divorce.)		

<b>Appeal</b> —Appellate jurisdiction of superior court	4	6
Appellate jurisdiction of supreme court	4	4
Court of appeal, jurisdiction	4	30
Probate courts, appeal from to superior court	27	10

	Art.	Sec.
<b>Appeal—Cont.</b>		
Rights of accused in criminal cases (In criminal cases Amendment 10.)	1	22
<b>Appearance—</b> Appearance of accused in criminal cases. (Amendment 10.)	1	22
<b>Appellate jurisdiction—</b> Of court of appeals	4	30
Of superior court	4	6
	27	10
Of supreme court	4	4
<b>Appointment—</b> Of clerk of supreme court	4	22
Of regents of state institutions	13	1
Of reporter of supreme court	4	18
To fill vacancy in county etc., office	11	6
To fill vacancy in state office, by governor	3	13
Governmental continuity during emergency periods (Amendment 39)	2	42
To office under United States, vacates seat in legislature	2	14
<b>Apportionment—</b> Of legislators, when and how regulated	2	3
Of school fund (Amendment 43)	9	3
Of school fund, by special act, prohibited	2	28(7)
Of senators and representatives among counties of state	22	1,2
<b>Appropriation of private property—</b> For public or private use, prior compensation required	1	16
For right-of-way of corporations (See Eminent Domain.)	1	16
<b>Appropriations—</b> Capitol buildings, when may be made for	14	3
Common school fund, to (Amendment 43)	9	3
Expenses of constitutional convention	27	9
Money from state treasury can be paid out by	8	4
Necessity for appropriation by law to authorize payment out of treasury. (Amendment 11.)	8	4
Necessity for specification. (Amendment 11.)	8	4
Object of appropriation, necessity for specifying. (Amendment 11.)	8	4
Reference to other law in appropriation measure. (Amendment 11.)	8	4
Religious worship, prohibition against appropriation for. (Amendment 4.)	1	1
Revert, unless paid out within two years	8	4
Sum and object to be specified	8	4
Time for payment, limitation of. (Amendment 11.)	8	4
When act providing for, to take effect	2	31
<b>Area reserved—</b> Between harbor lines and line of high tide	15	1
Lease of, by state for wharves	15	2
Sale of, restrictions on	15	1
Streets over, authorized (See Harbors; Navigable Waters; Wharves.)	15	3
<b>Arms—</b> Private armed bodies prohibited	1	24
Right of people to bear arms guaranteed	1	24
Safekeeping of public arms to be provided	10	4
Scruples against bearing arms, excuses from militia duty in time of peace	10	6
<b>Army—</b> Standing, not to be kept in time of peace (See Militia.)	1	31
<b>Arrest—</b> Debtors privileged from, except	1	17
Electors privileged from at elections, except	6	5
Legislators, when privileged from	2	16
Militia, when privileged from	10	5
<b>Artificial light—</b> Powers of cities to contract for	8	6

	Art.	Sec.
<b>Assemblages of people—</b> Right of peaceable assembly not to be abridged	1	4
<b>Assessment—</b> Imposition by special act prohibited	2	28(5)
Jurisdiction of superior court, original	4	6
Jurisdiction of supreme court, appellate	4	4
Property of corporations, how assessed	7	3
Retired persons, property tax exemption. (Amendment 47.)	7	10
Special, for local improvements, authorized	7	9
Taxation based on special use. (Amendment 53.)	7	11
Uniform and equal rate of, to be established (See Taxation.)	7	2
<b>Assignment—</b> Of superior judges and judicial business	4	2(a)
	4	5
<b>Association—</b> Combination in restraint of trade prohibited	12	22
Included in term "corporation"	12	5
Issuance of money by, prohibited. (Amendment 16.)		
Organization authorized, for construction of telegraph and telephone lines	12	19
<b>Assumption—</b> Of territorial debts by state	26	3
<b>Attack—</b> (See Invasion and attack.)		
<b>Attainder—</b> Bills of, prohibited	1	23
<b>Attestation—</b> Of commissions, by secretary of state	3	15
<b>Attorney general—</b> Duties	3	3
Election of	3	1
Impeachment, liability to	5	2
Records of office, to be kept at seat of government	3	24
Removal from office for incompetency or corruption	4	9
Rights of accused	4	9
Salary	3	31
Succession to governorship. (Amendment 6.)	3	10
Term of office	3	3
<b>Attorneys at law—</b> Accused in criminal cases entitled to appear by counsel. (Amendment 10.)	1	22
Prosecuting attorney, duty of legislature to provide for election of. (Amendments 12, 57)	11	5
<b>Auditor—</b> Duties	3	20
Election of	3	1
Impeachment, liability to	5	2
Office may be abolished by legislature	3	25
Residence at seat of government required	3	24
Salary	3	20
Succession to governorship. (Amendment 6.)	3	10
Term of office	3	3
<b>Ayes and noes—</b> When to be taken and entered on journal—		
On amendments to Constitution proposed	23	1
On demand of one-sixth of members of either house	2	21
On emergency clauses	2	31
On final passage of bills	2	22
On removal of public officer by legislature	4	9
On senate's confirmation or rejection of governor's appointees	13	1
On suspension of the prohibition against introduction of bills (See Yeas and Nays.)	2	36
<b>Bail—</b> Allowable on sufficient sureties	1	20

	Art.	Sec.
<b>Bail—Cont.</b>		
Except in capital offenses, where guilt evident . . .	1	20
Excessive, not to be required . . . . .	1	14
<b>Ballot—Elections to be by . . . . .</b>	5	6
Form of, in voting for location of capital . . . . .	27	18
Form of, in voting for state Constitution and on separate articles . . . . .	27	18
Initiative measures, ballot submitting. (Amendment 7 (a).) . . . . .	2	1
Presidential, casting. (Amendment 46) . . . . .	6	1A
Secrecy of, provision to be made for . . . . .	6	6
Superior court judge, election for. (Amendment 41.) . . . . .	4	29
<b>Banking corporations—Stockholder liability (Amendment 16.) . . . . .</b>	12	11
Officers of, when liable for deposits . . . . .	12	12
<b>Banks—Liability of officers for deposits . . . . .</b>	12	12
Liability of stockholders. (Amendment 16.) . . . . .	12	11
<b>Beds and shores of navigable waters—Disclaimer of title by state where patented . . . . .</b>	17	2
Exception in cases of fraud . . . . .	17	2
Ownership of, asserted by state . . . . .	17	1
<b>Biennial—Sessions of legislature held biennially . . . . .</b>	2	12
Except may be specially convened . . . . .	2	12
Times of meeting may be changed by legislature . . . . .	2	12
<b>Bill—Amendment of, may be made by either house after passage by other . . . . .</b>	2	20
Either house may originate bills . . . . .	2	20
Final passage, requisites of . . . . .	2	22
Initiative measures. (See Initiative and Referendum.)		
Introduction of, limitation on time of . . . . .	2	36
Laws to be enacted by . . . . .	2	18
Passage by either house, requisite proceedings . . . . .	2	22
Passage by one house, subject to amendment in other . . . . .	2	20
Passage over governor's veto . . . . .	3	12
Presentation to governor for approval . . . . .	3	12
Governor may sign or veto . . . . .	3	12
Passage over veto . . . . .	3	12
When becomes law without approval . . . . .	3	12
Scope of, not to be changed by amendment . . . . .	2	38
Signature by presiding officers of both houses necessary . . . . .	2	32
Subject restricted to one object . . . . .	2	19
Subject to be expressed in title . . . . .	2	19
Time of taking effect . . . . .	2	31
Title of, to express subject . . . . .	2	19
Veto of, power of governor . . . . .	3	12
Initiative or referred measures. (Amendment 7.) . . . . .	2	1
Separate items or sections subject to . . . . .	3	12
Vote on, by interested legislators prohibited . . . . .	2	30
Vote on, how taken . . . . .	2	22
(See Acts; Laws.)		
<b>Bill of attainder—Enactment of, prohibited . . . . .</b>	1	23
<b>Boats—Jurisdiction of public offense committed on. (Amendment 10.) . . . . .</b>	1	22
<b>Bonds—Corporations can issue only for money, labor or property received . . . . .</b>	12	6
County and municipal corporations not to own bonds of private corporations . . . . .	8	7
Debt limitation . . . . .	8	1
Executed to territory to pass to state . . . . .	27	4
Investment of school funds in. (In bonds. Amendments 1 and 43.) . . . . .	9	3
State building authority, by. (Amendment 51.) . . . . .	16	5
Limitation . . . . .	8	9
. . . . .	8	1(g)

	Art.	Sec.
<b>Boundaries—Of county, change by division or enlargement . . . . .</b>	11	3
Change by special legislation . . . . .	2	28(18)
Of existing counties recognized . . . . .	11	1
Of state, defined. (Amendment 33.) . . . . .	24	1
<b>Bribery—Criminating evidence compulsory . . . . .</b>	2	30
Disqualifies for holding office . . . . .	2	30
Legislature to define and provide punishment for . . . . .	2	30
<b>Buildings, public—State building authority. (Amendment 51.) . . . . .</b>	8	9
<b>Bureau of statistics, agriculture and immigration—Legislature to provide for . . . . .</b>	2	34
<b>Bureau of vital statistics—To be established by legislature . . . . .</b>	20	1
<b>Canal companies—Common carriers, subject to legislative control . . . . .</b>	12	13
Discrimination in charges prohibited . . . . .	12	15
<b>Capital offenses—Bailable, when . . . . .</b>	1	20
(See Crime.)		
<b>Capital of state—(See Seat of government.)</b>		
<b>Capitol buildings—Appropriation for, only after permanent location . . . . .</b>	14	3
Exception as to repairs . . . . .	14	3
Not affected by change in government . . . . .	27	1
<b>Causes—Transfer of, from territorial to state courts (See Actions.)</b>	27	8,10
<b>Census—Apportionments of legislative members based on state and federal census . . . . .</b>	2	3
Enumeration to be made in decennial periods . . . . .	2	3
Exclusion of certain persons . . . . .	2	3
<b>Certiorari—Jurisdiction of superior court . . . . .</b>	4	6
Jurisdiction of supreme court . . . . .	4	4
<b>Cession of jurisdiction—Exclusive legislation over certain lands given to United States . . . . .</b>	25	1
Retention by state of jurisdiction for service of process . . . . .	25	1
<b>Change of name—Special legislation prohibited . . . . .</b>	2	28(1)
<b>Changing county lines—Special legislation prohibited . . . . .</b>	2	28(18)
Except on creation of new county . . . . .	2	28(18)
<b>Changing county seats—Special legislation prohibited . . . . .</b>	2	28(18)
<b>Chaplain—For state penitentiary and reformatories. (Amendments 4 and 34.) . . . . .</b>	1	11
<b>Charter—Corporate.</b>		
Creation by special legislation forbidden . . . . .	12	1
Extension of, by legislature prohibited . . . . .	12	3
Forfeiture of, not to be remitted . . . . .	12	3
Void for want of organization, when . . . . .	12	2
Municipal.		
Creation or amendment by special law, prohibited . . . . .	2	28(8)
Election for, how conducted . . . . .	11	10
Grant of, to be under general laws . . . . .	11	10
How amended . . . . .	11	10
Power of certain cities to frame . . . . .	11	10

	Art.	Sec.
<b>Charter—Cont.</b>		
Publication, prior to submission .....	11	10
Subject to general laws .....	11	10
Submission of alternate propositions .....	11	10
<b>Chief justice of supreme court—</b>		
Method of determining .....	4	3
Presides on trial of impeachments, when .....	5	1
<b>Children—</b> Adoption of, by special act, forbidden .....	2	28(16)
Duty of state to educate all .....	9	1
(See Minors.)		
<b>Citizens—</b> All entitled to equal privileges and immunities .....	1	12
Citizenship qualification for voters. (Amendment 2; Amendment 5.) .....	6	1
Voter qualifications, presidential elections. (Amendment 46.) .....	6	1A
<b>City—</b> Charter of.		
Alternative propositions, submission of .....	11	10
Amendment by special law prohibited .....	2	28(8)
Amendments of, how effected .....	11	10
Election of freeholders .....	11	10
Freeholder's charter, what cities may frame .....	11	10
Publication of election notices and of proposed charter .....	11	10
Submission of the charter proposed .....	11	10
Vote on, majority necessary to ratify .....	11	10
Combined city-county .....	11	16
Corporate stock or bonds, not to be owned by .....	8	7
Creation by special act prohibited .....	2	28(8)
Credit of, not to be loaned .....	8	7
Incorporation of, must be under general laws .....	11	10
Indebtedness, limitation on. (Amendment 27.) .....	8	6
Increase over limitation, vote necessary .....	8	6
Basis of limitation, last assessment for taxes .....	8	6
Debt limited to 5 percent of valuation .....	8	6
Restricted to purely public purposes .....	8	6
Increase for water, light and sewer purposes .....	8	6
Limitations based on 10 percent of valuation .....	8	6
Justice of peace in, legislature to prescribe powers, duties, jurisdiction and number .....	4	10
May act as police justice .....	4	10
Salary of, in cities of over 5,000 .....	4	10
Local improvements may be made by special assessment .....	7	9
Special taxation of property benefited .....	7	9
Officers of.		
Compensation increase. (Amendment 54.) .....	30	1
Must deposit public moneys with treasurer .....	11	15
Recall of officers. (See Recall.)		
Salary not to be changed during term .....	11	8
Term of office not to be extended .....	11	8
Use of public money by, a felony .....	11	14
Police and sanitary regulations to be enforced .....	11	11
Police justice, justice of peace may act as .....	4	10
Reincorporation under general laws permitted to cities under special charter .....	11	10
Taxation.		
Authorized to assess and collect general .....	7	9
Forty mill limitation. (Amendment 17.) .....	7	2
Local taxes not to be imposed by legislature .....	11	12
Power to assess and collect rests in city .....	11	12
Uniformity in respect to persons and property required .....	7	9
(See Municipal corporation; Municipal courts; Municipal fine.)		
<b>Civil actions—</b> Limitation of, by special act prohibited .....	2	28(17)
Number of jurors in .....	1	21
Number of jurors necessary for verdict .....	1	21
Parties may waive jury .....	1	21
(See Actions.)		

	Art.	Sec.
<b>Civil power—</b> Elections to be free from interference by .....	1	19
Governmental continuity during emergency periods. (Amendment 39.) .....	2	42
Military subordinate to .....	1	18
<b>Classification—</b> Of cities and towns in proportion to population .....	11	10
Of counties .....	11	5
(Compensation of officer, classification in fixing. Amendments 12, 57.) .....	11	5
(Duties of county officers, classification in fixing. Amendments 12, 57.) .....	11	5
Of judges of supreme court by lot .....	4	3
<b>Clerk—</b> Clerk of county, providing for election of. (Amendments 12, 57.) .....	11	5
Of superior court, county clerk is ex officio .....	4	26
Of supreme court, judges to appoint .....	4	22
Office may be made elective .....	4	22
Salary and term of office .....	4	22
<b>Collection of taxes—</b> Time not to be extended by special acts .....	2	28(5)
(See Taxation.)		
<b>Color—</b> No distinction on account of, in education .....	9	1
<b>Combinations—</b> By common carriers to share earnings, prohibited .....	12	14
To affect prices, production or transportation of commodities, prohibited .....	12	22
(See Monopolies.)		
<b>Combined city-county</b> .....	11	16
<b>Commander-in-chief—</b> Governor to be, when militia in state service .....	3	8
(See Militia.)		
<b>Comment on facts—</b> Judge not to make, in charging jury .....	4	16
<b>Commission—</b> To establish harbor lines .....	15	1
To regulate railroad and transportation lines .....	12	18
<b>Commissioner of public lands—</b> Duties of, to be prescribed by legislature .....	3	23
Election .....	3	1
Office may be abolished by legislature .....	3	25
Records of, to be kept at state capitol .....	3	24
Salary to be regulated by legislature .....	3	23
Succession to governorship. (Amendment 6.) .....	3	10
Term of office .....	3	3
<b>Commissions—</b> Attested by secretary of state .....	3	15
Signed by governor .....	3	15
<b>Common carriers—</b> Canal companies are .....	12	13
Combination between prohibited .....	12	14
Discrimination in charges or service prohibited .....	12	15
Maximum rate of charges, legislature may regulate .....	12	18
Railroad companies are .....	12	13
Regulation of, by commission, authorized .....	12	18
Subject to legislative control .....	12	13
Telegraph and telephone companies are .....	12	19
Transportation companies are .....	12	13
(See Canal, Railroad, Transportation, Telegraph and Telephone companies.)		
<b>Common school construction fund established.</b> (Amendment 43.) .....	9	3

	Art.	Sec.		Art.	Sec.
<b>Common school fund</b> —Enlargement of, legislature may provide .....	9	3	<b>Conscience, freedom of</b> —Guaranteed to every individual .....	1	11
Income from, to be applied to common schools ..	9	2	<b>Consent of governed</b> —Source of governmental powers .....	1	1
Interest to be expended for current expenses ....	9	3	<b>Consolidation</b> —On competing lines of railroad prohibited .....	12	16
Investment or loan. (Amendments 1 and 44.)			<b>Constitution</b> —Amendment, how effected .....	23	1
Losses occasioned by default, fraud, etc., to become permanent debt against state .....	9	5	Election for voting on, how conducted .....	27	15
Principal of, to remain irreducible .....	9	3	Form of ballot .....	27	18
Sources of, from what derived .....	9	3	Emergency, national, legislature's departure from Constitution, limited authority. (Amendment 39.) .....	2	42
(See School fund.)			Existing rights not affected .....	27	1
<b>Common schools</b> —General and uniform system to be established .....	9	2	In effect, when .....	27	16
Special legislation affecting, prohibited .....	2	28(15)	Mandatory .....	1	29
Superintendent of public instruction to supervise .	3	22	Revision .....	23	2
(See Education; Public schools.)			Submission to people .....	23	3
<b>Commutation of sentence</b> —Report by governor to legislature .....	3	11	United States, supreme law of land .....	1	2
With reasons for granting .....	3	11	(See Amendments to.)		
<b>Commutation of taxes</b> —Prohibition against state granting .....	11	9	<b>Contempt</b> —Each house may punish for .....	2	9
<b>Commutation tickets</b> —Carrier may grant, at special rates .....	12	15	<b>Contested elections</b> —(See Elections.)		
<b>Compact with United States</b> —Irrevocable without mutual consent .....	26	1-4	<b>Continuity of government</b> —During periods of emergency due to enemy attack. (Amendment 39) ...	2	42
<b>Compensation</b> —Appropriation of private property	1	16	<b>Contracts</b> —Affecting price, production or transportation, prohibited .....	12	22
Change of, during term of public officer (Amendments 20, 31, 35 and 54.) .....	2	25	Combination between common carriers prohibited .....	12	14
	3	25	Impairment of obligation prohibited .....	1	23
	11	8	State building authority, by. (Amendment 51.) ...	8	9
	28	1	<b>Convention</b> —To revise or amend Constitution ...	23	2
	30	1	<b>Conveyance</b> —Jurisdiction of public offense committed on public conveyance. (Amendment 10.)	1	22
Classification of counties in fixing compensation of officers. (Amendments 12, 57.) .....	11	5	Of lands to aliens invalid. (Amendments 24 and 29.) .....	2	33
County, township, precinct and district officers ..	11	5,8	(Repealed by Amendment 42.)		
Eminent domain, compensation for property taken in. (Amendment 9.)			<b>Conviction</b> —No corruption of blood nor forfeiture of estate .....	1	15
Extra, not to granted public officers. (Amendment 35.) .....	2	25	On impeachment, two-thirds senators must concur	5	1
For right-of-way for corporations .....	1	16	<b>Convict labor</b> —Contracts for, prohibited .....	2	29
Jury to ascertain compensation due .....	1	16	Working for benefit of state authorized .....	2	29
Judges of court of appeals. (Amendment 50.) ....	4	30	<b>Copartnerships</b> —Combination to affect price, production or transportation prohibited .....	12	22
Judges of supreme and superior courts .....	4	13,14	<b>Copies</b> —Right of accused to copy of accusation. (Amendment 10.) .....	1	22
Jury required for ascertainment of compensation in eminent domain. (Amendment 9.) .....	1	16	<b>Corporate powers</b> —Not to be granted by special act	2	28(6)
Justice of peace in cities of over 5,000 .....	4	10	<b>Corporate property</b> —Appropriation by eminent domain authorized .....	12	10
Member of legislature .....	2	23	Taxation of, power not to be surrendered .....	7	4
State officers .....	28	1	<b>Corporations</b> —Alien, when. (Amendments 24 and 29) .....	2	33
	30	1	(Repealed by Amendment 42.)		
Waiver of jury trial for ascertaining compensation in eminent domain. (Amendment 9.) .....	1	16	Appropriation of right-of-way .....	1	16
<b>Conditions</b> —On foreign corporations doing business .....	12	7	Compensation to be paid .....	1	16
<b>Confession in open court</b> —Effect in treason .....	1	27	Bonds, restriction on issuance .....	12	6
<b>Confronting witnesses</b> —Right of accused. (Amendment 10.) .....	1	22	Not to be owned by counties or cities .....	8	7
<b>Congress</b> —Exclusive power of legislature over lands of United States in state .....	25	1	Business, may be regulated by law .....	12	1
Subject to state's right to serve process .....	25	1	Charter, not to be extended .....	12	3
Indian lands under jurisdiction of .....	26	2			
Legislator elected to, vacates seat .....	2	14			
Member of, ineligible to legislature .....	2	14			
Representatives in, election of .....	27	13			
<b>Congressional districts</b> —Division of state into ...	27	13			

	Art.	Sec.
<b>Corporations—Cont.</b>		
Invalid, if unorganized when Constitution adopted	12	2
Combinations affecting price, production, or transportation prohibited	12	22
Creation by special act prohibited	2	28(6)
Debts, relief by special act prohibited	2	28(10)
Eminent domain, property subject to	12	10
Equal privileges and immunities	1	12
Foreign, not to be favored	12	7
Forfeiture of franchise for unlawful combinations	12	22
Not to be remitted	12	3
Formation, by general and not by special laws	12	1
Franchise maybe forfeited	12	22
Alienation or lease not to relieve liability	12	8
Laws relating to may be amended or repealed	12	1
Legislative control	12	1
Liability for receipt of bank deposits after insolvency	12	12
Not relieved by alienation or lease of franchise	12	8
Loan of school funds to prohibited	16	5
Money, issuance prohibited	12	11
Monopolies and trusts forbidden	12	22
State building authority. (Amendment 51.)	8	9
State not to subscribe to nor own stock	12	9
Not to surrender power to tax	7	4
Stockholders, ordinary liability	12	4
Liability in banking, insurance and joint stock companies	12	11
May be joined as parties defendant	12	4
Stock not to be owned by counties or cities	7	7
Increase, consent and notice necessary	12	6
Restrictions on issuance	12	6
Sue and be sued, right and liability	12	5
Taxation of property, method of	7	3
Telephone and telegraph lines, organization to construct	12	19
Term includes associations and joint stock companies (See Franchise.)	12	5
<b>Corrupt solicitation—Compulsory testimony in cases of</b>	2	30
Disqualification for holding office	2	30
Punishment to be provided by legislature	2	30
<b>Corruption in office—Judges, attorney general and prosecuting attorneys removable by legislature</b>	4	9
<b>Corruption of blood—Conviction not to work</b>	1	15
<b>County—Allotment of representatives among</b>	22	2
Of senators	22	1
Assignment of superior court judges	4	2(a)
	4	5
Classification	11	5
Combined city and county. (Amendments 23, 58.)	11	16
Corporate bonds or stocks not to be owned	8	7
County seat removal	11	2
Not to be changed by special act	2	28(18)
Credit not to be loaned	8	7
Debts, apportionment on division or enlargement	11	3
Limit of	8	6
Power to contract	8	6
Private property not to be taken in satisfaction of	11	13
Division, how effected	11	3
Majority of voters necessary to reduce territory	11	3
Existing to be legal subdivision of state	11	1
Government, legislature to provide system	11	4
Indebtedness, limit of. (Amendment 27.)	8	6
Additional, assent of voters necessary	8	6
Assessment as basis of, how ascertained	8	6
Restriction as to purpose	8	6
Lines, not to be changed by special act	2	28(18)
Location of county seat not to be changed by special act	2	28(18)
Moneys to be deposited with treasurer	11	15

	Art.	Sec.
<b>County—Cont.</b>		
Use of, by official, a felony	11	14
New county, formation by special act allowed	2	28(18)
Restrictions on	11	3
Officers, election, duties, terms, compensation	11	5
	30	1
Recall of officers. (See Recall.)		
Police and sanitary regulations, power to enforce	11	11
School funds may be invested in bonds of	16	5
Seal	27	9
Stock or bonds of corporation not to be owned	8	7
Taxation, power to assess and collect	11	12
Exemption of county property from taxation. (Amendment 14.)	7	1
Taxes, liability for proportionate share of state	11	9
Local, legislature not to impose	11	12
One percent limitation. (Amendment 55.)	7	2
Township organization in	11	4
<b>County attorney—(See Prosecuting attorney.)</b>		
<b>County clerk—Accountability</b>	11	5
Clerk of superior court, ex officio	4	26
Duties, term and salary, legislature to provide	11	5
Election to be provided for	11	5
Duty of legislature to provide for election of. (Amendments 12, 57.)	11	5
First under Constitution, time of	27	7
<b>County commissioners—Election and compensation, legislature to provide. (Election of. Amendments 12, 57.)</b>	11	5
Vacancies in legislature, partisan county elective office, how filled. (Amendment 52.)	2	15
Vacancies in township, precinct and road district offices filled by. (See Amendment 52.)	11	6
<b>County indebtedness—Apportionment, when county divided or enlarged</b>	11	3
Rights of creditors not affected	11	3
Increase permitted for water, light and sewers	8	6
Limit of	8	6
Private property not to be taken in satisfaction of	11	13
<b>County lines—Change by special act prohibited</b>	2	28(18)
<b>County officers—Accountability for fees</b>	11	5
Bonds unaffected by change in government	27	14
Compensation to be regulated. (Amendments 12, 57.)	11	5
Classification of counties for purpose of fixing compensation. (Amendments 12, 57.)	11	5
Increase during term. (Amendment 54.)	30	1
Power of legislature to regulate. (Amendments 12, 57.)	11	5
Duties and term to be prescribed. (Amendments 12, 57.)	11	5
Power of legislature to prescribe duties. (Amendments 12, 57.)		
Election, legislature to provide for. (Amendments 12, 57.)	11	5
Biennial	6	8
Duty of legislature to provide for the election. (Amendments 12, 57.)		
Time of	6	8
Eligibility restricted to two terms in succession	11	7
Fees, accountability for	11	5
Use of, a felony	11	14
Partisan elective, vacancies, how filled. (Amendment 52.)	2	15
Public money, use of, felonious	11	14
Recall of. (Amendment 8.)	1	33,34
Salaries	11	5,8
Succession of duties, in national emergency, temporary, legislature. (Amendment 39.)	2	42
Term of office not to be extended	11	8

<b>County officers—Cont.</b>	<b>Art.</b>	<b>Sec.</b>
Term, power of legislature to prescribe. (Amendments 12, 57.)	11	5
Territorial, how long to hold office	27	14
Vacancies, how filled	11	6
Vacancies, partisan elective offices. (Amendment 32.)	2	15
<b>County seat—Change or location by special act prohibited</b>	2	28(18)
Continuity of government, enemy attack. (Amendment 39.)	2	42
Removal, proceedings for	11	2
Proposal for, only once in four years	11	2
Three-fifths vote necessary	11	2
<b>County treasurer—Election, compensation, duties and accountability, legislature to provide.</b>	11	5
Duty of legislature to provide for election. (Amendments 12, 57.)		
<b>Court commissioners—Appointment and powers</b>	4	23
<b>Court of appeals—Administration and procedure</b>	4	30
Authorized	4	30
Conflicts	4	30
Judges	4	30
Jurisdiction	4	30
Review of superior court	4	30
<b>Courts—Inferior, legislature to provide</b>	4	1
Jurisdiction to be prescribed	4	12
Judicial power vested in specified courts	4	1
Officers to be salaried, exceptions	4	13
Of record, what are	4	11
Judges not to practice law	4	19
(See District courts; Inferior courts; Justice of Peace; Municipal courts; Probate courts; Superior court; Supreme court.)		
Temporary performance of judicial duties (Amendment 38.)	4	2(a)
<b>Credit—Of county or municipal corporations not to be given or loaned</b>	8	7
Of state not to be given or loaned	8	5
	12	9
Port district promotional activities. (Amendment 45.)	8	8
State building authority. (Amendment 51.)	8	9
<b>Crimes—Accused not required to criminate self</b>	1	9
Rights of	1	22
Conviction shall not work corruption of blood	1	15
Cruel punishment prohibited	1	14
Ex post facto laws not to be passed	1	23
Persons charged with to be bailable	1	20
Prosecution may be by information	1	25
In name of state	4	27
<b>Criminal actions—Advance payment of money or fees, prohibition against requirement of accused for. (Amendment 10.)</b>	1	22
Appeal, right of accused. (Amendment 10.)	1	22
Appearance by accused in person or counsel. (Amendment 10.)	1	22
Evidence, accused not required to criminate self	1	9
Jurisdiction, appellate or supreme court	4	4
Original of superior court	4	6
Public conveyance, jurisdiction of public offense committed on. (Amendment 10.)	1	22
Limitation by special act prohibited	2	28(17)
Process style of	4	27
Prosecution by information allowed	1	25
In name of state	4	27
On change from territorial to state government	27	5
Rights of accused. (Amendment 10.)	1	22

<b>Criminal actions—Cont.</b>	<b>Art.</b>	<b>Sec.</b>
Appearance, defense, and appeal. (Amendment 10.)	1	22
Compelling attendance of witnesses. (Amendment 10.)	1	22
Confronting witnesses. (Amendment 10.)	1	22
Copy of accusation, right of accused to. (Amendment 10.)	1	22
Jury trial. (Amendment 10.)	1	22
Nature of accusation, right of accused to be advised of. (Amendment 10.)	1	22
<b>Cruel punishment—Not to be inflicted</b>	1	14
<b>Damage—To private property for public or private use to be compensated</b>	1	16
<b>Dangerous employments—Protection to persons engaged in</b>	2	35
<b>Death—Succession to office upon death of governor. (Amendment 6.)</b>	3	10
<b>Debate—Members of legislature not liable for words spoken.</b>	2	17
<b>Debts—Corporate, fictitious increase void</b>	12	6
Liability of stockholders	12	4,11
(Amendment 16.)	12	11
Due territory to inure to state	27	3
Imprisonment for, not allowed	1	17
Absconding debtors excepted	1	17
Municipal corporations, limitation on	8	6
Extinguishment by special act forbidden	2	28(10)
State building authority. (Amendment 51.)	8	9
Limitation	8	1(g)
State, power to contract. (Amendment 48.)	8	1
	8	2
	8	3
In case of invasion, insurrection, etc	8	2
Limitation on power. (Amendment 48.)	8	1
	8	3
Release by special act forbidden	2	28(10)
Territorial, assumed by state	26	3
(See City; County indebtedness; Indebtedness of corporations; State indebtedness.)		
<b>Decisions—Superior court judge, within what time</b>	4	20
Supreme court, in writing and grounds stated	4	2
Publication, free to anyone	4	21
Reporter for, appointment	4	18
Temporary performance of judicial duties (Amendment 38.)	4	2(a)
<b>Declaration of rights—Statement in Constitution</b>	1	1-32
<b>Deeds—Cannot be validated by special law</b>	2	28(9)
<b>Defects and omissions in law—Report to governor by supreme judges</b>	4	25
To supreme by superior judges	4	25
<b>Defense—Rights of accused in criminal actions</b>	1	22
Of officer removed on charges	4	9
<b>Deficits in revenue—State may contract debts to meet</b>	8	1
Tax may be levied to pay	7	8
<b>Delinquency in office—(See Corruption in office.)</b>		
<b>Deposits—Bank officers liable for, when</b>	12	12
Public moneys with treasurer required	11	15

Index to State Constitution

Index

	Art.	Sec.
<b>Depot</b> —Jurisdiction of public offense committed at. (Amendment 10.)	1	22
<b>Disability</b> —Property of person under, cannot be affected by special laws	2	28(11)
<b>Disapproval of bills</b> —By governor	3	12
Initiative measure. (Amendment 7.)	2	1
<b>Discipline</b> —Of state militia, legislature to prescribe	10	2
<b>Disclaimer</b> —State's title to patented lands	17	2
Unappropriated public and Indian lands	26	2
<b>Discrimination</b> —Common carrier prohibited	12	15
		18
		19
Education to be provided all children	9	1
Railroad prohibited from favoring one express company	12	21
Favoring one telegraph company prohibited	12	19
Telegraph and telephone companies in handling messages prohibited	12	19
<b>Disorderly behavior</b> —Each house may punish for	2	9
<b>Disqualification</b> —On conviction for bribery	2	30
On impeachment	5	2
<b>District court</b> —Duty of clerk in transmitting papers to county clerk	27	8
Exists until superseded by superior court	27	8
Records in actions to be transferred to superior court	27	8
<b>District officers</b> —Duties, term, compensation, legislature to prescribe	11	5
Election, legislature to provide for	11	5
Biennial	6	8
Duty of legislature to provide for election. (Amendments 12, 57.)	11	5
Time of	6	8
Recall of. (Amendment 8.)	1	33,34
Road district, vacancy	11	6
Territorial, to hold office until when	27	14
Official bonds unaffected by change in government	27	14
<b>Ditches</b> —Taking of private property for private use. (Amendment 9.)	1	16
<b>Divorce</b> —Jurisdiction of superior court	4	6
Legislature not to grant	2	24
(See Annulment of marriage.)		
<b>Docks</b> —Legislature may authorize lease of harbor areas	15	2
Limit of term of lease	15	2
(See Area reserved; Harbors.)		
<b>Drains</b> —Taking of private property for private use in. (Amendment 9.)	1	16
<b>Drugs and medicines</b> —Legislature to regulate sale	20	2
<b>Due process of law</b> —Life, liberty, property not to be taken without	1	3
<b>Earnings</b> —Combinations by common carriers to share, prohibited	12	14
<b>Education</b> —No distinction on account of race, color or sex	9	1

	Art.	Sec.
<b>Education—Cont.</b>		
Provision for, to be made by state	9	1
Sale of lands for purposes of	9	3
(See Common schools; Public schools.)		
<b>Elections</b> —Ballot required, form	6	6
Biennial	6	8
Constitution, amendment of, submission to vote (Amendment 37.)	23	1
Calling convention to revise	23	2
Revision, submission of instrument	23	3
Vote on adoption of first, under territorial laws	27	15
Contest for office of superior judge (first election)	27	12
Criminals, insane persons, idiots excluded from elective franchise	6	3
Electors. (See Electors.)		
First election according to territorial laws	27	15
Of representative to congress	27	13
Free, equal and undisturbed	1	19
Freeholders to frame city charter	11	10
Initiative measures. (See Initiative and referendum.)		
Judges of court of appeals	4	30
Judges of supreme court	4	3
Of superior court	4	5
Of superior court. (Amendment 41.)	4	29
Legislative, to be viva voce	2	27
Legislature, each house judge of its own	2	8
Biennial	2	5
Representatives	2	5
Senators	2	6
Military interference prohibited	1	19
Officers not regulated by Constitution, legislature to provide for	27	11
Under Constitution, time of first	27	7
Presidential elections, voter's residence. (Amendment 46.)	6	1A
Privilege of voters from arrest	6	5
Qualifications of voters. (See Voters.)		
Recall of officers. (See Recall.)		
Referendum. (See Initiative and referendum.)		
Registration law to be enacted	6	7
School, women may be accorded franchise	6	2
(Superseded, Amendment 5.)		
Seat of government, determination	14	1
Secrecy of ballot required	6	6
State officers, time and place	3	1
Certificates of election to be given	3	4
Contests, legislature to decide	3	4
Equal vote, legislature to choose	3	4
Returns to secretary of state	3	4
Declaration of result	3	4
Supreme court judges	4	3
Superior court judges. (Amendment 41.)	4	5
	4	29
Time of, for state, county and district officers	4	8
Vacancy in office of governor, election to fill. (Amendment 6.)	3	10
(See Vote; Voter.)		
<b>Elective franchise</b> —Denial on account of sex prohibited in school elections	6	2
Women as qualified voters generally. (See Voters.)		
Idiots, insane persons and convicted felons excluded from	6	3
(See Elections; Electors; Voter.)		
Presidential elections, voter's residence. (Amendment 41.)	4	29
<b>Electors</b> —Exempt from military duty, when	6	5
Privilege from arrest	6	5
Qualifications of voters. (See Voter.)		
Residence not lost in certain cases	6	4
Secrecy in voting, legislature to secure	6	6

	Art.	Sec.		Art.	Sec.
<b>Eligibility</b> —Judges of supreme and superior courts, qualifications .....	4	17	<b>Evidence</b> —Cont.		
Ineligible to other than judicial offices .....	4	15	Except in bribery cases .....	2	30
<b>Members of legislature</b> , qualifications .....	2	7	Treason, what necessary for conviction .....	1	27
Ineligible to offices created by them .....	2	13	(See Testimony.)		
<b>State officers</b> , qualifications .....	3	25	<b>Excessive bail and fines</b> —Not to be imposed .....	1	14
<b>Voters.</b> (See Elections; Voter.)			<b>Exclusive legislation</b> —Congress has over certain lands of United States .....	25	1
<b>Emergency clause</b> —Act non-referrable .....	2	1(b)	Over unallotted Indian lands .....	26	2
Prior article .....	2	31	Subject to state's right to serve process .....	25	1
<b>Emergency, National</b> —(See Invasion and attack)			<b>Exclusive privileges</b> —Invalid, when .....	12	2
<b>Eminent domain</b> —Compensation to be first made in taking or damaging property .....	1	16	Prohibited .....	1	12
For rights-of-way taken by corporation .....	1	16	<b>Excursion and commutation tickets</b> —Carrier may grant special rates .....	12	15
Requirement for payments of. (Amendment 9.) .....	1	16	<b>Execution</b> —Private property not to be taken for public debt .....	11	13
Corporate property and franchises subject to .....	12	10	Rolling stock of railroad liable .....	12	17
Ditches, taking of private property for private use in constructing. (Amendment 9.) .....	1	16	<b>Executive department</b> —Consists of certain officers .....	3	1
Drains, taking of private property for private use in. (Amendment 9.) .....	1	16	Election of officers of .....	3	1
Flume, taking of private property for private use in construction of. (Amendment 9.) .....	1	16	Records of to be kept by secretary of state .....	3	17
Judicial questions, use for which property taken as. (Amendment 9.) .....	1	16	<b>Executive power</b> —Supreme, vested in governor. (See Governor.) .....	3	2
Jury, requirement for ascertainment of compensation by. (Amendment 9.) .....	1	16	<b>Exemptions</b> —Homestead, from forced sale .....	19	1
Private use, taking of property for. (Amendment 9.) .....	1	16	Military duty, to whom .....	10	6
Reclamation of land, public use in taking for. (Amendment 9.) .....	1	16	Taxation, what property free from .....	7	2
Rights-of-way to be compensated for .....	1	16	Indian lands exempt, when .....	26	2
Settlement of land, public use in taking property for (Amendment 9.) .....	1	16	Lands and property of United States .....	26	2
Telegraph and telephone companies granted right .....	12	19	Personal property of heads of families. (Amendment 3; Amendment 14.) .....	7	1
Waiver of jury trial for ascertaining compensation. (Amendment 9.) .....	1	16	Retired persons. (Amendment 47.) .....	7	10
Ways of necessity, taking of private property for private use in. (Amendment 9.) .....	1	16	<b>Existing rights</b> —Change in government not to affect .....	27	1
<b>Emoluments, privileges and powers</b> —Hereditary, prohibited .....	1	28	<b>Expenses</b> —Constitutional convention to be provided for .....	27	19
<b>Employments dangerous to life</b> —Legislature to protect persons in .....	2	35	State may contract debts to meet .....	8	1
<b>Enacting clause</b> —Of statutes, terms of .....	2	18	<b>Ex post facto law</b> —Passage prohibited .....	1	23
Initiated acts. (Amendment 7.) .....	2	1	<b>Express companies</b> —Railroads to grant equal terms to all .....	12	21
<b>Enemy attack, emergency due to</b> —(See Invasion and attack)			<b>Expulsion of members</b> —Powers of each house .....	2	9
<b>English language</b> —Qualification of voter based on knowledge of. (Amendments 2 and 5.) .....	6	1	Restrictions on .....	2	9
<b>Enumeration of inhabitants</b> —Basis of apportionment for legislature .....	2	3	<b>Extension of time for collection of taxes</b> —Special legislation prohibited .....	2	28(5)
Time of taking .....	2	3	<b>Extinguishment of debts</b> —Special legislation prohibited .....	2	28(10)
Who excepted from .....	2	3	<b>Extra compensation</b> —Prohibited to public officers, etc. (Amendment 35.) .....	2	25
<b>Enumeration of rights</b> —Not to deny others reserved .....	1	30	<b>Extra session</b> —Legislature, when to be convened .....	3	7
<b>Equal rights</b> .....	31	1,2	<b>Factories</b> —Employees to be protected .....	2	35
<b>Equal suffrage</b> .....	6	1	<b>Fares and freights</b> —(See Railroads.)		
<b>Equity</b> —Appellate jurisdiction of supreme court .....	4	4	<b>Farms</b> —Taxation based on actual use .....	7	11
Original jurisdiction of superior court .....	4	6	<b>Federal officers</b> —Not eligible to legislature, except .....	2	14
<b>Evidence</b> —Contested election for superior judge (first election), manner of taking .....	27	12	<b>Fees</b> —Accountability of county and local officers .....	11	5
Criminating, person not compelled to give against himself .....	1	9	Accountability for fees. (Amendments 12, 57.)		

	Art.	Sec.
<b>Fees—Cont.</b>		
Accused in criminal cases as required to advance. (Amendment 10.)	1	22
Certain used exclusively for highway purposes. (See Amendment 18)	2	40
Judicial officers prohibited from receiving	4	13
Justices of the peace not to receive	4	10
<b>Felony—Original jurisdiction of superior court</b>	4	6
Use of public money by officer	11	14
<b>Ferries—Authorization by special legislation forbidden</b>	2	28(3)
<b>Fictitious issue—Of stock or indebtedness void</b>	12	6
<b>Fines—Accrued to territory inure to state</b>	27	3
Excessive, not to be imposed	1	14
Governor has power to remit	3	2
To report remissions to legislature	3	2
Remission by special act prohibited	2	28(14)
<b>Fiscal statement—Annual publication required</b>	7	7
<b>Flumes—Taking of private property for use in construction of. (Amendment 9.)</b>	1	16
<b>Forcible entry and detainer—Appellate jurisdiction of supreme court</b>	4	4
Original jurisdiction of superior court	4	6
<b>Foreign corporations—Not to be favored</b>	12	7
<b>Forfeiture—Accrued to territory inures to state</b>	27	3
Corporate charter or franchise, no remission	12	3
Estate, conviction not to work	1	15
Franchise, for combination in restraint of trade	12	22
Governor has power to remit	3	2
Must report to legislature	3	2
Judicial office, absence causes	4	8
Remission by special act prohibited	2	28(14)
<b>Forts, dockyards, etc.—Congress to have exclusive control</b>	25	1
<b>Forty mill limitation—(Amendment 17.)</b>	7	2
<b>Franchise—Corporate, creation by special act forbidden</b>	12	1
Alienation or lease not to relieve liability	12	8
Extension by legislature prohibited	12	3
For unlawful combinations	12	22
Forfeiture not to be remitted	12	3
Invalid, if unorganized	12	2
Irrevocable grant prohibited	1	8
Liability not relieved by lease, etc.	12	8
Subject to eminent domain	12	10
Taxation, state not to surrender	7	4
(See Corporations; Elections.)		
<b>Freedom of conscience—Guaranteed to every individual matters of religious beliefs. (Amendment 4.)</b>	1	11
<b>Freedom of speech and press—Guaranteed to every person</b>	1	5
Legislators not liable for words in debate	2	17
<b>Free passes—Grant of, to state officers prohibited</b>	12	20
Public officers forbidden to accept	2	39
<b>Freight rates—Regulation by legislature authorized</b>	12	18
<b>Fundamental principles—Frequent recurrence to, essential</b>	1	32

	Art.	Sec.
<b>Funds—(See Appropriations; Common school construction fund; Common school fund; Public money; School fund.)</b>		
<b>Government—Change of, completion of pending actions</b>	27	5,8
Continuance of existing laws and rights	27	1,2
Emergency, national, continuance of government, legislative power. (Amendment 39.)	2	42
Perpetuity of, what essential	1	32
Purposes of	1	1
Source of powers	1	1
<b>Governor—Appointment of regents, etc., of state institutions</b>	13	1
Approval of laws	3	12
Assignment of superior judge to other county	4	5,7
Attorney general, succession to governorship. (Amendment 6.)	3	10
Auditor, succession to governorship. (Amendment 6.)	3	10
Commander-in-chief of state militia	3	8
Commissioner of public lands, succession to governorship. (Amendment 6.)	3	10
Commissions issued by state, signed by	3	15
Election of	3	1
Election to fill vacancy in office. (Amendment 6.)		
Execution of laws	3	5
Extension of leave of absence of judicial officer	4	8
Extra session of legislature may convene	3	7
Failure of person regularly elected to qualify, succession on. (Amendment 6.)	3	10
Impeachment	5	2
Information in writing may be required from state officers	3	5
Laws, may call militia to execute	10	2
Lieutenant governor, succession of to office. (Amendment 6.)	3	10
Messages to legislature	3	6
Militia officers commissioned by	10	2
Pardoning power vested in	3	9
Report to legislature of pardons, etc., granted	3	11
Restrictions prescribed by law	3	9
Records kept at seat of government	3	24
Remission of fines and forfeitures	3	11
Report to legislature with reasons	3	11
Removal or disability, who to act	3	10
Successor as holding office pending removal of disability. (Amendment 6.)		
Residence at seat of government	3	24
Salary	3	14
Secretary of state as succeeding to office. (Amendment 6.)	3	10
Succession in case of vacancy. (Amendment 6.)	3	10
Superintendent of public instruction, succession to governorship. (Amendment 6.)	3	10
Supreme executive power vested in	3	2
Term of office	3	2
Treasurer, succession to governorship. (Amendment 6.)		
Vacancies in office filled by	3	13
In legislature, filled by, when. (Amendment 52.)	2	15
In superior court, filled by	4	5
In supreme court, filled by	4	3
Vacancy in office of. (Amendment 6.)	3	10
Succession, enemy attack. (Amendment 39.)	2	42
Veto and return of bill with objections	3	12
Measures initiated by or referred to the people. (Amendment 7 (d).)	2	1(d)
Of one or more items or sections	3	12
<b>Grand jury—Summoned only on order of superior court</b>	1	26

	Art.	Sec.
<b>Granted lands</b> —Sale of for educational purposes (See Lands; Public lands.)	16	1-4
<b>Habeas corpus</b> —Judges of supreme court may issue	4	4
Jurisdiction, original and appellate of supreme court	4	4
Original, of superior court	4	6
Suspension of writ prohibited, except	1	13
Writs, issuance and service on non-judicial days	4	6
Returnable before whom	4	4
<b>Harbors</b> —Area to be reserved for landings, etc.	15	1
Commission to establish harbor lines	15	1
Restrictions on sale by state of lands or rights (See Area reserved; Wharves.)	15	1
<b>Head of family</b> —Power of legislature to exempt from taxation. (Amendments 3 and 14.)	7	1
<b>Health</b> —(See Public health.)		
<b>Heir at law</b> —Not to be determined by special law	2	28(1)
<b>High crimes or misdemeanors</b>	5	2
<b>High schools</b> —Included in public school system	9	2
<b>Highways</b> —Opening or altering by special legislation prohibited, except state and military roads (See State roads; Streets and roads.)	2	28(2)
<b>Holiday</b> —(See Legal holidays.)		
<b>Home</b> —Privacy of, guaranteed	1	7
Soldiers not to be quartered in	1	31
<b>Homestead</b> —Exemption from forced sale	19	1
<b>House of representatives</b> —Elections, biennial after 1890	2	5
Legislative authority vested in. (Amendment 7.)	2	1
Members, how and when chosen	2	4
Number of representatives	2	2
Powers, legislative vested in	2	1
Impeachment, sole power vested in	5	1
Majority necessary to order	5	1
Quorum of house	2	8
Reapportionment after each census, state or national	2	3
Vacancy, how filled. (Amendment 52.) (See Legislature; Representatives.)	2	15
<b>Idiots</b> —Excluded from elective franchise	6	3
<b>Immigration</b> —Bureau of, provision for establishment	2	34
<b>Immunities</b> —Electors privileged from arrest	6	5
Equal to all citizens and corporations	1	12
Imprisonment for debt prohibited	1	17
Irrevocable grant of, prohibited	1	8
Loss or damage to property prohibited without just compensation	1	16
Members of legislature privileged from arrest	2	16
Privileged from service of civil process	2	16
Militia privileged from arrest at muster	10	5
Soldiers not to be quartered in homes	1	31
Special grant of, prohibited	1	12
Twice in jeopardy, accused not to be put	1	9
<b>Impeachment</b> —House of representatives has sole power	5	1
Officers liable to	5	2

	Art.	Sec.
<b>Impeachment—Cont.</b>		
Judgment effects removal and disqualification for office	5	2
Liability to criminal prosecution (See Recall.)	5	2
Trial by senate	5	1
Chief justice presides, when	5	1
<b>Imposts</b> —Appellate jurisdiction of supreme court	4	4
Original jurisdiction of superior court	4	6
<b>Imprisonment for debt</b> —Prohibited, except in case of absconding debtors	1	17
<b>Incompetency in office</b> —Officers removable by legislature	4	8
Rights of accused to be heard	4	9
Three-fourths of each house to concur	4	9
<b>Indebtedness of corporations</b> —Fictitious increase void	12	6
Liability of stockholders	12	4
Double, in bank, insurance and joint stock companies. (Amendment 16.)	12	11
Relief from, by lease or alienation of franchise prohibited	12	8
By special legislation prohibited (See Corporations.)	2	28(10)
<b>Indian lands</b> —Disclaimed by state of title	26	2
Subject to jurisdiction of United States	26	2
Taxation of, when state may impose	26	2
Exemption from	26	2
<b>Indians</b> —Exempt from taxation, when	26	2
Excluded from enumeration of inhabitants	2	3
Not taxed, not allowed elective franchise	6	1
As qualified voters. (Amendments 2 and 5.)	6	1
<b>Indictment</b> —Prosecutions of offenses by	1	25
Right of accused to copy of. (Amendment 10.)		
<b>Individual rights</b> —Government to protect and maintain	1	1
Secured by recurrence to fundamental principles	1	32
<b>Individual security</b> —Private affairs not to be disturbed	1	7
<b>Industrial development</b> —Port districts. (Amendment 45.)	8	8
<b>Infants</b> —(See Children; Minors.)		
<b>Inferior courts</b> —Appeal lies to superior court	4	6
Jurisdiction and powers, legislature to prescribe	4	10
Legislature to provide	4	12
<b>Information</b> —Offenses may be prosecuted by	1	25
<b>Initiative and referendum</b> —Amendment of acts approved by the people. (Amendments 7 (c) and 26.)	2	1(c)
Amendment of measure submitted to legislature. (Amendment 7 (a).)	2	41
Ballot where conflicting measures are submitted to the people. (Amendment 7 (a).)	2	1(a)
Basis for ascertaining number of voters required on petition. (Amendments 7 (d) and 30.)	2	1(d)
Change or amendment of initiative measure, prohibition against. (Amendment 7 (a).)	2	1A
Conflicting measures, method of submitting to popular election. (Amendment 7 (a).)	2	1(a)

Initiative and referendum—Cont.	Art.	Sec.
Effective date of acts or bills subject to referendum. (Amendment 7 (c); Amendment 26) .....	2	1(c) 41
Effective date of measure after approval on submission to the people. (Amendment 7 (d).) ...	2	1(d)
Election at which proposed measure is submitted to voter. (Amendment 7 (a).) .....	2	1(a)
Election for amendment or repeal of bills approved by electors. (Amendment 7 (c); Amendment 26)	2	1(c) 41
Exceptions from power of referendum. (Amendment 7 (b).) .....	2	1(b)
Extent of power of referendum. (Amendment 7 (b).) .....	2	1(b)
Filing petition. (Amendment 7 (a).) .....	2	1(a)
General laws as governing secretary of state in submitting measures to the people. (Amendment 7 (d).) .....	2	1(d)
Health of public, exception from power of referendum of bills affecting. (Amendment 7 (b).) ...	2	1(b)
Legislature, referendum through action of. (Amendment 7 (b).) .....	2	1(b)
Legislature, transmitting petition to. (Amendment 7 (a).) .....	2	1(a)
Lotteries, sixty percent vote required .....	2	24
Majority vote as required for approval of measure submitted. (Amendment 7 (d).) .....	2	1(d)
Member of legislature as retaining right to introduce measure. (Amendment 7 (d).) .....	2	1(d)
Number of legal voters required to propose measure by petition. (Amendments 7 (a); superseded by Amendment 30.) .....	2	1(a) 1A
Number of voters on referendum petition. (Amendments 7 (b); superseded by Amendment 30.) .....	2	1(b) 1A
Number of votes required to approve measure. (Amendment 7 (d).) .....	2	1(d)
Part of bill, effect of filing referendum petition against. (Amendment 7 (d).) .....	2	1(d)
Percent of voters required on referendum petition. (Amendments 7 (b), (d) and 30.) .....	2	1(b) 1(d) 1A
Percentage of legal voters required to propose measures by petition. (Amendments 7 (a), (d) and 30.) .....	2	1(a) 1(d) 1A
Petition, referendum on. (Amendments 7 (b), (d), 30.) .....	2	1(b) 1(d) 1A
Petition to propose measures. (Amendments 7 (a), (d), 30.) .....	2	1(a) 1(d) 1A
Precedence of initiative measures over other bills. (Amendment 7 (a).) .....	2	1(a)
Proposal of different measure by legislature. (Amendment 7 (a).) .....	2	1(a)
Public institutions, exception from power of referendum of bills affecting. (Amendment 7 (b).) .	2	1(b)
Public peace, exception from power of referendum of bills affecting. (Amendment 7 (b).) .....	2	1(b)
Publication of measures referred to the people. (Amendments 7 (d) and 36.) .....	2	1(d) 1(e)
Reference of initiative measures to the people. (Amendment 7 (a).) .....	2	2(a) 1
Regular election, reference of measures at. (Amendment 7 (d).) .....	2	1(d)
Rejection of initiative measure by legislature. (Amendment 7 (a).) .....	2	1(a)

Initiative and referendum—Cont.	Art.	Sec.
Repeal by legislature of acts approved by the people. (Amendment 7 (c); Amendment 26.) ....	2	1(c) 41
Repeal of bill approved. (Amendment 7 (c); Amendment 26.) .....	2	1(c) 41
Reservation by the people of the power of initiative. (Amendment 7 (a).) .....	2	1(a)
Reservation of power in the people. (Amendment 7.) .....	2	1
Reservation of power of referendum. (Amendment 7 (b).) .....	2	1(b)
Secretary of state, filing referendum petition with. (Amendment 7 (d).) .....	2	1(d)
Secretary of state, initiative petition filed with. (Amendment 7 (a).) .....	2	1(a)
Self-executing, amendment as. (Amendment 7 (d).) .....	2	1(d)
Special election, reference of measures to people at. (Amendment 7 (d).) .....	2	1(d)
Special indebtedness, how authorized. (Amendment 48.) .....	8	3
Style of bill proposed by initiative petition. (Amendment 7 (d).) .....	2	1(d)
Support of state government, exception from power of referendum of bills affecting. (Amendment 7 (b).) .....	2	1(b)
Time for filing initiative petition. (Amendment 7 (a).) .....	2	1(a)
Time for filing referendum petition against measure passed by legislature. (Amendment 7 (d).) ....	2	1(d)
Veto power of governor as extending to measures initiated by or referred to the people. (Amendment 7 (d).) .....	2	1(d)
<b>Injunction</b> —Issuance and service on nonjudicial days .....	4	6
Original jurisdiction of superior court .....	4	6
<b>Insane person</b> —Excluded from elective franchise .....	6	3
<b>Insolvency</b> —Appellate jurisdiction of supreme court .....	4	4
Original jurisdiction of superior court .....	4	6
Receipt of bank deposits, liability of officers .....	12	12
<b>Instruments</b> —Affecting title, validation by special act forbidden .....	2	28(9)
<b>Insurance companies</b> —Double liability of stockholders. (Amendment 16.) .....	12	11
<b>Interest</b> —Application of school fund interest. (Amendment 43.) .....	9	3
On certain state debts to be provided for .....	8	1
Private interest in bills to be disclosed by legislators .....	2	30
Regulation by special law prohibited .....	2	28(13)
<b>Intoxicating liquors</b> —(See Prohibition.)		
<b>Invasion and attack</b> —Government continuity, legislative authority. (Amendment 39.) .....	2	42
State may contract debts above limit to repel ....	8	2
Suspension of habeas corpus allowed .....	1	13
<b>Investment</b> —Public pension funds. (Amendment 49.) .....	29	1
School funds. (Amendment 1; Amendments 43 and 44.) .....	9	3
	16	5
<b>Irrigation</b> —Use of waters for, deemed public use .....	21	1
<b>Jeopardy</b> —No person to be twice put in .....	1	9
<b>Joint senatorial or representative district</b> —Filling of vacancy. (Amendments 13, 32 and 52.) .....	2	15

	Art.	Sec.
<b>Joint stock companies</b> —Combinations by, affecting price, etc., of commodities forbidden	12	22
Liability of stockholders. (Amendment 16.)	12	11
Term corporation includes	12	5
<b>Journal</b> —Each house to keep	2	11
Entry of ayes and noes on nominations of officers for state institutions	13	1
On proposed constitutional amendments	23	1
Yeas and nays, on demand of one-sixth	2	21
On introduction of bills later than ten days before close of session	2	36
On passage of bill	1	22
On passage of emergency clause	2	31
Publication of, except portions requiring secrecy	2	11
Votes on elections by legislature entered	2	27
On removal of judges, etc., entered	4	9
<b>Judge pro tempore</b> —In superior court, provision for Temporary judicial duties in supreme court. (Amendment 38.)	4	7
	4	2(a)
<b>Judges</b> —Absence from state vacates office	4	8
Not to charge juries as to matters of fact	4	16
But to declare the law	4	16
Practice of law prohibited	4	19
Removal for incompetency	4	9
Rights of accused	4	9
Retirement. (Amendment 25.)	4	3(a)
Salaries may be increased	30	1
Salaries payable quarterly	4	13
(See Judges of court of appeals; Judges pro tempore; Judges of superior court; Judges of supreme court.)		
<b>Judges of court of appeals</b> —(Amendment 50.)	4	30
<b>Judges of superior court</b> —Court commissioners, appointment of	4	23
Decisions within ninety days after submission	4	20
Disqualified unless admitted to practice in state	4	17
Each judge invested with powers of all	4	5
May sit in any county	4	5
Elections of. (Amendment 41.)	4	5
	4	29
Ineligible to other than judicial office	4	15
Not to charge juries as to matters of fact	4	16
But to declare the law	4	16
Oath of office prescribed for	4	28
Other superior court, duties in (Amendment 38.)	4	2(a)
Practice of law prohibited	4	18
Pro tempore judge	4	2(a),7
Recall, judges as subject to. (Amendment 8.)		
Report defects in law to supreme court	4	25
Retirement. (Amendment 25.)		
Rules of court, may establish	4	24
Salaries and apportionment of	4	13
	4	14
Salaries may be increased	30	1
Sessions of court may be held in any county on request	4	7
Supreme court duty, performance upon request. (Amendment 38.)	4	2(a)
Term of office and when begins	4	5
Temporary judicial duties	4	2(a)
Writs may be issued by	4	6
(See Judges; Superior court.)		
<b>Judges of supreme court</b> —Chief justice, how determined	4	3
Classification by lot	4	3
Clerk to be appointed by	4	22
Disqualified, unless admitted to practice in state	4	17
Election of	4	3
Ineligible to other than judicial office	4	15

	Art.	Sec.
<b>Judges of supreme court—Cont.</b>		
Issuance of writs authorized	4	4
Oath of office prescribed	4	28
Practice of law prohibited	4	19
Recall, judges not subject to. (Amendment 8.)	1	33
	1	34
Reporter, appointment of	4	18
Reports of defects in laws to governor	4	25
Retirement. (Amendment 25.)	4	3(a)
Salaries and payment	4	13
	4	14
	30	1
Temporary judicial duties (Amendment 38.)	4	2(a)
Term of office	4	3
(See Judges; Supreme court.)		
<b>Judgment</b> —Belonging to territory inures to state	27	4
Extent of, on impeachment	5	2
Of one judge of superior court to be of same force as of all	4	5
Of superior court to be given within ninety days after submission	4	20
<b>Judicial administration</b> —Must be open and without delay	1	10
Temporary performance of judicial duties (Amendment 38.)	4	2(a)
<b>Judicial decisions</b> —All supreme court decisions to be in writing and grounds stated	4	2
Concurrence by majority of court necessary	4	2
Publication required	4	21
Free to anyone	4	21
Reporter for, to be appointed	4	18
<b>Judicial officers</b> —Absence forfeits office, when	4	8
Compensation by fees prohibited, except	4	13
Impeachment, liable to, except courts not of record	5	2
Oath of office prescribed	4	28
Recall, not subject to. (Amendment 8.)	1	33
	1	34
Removal by legislature	4	9
(See Court commissioners; Judges; Judges of supreme and superior courts; Justice of peace.)		
<b>Judicial power</b> —Vested in what courts	4	1
<b>Judicial question</b> —Public use in eminent domain	1	16
As judicial question. (Amendment 9.)		
<b>Jurisdiction</b> —Actions pending before change of government	27	1
Court of appeals. (Amendment 50.)	4	30
Inferior courts, legislature to prescribe	4	12
Justice of peace, as legislature may fix	4	10
Not to trench on courts of record	4	10
Superior court	4	6
Supreme court	4	4
United States over reserved lands	25	1
(See Criminal action.)		
<b>Juror</b> —Not incompetent because of religious opinion. (Amendments 4 and 34.)	1	11
Number necessary for verdict	1	21
Prohibition against prescribing religious qualifications. (Amendments 4 and 34.)	1	11
<b>Jury</b> —Ascertainment by, of compensation for right-of-way	1	16
Charging, duty of judge	4	16
Criminal action, right of accused in. (Amendment 10.)	1	22
Eminent domain proceedings. (Amendment 9.)	1	16
Number in courts not of record	1	21
Right of trial by remains inviolate	1	21
Waiver in civil cases may be had	1	21

<b>Jury—Cont.</b>	<b>Art.</b>	<b>Sec.</b>
Verdict by less than twelve may be authorized . . . (See Grand jury; Juror.)	1	21
<b>Justice—Administration must be open and without delay</b> . . . . .	1	10
<b>Justice of peace—Appeal lies to superior court</b> . . .	4	6
Cannot be made court of record . . . . .	4	11
Duties to be prescribed by legislature . . . . .	4	10
Fees prohibited, when . . . . .	4	10
Jurisdiction, legislature to determine . . . . . (Amendment 28.)	4	10
Not to trench on courts of record . . . . .	4	10
Number, legislature to determine . . . . .	4	10
Police justice in cities may be chosen from . . . . .	4	10
Salary, increase . . . . .	30	1
Salary, when . . . . .	4	10
Vacancy in office, how filled . . . . .	11	6
Vested with judicial power . . . . . (See Judicial officers.)	4	1
<b>Land commissioner—(See Commissioner of public lands.)</b>		
<b>Lands—Alien ownership prohibited. (Amendments 24 and 29.)</b> . . . . . ( <i>Repealed by Amendment 42.</i> )	2	33
Confirmation of prior sales for educational purposes by county commissioners . . . . .	16	2
Granted lands, restrictions on sale . . . . .	16	1
For educational purposes, sold . . . . .	16	2,3
Plat of state lands in cities required before sale . .	16	4
Limit on amount offered in one parcel . . . . .	16	4
Quantity of state land that may be sold in one parcel as acreage . . . . .	16	4
Reclamation, public use in taking for. (Amendment 9.) . . . . .	1	16
Restrictions on selling school lands . . . . .	16	3
Settlement, public use in taking property for. (Amendment 9.) . . . . .	1	16
Taxation . . . . .	7	
Taxation of Indians lands . . . . .	26	2
Nonresidents . . . . .	26	2
United States, none to be imposed . . . . .	26	2
Timber and stone may be sold, how . . . . .	16	3
<b>Law of the land—Constitution of United States supreme</b> . . . . .	1	2
<b>Laws—Bills of attainder prohibited</b> . . . . .	1	23
Corporations, statutory regulations may be amended or repealed . . . . .	12	1
Defects and omissions to be reported to governor . . . . .	4	25
Enacting clause . . . . .	2	18
Initiative measure. (Amendment 7.) . . . . .	2	1(d)
Ex post facto, prohibited . . . . .	1	23
Governor's approval, presentation for . . . . .	3	12
Passage over veto . . . . .	3	12
Without approval, how becomes effective . . . . .	3	12
Impairing obligation of contracts prohibited . . . . .	1	23
Initiative measures. (See Initiative and referendum.)		
Legislative enactments to be by bill . . . . .	2	18
Requisites on final passage of bill . . . . .	2	22
Special legislation prohibited in certain cases . . . . .	2	28
State debt authorized for some single work. (Amendment 48.) . . . . .	8	3
Publication required. (Amendment 48.) . . . . .	8	3
Territorial, to remain in force until altered . . . . .	27	2
Proviso as to tide lands . . . . .	27	2
Time of taking effect . . . . .	2	1
	2	41
(See Acts; Bill; Statutes.)		
<b>Lease—of corporate franchise not to relieve from liability</b> . . . . .	12	1

<b>Lease—Cont.</b>	<b>Art.</b>	<b>Sec.</b>
Of harbor areas for building wharves . . . . .	15	2
Limit of term lease . . . . .	15	2
State building authority, by. (Amendment 51.) . . .	8	9
<b>Legal holiday—Superior courts not open</b> . . . . .	4	6
Writs that may be issued and served . . . . .	4	6
<b>Legislature</b>		
<b>COMPOSITION AND ORGANIZATION</b>		
Adjournment, restrictions on . . . . .	2	11
Apportionment of members . . . . .	22	1,2
New, when made . . . . .	2	3
Attendance of absentee, less than quorum may compel . . . . .	2	8
Authority generally. (Amendment 7.) . . . . .	2	1
Bribery of members, how punished . . . . .	2	30
Compensation and mileage of members. (Amendment 20) . . . . .	2	23
Consists of senate and house of representatives . . . . .	2	1
Constitution, departure from during emergency due to enemy attack. (Amendment 39.) . . . . .	2	42
Contempts punishable by each house . . . . .	2	9
Convening in extra session at call of governor . . . . .	3	7
Election of members, each house judge of . . . . .	2	8
Eligible to membership, who are . . . . .	2	7
Expulsion of member requires two-thirds vote . . . . .	2	9
Journal, each house to keep and publish . . . . .	2	11
Members, from what civil offices excluded . . . . .	2	13
Not liable for words spoken in debate . . . . .	2	30
Private interest in bill to be disclosed . . . . .	2	30
Privilege from arrest, except . . . . .	2	16
From civil process, when . . . . .	2	16
Number of members . . . . .	2	2
Office accepted under United States vacates seat . . . . .	2	14
Officers, each house to elect its own . . . . .	2	10
Ineligible to membership . . . . .	2	14
Quorum, majority to constitute . . . . .	2	8
Reapportionment after each census . . . . .	2	3
Records, secretary of state to keep . . . . .	3	17
Rules of proceedings, each house to determine . . . . .	2	9
Sessions to be open . . . . .	2	11
Biennial . . . . .	2	12
Special, may be convened by governor . . . . .	2	12
Time of meeting . . . . .	2	12
Vacancies, how filled. (Amendment 52.) . . . . .	2	15
Vote on elections to be viva voce . . . . .	2	27
None when member has private interest in bill . . . . .	2	30
<b>DUTIES</b>		
Accountability of county and local officers to be provided for . . . . .	11	5
Accounting for state receipts and expenditures to be prescribed . . . . .	7	7
Appropriation for expenses of constitutional convention to be made . . . . .	27	19
Bureau of statistics to be established . . . . .	2	34
Cities, incorporation by general laws to be provided . . . . .	11	10
Classification of counties, for purpose of prescribing compensation. (Amendments 12, 57.) . . . . .	11	5
Combinations affecting prices, etc., punishment to be provided . . . . .	12	22
Compensation of county and local officers to be regulated . . . . .	11	5
Of officers, change during term . . . . .	11	8
	2	25
	30	1
Congressional districts, state to be divided into . . . . .	27	13
Contested elections of state officers to be decided . . . . .	3	4
Convict labor to be provided for . . . . .	2	29
County government, system of, to be established . . . . .	11	4
Court of appeals, as to (Amendment 50.) . . . . .	4	30
Divorces not to be granted by . . . . .	2	24
Drugs and medicines, sale to be regulated . . . . .	20	2
Elections, qualifications of voters to be regulated . . . . .	6	1
Certificates of, to be given state officers . . . . .	3	4

Legislature—cont.	Art.	Sec.
County, township, precinct, and district to be provided for. (Amendments 12, 57.) . . . . .	11	5
Election of necessary county officers, duty to provide for. (Amendments 12, 57.) . . . . .	11	5
President, voting for, implementation. (Amendment 46.) . . . . .	6	1A
Employees in mines and factories to be protected by law . . . . .	2	35
Enumeration of inhabitants to be provided for	2	3
Governmental continuity during emergency periods, to provide for. (Amendment 39.) . . . . .	2	42
Harbor lines, commission to establish, to be appointed . . . . .	15	1
Health, board of, to be established . . . . .	20	1
Homesteads to be protected from forced sale . .	19	1
Initiative measures. (See Initiative and referendum.)		
Justice of peace, number, powers and duties to be prescribed . . . . .	4	10
Lease of harbor areas for wharves to be provided	15	2
Medicine and surgery, practice of, to be regulated . . . . .	20	2
Militia, organization and discipline to be provided for . . . . .	10	2
Officers of counties and municipal corporations duties and terms of office to be prescribed. (Amendments 12, 57.) . . . . .	11	5
Classification of counties by population in enumerating duties of county officers. (Amendments 12, 57.) . . . . .	11	5
County officers, providing for election of. (Amendments 12, 57.) . . . . .	11	5
District officers, providing for election of. (Amendments 12, 57.) . . . . .	11	5
Not provided for in Constitution, legislature to provide for election and terms . . . . .	27	11
Precinct officers, providing for election of. (Amendments 12, 57.) . . . . .	11	5
Township officers, providing for election of. (Amendments 12, 57.) . . . . .	11	5
Passes, use by public officers to be prohibited .	2	39
Granted to public officers to be prevented . .	12	20
Port district promotional activities. (Amendment 45.) . . . . .	8	8
Private interest in bill, members to declare . . .	2	30
Public arms, safekeeping and protection required	10	4
Publication of opinions of supreme court to be provided for . . . . .	4	21
Rates for freights and passengers, discrimination to be prevented . . . . .	12	18
Maximum, to be established . . . . .	12	18
Referendum. (See Initiative and referendum.)		
Registration law to be enacted . . . . .	6	7
Salaries of county officers and certain constables to be fixed . . . . .	11	5
Sale of school and university lands, confirmation to be made . . . . .	16	2
School funds, investment. (Amendments 43 and 44.) . . . . .	9	3
	16	5
Seat of government, choice of location to be provided for . . . . .	14	1
Soldiers' home, maintenance to be provided . . .	10	3
Suits against state, manner of bringing, to be directed . . . . .	2	26
Superior court judges election, implementation. (Amendment 41.) . . . . .	4	29
System of public schools to be established . . . .	9	2
Taxation, annual expenses to be met by . . . . .	7	1
Corporate property to be under general law	7	3
Deficiencies and expenses to be met by . . . . .	7	8
Exemption of limited amount of personalty . .	7	1
Retired persons exemption, implementation. (Amendment 47.) . . . . .	7	10
State debt to be liquidated by . . . . .	7	1
Uniform on same class of property . . . . .	7	1

LegislatureCont.	Art.	Sec.
Vital statistics, bureau of, to be established . . . .	20	1
<b>ENACTMENT OF LAWS</b>		
Act, how revised or amended . . . . .	2	37
Amendment of bill . . . . .	2	38
Bill to contain but one subject . . . . .	2	19
When not to be considered . . . . .	2	36
	2	19
Emergency, national—Government continuity authorizing special legislation. (Amendment 39.)	2	42
Enacting clause . . . . .	2	18
Initiative and referendum measures. (See Initiative and referendum.)		
Laws to be enacted by bill . . . . .	2	18
Take effect, when . . . . .	2	31
Presiding officer of each house to sign bills . . . .	2	32
Rules for signing bills may be prescribed . . . . .	2	32
Style of laws . . . . .	2	18
Title of bill to disclose object . . . . .	2	19
Veto of bill, and passage over . . . . .	3	12
Yeas and nays, entry on journal required, when	2	21,22
<b>POWERS</b>		
Abolition of certain state offices permitted. (Amendment 31) . . . . .	3	25
Appropriation of public funds. (See Appropriations.)		
Capitol building, appropriation restricted until permanent location . . . . .	14	3
Chaplain for penal and reformatory institutions may be employed. (Amendments 4 and 34.)	1	11
Charters of corporations cannot be extended . .	12	3
Clerk of supreme court, election may be provided for . . . . .	4	22
Constitution, amendment may be proposed in either house . . . . .	23	1
Departure from during emergency due to enemy attack. (Amendment 39.) . . . . .	2	42
Revision, convention for may be agreed on	23	2
Corporate property and franchises may be taken for public use . . . . .	12	10
Corporations, not to be created by special act	12	1
Courts of recorded, power to establish . . . . .	4	11
Divorces not to be granted by . . . . .	2	24
Duties of county officer, power to prescribe. (Amendments 12, 57.) . . . . .	11	5
Elective franchise may be granted to women in school elections . . . . .	6	2
Emergency, national—Government, state and local, continuity, authorizing special power. (Amendment 39.) . . . . .	2	42
Exemptions from taxation, power to provide. (See Taxation.)		
Extra compensation to officers for past services prohibited. (Amendment 35.) . . . . .	2	25
Fees of county officers, power to provide accountability for. (Amendments 12, 57.) . . . .	11	5
Forfeitures of corporate franchises may be declared for unlawful combinations . . . . .	12	22
Remission of, prohibited . . . . .	12	3
Harbor areas, building on, may be provided for by general law . . . . .	15	2
Inferior courts, powers of may be prescribed . .	4	12
Irrevocable privilege or franchise, power to grant denied . . . . .	1	8
Jury, number for panel and for verdict may be fixed at less than twelve . . . . .	1	21
Lotteries, may authorize by 60% vote . . . . .	2	24
Municipal corporations may be vested with power to make local improvements . . . . .	7	9
Number of judges of supreme court may be increased . . . . .	4	2
Private or special laws prohibited . . . . .	2	28
Public corporations not to be created by special act . . . . .	11	10
Public funds, power to provide for accounting as to. (Amendments 12, 57.) . . . . .	11	5
Railroad commission may be established . . . . .	12	18

Index to State Constitution

Index

	Art.	Sec.
<b>Legislature—cont.</b>		
Removal of judges, etc., for incompetency . . . .	4	9
Reservation of power in people. (See Initiative and referendum.)		
Salaries of judges may be increased . . . . .	4	14
School fund (common) may be enlarged . . . . .	9	3
Seat of government cannot be changed by . . . .	14	1
Senate, legislative authority vested in. (Amendment 7.)		
Separate departments of supreme court may be provided . . . . .	4	2
Sheriff, providing for election of. (Amendments 12, 57.) . . . . .	11	5
Taxation, corporate authorities may be vested with power by general laws . . . . .	11	12
Exemption of personal property. (Amendment 3; Amendment 14.) . . . . .	7	1
Local cannot be imposed by . . . . .	11	12
Terms of county officers, powers to prescribe. (Amendments 12, 57.) . . . . .	11	5
Voters, authority to define manner of ascertaining qualifications. (Amendment 5.) (See House of representatives; Initiative and referendum; Senate) . . . . .	6	1
<b>Liabilities—</b> Corporate, not relieved by alienation or lease of franchise . . . . .	12	8
Extinguishment by special legislation prohibited . .	2	28(10)
<b>Liberty—</b> Depriving of, without due process of law, forbidden . . . . .	1	3
<b>Licentious acts—</b> Guaranty of freedom of conscience in matters of religious worship as justifying. (Amendments 4 and 34.) . . . . .	1	11
<b>Lieutenant governor—</b> Acts as governor, when . . .	3	10
Deciding vote, in case of tie in senate . . . . .	2	10
Election of . . . . .	3	1
Office may be abolished by legislature. (Amendment 31.) . . . . .	3	25
Presiding officer of senate . . . . .	3	16
In absence, who presides . . . . .	2	10
Salary of . . . . .	3	16
Succession to office of governor. (Amendment 6.) . .	3	10
Term of office . . . . .	3	3
<b>Life—</b> Deprivation of, without due process of law, prohibited . . . . .	1	3
<b>Limit—</b> Forty mill.(See Amendment 17.)		
<b>Limitation of actions—</b> Special legislation prohibited .	2	28(17)
<b>Limiting production—</b> Combination for, prohibited .	12	22
<b>Literacy—</b> Qualification of voters. (Amendment 2; Amendment 5.) . . . . .	6	1
<b>Loans—</b> Prohibition against loan of school fund to private persons or corporations. (Amendment 1.) . .	16	5
State may borrow to meet debts . . . . .	8	1
<b>Local improvements—</b> Authority of cities to levy special taxes for . . . . .	7	9
<b>Local officers—</b> Eligible to legislature . . . . .	2	14
<b>Lotteries</b> . . . . .	2	24
<b>Majority—</b> Necessary in impeachment . . . . .	5	1
Passage of bills requires . . . . .	2	22
Petition for division of county requires . . . . .	11	3
Quorum of each house constituted by . . . . .	2	8
Special act cannot declare a person of age . . . . .	2	28(11)

	Art.	Sec.
<b>Malfeasance—</b> Officers liable to impeachment for	5	2
Recall for. (Amendment 8.) . . . . .	1	33,34
Removal by law, if not subject to impeachment . .	5	3
<b>Mandamus—</b> Original and appellate jurisdiction of supreme court . . . . .	4	4
Original jurisdiction of superior court . . . . .	4	6
<b>Mandatory—</b> Constitutional provisions are . . . . .	1	29
<b>Manufacturing purposes—</b> Use of waters for, deemed public use . . . . .	21	1
<b>Medicine—</b> Practice and sale, legislature to regulate .	20	2
<b>Men—</b> Equal rights . . . . .	31	1,2
<b>Messages—</b> Governor to communicate with legislature by . . . . .	3	6
<b>Mileage—</b> Members of legislature entitled to (Amendment 20.) . . . . .	2	23
<b>Military—</b> Not to interfere with elections . . . . .	1	19
Subordinate to civil power . . . . .	1	18
(See Army; Militia.)		
<b>Militia—</b> Citizens subject to duty in . . . . .	10	1
Who exempt . . . . .	10	1
Exemption to persons having conscientious scruples, on payment of equivalent . . . . .	10	6
Governor to be commander-in-chief . . . . .	3	8
Members entitled to admission to soldiers' home, when . . . . .	10	3
Officer of, eligible to legislature, when . . . . .	2	14
Organization and discipline . . . . .	10	2
Privilege from arrest, when . . . . .	10	5
(See Arms; Army; Military.)		
<b>Mines—</b> Protection of employees, laws to be passed	2	35
Yield tax or ad valorem tax authorized. (Amendment 14.) . . . . .	7	1
<b>Mining purposes—</b> Use of water for deemed public use . . . . .	21	1
<b>Minors—</b> Sale or mortgage of property not to be authorized by special act . . . . .	2	28(4),(11)
(See Children; Majority.)		
<b>Money—</b> Corporations not to issue anything but lawful money of United States. (Amendment 16.) . .	12	11
Disbursement from state treasury . . . . .	8	4
Municipal officers to deposit with treasurer . . . .	11	15
State Taxes payable in . . . . .	7	6
Using public money by officer a felony . . . . .	11	14
(See Public money.)		
<b>Monopolies—</b> Forbidden . . . . .	12	22
Forfeiture of franchise and property may be declared . . . . .	12	22
Penalties to be provided by law . . . . .	12	22
<b>Municipal corporations—</b> Cities of 10,000 or over may frame own charter . . . . .	11	10
Combined city-county . . . . .	11	16
Corporate stock or bonds not to be owned by . . .	8	7
Credit or money not to be loaned . . . . .	8	7
Debts, power to incur . . . . .	8	6
Limit of power . . . . .	8	6
Port district promotional activities (Amendment 45.) . . . . .	8	8

	Art.	Sec.
<b>Municipal corporations—Cont.</b>		
Improvements, power to make by special taxation or assessment	7	9
Local affairs controlled by	11	11
Organization to be under general laws	11	10
Police and sanitary regulations enforced by	11	11
Private property not to be taken for debt of	11	13
Public money to be deposited with treasurer	11	15
Salary of officers	11	8
Seals of	30	1
Special act to create or amend charter, prohibited	27	9
Streets, power to extend over tide lands	2	28(8)
Taxation, assessment and levy, power of	15	3
Exemption of municipal property from taxation. (Amendment 14.)	7	9
Imposition for local purposes prohibited to legislature	7	1
Local power to assess and levy, where	11	12
Term of officers not to be extended	11	12
Use of public money by official, a felony	11	8
(See City; Municipal courts; Municipal fines; Towns and villages.)	11	14
<b>Municipal courts—Legislature may provide for</b>	4	1
<b>Municipal fine—Appellate jurisdiction of supreme court</b>	4	4
Original jurisdiction of superior court	4	6
<b>Municipal indebtedness—Limitations and restrictions on</b>	8	6
(See City; Towns and villages.)		
<b>Names—Change of, by special legislation prohibited</b>	2	28(1)
<b>Naturalization—Power of, vested in superior court</b>	4	6
<b>Navigable waters—Harbor lines, commission to be established to locate</b>	15	1
Ownership of state in beds and shores asserted	17	1
<b>New county—Formation may be by special act</b>	2	28(18)
Restrictions on	11	3
<b>Nonjudicial days—Certain writs may be issued and served on</b>	4	6
Superior courts not open on	4	6
<b>Nonresidents—Taxation of lands of citizens of United States</b>	26	2
<b>Normal schools—Included in public school system</b>	9	2
<b>Nuisances—Appellate jurisdiction of supreme court</b>	4	4
Original jurisdiction of superior court	4	6
<b>Oath of office—Prescribed for judges</b>	4	28
Recall for violation of. (Amendment 8.)	1	33,34
Where to be filed	4	28
<b>Oaths—Administered in most binding manner</b>	1	6
Of senators in impeachment trials	5	1
<b>Obligation of contracts—Not to be impaired by legislation</b>	1	23
<b>Offenses—Bailable, when not capital</b>	1	20
Existing, to be prosecuted in name of state	27	5
Impeachment of public officers for	5	2
Jeopardy, twice in, for same offense, forbidden	1	9
Prosecution by information or indictment	1	25
Rights of accused	1	22
Trial by jury, right of	1	20

	Art.	Sec.
<b>Office—Acceptance of, under United States vacates seat in legislature</b>	2	14
Certain postmasters exempt	2	14
Bribery, a disqualification for	2	30
Disqualification of legislators for certain civil offices	2	13
Ineligibility for legislature	2	14
Judge, open to whom	4	17
Ineligible to other than judicial office	4	15
Legislature may abolish certain offices. (Amendment 31.)	3	25
Religious qualification not to be required. (Amendments 4 and 34.)	1	11
Removal from, by joint resolution of legislature	4	9
Vacancy in, how filled	3	13
(See Officers.)		
<b>Officers—Abolition of certain state offices authorized. (Amendment 31.)</b>	3	25
Accountability for fees and money collected	11	5
County officer ineligible for more than two terms. (Eliminated by Amendment 22.)	11	7
Township, precinct and district election and compensation to be regulated by legislature	11	5
Election of, when no provision in Constitution	27	11
First, under Constitution	27	7
Extra compensation prohibited (Amendment 35.)	2	25
Guilty of felony, when uses public money	11	14
Impeachment of	5	2
Legislative, each house to elect	2	10
Local, may be members of legislature	2	14
Militia, appointment or election of	10	2
Without salary eligible to legislature	2	14
Passes, use or acceptance by, forbidden	2	39
Public moneys to be deposited with treasurer	11	15
Recall of officers. (See Recall.)		
Removable by law, when not impeachable	5	3
Salary, change, during term. (Amendment 35.)	2	25
	30	1
Territorial and United States, how long to hold	27	6,14
Trustees of state institutions, appointment of	13	1
Use of passes prohibited	12	20
(See Appointment; County officers; District officers; Governor; Lieutenant governor; Precinct officers; Recall of officers; Salaries; State officers; Term of office.)		
<b>Official acts—Validation by special laws prohibited</b>	2	28(12)
<b>Omissions—In laws, report to governor by supreme judges</b>	4	25
<b>Open space lands—Taxation based on actual use</b>	7	11
<b>Opinions—Free for publication by any person</b>	4	21
Of supreme court to be reported	4	18
Publication authorized	4	21
<b>Original jurisdiction—Superior court</b>	4	6
Supreme court	4	4
<b>Ownership of lands—Prohibited to aliens, except. (Amendments 24 and 29.)</b>	2	33
(Repealed by Amendment 42.)		
<b>Pardoning power—Governor vested with, subject to restrictions</b>	3	9
To report pardons granted to legislature	3	11
<b>Partnership—(See Copartnerships.)</b>		
<b>Pass—Grant of, to public officers, prohibited</b>	12	20
Use of, by public officers, prohibited	2	39

Index to State Constitution

Index

	Art.	Sec.
<b>Passenger tariffs</b> —Abuses and extortions to be prohibited .....	12	18
Regulation by legislature authorized .....	12	18
<b>Penalties</b> —Accrued to territory, inure to state ...	27	3
Incurred, not affected by change in government ..	27	5
Remission by special act prohibited .....	2	28(14)
Violation of provisions against monopolies .....	12	22
<b>Penitentiary</b> —Chaplain, right to employ. (Amendment 4.)		
<b>Pension funds, public</b> —Investment of (Amendment 49.) .....	29	1
Pension increase not extra compensation. (Amendment 35.) .....	2	25
<b>People</b> —Political power inherent in .....	1	1
Reservation of power. (Amendment 7.)		
Public lands held in trust for .....	16	1
Right of petition and peaceful assemblage .....	1	4
To religious liberty. (Amendments 4 and 34.) ..	1	11
To security in home .....	1	7
Rights retained not affected by grants in Constitution .....	1	30
Toleration of religious sentiment secured to .....	26	1
<b>Percentages</b> —Of voters to initiate or refer measures. (Amendments 7 and 30.) .....	2	1
	2	1A
Of voters to recall officer. (Amendment 8.) .....	1	33,34
<b>Permanent school fund</b> —Investment of. (Amendments 1, 43, 44.) (See also Common school fund; Common school construction fund; School fund.)	9	3
	16	5
<b>Personal property</b> —Appellate jurisdiction of supreme court .....	4	4
Power of legislature to exempt from taxation. (Amendment 3; Amendment 14.) .....	7	1
<b>Persons</b> —Convicted of infamous crimes, excluded from elective franchise .....	6	3
School funds not to be loaned to .....	16	5
<b>Persons under disability</b> —Sale or mortgage of property forbidden to be authorized by special law .....	2	28(4)
<b>Petition</b> —Right of, not to be abridged .....	1	4
(See Initiative and referendum; Recall.)		
<b>Police justice</b> —Justice of peace may be made ....	4	10
<b>Police power</b> —Counties, cities, towns, townships may exercise .....	11	11
<b>Political power</b> —Inherent in people .....	1	1
<b>Pooling</b> —By common carriers prohibited .....	12	14
(See Combinations.)		
<b>Popular government</b> —(See Initiative and referendum.)		
<b>Population</b> —Classification of counties by. (Amendments 12, 57.) .....	11	5
<b>Port districts</b> —Promotional activities. (Amendment 45.) .....	8	8
<b>Postmaster</b> —Eligible to legislature, when .....	2	14

	Art.	Sec.
<b>Powers</b> —Executive, vested in governor .....	3	2
Initiative and referendum. (See Initiative and referendum.)		
Judicial, where vested .....	4	1
Legislative, where charge vested .....	2	1
Emergency periods due to enemy attack, during. (Amendment 39.) .....	2	42
Reserved by people (Amendment 7.) .....	2	1
Pardoning, where vested .....	3	9
<b>Precinct officers</b> —Election, duties, terms and compensation to be provided for by legislature. (Amendments 12, 57.) .....	11	5
Official bonds unaffected by change in government .....	27	14
Territorial, hold office until when .....	27	14
Vacancies, how filled .....	11	6
<b>President of senate</b> —Lieutenant governor shall be	3	16
Temporary presiding officer, when chosen .....	2	10
<b>Press</b> —Liberty of, secured .....	1	5
<b>Prices</b> —Combination to fix, prohibited .....	12	22
<b>Private corporations</b> —(See Corporations.)		
<b>Private legislation</b> —Prohibited in enumerated cases	2	28
<b>Private property</b> —Not to be taken for public debts	11	13
Taken for public or private use, just compensation to be made .....	1	16
<b>Privilege</b> —Electors not to be arrested on election day .....	6	5
Irrevocable grant of, prohibited .....	1	8
Legislative members not subject to arrest or civil process .....	2	16
Militia not to be arrested at musters .....	10	5
<b>Privileges</b> —Equal to all citizens and corporations	1	12
Hereditary, grant of, by state prohibited .....	1	28
Special, prohibited .....	1	12
<b>Probate court</b> —Merger in superior court, when ..	27	10
Probate judge to perform duties until term expires	27	10
<b>Probate matters</b> —Appellate jurisdiction of supreme court .....	4	4
Jurisdiction of superior court .....	27	10
Original jurisdiction of superior court .....	4	6
<b>Process</b> —Authority of superior court extends throughout state .....	4	6
Legislators privileged from when .....	2	16
State courts may have served on lands of United States .....	25	1
Style of .....	4	27
Territorial to be valid .....	27	1
<b>Proclamation of president</b> —State Constitution to go into effect upon .....	27	16
<b>Prohibition</b> —Appellate and revisory jurisdiction of supreme court .....	4	4
Original jurisdiction of superior court .....	4	6
Sale of liquors, separate article (rejected) .....	27	17
Writs may be issued and served on nonjudicial days .....	4	6
<b>Property</b> —Corporate, subject to eminent domain	12	10
Deprivation without due process of law prohibited	1	3
Private, not to be taken to pay public debts .....	11	3
Taking for private use prohibited, except .....	1	16

	Art.	Sec.		Art.	Sec.
<b>Property—Cont.</b>			<b>Public money—Cont.</b>		
Or damaging for public use, not without just compensation	1	16	Statements of receipts and expenditures to be published	7	7
Territorial, to vest in state (See Personal property; Taxation.)	27	4	Using or making a profit out of, a felony (See Money.)	11	14
<b>Prosecuting attorney—</b> Election, duties, term, compensation, legislature to provide for	11	5	<b>Public office—</b> Religious qualification not to be required. (Amendments 4 and 34.)	1	11
Removal for incompetency, corruption, etc.	4	9	<b>Public officer—</b> Change of compensation during term. (Amendment 35.)	2	25
Rights of one accused	4	9	Extra compensation to, prohibited. (Amendment 35.)	30	1
<b>Prosecutions—</b> Commenced before statehood, how conducted	27	5	Religious qualifications, prohibition against. (Amendments 4 and 34.) (See Officers.)	2	25
Conducted in name of state	4	27	<b>Public pension funds—</b> Investment of. (Amendment 49.)	1	11
May be by information or indictment	1	25	Pension increase not extra compensation. (Amendment 35.)	29	1
Unaffected by change in government (See Criminal actions.)	27	5	<b>Public property—</b> Not to be applied to religious worship. (Amendments 4 and 34.)	2	25
<b>Protection—</b> Life, liberty and property entitled to	1	3	<b>Public safety—</b> Exception from power of referendum of bills affecting. (Amendment 7 (b).)	1	11
Persons engaged in dangerous employments, provisions for	2	35	Ground for suspension of habeas corpus	2	1(b)
Public arms, provision for safekeeping	10	4	<b>Public schools—</b> Establishment and maintenance guaranteed	1	13
<b>Public arms—</b> Protection and safekeeping to be provided	10	4	Free from sectarian control	26	4
<b>Publication—</b> Amendments proposed to Constitution. (Amendment 37.)	23	1	Open to all children of state	9	4
Liberty of, guaranteed	1	5	Superintendent of public instruction to have supervision	26	4
Of measures referred to the people. (Amendment 7 (d), (e); Amendment 36.)	2	1(d)(e)	System to be established by state	9	22
Opinions of supreme court	4	21	Including what	9	2
Proposed law authorizing state to contract debt. (Amendment 48.)	8	3	(See Common schools; Education; High schools; Normal schools; Technical schools.)		
Receipts and expenditures of public money	7	7	<b>Public use—</b> A judicial question	1	16
<b>Public corporations—</b> (See Municipal corporations.)			Property not to be taken for, without compensation	1	16
<b>Public debts—</b> Private property not to be taken in payment of	11	13	Punishment—Bribery and corrupt solicitation, how punished	2	30
<b>Public funds—</b> Legislature as empowered to provide for accounting. (Amendments 12, 57.) (See Appropriations; Investments; Public pension funds; School funds.)	11	5	Cruel, not to be inflicted	1	14
<b>Public health—</b> Exception from power of referendum of bills affecting. (Amendment 7 (b).)	2	1(b)	<b>Qualifications—</b> Judges of supreme and superior courts	4	17
Laws regulating deleterious occupations to be passed	2	35	Members of legislature	2	7
State board of, shall be created	20	1	Each house to be judge of	2	8
<b>Public indebtedness—</b> Municipal limit of	8	6	Religious, not to be required for public office. (Amendments 4 and 34.)	1	11
State building authority	8	9	State officers. (Amendment 31.)	3	25
State, limit of	8	1	Voters, of (See Voter.)		
Exceptions to	8	2,3	<b>Quo warranto—</b> Appellate and original jurisdiction of supreme court	4	4
Territorial, assumed by state (See City; County indebtedness; State indebtedness; Towns and villages.)	26	3	Original jurisdiction of superior court	4	6
<b>Public institutions—</b> Exception from power of referendum of bills affecting. (Amendment 7 (b).)	2	1(b)	<b>Quorum—</b> Majority of each house to constitute	2	8
<b>Public lands—</b> Disclaimer by state of title to unappropriated	26	2	Less number may adjourn and compel attendance	2	8
Granted to state held in trust for people	16	1	Supreme court, majority of judges necessary	4	2
Sale only for full market value	16	1	<b>Race—</b> Discrimination in education on account of, prohibited	9	1
Unappropriated to be subject to control of United States (See Commissioner of public granted lands; Lands; School lands.)	26	2	<b>Railroad and transportation commission—</b> May be established by legislature	12	18
<b>Public money—</b> Accountability of public officers	11	5,15	<b>Railroad companies—</b> Charges to any point not to exceed those to more distant station	12	15
Appropriation for religious worship prohibited. (Amendments 4 and 34.)	1	11	Combinations to regulate production or transportation of commodities prohibited	12	22
Deposit with treasurer required	11	15			

	Art.	Sec.
<b>Railroad companies—Cont.</b>		
Sharing earnings forbidden	12	14
Commission to control may be established	12	18
Common carriers, subject to legislative control	12	13
Connection at state line with foreign railroads authorized	12	13
Consolidation with competing lines prohibited	12	16
Delay in receipt and transportation of connecting cars forbidden	12	13
Discrimination between telegraph companies forbidden	12	19
In charges between persons and places prohibited	12	15
Excursion and commutation tickets may be granted	12	15
Express companies to be allowed equal terms	12	21
Extortion and discrimination in rates to be prevented	12	18
Grant of passes to public officers forbidden	12	20
Intersecting crossing or connecting with other railroads authorized	12	13
Maximum rates of fare and freight to be established by law	12	18
Passes, acceptance and use by public officers unlawful	2	39
Rolling stock subject to taxation and execution sale	12	17
Telegraph and telephone companies to be allowed to use right-of-way	12	19
Transfer of cars, when shall form connections for	12	13
<b>Railway cars—Jurisdiction of public offense committed on. (Amendment 10.)</b>	1	22
<b>Ratification—Constitutional amendments</b>	23	1
Revision	23	3
<b>Real property—Appellate jurisdiction of supreme court</b>	4	4
Original jurisdiction of superior court	4	6
Retired persons tax exemption. (Amendment 47.)	7	10
Taxation based on actual use. (Amendment 53.)	7	11
<b>Rebellion or invasion—Suspension of writ of habeas corpus</b>	1	13
(See also Invasion and attack.)		
<b>Recall of officers—Legislature, duty to pass necessary laws to carry out provisions of the amendment. (Amendment 8.)</b>	1	34
Malfeasance or misfeasance, recall for. (Amendment 8.)	1	33
Necessary statements in petition for. (Amendment 8.)	1	33
Oath of office, recall for violation of. (Amendment 8.)	1	33
Officers subject to. (Amendment 8.)	1	33
Percent of voters required for petition for. (Amendment 8.)	1	33
	1	34
Petition for. (Amendment 8.)	1	33
Place for filing petition. (Amendment 8.)	1	33
Special election on petition for. (Amendment 8.)	1	33
<b>Receipts and expenditures—Account of, to be published</b>	7	7
<b>Reclamation—Public use in taking for. (Amendment 9.)</b>	1	16
<b>Recognizances—Territorial inure to state</b>	27	4
Valid and unaffected by change in government	27	4
<b>Records—Continuity of government in emergency periods due to enemy attack. (Amendment 39.)</b>	2	42
Of state officers to be kept at capital	3	24
Of territorial courts, transferred to superior courts	27	8

	Art.	Sec.
<b>Referendum—(See Initiative and referendum.)</b>		
<b>Reforestation—Taxation by yield tax or ad valorem tax. (Amendment 14.)</b>	7	1
<b>Regents—Appointment for state institutions</b>	13	1
<b>Registration law—Compliance with by elector necessary</b>	6	7
Enactment by legislature required, when	6	7
Power of legislature to provide for punishment for illegal registration. (Amendment 2; Amendment 5.)	6	1
<b>Release of debt or obligation—Special legislation prohibited</b>	2	28(10)
<b>Religion—Appropriations of public funds for religious purposes, prohibition against. (Amendments 4 and 34.)</b>	1	11
Chaplain of state penitentiary, right to employ. (Amendments 4 and 34.)	1	11
Freedom of conscience guaranteed	1	11
Guaranty of freedom of conscience. (Amendments 4 and 34.)	1	11
Juror not to be incompetent on account of	1	11
Competency not dependent upon religion. (Amendments 4 and 34.)	1	11
No person to be molested on account of. (Amendments 4 and 34.)	1	11
Public office, prohibition against religious qualification. (Amendments 4 and 34.)	1	11
Toleration in, secured	26	1
Witness not incompetent because of	1	11
Competency not dependent upon religion. (Amendments 4 and 34.)	1	11
Right to interrogate respecting religious beliefs to affect weight of testimony. (Amendments 4 and 34.)	1	11
<b>Removal from office—Impeachment</b>	5	1
Joint resolution of legislature for removal	4	9
Officers not liable to impeachment, how removed	5	3
Of governor, who to act	3	10
And lieutenant governor, who to act	3	10
(See Recall.)		
<b>Reporter of supreme court—Judges to appoint</b>	4	18
Salary to be prescribed by law	4	18
<b>Reports—Decisions of supreme court</b>	4	21
Defects and omissions in the laws	4	25
<b>Representative districts—Allotment among counties</b>	22	2
Vacancies	2	15
<b>Representatives—Apportionment among counties</b>	22	2
Compensation and mileage	2	23
Congressional, how and when to be elected	27	13
Vote at first election under territorial law	27	13
Election of	2	4,5
Number of	2	2
Privilege from arrest	2	16
From civil process	2	16
Qualifications of	2	7
Reapportionment after each census	2	3
Term of office	2	4,5
(See House of representatives; Recall.)		
Vacancy in office, how filled. (Amendment 52.)	2	15
<b>Reprieves—Report of, by governor to legislature</b>	3	11
<b>Residence—Absence in public service or at certain institution, not to affect</b>	6	4

<b>Residence—Cont.</b>	<b>Art.</b>	<b>Sec.</b>
Eligibility to office and right of voting, how affected by .....	6	4
Qualifications for voters. (Amendments 2, 5 and 46.) .....	6	1
State officers, where .....	3	24
<b>Retirement—Funds, Investment of. (Amendment 49.) .....</b>	<b>29</b>	<b>1</b>
Judges of supreme, superior courts. (Amendment 25.) .....	4	3(a)
Public officers, increase in pension not extra compensation. (Amendment 35.) .....	2	25
Retired persons tax exemption. (Amendment 47.) .....	7	10
<b>Revenue and taxation—(See also Taxation.) Corporate property subject same as individual .....</b>	<b>7</b>	<b>3</b>
Exemptions from taxation. (See Taxation.)		
Property to be taxed in proportion to value .....	7	1
Retired persons property tax exemption. (Amendment 47.) .....	7	10
Uniform and equal rate required .....	7	1
(See Taxation.)		
<b>Review, writ of—Appellate and revisory jurisdiction of supreme court .....</b>	<b>4</b>	<b>4</b>
Original jurisdiction of superior court .....	4	6
<b>Revision of Constitution—Convention called, to consist of how many .....</b>	<b>23</b>	<b>2</b>
Two-thirds vote of each house necessary .....	23	2
Vote on, now provided for .....	23	2
<b>Right of petition—Not to be abridged .....</b>	<b>1</b>	<b>4</b>
<b>Right-of-way—Appropriation of property for .....</b>	<b>1</b>	<b>16</b>
<b>Right to assemble—Not to be abridged .....</b>	<b>1</b>	<b>4</b>
<b>Right to bear arms—Not to be impaired .....</b>	<b>1</b>	<b>24</b>
Restriction on employment of armed men by private persons .....	1	24
<b>Rights—Declaration of .....</b>	<b>1</b>	<b>1-32</b>
Enumerated, not to affect others retained .....	1	30
Existing, not affected by change in government ..	27	1
Reservation of rights in people. (See Initiative and referendum.)		
<b>Road district—Vacancy in office, how filled .....</b>	<b>11</b>	<b>6</b>
<b>Roads—(See highways; state roads; streets and roads.)</b>		
<b>Rolling stock—Personal property, subject to taxation and execution sale .....</b>	<b>12</b>	<b>17</b>
<b>Rules of court—Assignment of business of superior court under .....</b>	<b>4</b>	<b>5</b>
Court of appeals, governing. (Amendment 50.) ..	4	30
Judges of superior courts to establish .....	4	24
<b>Rules of proceedings—Each house to determine ..</b>	<b>2</b>	<b>9</b>
<b>Sailors—Excluded from enumeration of inhabitants</b>	<b>2</b>	<b>3</b>
<b>Salaries—Change in, during term. (Amendments 20, 35, and 54.) .....</b>	<b>2</b>	<b>25</b>
	11	8
	28	1
	30	1
Clerk of supreme court .....	4	22
County, township, precinct and district officers ..	11	5,8
Judges of supreme and superior courts .....	4	13
How and when payable .....	4	14

<b>Salaries—Cont.</b>	<b>Art.</b>	<b>Sec.</b>
Increase or diminution during term .....	30	1
	4	13
Justice of peace in certain cities .....	4	10
Reporter of supreme court .....	4	18
State officers, increase or diminution during term. (Amendment 54.) .....	30	1
	3	25
Attorney general .....	3	21
Auditor .....	3	20
Commissioner of public lands .....	3	23
Governor .....	3	14
Lieutenant governor .....	3	16
Secretary of state .....	3	17
Superintendent of public instruction .....	3	22
Treasurer .....	3	19
<b>Sanitary regulations—County, city and town may enforce .....</b>	<b>11</b>	<b>11</b>
<b>School district—Authority to contract debts .....</b>	<b>8</b>	<b>6</b>
Exemption of property from taxation. (Amendment 14.)		
<b>School elections—Women may be permitted to vote .....</b>	<b>6</b>	<b>2</b>
<b>School fund—Applied exclusively to common schools .....</b>	<b>9</b>	<b>2</b>
Apportionment by special act forbidden .....	2	28(7)
Bonds, investment in. (Amendment 1.)		
Enlargement authorized .....	9	3
Interest of, applied to current expenses .....	9	3
Investment .....	16	5
Loans to private persons or corporations forbidden	16	5
Prohibition against. (Amendment 1.)		
Losses from, how made good .....	9	5
Sources from which derived .....	9	3
(See Common school construction fund; Common school fund; Permanent school fund.)		
<b>School lands—Sale, manner of .....</b>	<b>16</b>	<b>2-4</b>
<b>Schools—Maintained partly by public funds to be free from sectarian control .....</b>	<b>9</b>	<b>4</b>
Public school system, what included in .....	9	2
(See Common schools; Education; High schools; Normal schools; Public schools.)		
<b>Seal—State, design of .....</b>	<b>18</b>	<b>1</b>
Custodian, secretary of state to be .....	3	18
Superior courts, design of .....	27	9
Territorial court, county and municipal officers, to be seals under state .....	27	8,9
<b>Seat of government—Continuity of government in emergency periods due to enemy attack. (Amendment 39.) .....</b>	<b>2</b>	<b>42</b>
Election under territorial law .....	27	15
Form of ballot .....	17	18
Location, how determined .....	14	1
Majority vote necessary .....	14	1
Permanent location, how changed .....	14	2
Provision for determination if no choice at first election .....	14	1
Temporary, to be located where .....	14	1
<b>Secrecy—In legislative proceedings, how obtained</b>	<b>2</b>	<b>11</b>
Of ballot, to be secured at elections .....	6	6
<b>Secretary of state—Attests commissions issued by state .....</b>	<b>3</b>	<b>15</b>
Bureau of statistics, etc., to be established in office of .....	2	34
Duties .....	3	17
Election .....	3	1

	Art.	Sec.
<b>Secretary of state—Cont.</b>		
Initiative measures, filing petitions. (Amendment 7 (a).)	2	1(a)
Records to be kept at capital	3	24
Referendum petition filed with. (Amendment 7 (d).)	2	1(d)
Residence to be maintained at seat of government	3	24
Salary	3	17
Seal of state to be kept by	3	18
Submitting measures to the people pending enactment of specific legislation respecting initiative and referendum. (Amendment 7 (d).)	2	1(d)
Succession to office of governor. (Amendment 6.)	3	10
Term of office	3	3
<b>Sectarian control—Public schools to be free from</b>	26	4
<b>Security—Of individual rights, what is essential</b>	1	32
Of person in private affairs and home	1	7
<b>Senate—Advice and consent to appointments by governor</b>	13	1
Impeachments tried by	5	1
Conviction requires two-thirds vote	5	1
Legislative authority vested in. (Amendment 7.)		
Legislative powers vested in	2	1
Number of senators	2	2
Presiding officer in absence of lieutenant governor	2	10
Quorum, majority to constitute	2	8
Reapportionment after each census	2	3
(See Legislature; Senators.)		
<b>Senatorial districts—Allotment of counties</b>	22	1
Convenient and contiguous territory required	2	6
Numbering to be consecutive	2	6
Representative districts not to be divided	2	6
Vacancy in office how filled. (Amendment 52.)	2	15
<b>Senators—Allotment of</b>	2	6
Apportionment	22	1
Compensation and mileage. (Amendment 20.)	2	23
Elections	2	6
Impeachments tried by	5	1
Oath or affirmation required in	5	1
Two-thirds necessary to convict	5	1
Number	2	2
Privilege from arrest	2	16
From civil process	2	16
Qualifications	2	7
Reapportionment after each census	2	3
Recall. (Amendment 8.)	1	33,34
Term of office	2	6
Vacancy in office, how filled. (Amendment 52.)	2	15
<b>Separate articles—Submission for adoption or rejection</b>	27	17
Form of ballot	27	18
Prohibition (rejected)	27	17
Woman suffrage (rejected)	27	17
<b>Sessions—Legislative, length of</b>	2	12
Biennial	2	12
Time of meeting may be changed	2	12
Each house to be open	2	11
Except when secrecy required	2	11
Special, may be convened by governor	3	7
<b>Settlement of land—Public use in taking of property for. (Amendment 9.)</b>	1	16
<b>Sewers—Power of cities to contract debts for</b>	8	6
<b>Sex—Denial of franchise on account of, legislature may provide against in school elections. (Superseceded by Amendment 5.)</b>	6	2
Educational privileges, no distinction on account of	9	1
Equal rights	31	1,2

	Art.	Sec.
<b>Sex—Cont.</b>		
Sex qualifications for voting abolished. (Amendment 5.)	6	1
<b>Sheriffs—Accountability for fees and monies. (Amendments 12, 57.)</b>	11	5
Duties, term and salary to be prescribed. (Amendments 12, 57.)	11	5
Election to be provided for by legislature. (Amendments 12, 57.)	11	5
<b>Shores and beds of navigable waters—Assertion of state ownership</b>	17	1
Disclaimer by state where patented	17	2
Except in cases of fraud	17	2
<b>Soldiers—Excluded from enumeration of inhabitants</b>	2	3
Quartering in private house forbidden	1	31
Except in case of war	1	31
<b>Soldiers' home—Admission granted to state militiamen, Union soldiers, sailors and marines</b>	10	3
Maintenance by state to be provided for	10	3
<b>Special election—Recall of public officers, election on petition for. (Amendment 8.)</b>	1	33,34
Reference of measures to people at. (Amendment 7 (d).)	2	1(d)
<b>Special legislation—Prohibited in enumerated cases</b>	2	28
<b>Special privileges—Grant of, prohibited</b>	1	12
Invalid, when	12	2
<b>Special taxation—Local improvements in cities may be constructed by means of</b>	7	9
<b>Speech—Liberty of, guaranteed</b>	1	5
<b>Standing army—Not to be kept in time of peace</b>	1	31
<b>State—Boundaries. (Amendment 33.)</b>	24	1
Building authority. (Amendment 51.)	8	9
Cession to United States of exclusive legislation over certain lands	25	1
Reservation of right to serve process	25	1
Compact with United States	26	
Congressional districts, division into	27	13
Continuity of government in emergency periods due to enemy attack. (Amendment 39.)	2	42
Convict labor not to be let out by contract	2	49
Corporations, ownership of stock in or loaning credit to, prohibited	12	9
Credit not to be loaned	8	5
Criminal prosecutions continued in name of state on change of government	27	5
Debts, fines, penalties and forfeitures, accrued to territory inure to state	27	3
Limitation on power	8	1-3
Money raised, how applied	8	1
Power to contract	8	1-3
Disclaimer of title to government or Indian lands	26	2
Division into senatorial and representative districts	22	1-2
Education, duty to provide for all children	9	1
Harbors, restriction on sale of lands or rights in	15	1
Indian lands, when taxable	26	2
Lands granted to, held in trust for people	16	1
Ownership of beds and shores of navigable waters asserted	17	1
Public schools, assumption of duty of establishing	26	4
State institutions to be supported	13	1
Suits against, legislature to authorize	2	26
Taxation, state property exempt from. (Amendment 14.)	7	1
Territorial debts and liabilities, assumption by	26	3

State—Cont.	Art.	Sec.	Art.	Sec.
Property passes to state .....	27	4		
Timber and stone on state lands, sale of .....	16	3		
Title in lands patented by United States disclaimed by .....	17	2		
Validation of void official acts may be special law as against state .....	2	28(12)		
<b>State auditor—(See Auditor.)</b>				
<b>State board of health—Legislature to establish ...</b>	20	1		
<b>State building authority—Authorized. (Amendment 51.) .....</b>	8	9		
<b>State capital—Location, how made .....</b>	14	1		
Change of, method .....	14	2		
(See Seat of government.)				
<b>State courts—Jurisdiction of actions in territorial courts to be assumed by .....</b>	27	5		
<b>State indebtedness—Annual expenses and state debt to be met by taxation .....</b>	7	1		
Limit of aggregate debt .....	8	1		
Increase allowed to repel invasion .....	8	2		
Also for single work or object, after submission to vote .....	8	3		
Losses in permanent school fund assumed as state debt .....	9	5		
State building authority. (Amendment 51.) .....	8	9		
State may contract debts to meet .....	8	1		
<b>State institutions—Chaplains. (Amendments 4 and 34.) .....</b>	1	11		
Officers appointed by governor, with advice of senate .....	13	1		
Support by state required .....	13	1		
<b>State land commissioner—(See Commissioner of public lands.)</b>				
<b>State lands—(See Lands; Public lands.)</b>				
<b>State militia—(See Militia.)</b>				
<b>State officers—(Abolition of certain offices, power granted legislature. (Amendment 31.) .....</b>	3	25		
Compensation, change during term .....	30	1		
	2	25		
Duties, temporary succession, national emergency, legislature. (Amendment 39.) .....	2	42		
Elections to be quadrennial .....	6	8		
Contested, legislature to decide .....	3	4		
First under Constitution, how and when .....	27	7		
Ties to be settled by legislature .....	3	4		
Time of .....	6	8		
Impeachment, who liable to .....	5	2		
Information to be furnished to governor in writing by .....	3	5		
Passes, acceptance and use prohibited .....	12	20		
	2	39		
Qualifications. (Amendment 31.) .....	3	25		
Records, to be kept at seat of government .....	3	24		
Residence of certain, at state capital .....	3	24		
Salaries. (See Salaries.)				
Terms .....	3	3		
<b>State offices—Abolition of certain, permitted. (Amendment 31.) .....</b>	3	25		
Eligibility to. (Amendment 31.) .....	3	25		
<b>State reformatories—Chaplain, employment of. (Amendments 4 and 34.) .....</b>	1	11		
<b>State roads—Opening by special law permitted ..</b>	2	28(2)		
<b>State school tax—Applied exclusively to common schools .....</b>	9	2		
<b>State seal—Description and custody .....</b>	3	18		
<b>State taxes—(See Taxation.)</b>				
<b>State treasurer—(See Treasurer.)</b>				
<b>Statement of receipts and expenditures—Annual publication required .....</b>	7	7		
<b>Statistics—Bureau of, to be established .....</b>	2	34		
<b>Statutes—Enacting clause, style of .....</b>	2	18		
When take effect .....	2	31		
(See Acts; Bills; Laws.)				
<b>Stockholders—Consent necessary to increase of corporate stock .....</b>	12	6		
Joinder as parties defendant in actions against corporation .....	12	4		
Liability for corporate debts .....	12	4		
In banking, insurance and joint stock companies. (Amendment 16.) .....	12	11		
(See Corporations; Stock of corporations.)				
<b>Stock of corporations—Counties, cities, etc., not to own .....</b>	8	7		
Fictitious increase void .....	12	6		
Increase allowed only under general law .....	12	6		
With consent of majority of stockholders .....	12	6		
Issued only to bona fide holders .....	12	6		
(See Corporations; Stockholders.)				
<b>Stone—Sale from state lands authorized .....</b>	16	3		
<b>Streets and roads—Extension over tide lands permitted .....</b>	15	3		
Opening under special laws prohibited except state roads .....	2	28(2)		
(See Highway; State roads.)				
<b>Students—Residence or absence does not affect right to vote .....</b>	6	4		
<b>Subpoena—Accused in criminal action as having right to compel attendance of witnesses. (Amendment 10.) .....</b>	1	22		
<b>Suffrage—Denial on account of sex, legislature may provide against in school elections .....</b>	6	2		
Exercise of right to be free, equal and undisturbed .....	1	19		
Illegal voting or registration, legislature to provide punishment for. (Amendments 2 and 5.) .....	6	1		
Qualifications of voters. (See Voters.)				
<b>Suits against state—Legislature to make provision for .....</b>	2	26		
<b>Superintendent of public instruction—Duties .....</b>	3	22		
Election .....	3	1		
Records to be kept at seat of government .....	3	24		
Salary .....	3	22		
Succession to office of governor. (Amendment 6.) .....	3	10		
Term of office .....	3	3		
<b>Superior court—Actions, review of .....</b>	4	30		
Assignment (first) of judges to counties .....	4	2(a)		
	4	5		
Clerk .....	4	26		
Court commissioners, appointed .....	4	23		
Court of record .....	4	11		

	Art.	Sec.
<b>Superior court—Cont.</b>		
Decisions of causes to be made within ninety days	4	20
Election and districts. (Amendment 41.)	4	5
	4	29
First, contests to be determined how	27	12
Eligibility to	4	17
Grand jury summoned only on order of judge	1	26
Judge, one for each county	4	5
Each, where more than one, invested with powers of all	4	5
Election of. (Amendment 41.)	4	5
	4	29
Pro tempore, when authorized	4	7
Retirement. (Amendment 25.)	4	3(a)
Sits in any county, when	4	2(a)
	4	7
Supreme court duty, performance upon request. (Amendment 38.)	4	2(a)
Term of office	4	5
Judicial power, vested in	4	1
Jurisdiction, original and appellate. (Amendment 28.)	4	6
Naturalization, power of	4	6
Open, except on nonjudicial days	4	6
Other court, perform duties in. (Amendment 38.)	4	2(a)
Probate courts, appellate jurisdiction over	27	10
Jurisdiction, when to be assumed	27	10
Process extends to all parts of state	4	6
Report to supreme court defects in laws	4	25
Retirement of judges. (Amendment 25.)		
Rules of practice, may establish	4	24
Salaries of judges	4	13,14
Seal	27	9
Sessions and distribution of business	4	5
Territorial causes and records pass to	27	5
Vacancies, governor to fill	4	5
Writs, power to issue	4	6
<b>Supreme court—Chief justice, how determined</b>	4	3
Classification of judges by lot	4	3
One class vacates seats every two years	4	3
Clerk to be appointed	4	22
Court of appeals, rules governing. (Amendment 50.)	4	30
Court of record	4	11
Decisions to be in writing and state grounds	4	2
Departments of court may be provided	4	2
Election of judges	4	3
Eligibility to office	4	17
Judges, court to consist of five	4	2
Number may be increased	4	2
Retirement. (Amendment 25.)	4	3(a)
Salaries	4	13,14
Term of office	4	3
Judicial power vested in	4	1
Jurisdiction, original and appellate	4	4
Open except on nonjudicial days	4	2
Opinions to be published	4	21
Quorum, majority of judges to form and pronounce decisions	4	2
Report of defects in laws to be made to governor	4	25
Reporter to be appointed	4	18
Retirement of judges. (Amendment 25.)	4	3(a)
Seal	27	9
Sessions to be held where	4	3
Temporary judicial duties in. (Amendment 38.)	4	2(a)
Territorial supreme court, when jurisdiction over causes passes to state court	27	8
Vacancies, governor to fill	4	3
<b>Supreme court clerk—(See Clerk of supreme court.)</b>		
<b>Supreme court reporters—(See Reporter of supreme court.)</b>		
<b>Supreme law—Constitution of United States is</b>	1	2

	Art.	Sec.
<b>Surgery—Practice of, to be regulated by law</b>	20	2
<b>Swamp and overflowed lands—Disclaimer by state of title to patented</b>	17	2
<b>Taxation—(See also Revenue; and Revenue and taxation.)</b>		
Ad valorem tax on mines and reforested lands. (Amendment 14.)	7	1
Agricultural lands, actual use	7	11
Assessment or collection by special laws prohibited	2	28(5)
Cities, power, to assess and collect local taxes	11	12
Counties, power to assess and collect local	11	12
Deficiencies, state tax may be levied for	7	8
Exemption from, allowed certain property	7	1
Indian lands, when	26	2
Property, power of legislature to provide for exemption of. (Amendment 3; Amendment 14)	7	1
Public property, exemption of. (Amendment 14.)	7	1
Real property, retired persons. (Amendment 47.)	7	10
United States lands, when	7	1
	26	2
Farms, actual use	7	11
Gasoline (certain) taxes limited to highway purposes only. (See Amendment 18.)	2	40
Head of family, power of legislature to provide for exemption of. (Amendment 3; Amendment 14.)	7	1
Indian lands, patented, how taxed	26	2
Intangible property as subject to. (Amendment 14.)	7	1
Jurisdiction, appellate, of supreme court	4	4
Original, of superior court	4	6
Law imposing tax must state object	7	5
Legislative power to provide for exemption. (Amendment 3; Amendment 14.)	7	1
Levy only in pursuance of law	7	5
Proceeds applied only to object stated	7	5
Property subject to	7	1,2
Local, legislature no power to impose	11	12
Mines and mineral resources, yield tax or ad valorem tax on. (Amendment 14.)	7	1
Municipal corporations vested with power for general purposes and local improvements	7	9
Nonresidents, lands of, how taxed	26	2
Open space lands, actual use	7	11
Power of taxation. (Amendment 14.)	7	1
Property subject to	7	1,2
Definition of taxable property. (Amendment 14.)	7	1
Property tax limited to 1 per cent of true and fair value. (See Amendment 55.)	7	2
Public purposes, taxation limited to. (Amendment 14.)	7	1
Real estate, uniformity of taxation of. (Amendment 14.)	7	1
Real property, retired persons exemption. (Amendment 47.)	7	10
Rolling stock of railroads subject to	12	17
Standing timber, actual use	7	11
State purposes, payable into treasury in money only	7	6
Taxes, no commutation of county's proportionate share	11	9
Surrender of state's power to tax corporate property prohibited	7	4
Timber lands, actual use	7	11
Towns, power to assess and collect taxes	11	12
Uniformity required	7	1,9
Yield tax authorized as to mines and reforested land. (Amendment 14.)	7	1
<b>Technical schools—Included in public school system</b>	9	2
<b>Telegraph and telephone companies:</b>		
Common carriers	12	19
Construction of lines authorized	12	19

<b>Telegraph and telephone companies—cont.</b>	<b>Art.</b>	<b>Sec.</b>
Delay and discrimination in handling messages prohibited	12	19
Eminent domain, right extended to	12	19
Railroads to grant like facilities to all companies	12	19
Rights-of-way, railroads must allow use for construction of lines	12	19
<b>Tenure of office—County officers ineligible for more than two terms in succession. (Repealed. Amendment 22.)</b>	<b>11</b>	<b>7</b>
Extension of term not to be granted to county and local officers	11	8
In office at adoption of Constitution, how long to hold	27	14
State treasurer ineligible for succeeding term. (Superseded by Amendment 31.)	3	25
(See Recall of officers; Term of office.)		
<b>Term of office—Attorney general</b>	<b>3</b>	<b>3</b>
Auditor of state	3	3
Commencement of term	3	4
Of first officers elected under Constitution	27	16
Commissioner of public lands	3	3
Compensation increase during term	30	1
County, district, precinct and township officers	11	5
Governor	3	2
Judges of supreme court	4	3
Of superior court	4	5
Lieutenant governor	3	3
Officers not provided for in Constitution, legislature to fix	27	11
Representatives	2	4,5
Secretary of state	3	3
Senators	2	6
Superintendent of public instruction	3	3
Treasurer of state	3	3
(See Recall of officers; Tenure of office.)		
<b>Territory—Accrued debts, fines, etc., inure to state</b>	<b>27</b>	<b>3</b>
Bonds and recognizances given to, pass to state	27	4
Courts of, continue until when	27	8
Causes transferred to state courts	27	5,8
Debts of, assumed by state	26	3
Existing rights, change in form of government not to affect	27	1
Laws to remain in force	27	2
Except those affecting tide lands	27	2
Liabilities, assumption of, by state	26	3
Officers to hold until superseded by state officers	27	6
Process to be valid	27	1
Property of, to vest in state	27	4
<b>Testimony—Accused not required to testify against himself</b>	<b>1</b>	<b>9</b>
Except in case of bribery	2	30
Compulsory in cases of corrupt solicitation	2	30
Treason, what necessary for conviction	1	27
Weight of, not affected by religious belief. (Amendments 4 and 34.)	1	11
(See Evidence.)		
<b>Tide lands—Ownership by state asserted</b>	<b>17</b>	<b>1</b>
Streets may be extended over, by municipal corporations	15	3
Title to lands patented disclaimed by state	17	2
Vested rights may be asserted in courts	17	1
<b>Tide waters—Control and regulation within harbor areas</b>	<b>15</b>	<b>1-3</b>
<b>Timber—Sale of state lands, how</b>	<b>16</b>	<b>3</b>
Sale, proceeds to common school construction fund. (Amendment 43.)	9	3
Taxation based on actual use	30	1

<b>Timber lands—Reforestation lands, yield tax</b>	<b>7</b>	<b>1</b>
Sale of, when valid	16	3
Taxation based on actual use	30	1
<b>Time—Petition for initiative measures, time for filing. (Amendment 7 (a).)</b>	<b>2</b>	<b>1(a)</b>
Referendum petition, time for filing. (Amendment 7 (d).)	2	1(d)
<b>Title—Assertion by state in tide lands</b>	<b>17</b>	<b>1</b>
Disclaimer by state to patented lands	17	2
<b>Tolerance—Secured in matters of religious sentiment</b>	<b>26</b>	<b>1</b>
<b>Toll—Appellate jurisdiction of supreme court</b>	<b>4</b>	<b>4</b>
Original jurisdiction of superior court	4	6
<b>Towns and villages—Amendment of charter by special act, prohibited</b>	<b>2</b>	<b>28(8)</b>
Corporate stock or bonds not to be owned by	8	7
Credit not to be loaned, except	8	7
Indebtedness, limitation on. (Amendment 27.)	8	6
Increase, power and restrictions on	8	6
Limit may be exceeded for water, light and sewers	8	6
Money to be deposited with treasurer	11	15
Use of, by official, a felony	11	14
Officers, salaries of, change during term	30	1
	11	8
Term not to be extended	11	8
Organization under general laws required	11	10
Police and sanitary regulations may be enforced	11	11
Taxation, power of	11	12
Local, legislature not to impose	11	12
(See Municipal corporations; Municipal courts; Municipal fine.)		
<b>Townships—County may adopt township form of organization by majority vote</b>	<b>11</b>	<b>4</b>
Local affairs to be managed under general laws	11	4
Officers, election, duties, terms, compensation to be prescribed by legislature	11	5
Duty of legislature to provide for election. (Amendments 12, 57.)	11	5
Police and sanitary regulations, power to enforce	11	11
Salaries of officers not to be changed during term	11	8
Term of office not to be extended	11	8
Vacancies in office, how filled	11	6
<b>Trains—Jurisdiction of public offense committed on. (Amendment 10.)</b>	<b>1</b>	<b>22</b>
<b>Transportation companies—Commission to regulate may be established</b>	<b>12</b>	<b>18</b>
Common carriers, subject to legislative control	12	13
Discrimination in charges prohibited	12	15
Excursion and commutation tickets may be issued	12	15
Passes not to be granted public officers	12	20
Pooling earnings prohibited	12	14
(See Railroad companies.)		
<b>Treason—Acts constituting</b>	<b>1</b>	<b>27</b>
Evidence necessary for conviction	1	27
<b>Treasurer—Duties</b>	<b>3</b>	<b>19</b>
Election	3	1
Ineligibility for succeeding term. (Superseded by Amendment 31.)	3	25
Records to be kept at seat of government	3	24
Residence must be at seat of government	3	24
Salary	3	19
Succession to governorship. (Amendment 6.)	3	10
Term of office	3	3

Index to State Constitution

Index

	Art.	Sec.
<b>Treasury</b> —Moneys collected by municipal officers to be paid into .....	11	5
Paid out of state, when and how .....	8	4
<b>Trial by jury</b> —Criminal action, right of accused in. (Amendment 10.) .....	1	22
Number of jurors in courts not of record .....	1	21
Right of, remains inviolate .....	1	21
Waiver in civil cases .....	1	21
Verdict by less than twelve may be authorized in civil cases .....	1	21
<b>Trustees</b> —Appointment for state institutions ....	13	1
<b>Trusts</b> —Forfeiture of property and franchise may be enforced .....	12	22
Prohibited under penalty .....	12	22
<b>Twice in jeopardy</b> —Not to be subjected to for same offense .....	1	9
<b>Uniformity</b> —In system of county government to be provided for .....	11	4
In taxation, required .....	7	1,9
<b>United States</b> —Compact of state with .....	26	
Consent of, necessary of disposing of certain lands	16	1
Constitution is supreme law of land .....	1	2
Officers for territory hold until superseded by state	27	6
Office under, acceptance vacates seat in legislature	2	14
President, qualifications to vote for. (Amendment 46.) .....	6	1A
Taxation of lands of, not to be imposed .....	26	2
Title to unappropriated lands remains in .....	26	2
(See Congress; Federal officers; Forts; Dockyards, etc.; Indian lands.)		
<b>Vacancies in office</b> —Township, precinct and road district filled by county commissioners .....	11	6
Continuity of government in periods of emergency due to enemy attack. (Amendment 39.) .....	2	42
County partisan elective offices. (Amendment 32.)	2	15
Governor, vacancy in office of. (Amendment 6.)		
Judges of supreme and superior courts, governor to fill .....	4	3,5
Legislature. (Amendment 52.) .....	2	15
Partisan county elective office. (Amendment 52.)	2	15
State, filled by governor until next election .....	3	13
<b>Validating acts</b> —Relating to deeds, etc., by special laws, prohibited .....	2	28(9)
<b>Validity of statute</b> —Appellate jurisdiction of supreme court .....	4	4
<b>Verdict</b> —Number of jurors may be less than twelve in civil cases .....	1	21
<b>Vested rights</b> —In tide lands, protected .....	17	1
<b>Veto</b> —Governor has power to .....	3	12
Measures initiated by or referred to the people. (Amendment 7 (d).) .....	2	1(d)
Two-thirds vote necessary to pass bill over .....	3	12
<b>Village</b> —(See Towns and villages.)		
<b>Vital statistics</b> —Bureau of, to be created .....	20	1
<b>Vote</b> —By ballot on all elections .....	6	6
Congressional election, how determined .....	27	13
First election to be under territorial law .....	27	15
Legislative elections to be viva voce .....	2	27

	Art.	Sec.
<b>Vote—Cont.</b>		
Not entitled to .....	6	3
President, for. (Amendment 46.) .....	6	1A
Registration a prerequisite, when .....	6	7
Residence of certain persons not to affect right ..	6	4
School elections, women may be given right. (Superseded by Amendment 5.) .....	6	2
(See Elections; Electors; Initiative and referendum; Voter.)		
Superior court judge, for. (Amendment 41.) .....	4	29
<b>Voter</b> —Absence of certain persons not to affect rights as .....	6	4
Age. (Amendments 2 and 5.) .....	6	1
Basis for ascertaining number of voters required on referendum petition. (Amendment 7 (d) and 30.) .....	2	1(d)
Citizenship qualification. (Amendment 2; Amendment 5; Amendment 46.) .....	6	1
Exempt from military duty on election day .....	6	5
Females as qualified. (Amendment 5.) .....	6	1
Indians, not taxed. (Amendment 2; Amendment 5.)	6	1
Legislative authority to enact laws defining the manner of ascertaining qualification of voters. (Amendment 5.) .....	6	1
Literacy requirement. (Amendment 2; Amendment 5.) .....	6	1
Majority vote as required for approval of measures submitted to popular vote. (Amendment 7 (d).)	2	1(d)
Number of voters on referendum petition. (Amendment 7 (b)); eliminated by Amendment 30.)		
Percentage of voters required on referendum petition. (Amendments 7 (b) and 30.) .....	2	1(a)
Percentage of voters required to propose initiative measures. (Amendments 7 (a) and 30.) .....	2	1(a)
Privilege from arrest, when .....	6	5
Punishment for illegal voting power to prescribe. (Amendment 2; Amendment 5.) .....	6	1
Qualifications. (Amendment 2; Amendment 5; Amendment 46.) .....	6	1
Recall of public officer, percentage of voters required for petition. (Amendment 8.) .....	1	33,34
Residence qualification. (Amendment 2; Amendment 5.) .....	6	1
Retroactive, amendment prescribing qualifications as (Amendment 2; Amendment 5.) .....	6	1
Sex qualifications abolished. (Amendment 5.) .....	6	1
Women as qualified. (Amendment 5.) .....	6	1
(See Elective franchise; Electors; Initiative and referendum.)		
<b>Voter's pamphlet</b> —Distribution. (Amendment 36.)	2	1(e)
<b>Waiver</b> —Of jury trial for ascertaining compensation. (Amendment 9.) .....	1	16
<b>Water and water rights</b> —Appropriation for irrigation, etc., declared a public use .....	21	1
Municipal corporations, power to contract debt for	8	6
Restrictions on sale by state .....	15	1
<b>Ways of necessity</b> —Taking of private property for private use as. (Amendment 9.) .....	1	16
<b>Wharves</b> —Harbor areas to be leased for under general laws .....	15	2
Limit of term of lease .....	15	2
(See Area reserved; Harbors; Navigable waters.)		
<b>Wills</b> —Validation by special law prohibited .....	2	28(9)

	<i>Art.</i>	<i>Sec.</i>
<b>Witness</b> —Accused as having right to confront. (Amendment 10.) . . . . .	1	22
Crimination of self in bribery cases compulsory . .	2	30
Not compelled to testify against himself . . . . .	1	9
Number necessary for conviction in treason . . . . .	1	27
Religious belief not ground of incompetency. (Amendments 4 and 34.) . . . . .	1	11
Right to interrogate witness respecting religion. (Amendments 4 and 34.) . . . . .	1	11
Right to make competency dependent upon religion. (Amendments 4 and 34.) . . . . . (See Testimony.)	1	11
<b>Woman suffrage</b> —Adoption of. (Amendment 5.) Denial in school elections may be provided against. (Superseded by Amendment 5.) . . . . .	6	2
Separate article submitted (rejected) . . . . .	27	17
<b>Women</b> —Equal rights . . . . .	31	1,2
<b>Worship, religious</b> —Freedom guaranteed. (Amendments 4 and 34.) . . . . .	1	11
<b>Writs</b> —Issuance and service on nonjudicial days .	4	6
Jurisdiction of supreme court . . . . .	4	4
Of superior court . . . . .	4	6
<b>Yeas and nays</b> —Allowing introduction of bills within ten days of adjournment . . . . .	2	36
Entered on journal, when . . . . .	2	21
Taken on final passage of bills . . . . .	2	22
On passage of emergency clauses . . . . . (See Ayes and noes.)	2	31