

**“W**e, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution.”

**C**reation of the document containing the guiding principles for the state was not an easy task; however, in the end, territorial residents adopted the Minnesota Constitution. Seven months later, on May 11, 1858, the document was ratified by the U.S. Senate, and Minnesota became the 32nd state.

A constitutional convention began on July 13, 1857, to develop the state constitution. However, there was so much bitterness between the political parties that separate conventions were necessary. A conference committee, with five members from each side, was necessary to reach an agreement.

The political divide was so great that each party signed its own copy of the constitution. While essentially identical, the two had about 300 differences in punctuation, grammar and wording because of transcription errors. Written on white paper, the Republican version was signed by 53 delegates; the Democratic version, on blue paper, was signed by 51 delegates.

The territorial secretary, a Democrat, forwarded the party document to Washington, D.C. to be ratified. But it was not the only choice lawmakers had, because the Republican version of Minnesota’s constitution was also submitted, although the sender of that document is unknown. When the bill came back from the nation’s capital, it was the Republican bill that was attached.

More than 100 years later, in 1974, the document was generally revised to maintain its functionality. The approval came after a two-year study, which concluded the document needed to be restructured for easy reference, and rewritten using modern language without altering its meaning. The original document remains the final authority in cases of constitutional law.

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The first two amendments approved by voters were the establishment of a state government and a \$5 million loan to railroads. Each was ratified during an April 15, 1858, special election.

For a change to occur from 1858 to 1898, it was required that a majority of House and Senate members approve a proposed amendment, followed by a majority of voters that vote yes or no on the amendment question.

Since 1898, the latter was changed so that “a majority of all electors voting at the election” is needed, not just those who voted on the proposed amendment.

Other amendments approved by voters were the reorganization of the state judicial system in 1972, the creation of a state lottery in 1988, the preservation of the state’s hunting and fishing heritage in 1998, dedicated transportation funding in 2006 and dedicated environment and arts funding in 2008. ▼

## ARTICLES

Like many states, Minnesota’s constitution is longer than the U.S. Constitution. Today, the 14 articles in the constitution relate to issues from appropriations to highways to legislators to taxation and transportation. The following are highlights of each article:

### ARTICLE I

The first article is the Bill of Rights.

Divided into 17 sections, the article, in part, outlines the object of government, ensures the rights and privileges of citizens, prohibits unreasonable searches and seizures, permits the right to a jury trial and ensures that no preference is given to any religious establishment or mode of worship.



### ARTICLE II

This act establishes the name Minnesota and establishes that the state “has concurrent jurisdiction on the Mississippi and on all other rivers and waters forming a common boundary with any other state or states.” It also mandates that waters leading into the state be forever free without tax, duty or tolls.

### ARTICLE III

This article certifies that state government is to be divided into three departments: executive, legislative and judicial. It also ensures that, for the most part, no person from one department can exercise any of the power belonging to another department.

### ARTICLE IV

The composition and workings of the Legislature are described in this article.

For example, it requires that the Legislature be composed of the House of Representatives and the Senate, and it ensures that representation in each body be proportionate to the different sections of the state.

Under the constitution, representatives serve two-year terms and senators serve four years, except for the election following redistricting, which takes place once a decade after the latest census is taken, when senators serve only two-year terms.

It also states that members cannot meet for more than 120 regular legislative days during each biennium, and cannot meet after the first Monday following the third Saturday in May.

## ARTICLE V

The governor, lieutenant governor, attorney general, auditor and secretary of state shall comprise the executive department of state government.

This article states the qualifications and length of term for each position, and establishes a chain of command if the governor and/or lieutenant governor is unable to fulfill their duties.

## ARTICLE VI

According to the constitution, "The judicial power of the state is vested in a supreme court, a court of appeals, if established by the legislature, a district court and such other courts, judicial officers and commissioners with jurisdiction inferior to the district court as the legislature may establish."

This article establishes the makeup and duties of the respective courts, the term of office for judges and a method for filling a bench vacancy.

## ARTICLE VII

Giving every Minnesota adult the opportunity to vote is one component of this section.

In addition to covering who may cast a ballot and when, this article explains eligibility to hold office and states that constitutional or legislative office campaign spending limits shall be established.

## ARTICLE VIII

Elected officials are just like other Minnesotans in that they cannot perform illegal activity without consequence.

According to the constitution, "The governor, secretary of state, auditor, attorney general and the judges of the supreme court, court of appeals and district courts may be impeached for corrupt conduct in office or for crimes and misdemeanors; but judgment shall not extend further than to removal from office and disqualification to hold and

enjoy any office of honor, trust or profit in this state."

This article also provides the means for the recall by voters of a legislator, executive branch officer or certain judges. A person who resigns from office or is recalled cannot be appointed to the subsequent vacancy.

## ARTICLE IX

Because the state constitution is ever-changing, a process is provided for amending the document.

By law, proposed constitutional amendments must be approved by the Legislature and submitted to state voters at a general election. If a majority of all people casting ballots vote yes, the amendment becomes part of the constitution.

Additionally, a process is established for revising the constitution, including the calling of a constitutional convention and the needed votes for ratification.

## ARTICLE X

The power of taxation is among the topics addressed in this article.

According to the constitution, "Taxes shall be uniform upon the same class of subjects and shall be levied and collected for public purposes, but public burying grounds, public school houses, public hospitals, academies, colleges, universities, all seminaries of learning, all churches, church property, houses of worship, institutions of purely public charity, and public property used exclusively for any public purpose, shall be exempt from taxation except as provided in this section."

Further, the constitution addresses the taxing of forestation, iron ore producing or manufacturing, motor fuel and aircraft.

An amendment adopted in 1982, permitting the Legislature to authorize on-track parimutuel betting on horse racing, is in this article.

## ARTICLE XI

State appropriations and finances are the subject matter of this article.

For example, it states the purpose for which public debt can be incurred, when certificates of indebtedness may

be issued, and lays out bonding requirements.

It also addresses the permanent school fund, permanent university fund, the exchanging of public lands for publicly or privately held land, the environment and natural resources trust fund and the safekeeping of state funds.

## ARTICLE XII

While the constitution is directed more toward state government, this article addresses special legislation for local government.

For example, "The legislature may provide by law for the creation, organization, administration, consolidation, division and dissolution of local government units and their functions, for the change of boundaries thereof, for their elective and appointive officers including qualifications for office and for the transfer of county seats." The Legislature shall also, by law, provide for charter commissions.

## ARTICLE XIII

Many miscellaneous provisions are under this article, including the establishment of a general and uniform system of public schools; that no lotteries can be authorized other than the state lottery; that a person who sells products grown on their farm or in their garden does not need a license; that St. Paul is the seat of government in the state; and that the Legislature "shall pass laws necessary for the organization, discipline and service of the militia of the state."

## ARTICLE XIV

This article is dedicated to the state's public highway system and its funding. For example, it establishes a state trunk highway system, and ways to fund roadways overseen by smaller political units, such as counties or cities, within the state. ▼

For a complete copy of the Minnesota Constitution, go to <http://www.house.mn/cco/rules/mncon/preamble.htm>.



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