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**March 2013**

**Minnesota Constitutional  
Amendments  
History and Legal Principles**

**Research Department**  
Minnesota House of Representatives

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The Research Department of the Minnesota House of Representatives is a nonpartisan professional office serving the entire membership of the House and its committees. The department assists all members and committees in developing, analyzing, drafting, and amending legislation.

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Amendments  
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This publication provides a general overview of historical and current legal and procedural issues related to amending the Minnesota Constitution.

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## Introduction

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In Minnesota, the power to amend the state's constitution rests solely with the people. The constitutional text structures this power by granting authority to the legislature to propose amendments, but reserving for the people the power to determine whether a proposed amendment should be ratified.

In the 155 years since statehood, the Minnesota Legislature has submitted a total of 215 constitutional amendment proposals to the people for their ratification or rejection. Of these proposals, 120 were approved and 95 were rejected. Each amendment proposal has its own unique story. Some reflect broad questions about the role, structure, and financing of government within the state, while others are more narrowly tailored to specific interests, reflective of the historical era in which they were presented. Some—particularly those presented in recent decades—have generated a great deal of interest among voters, evidenced by high participation rates, while others have been burdened by lack of interest, and low participation, from the electorate.

In addition to the substance of the amendments themselves, the mechanics and procedures for submitting amendments to the voters have their own varied and developed history. Several proposals have been presented to the voters to change the process for amending the constitution. On at least two occasions in Minnesota's history, the legislature required formal study of the process by specially appointed commissions charged with a thorough review. But despite these efforts, the constitutional text specifying the procedure for making amendments has remained largely unchanged; a proposed amendment in 1898 increasing the vote threshold necessary for ratification—in effect, making the process more difficult—is the only change that has been ratified by the voters.

Beyond the text of the constitution, decisions of the Minnesota Supreme Court, advisory opinions of the state's attorney general, and the customs and practices of the legislature itself form an additional body of legal precedent that guide proposed constitutional amendments both in the legislative process and at the ballot box. Disputed questions of constitutional amendment law—requirements of the legislative process, standards for submitting questions to the people, procedures for tallying votes, an amendment's effective date, and others—have been presented to and addressed by the supreme court and the attorney general on a number of occasions; some of these questions, originally presented in the late 19th and early 20th centuries, continue to recur on amendment proposals well into the 21st century.

This publication provides a general overview of the historical and current processes for amending the Minnesota State Constitution. The publication is organized into several parts:

### **Part 1: Proposing a State Constitutional Amendment: Procedural Standards**

This section describes the basic processes available for the legislature to propose an amendment to the Minnesota Constitution, as provided in [article IX](#) of the constitution itself. It also contains some comparison of Minnesota's processes to those available in other states.

## **Part 2: Historical Legislative Action to Review or Change the Constitutional Amendment Process**

This section describes each of the proposed constitutional amendments that have been submitted to the voters that would change the nature of the amending process in Minnesota. It also describes the work of several commissions that have been formed by the legislature for the purpose of reviewing the constitution and recommending changes.

## **Part 3: State Constitutional Amendment History: Statistics**

This section provides a statistical overview of Minnesota's state constitutional amendment history, highlighting the number of amendments offered, ratification rates, participation rates by voters, and the frequency of multiple amendments on the ballot.

## **Part 4: Proposing a State Constitutional Amendment: The Legislative Process**

This section provides an overview of the legal and procedural issues that may arise when the legislature considers submitting a proposed constitutional amendment to the voters for approval.

## **Part 5: Proposing a State Constitutional Amendment: The Voter-Ratification Process**

This section provides an overview of the legal and procedural issues that may arise while a proposed constitutional amendment moves through the voter-ratification process at a general election, after the legislature has approved the proposed amendment for submission to the voters.

## **Part 6: Individual Amendment Statistics**

This section contains data on each individual constitutional amendment submitted to the voters since statehood. These data were used in creating many of the charts and graphs contained in Part 3.



## Proposing a State Constitutional Amendment: Procedural Standards

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This section describes the basic processes available for the legislature to propose an amendment to the Minnesota Constitution, as provided in [article IX](#) of the constitution itself. It also contains some comparison of Minnesota's processes to those available in other states.

### Minnesota Constitution, Article IX

[Article IX](#) of the Minnesota Constitution establishes the process for making amendments or wholesale revisions to the constitutional text. This article permits amendment by two methods: the legislature may propose individual amendments, which must be presented to the people for a statewide vote at a general election, or the legislature may propose calling a convention for purposes of revising the constitution. A convention proposal must similarly be presented to the people for a statewide vote at a general election. More detail on each of these methods is described in the sections that follow.

Since statehood, the Minnesota Legislature has approved submission of 215 amendment proposals to the people for ratification or rejection. The method of revision by constitutional convention has never been used.

While the legislature plays a role in submitting proposed constitutional amendments to the people, the ultimate authority to amend the constitution is a power reserved for the people directly. The Minnesota Supreme Court has affirmed this principle, or a variation of it, on several occasions.<sup>1</sup>

The full text of [Article IX](#) reads as follows:

#### ARTICLE IX

#### AMENDMENTS TO THE CONSTITUTION

##### **Section 1. Amendments; ratification.**

A majority of the members elected to each house of the legislature may propose amendments to this constitution. Proposed amendments shall be published with the laws passed at the same session and submitted to the people for their approval or rejection at a general election. If a majority of all the electors voting at the election vote to ratify an amendment, it becomes a part of this constitution. If two or more amendments are submitted at the same time, voters shall vote for or against each separately.

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<sup>1</sup> See, e.g., *Julius v. Callahan*, 65 N.W. 267 (Minn. 1895); *State v. Pett*, 92 N.W.2d 205 (Minn. 1958); *Visina v. Freeman*, 89 N.W.2d 635 (Minn. 1958).

**Sec. 2. Constitutional convention.**

Two-thirds of the members elected to each house of the legislature may submit to the electors at the next general election the question of calling a convention to revise this constitution. If a majority of all the electors voting at the election vote for a convention, the legislature at its next session, shall provide by law for calling the convention. The convention shall consist of as many delegates as there are members of the house of representatives. Delegates shall be chosen in the same manner as members of the house of representatives and shall meet within three months after their election. Section 5 of [Article IV](#) of the constitution does not apply to election to the convention.

**Sec. 3. Submission to people of constitution drafted at convention.**

A convention called to revise this constitution shall submit any revision to the people for approval or rejection at the next general election held not less than 90 days after submission of the revision. If three-fifths of all the electors voting on the question vote to ratify the revision, it becomes a new constitution of the state of Minnesota.

## Individual Amendments

The process for proposing individual amendments to the Minnesota Constitution is contained in [article IX](#), section 1.

This section provides two basic steps in the amending process: First, a proposed amendment must be approved by a majority vote of the elected members of each house of the legislature. Second, the proposed amendment—once approved by the legislature—must be submitted to the people for a vote at a general election. To be ratified, a majority of all voters casting ballots at the election must vote in favor of the amendment. In practice, this means that the mathematical effect of a voter submitting a ballot with neither a “yes” or “no” vote marked on the amendment question is the same as if the voter had voted “no” on the amendment.

In addition to providing voting standards for approval both in the legislative process and by the electorate, this section of the constitution requires publication of proposed amendments with the laws passed at the same session of the legislature. In practice, this means proposed constitutional amendments appear as individual chapters within the session laws of that year.

[Article IX](#), section 1, also requires that multiple amendments submitted to the electorate at the same election be voted upon separately.

A process for repeal of an amendment that had previously been approved by the legislature and ratified by the voters would be required to follow these same procedures as a repeal would be, in effect, amending existing language out of the constitution.

## Individual Amendment Procedures in Other States<sup>2</sup>

Procedures for adopting state constitutional amendments vary by state, both in terms of requirements of the legislative process and the process for submitting proposed amendments to a statewide vote.

**Comparison of legislative approval standards.** In the legislative process, Minnesota shares the “majority vote” threshold with 17 states. Other states require a higher threshold or more complex process at the legislature: Nine require a three-fifths vote; 17 require a two-thirds vote; and several states provide for differing vote standards depending on the number of sessions at which the proposed amendment is considered or the type of amendment proposed. The highest legislative vote threshold is Connecticut, which requires a three-fourths vote for an amendment to be approved by a single session of the legislature.<sup>3</sup>

Thirty-five states, including Minnesota, provide for approval of constitutional amendments by the legislature in a single legislative session. Twelve states require legislative approval of an amendment at two successive sessions. Three states allow for amendments to be approved at either one or two sessions, depending on the results of the legislative vote (for example, as an alternative to Connecticut’s three-fourths vote requirement described above, the Connecticut Legislature may approve an amendment by majority vote of two successive sessions of the legislature between which an election has intervened).<sup>4</sup>

Three states limit the number of amendments that can be proposed to the voter at any one election: Arkansas limits amendment proposals to three,<sup>5</sup> Kentucky four,<sup>6</sup> and Kansas five.<sup>7</sup>

**Comparison of voter ratification standards.** Minnesota’s voter ratification threshold—a majority of all voters voting at the election—is a policy shared by two other states (Wyoming<sup>8</sup> and Hawaii<sup>9</sup>). Illinois has a similar threshold, but also provides for ratification of an amendment if it receives approval of three-fifths of the voters voting on the amendment itself.<sup>10</sup>

Most states (41) require only a simple majority of those voting on the amendment itself for the proposed amendment to be ratified. Florida generally requires a three-fifths affirmative vote,

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<sup>2</sup> Source data for much of this section originally comes from the National Conference of State Legislatures, “Process to Amend a State Constitution,” <http://ncsl.org> (accessed spring 2012).

<sup>3</sup> Conn. Const. art. XII

<sup>4</sup> Id.

<sup>5</sup> Ark. Const art. 19, § 22.

<sup>6</sup> Kentucky Const. art. 19, § 256.

<sup>7</sup> Kansas Const. art. 14.

<sup>8</sup> Wyo. Const. art. 20.

<sup>9</sup> Hawaii Const. art.XVII.

<sup>10</sup> Ill. Const. art. XIV.

with some exceptions,<sup>11</sup> and New Hampshire requires a two-thirds vote.<sup>12</sup> Nebraska allows for ratification by majority vote, so long as the vote total constitutes at least 35 percent of the total votes cast at the election.<sup>13</sup> Tennessee requires a majority of the votes cast for governor at the same election.<sup>14</sup> Louisiana provides for a simple majority threshold, but additionally requires a majority within an affected political subdivision, if five or fewer political subdivisions are impacted by the amendment.<sup>15</sup> Delaware does not require voter approval for a constitutional amendment to be ratified.<sup>16</sup>

## Constitutional Conventions

In addition to the procedures for adopting individual amendments to the constitution, the Minnesota Constitution also provides for the establishment of a convention for more substantial revisions or replacement of the constitution in its entirety. [Article IX](#), sections 2 and 3—which establish these procedures—have not been implemented since Minnesota’s constitution was originally drafted and ratified in 1858.

Like a proposal offering an individual amendment, the constitutional convention procedure must be initiated by the legislature. A two-thirds vote of each house is required to approve the proposal. If approved, the proposal is submitted to the voters at the next general election; if a majority of all voters voting at the election ratify the proposal, the legislature is required to enact a law formally calling the convention at its next legislative session.

Delegates to the constitutional convention must be selected in the same manner as provided for selection of members of the House of Representatives. In practice, this means the delegates to the convention would be elected by the voters. The number of delegates elected must be equal to the size of the House of Representatives (134) and may include currently seated legislators. The elected delegates would be required to convene within three months of their election.

If a constitutional convention agreed to a revision, the revision must be submitted to the voters at the next general election (held at least 90 days after the revision is submitted). An affirmative vote of three-fifths of all voters voting on the question ratifies the revision as a new constitution for Minnesota.

The constitution does not specify rules or procedures for the conduct of the convention, nor does it specify standards for determining whether a convention has agreed on a proposed revision.

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<sup>11</sup> Fl. Const. art. XI.

<sup>12</sup> New Hamp. Const. art 100.

<sup>13</sup> Neb. Const. art. XVI.

<sup>14</sup> Tenn. Const. art. XI, § 3.

<sup>15</sup> La. Const. art. XIII.

<sup>16</sup> Del. Const. art. XVI.

## Historical Legislative Action to Review or Change the Constitutional Amendment Process

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This section describes each of the proposed constitutional amendments that have been submitted to the voters that would change the nature of the amending process in Minnesota. It also describes the work of several commissions that have been formed by the legislature to review the constitution and recommend changes.

This section is organized into two separate sections, describing proposals related to modification of the individual amendment process and proposals related to modification of the constitutional convention process separately.

### Proposals to Change Minnesota’s Individual Amendment Process

Proposals to change the process for amending the constitution have been submitted to the voters as formal constitutional amendments or studied pursuant to legislative direction on a number of occasions. The only proposal ratified by the people was an 1898 proposal that required a majority vote of all voters at the election for an amendment to be ratified and that amendments be submitted to the people only at a general election.

**1897 – Requiring the affirmative vote of a majority of all voters at a general election for ratification.** The 1897 Legislature approved an amendment proposal increasing the standard for ratification of a constitutional amendment from a simple majority of those voting on the amendment question to the current standard, a majority of all those voting at a general election.<sup>17</sup> The amendment was submitted to the voters at the 1898 general election and, though it would have failed under the vote counting rule it proposed (just over 27 percent of all voters voting at the election voted “yes”), it was ratified under the simple majority standard used at the time and remains in effect today.

**1913 and 1915 – Providing for voter-initiated amendments to the constitution.** In both 1913 and 1915, the legislature approved constitutional amendment proposals to establish procedures for voters to initiate enactment of a law by petition, or to force a referendum on a law enacted by the legislature.<sup>18</sup> Though the procedures were slightly different in both proposals for initiatives proposing statutes, the language allowing for voter-initiated constitutional amendments was identical.

If adopted, both the 1913 and 1915 amendments would have permitted submission of a petition, filed prior to commencement of a legislative session and signed by at least 2 percent of the state’s voters, proposing a constitutional amendment to the legislature. If the legislature failed to submit the proposal to the voters (or proposed an amended form), then a second petition signed

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<sup>17</sup> [Laws 1897, ch. 185.](#)

<sup>18</sup> [Laws 1913, ch. 584;](#) and [Laws 1915, ch. 385.](#)

by 8 percent of the state's voters would have placed the amendment on the ballot at either a special or general statewide election. The amendment would be ratified if it received the affirmative vote of a majority of all voters voting at the election, or at least four-sevenths of the number of voters voting on the question itself (so long as at least three-sevenths of all voters voted on the question). At both the 1914 and 1916 state general elections, this proposal was rejected by the voters.

An amendment on the ballot in 1980 proposing initiative and referendum with respect to laws did not contain a provision for initiating an amendment to the constitution by petition.

**1947 – Eliminating the requirement that multiple amendments be submitted as separate questions.** In 1947, the legislature approved an amendment proposal to eliminate the requirement that voters be permitted to vote on multiple amendment proposals separately.<sup>19</sup> At the 1948 state general election, voters rejected this proposal; slightly more than 25 percent of all voters at the election voted in favor of the change. At this same election, voters were presented with a proposal to modify the procedure for calling a constitutional convention.

**1948 – Constitutional commission recommendations.** In 1947, the legislature enacted a commission to review the constitution and to recommend amendments or revisions.<sup>20</sup> The Constitutional Commission of Minnesota made its report on October 1, 1948, and included recommendations related to the procedure for proposing and ratifying individual amendments to the constitution.<sup>21</sup>

Related to individual amendments, the 1948 commission report recommended:<sup>22</sup>

- (1) that the threshold for legislative approval of a proposed amendment be raised from a majority vote to a two-thirds vote and that amendments be submitted by concurrent resolution;
- (2) that the legislature be authorized to submit amendments to the voters at a special election, rather than limiting proposal ratification votes to general elections only; and
- (3) for restoration of the original vote standard for ratification of an amendment by the voters, which would lower the requirement from a majority of all voters at the election to a majority of all voters voting on the question.

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<sup>19</sup> [Laws 1947, ch. 640.](#)

<sup>20</sup> [Laws 1947, ch. 614.](#)

<sup>21</sup> For additional discussion of Minnesota's Constitution and amending process in light of the Constitutional Commission's recommendations, see League of Women Voters of Minnesota, *Doorway to Change: A Study of Minnesota's Amending Process* (1961); League of Women Voters Minnesota, *Commentary on Minnesota State Constitution* (1962); G. Theodore Mitau, *Constitutional Change by Amendment: Recommendations of the Minnesota Constitutional Commission in Ten Years' Perspective*, 44 Minn. L. Rev. 461 (1960).

<sup>22</sup> See Minnesota Constitutional Commission, *Report of the Constitutional Commission of Minnesota* 63-64 (1948).

The commission also made a number of recommendations related to constitutional conventions. See discussion of those recommendations below.

The legislature did not approve submission of any of the commission's recommendations to the people.

**1973 – Minnesota Constitutional Study Commission recommendations.** In 1971, the legislature enacted a law establishing a study commission to review the constitution and make recommendations in preparation for a constitutional convention, or as a basis for making further individual amendments.<sup>23</sup> The commission made its report in February 1973 and included in its recommendations several suggestions for altering the method of proposing certain types of amendments and lowering the vote threshold to make ratification of a proposed amendment easier.

Related to individual amendments, the 1973 commission report recommended:<sup>24</sup>

- (1) permitting voters to initiate an amendment relating to the structure of the legislature by a petition, signed by a number of voters within each congressional district at least equal to the number of votes cast for governor in that district at the most recent gubernatorial election, among other requirements;
- (2) lowering the vote threshold for ratification of amendment, permitting ratification by either 55 percent of voters voting on the question, or a majority of all voters voting at the election; and
- (3) permitting the legislature to submit a proposed constitutional amendment at a special election held between 30 and 60 days after legislative approval of the amendment, if at least two-thirds of each house of the legislature agreed to this expedited process.

The commission also made a number of recommendations related to constitutional conventions. See discussion of those recommendations below.

The only recommendation of the commission related to individual amendments that resulted in an amendment proposal approved by the legislature was the recommendation, discussed above, permitting ratification if 55 percent of those voting on the question voted in favor of the amendment.

**1974 – Allowing ratification by 55 percent of voters voting on the question.** The most recent proposal to appear on the ballot, in 1974, would have established two vote thresholds for ratification: under the proposed language, a constitutional amendment would be ratified by the voters if it received either a majority vote of all electors voting at the election (consistent with the current standard), or if at least 55 percent of the voters voting on the question approved the

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<sup>23</sup> [Laws 1971, ch. 806.](#)

<sup>24</sup> The text of these recommendations can be found in Minnesota Constitutional Study Commission, *Final Report* 29-32, 56 (1973).

change.<sup>25</sup> This proposed amendment was rejected by the voters at the 1974 state general election, but just barely: it received a 49.28 percent affirmative vote of all voters at the election. Slightly more than 14 percent of voters at that election left the question blank.

## **Proposals to Change the Constitutional Convention Process**

Though the constitutional convention procedure has never been formally invoked in Minnesota's history, the procedures and requirements for a convention have occasionally been a topic of discussion and formal amendment proposals.

**1947 – Permitting the legislature to call a constitutional convention without submitting the proposal to the voters.** The 1947 Legislature approved a constitutional amendment proposal that would have permitted the legislature to provide by law for the calling of a constitutional convention. The proposed amendment also eliminated the requirement that the question of calling a constitutional convention be submitted to the people for a vote at the next general election. This amendment proposal, which appeared on the ballot simultaneously with a proposal to eliminate the requirement that multiple amendments be submitted to the voters as separate questions, was rejected by the voters; it received an affirmative vote of just over 24 percent of all voters at the 1948 state general election.

**1948 – Constitutional commission recommendations.** The Constitutional Commission of Minnesota, created in a 1947 law,<sup>26</sup> made its report on October 1, 1948, and included among its recommendations suggestions related to the procedure for calling a constitutional convention.

Related to conventions, the 1948 commission recommended:<sup>27</sup>

- (1) a ballot question to call a constitutional convention be presented to the voters once every 20 years, and at any other time upon the vote of two-thirds of each house of the legislature; and
- (2) any proposed amendment or revision adopted by a convention be submitted to the voters no sooner than 60 days and no later than six months following adjournment of the convention. The proposed amendment or revision would be ratified by the affirmative vote of a majority of the voters voting on the question.

The recommendations of the constitutional commission did not directly result in approval of any official amendment proposal by the legislature, though the submission of amendments to the voters at the 1952 and 1954 general elections related to voter approval of amendments or revisions adopted by a convention was likely informed at least in part by the report of the commission.

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<sup>25</sup> [Laws 1974, ch. 457.](#)

<sup>26</sup> [Laws 1947, ch. 614.](#)

<sup>27</sup> See Minnesota Constitutional Commission, *Report of the Constitutional Commission of Minnesota* 64-65 (1948).



**1951 and 1953 – Requiring a vote of three-fifths of voters voting on the question to ratify a proposed revision adopted by a constitutional convention and permitting legislators to serve as delegates to a convention.** Both the 1951 and 1953 legislatures approved a constitutional amendment proposal to add a new section of the constitution requiring any revision adopted by a constitutional convention to be submitted to the people for a vote. The amendment required an affirmative vote of three-fifths of those voters voting on the question of the revision for the revision to be approved as a new constitution for the state. The amendment also added language permitting members of the legislature to serve as delegates to a constitutional convention (by exempting delegates elected to the convention from an existing constitutional prohibition on legislators serving in multiple elected offices).

At the 1952 state general election this amendment proposal was rejected by the voters, receiving an affirmative vote of just under 45 percent of all voters voting at the election. At the 1954 state general election, with a slightly modified ballot question (among other things, the new question eliminated a reference to the allowance for legislators to serve as a convention delegate), the proposal was approved with an affirmative vote of just under 55 percent of all voters voting at the election. This adopted language remains in effect in the constitution today.

**1973 – Minnesota Constitutional Study Commission recommendations.** In 1971, the legislature enacted a law establishing a study commission to review the constitution and make recommendations in preparation for a constitutional convention, or as a basis for making further individual amendments.<sup>28</sup> The commission made its report in February 1973 and included in its recommendations several suggestions for altering the constitutional convention process.

Related to conventions, the 1973 commission report recommended that:<sup>29</sup>

- (1) the legislature be permitted to call a constitutional convention by a majority vote, rather than the existing two-thirds threshold;
- (2) the legislature be permitted to present the question of a constitutional convention to voters at a special election, on a two-thirds vote of the both bodies of the legislature;
- (3) the ratification threshold be modified so that voters could approve the calling of a convention to either 55 percent of those voting on the question, or a majority of those voting at the election; and
- (4) a convention be permitted to decide whether its proposed revisions be submitted to the people at a primary, special, or general election held between two and six months after adjournment of the convention.

The recommendations of the Constitutional Study Commission related to convention procedures did not result in direct approval of any official amendment proposal by the legislature.

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<sup>28</sup> [Laws 1971, ch. 806.](#)

<sup>29</sup> The text of these recommendations can be found in Minnesota Constitutional Study Commission, *supra* note 5, at 32, 56.



## State Constitutional Amendment History: Statistics

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This section provides a statistical overview of Minnesota's state constitutional amendment history, highlighting the number of amendments offered, ratification rates, participation rates by voters, and the frequency of multiple amendments on the ballot. A full table listing each constitutional amendment proposed since statehood, along with the relevant statistical data referenced and used to create the charts and graphs contained in this section, is included at the end of this publication. Topics contained in this section include:

- [Frequency of proposed amendments](#)
- [Voter ratification rate](#)
- [Voter participation rate](#)
- [Presentation of multiple amendments at a single election](#)
- [Presentation of a single amendment at multiple elections](#)

## Frequency of Proposed Amendments

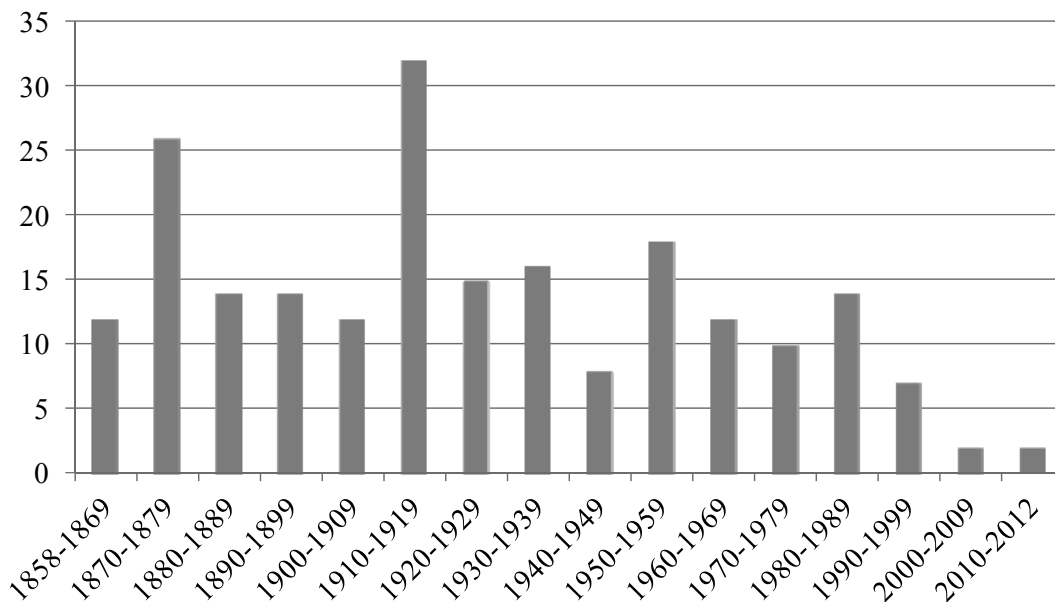
Since statehood, a total of 215 constitutional amendment proposals have been submitted to the voters. Accounting for proposed amendments that have appeared on the ballot more than once, this amounts to 182 different subject matter proposals that have been approved by the legislature.

Of these 215 total proposed amendments, 11 were approved by the legislature in special legislative sessions; the remainder were approved during regular legislative sessions.

The peak decade for submission of amendments occurred in the 1910s, when a total of 32 amendments were submitted. In the modern era, particularly during the last two decades, constitutional amendment proposals have been significantly less frequent.

The following graph illustrates the total number of proposed constitutional amendments approved by the legislature and submitted to the voters for ratification or rejection, by decade since statehood.

**Number of Amendments Submitted to Voters, by Decade  
(1858-2012)**

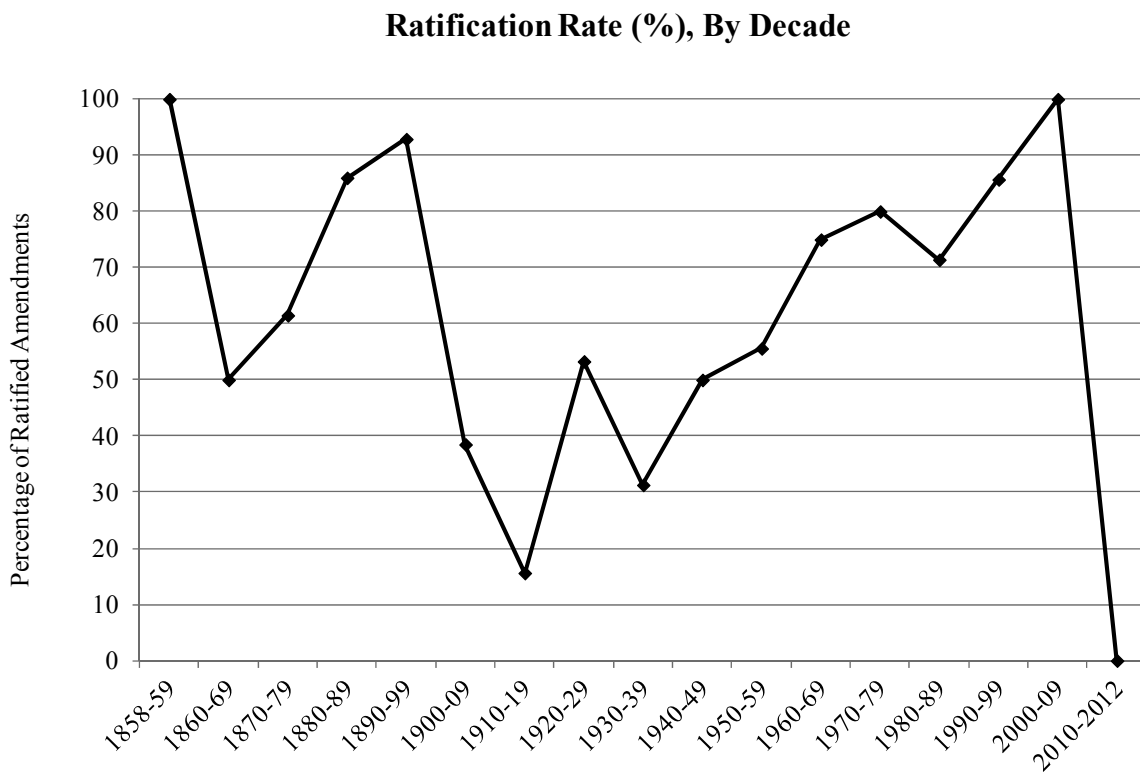


## Voter Ratification Rate

Since statehood, the overall ratification rate for amendments submitted to voters by the legislature is 56 percent (120 proposals have been approved by the voters); 44 percent (95 proposals) have been rejected by the voters.

Ratification rates have wavered significantly over time, however. In recent decades, voters generally have viewed proposed amendments more favorably. The ratification rate for proposed constitutional amendments on the ballot since 1960 is 75 percent (35 proposals have been ratified by the voters), while only 25 percent (12 proposals) have been rejected; four of these rejections occurred at the 1980 state general election, where five total amendments—the highest number since the 1950s—appeared on the ballot at the same time. Two proposed amendments were rejected in 2012, the only amendments that have been proposed in the current decade.

The chart below illustrates the ratification rate, in percentage terms, for all proposed constitutional amendments submitted to the voters since statehood, organized by decade.



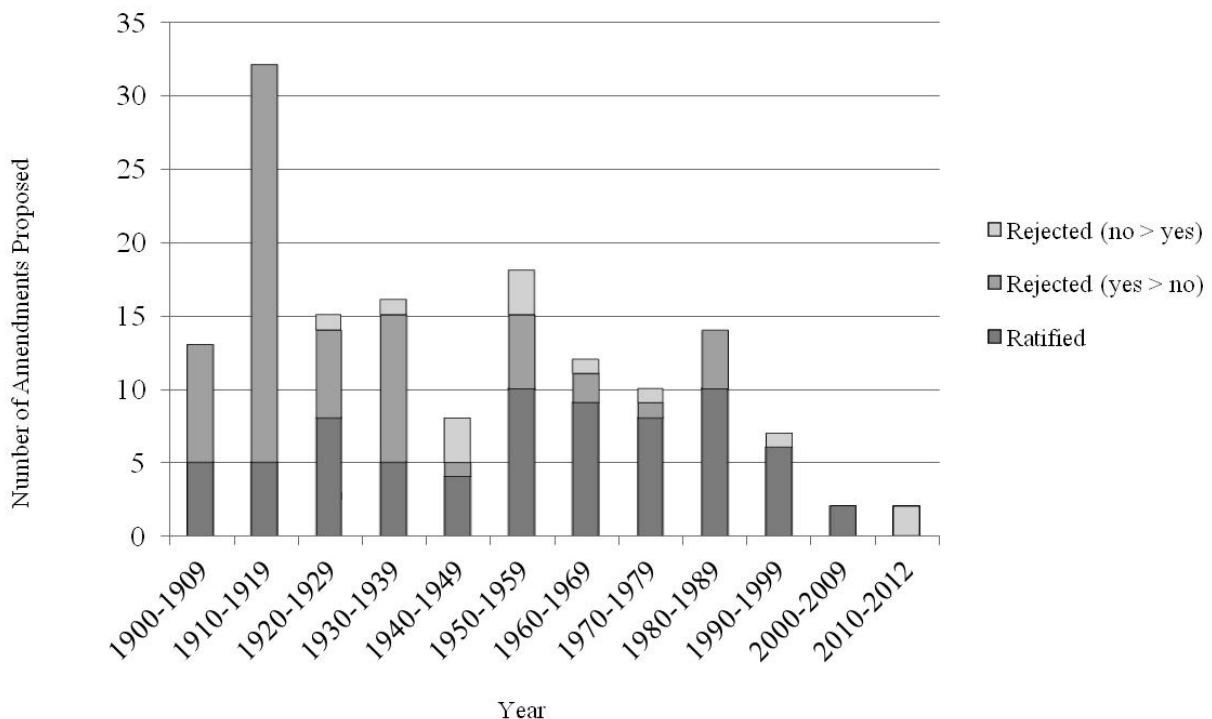
**Effect of the “majority vote at the election” requirement on ratification.** A change in the ratification process adopted in 1898 resulted in a significant decline in the ratification rate, at least for the first half of the 20th century.

Beginning with the 1900 state general election, proposed constitutional amendments have required a majority vote of all voters voting at an election to be ratified. This is a higher standard than a simple majority (more “yes” than “no” votes) on the proposed amendment question itself because at every election a number of voters will leave certain races or ballot questions, including proposed constitutional amendments, blank. The mathematical effect of submitting a blank ballot under the current procedure for ratification is the same as if the voter had marked “no” on the ballot (though the results of the election do not tally blank ballots as “no” votes).

The chart below illustrates the ratification rate, in raw numbers, for amendments taking into account the “majority vote at the election” requirement instituted in 1900.

The block of each bar labeled “Ratified” reflects the number of amendments approved by the voters and incorporated into the constitution. The block labeled “Rejected (yes > no)” reflects the number of proposed amendments that failed to be ratified by the voters, despite receiving more “yes” than “no” votes on the question—in other words, the amendments that would have been ratified under the simple majority standard in place prior to 1900. The block labeled “Rejected (no > yes)” reflects the number of amendments that were rejected by the voters outright—fewer “yes” votes than “no” votes—and would have been rejected under either ratification standard.

**Number and Ratification Status of Amendments, by Decade (1900-2012)**



The total ratification rate for all amendments proposed under the current ratification standard is 48 percent (72 proposals have been approved by the voters). Fifty-two percent (77 proposals) have been rejected.

Of the 77 proposals that have been rejected by the voters since 1900, 63 (roughly 82 percent) were not ratified because, despite receiving majority approval among those voting on the question itself, they failed to receive majority approval of all voters voting at the election. A substantial majority (51) of these occurrences happened between 1900 and 1940. For comparison, during that same period only 53 total amendments were rejected by the voters.

Twelve of the 21 amendments that failed after 1940 failed despite receiving majority approval of those voting on the question itself, including four amendment failures under this standard at both the 1952 and 1980 state general elections.

## **Voter Participation Rate**

The primary policy impact of the constitutional amendment ratified in 1898, which changed the standard for ratification from a simple majority to a majority of all voters voting at the election, was to cause all voters casting a ballot at an election to participate in decision making related to a proposed constitutional amendment, either actively (by marking the ballot “yes” or “no”) or passively (by leaving the ballot blank).

Because ratification requires a majority of all voters at the election to approve of the change, the mathematical effect of leaving a constitutional amendment question blank is the same as casting a “no” vote. As a result, the number of voters who choose not to participate by voting “yes” or “no” on a ballot question—regardless of their motivation for doing so—can and historically has had a significant impact on the way Minnesota’s Constitution has changed over time.

The chart below illustrates the rate of voter participation on constitutional amendment proposals, since statehood. Each plotted point reflects the percentage of voters at that election who left a constitutional amendment question blank. The dashed line reflects the 1900 transition from the simple majority standard (when the blank ballot percentage did not affect the chance of a proposed amendment’s ratification) to the majority-at-the-election standard (when blank ballots began to have the same effect as a “no” vote).

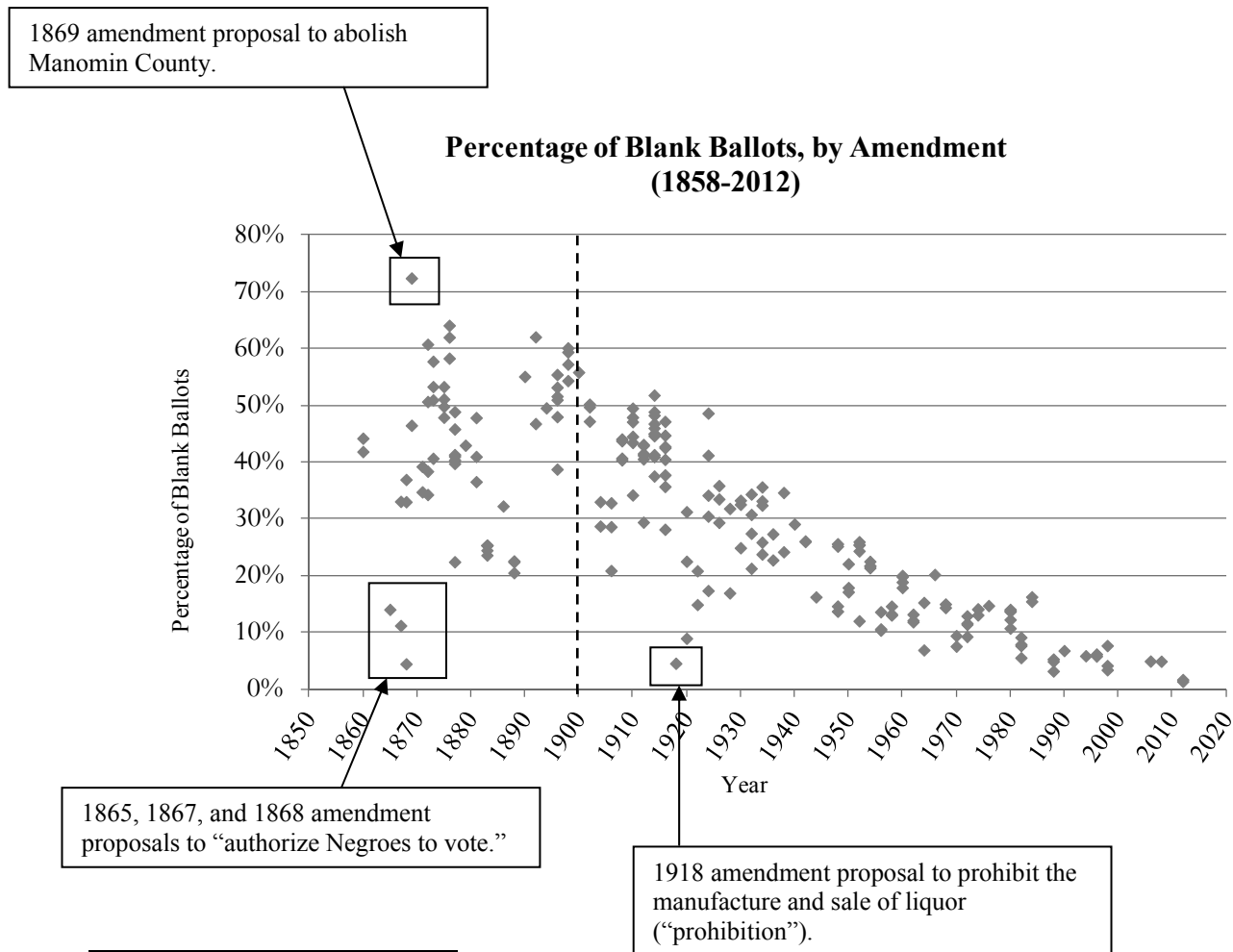
A number of interesting historical anomalies are reflected in this chart—unusually high or low participation rates given other participation rates around the same time. Several of these are labeled by their subject matter below. They include the following:

- Three successive constitutional amendment proposals (1865, 1867, 1868) to “authorize Negroes to vote.” In 1868, the year the amendment was ratified, 4.46 percent of voters did not participate (two other amendments on the ballot that year had nonparticipation rates of roughly 33 percent and 37 percent).
- An 1869 amendment proposal to abolish Manomin County. The highest nonparticipation

rate of all proposed constitutional amendments in state history, 72.4 percent of voters left the question blank. At the time, amendments only required a simple majority for ratification so, despite very low participation, it was adopted and the county was abolished.<sup>30</sup>

- A 1918 amendment proposal to prohibit the manufacture and sale of liquor (“prohibition”). The amendment was rejected, but just barely: 49.82 percent of all voters at the election cast a “yes” vote; 4.55 percent of voters did not participate.

The clear downward trend on the chart (which reflects a steady increase in voters participating in the constitutional amendment ratification process by affirmatively casting a “yes” or “no” vote, rather than leaving the question blank) may be due to a number of factors not obvious from the numbers alone, including increasing voter knowledge of amendments presented on the ballot, modifications over time in the way the legislature has chosen to present questions on the ballot, the increasing visibility and access to campaigns advocating for or against particular amendments, and the subject matter of the amendments themselves.



<sup>30</sup> “Mahnomen” County, located in northwest Minnesota, continues to exist today; “Manomin” County, abolished by the amendment referenced here, was located in area that is now part of Anoka County in east central Minnesota.

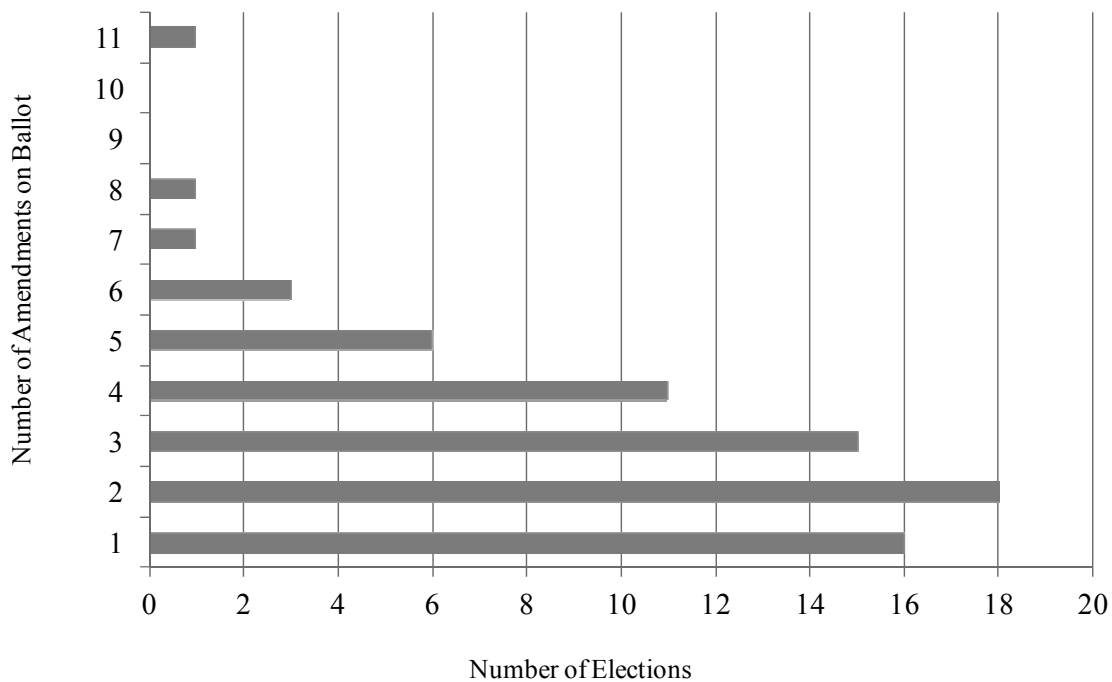


## Presentation of Multiple Amendments at a Single Election

The Minnesota Constitution does not limit the number of individual amendment proposals that may be submitted to the voters at one time (a few states do provide a cap on the number of submissions).

Over the course of Minnesota's history, more often than not, when the legislature has proposed a constitutional amendment to the voters, it is statistically likely that the legislature will have proposed at least one additional amendment to appear on the ballot at the same election. The chart below illustrates the number of elections, since statehood, at which at least one proposed constitutional amendment has been presented to the voters, organized by the total number of proposed constitutional amendments presented at the same election.

**Number of Elections, by Number of Amendments (1858-2012)**

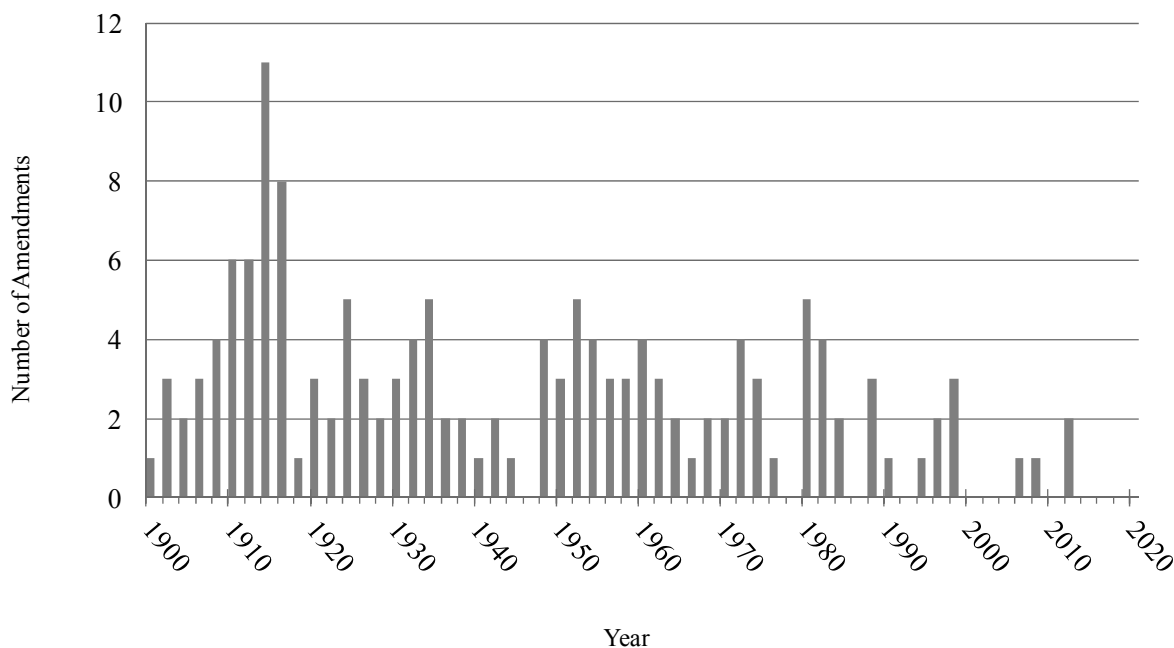


The most frequent number of amendments is two—Minnesota voters have seen 18 elections at which two amendments were presented. One amendment is the next most frequent, having occurred at 16 elections, and three amendments follows that, having occurred at 15 elections over the course of the state's history. The greatest number of amendments proposed to voters at a single election occurred in 1914, when 11 proposed constitutional amendments appeared on the ballot at once.

The chart below illustrates the frequency of multiple amendments from a different perspective: over the course of time. The chart shows the number of amendments appearing on the ballot at each general election held since 1900 (the year in which the requirement that amendments be submitted at a general election was first implemented).

Also reflected in this graph is a recent trend towards no amendment proposals on the ballot at all; over the past two decades, amendment proposals have become slightly more sporadic. In general, however, years in which no proposed amendments appear on the ballot at all has been the exception, rather than the rule.

**Number of Amendments on Ballot, by Year  
 (1900 to 2012)**



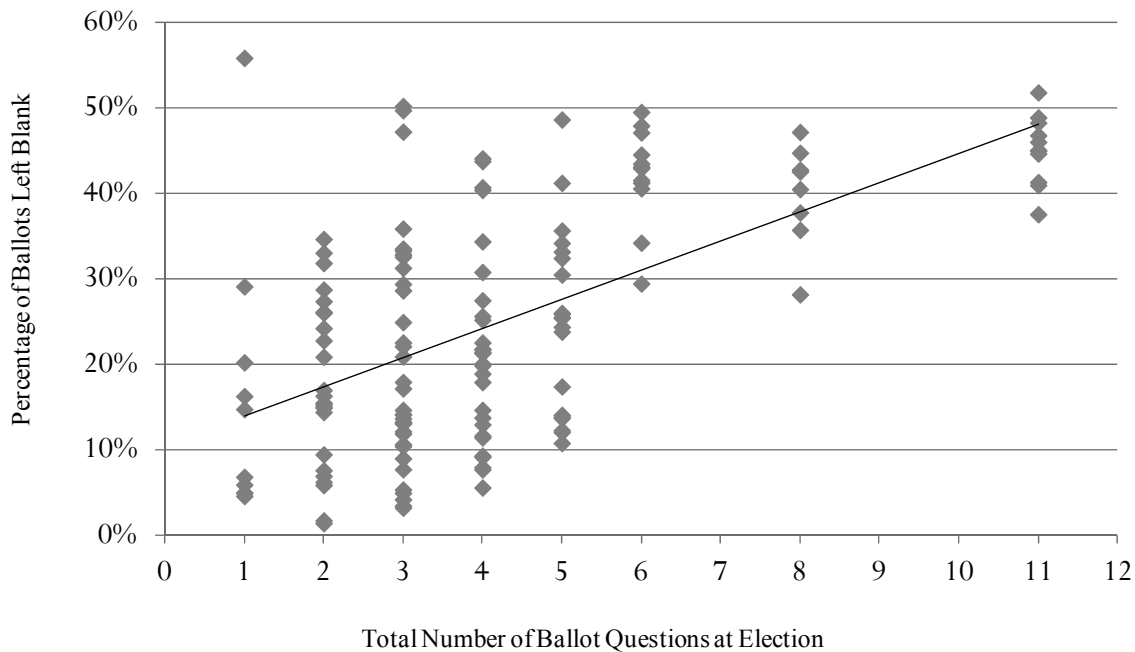
**Effect of multiple amendments on voter participation.** “Voter fatigue”—in the context of proposed constitutional amendments, the theory that voters are less likely to cast any vote at all on a ballot question as the number of questions increases—is a frequent topic of discussion when the legislature appears poised to submit multiple amendment proposals to the voters. Under Minnesota’s standards for ratification of amendments, the higher the rate of fatigue and nonparticipation by voters, the more difficult it is for a proposed constitutional amendment to be finally ratified and actually incorporated into the constitution.

The chart below illustrates the percentage of nonparticipation by voters on constitutional amendment questions in years where at least one amendment appears on the ballot, since 1900 (the year in which the ratification standard was changed). Each diamond represents the voter participation rate for a single amendment, positioned based on the total number of amendments that appeared on the ballot that year. Though the number of elections reflected on the chart decreases significantly as the number of amendments increases, the trend line shows that the percentage of ballots left blank on any given question increases as the number of amendments on the ballot increases.

The outlier—a 55.8 percent nonparticipation rate on an amendment which appeared by itself on the ballot—is an amendment proposal from 1900 to increase the debt limit of municipalities borrowing permanent school funds. Despite a 78 percent affirmative vote of all those voting on

the question, the amendment was rejected. The 55.8 percent nonparticipation rate meant that the votes to ratify the amendment only amounted to 34.6 percent of all those voting at the election.

**Percentage of Blank Ballots, by Number of Amendments on Ballot  
(1900-2012)**



### **Presentation of the Same Amendment at Multiple Elections**

Twenty-four proposed constitutional amendments have appeared on the ballot in an identical or substantially similar form at multiple elections. There is no limit in the Minnesota Constitution on the number of times the legislature may approve the same proposed constitutional amendment for submission to the voters. Of the 24 amendments that have appeared on the ballot multiple times:

- 17 proposals appeared on the ballot twice (11 were ratified by the voters the second time);
- Seven proposals appeared on the ballot three times (four were ratified the third time); and
- One proposal appeared on the ballot five times (the voters ratified the amendment on its fifth appearance).

For comparison, of the 155 separate proposed constitutional amendments that have appeared on the ballot only once, 105 (67.7 percent) have been ratified by the voters.



## Proposing a State Constitutional Amendment: The Legislative Process

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This section provides an overview of the legal and procedural issues that may arise when the legislature considers submitting a proposed constitutional amendment to the voters for approval. Topics contained in this section include:

- [Form of Legislation, Legislative Procedure, and Presentment](#)
- [Governor's Veto Authority](#)
- [Legislative Authority to Remove a Proposed Amendment or Modify its Text Prior to Submission to the People](#)
- [Ballot Question Title](#)
- [Ballot Question Wording](#)
- [Multiple Subject Issues](#)

### Form of Legislation, Legislative Procedure, and Presentment

A number of procedural rules adopted by the House, Senate, or both bodies acting jointly affect the way a proposed constitutional amendment is drafted and moves through the legislative process. This section describes those rules.

**Drafting a constitutional amendment.** The custom in Minnesota for drafting constitutional amendments is the same as the custom for writing laws: newly proposed language and deletions are incorporated within existing sections of the constitution, or codified as new sections within an established article. This differs from the custom for amending the constitution in some other states—and the custom for amending the U.S. Constitution—where individual amendments are assigned a number and appended chronologically to the end of the document, without adding or deleting language contained within the original text.

[Minnesota Statutes, section 3.20](#), specifies certain content requirements for acts of the legislature containing a proposed constitutional amendment:

Every act for the submission of an amendment to the Constitution shall set forth the section as it will read if the amendment is adopted, with only the other matter necessary to show in what section or article the alteration is proposed.

Legislation proposing an amendment to the Minnesota Constitution can be introduced in the

form of a bill, or as a joint resolution.<sup>31</sup> Historically, the method used has nearly always been to format proposed constitutional amendments as a bill.

**General procedure and application of rules.** As of 2013, a few specific rules related to legislative procedure apply:

**Committee referral.** The House Rules provide that “[a] House or Senate bill that proposes a constitutional amendment must be referred to the Committee on Rules and Legislative Administration before it receives its second reading. When reporting such a bill, a committee or division, other than the Committee on Rules and Legislative Administration, must recommend re-referral to the Committee on Rules and Legislative Administration.”<sup>32</sup>

The Senate Rules do not contain a comparable provision related to committee referral.

**Floor amendments containing a proposed a constitutional amendment.** The House Rules provide that “A constitutional amendment may not be offered as an amendment to a bill on the floor.”<sup>33</sup>

In the Senate, the rules provide that “An amendment to insert a constitutional amendment is not germane to a bill that does not already include a constitutional amendment.”<sup>34</sup>

**Content of bills proposing a constitutional amendment.** [Joint Rule 2.01](#) provides that:

A bill containing a constitutional amendment may only contain the statutory language and changes necessary to conduct the constitutional election and to implement the constitutional amendment, should it pass. Extraneous statutory changes or additional topics may not be included in a bill proposing a constitutional amendment.

The permanent rules of both the House of Representatives and the Senate provide that joint resolutions must follow the same procedure as bills before being adopted and prohibit a resolution from being changed to a bill (or vice versa).<sup>35</sup>

Other standards of custom and usage in the House and in the Senate may affect the way a proposed constitutional amendment proceeds through the legislative process. In addition, the joint rules and the permanent rules of both bodies are always subject to change at each successive legislative session.

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<sup>31</sup> *Julius*, 65 N.W. at 267; *See also, generally*, Office of the Revisor of Statutes, *Minnesota Revisor’s Manual* (2013).

<sup>32</sup> *See* [Permanent Rules of the House R. 4.15 \(2013\)](#).

<sup>33</sup> *See* [Permanent Rules of the House R. 3.23](#).

<sup>34</sup> *See* [Permanent Rules of the Senate R. 35.3 \(2011\)](#).

<sup>35</sup> *See* [Permanent Rules of the House R. 4.02](#); [Permanent Rules of the Senate R. 6.1, 6.2](#).

**Presentment to the governor.** [Joint Rule 2.07](#) provides that a joint resolution of the legislature proposing an amendment to the constitution must be deposited with the secretary of state by the revisor of statutes, without presentment to the governor. The rule requires that “all other enrollments” be presented to the governor for approval. As a result, amendments proposed in the form of a bill have been formally presented to the governor, even though the governor lacks official authority to approve or veto the legislation.

## **Governor’s Veto Authority**

Because the Minnesota Constitution grants the legislature the exclusive authority to propose amendments to the constitution and further directs that proposed amendments be submitted to the people for approval or rejection, the governor does not maintain legal authority to veto a proposed amendment. This principle is supported by opinions of the Minnesota Attorney General and the Minnesota Supreme Court, as described in this section.

### **General Veto Principles**

**Opinions of the attorney general.** On several occasions, the attorney general has been requested to prepare an advisory opinion on the issue of presentment and the governor’s authority to sign or veto a proposed constitutional amendment.

The most recent opinion, issued in 1994, relied on court decisions and advisory opinions from other jurisdictions, including comparing Minnesota’s process to the process for proposing amendments to the U.S. Constitution, in concluding that a constitutional amendment does not fall within the scope of “lawmaking” that would otherwise require presentment and the approval or rejection of the governor.<sup>36</sup>

The attorney general also issued advisory opinions reaching the same conclusion in 1922, 1946, and 1947.<sup>37</sup>

**Minnesota Supreme Court precedent.** In 2006, the Minnesota Supreme Court cited the attorney general’s 1994 opinion, without additional comment, in a case involving a challenge (on unrelated grounds) to a constitutional amendment proposed by the legislature to appear on the ballot at that year’s state general election.<sup>38</sup>

In 2012, the Minnesota Supreme Court implicitly supported the principle that the governor does

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<sup>36</sup> Minn. Op. Att’y. Gen. 213-C (Mar. 9, 1994).

<sup>37</sup> See Minn. Op. Att’y. Gen. 213-C (Apr. 1, 1922) (responding to a request of the attorney general of Arkansas on Minnesota’s practices related to veto of proposed constitutional amendments); Minn. Op. Att’y. Gen. 86-a (Nov. 12, 1946) (addressing the issue of veto authority with reference to case law and practices of the federal government related to proposed amendments to the United States Constitution); Minn. Op. Att’y. Gen. 213-C (Mar. 10, 1947) (addressing the issue of veto authority over proposed constitutional amendments prepared by the legislature in the form of a joint resolution).

<sup>38</sup> *Breza v. Kiffmeyer*, 723 N.W.2d 633, 634, n.2 (Minn. 2006).

not have veto authority over a constitutional amendment when it determined that the ballot question title specified by the legislature must be used when the associated amendment is presented to the voters. At issue were two constitutional amendment proposals approved by the legislature.<sup>39</sup> Because the amendments were in the form of a bill, they were officially presented to the governor for his information. The governor followed the legal procedure for vetoing the amendments—he returned each to its house of origin, without depositing them with the secretary of state—and prepared veto messages describing his objections while also acknowledging his lack of authority to veto a proposed amendment.<sup>40</sup>

Though the court did not expressly address the question of the governor’s veto authority in its decision, in determining that the title provided by the legislature in each of the acts proposing the constitutional amendment must be the title used in formatting the general election ballot, the court by extension affirmed the principle that a governor’s veto of a proposed amendment (and a provided title, if applicable) has no legal effect.<sup>41</sup>

**Veto authority where a bill contains both a proposed constitutional amendment and ordinary legislation.** The 1994 advisory opinion prepared by the attorney general addressed the effect of a governor’s veto where a bill contains both a proposed constitutional amendment, not subject to a governor’s veto authority, and ordinary legislation, which is subject to the governor’s veto.

The attorney general concluded that “a veto of a bill containing a proposed constitutional amendment together with matters of ordinary legislation would be effective as to the legislation contained in the bill and the provisions so vetoed would not become law unless the veto were overridden. However...the veto would not affect the proposed constitutional amendment which must be voted upon at the next general election...”<sup>42</sup> The opinion goes on to conclude “we can conceive of no rational basis upon which to conclude the constitutional drafters would have intended to permit the legislature to insulate general legislation from exposure to veto simply by including it in a bill containing an amendment proposal.”<sup>43</sup>

In 2005, the governor vetoed a bill that included both a proposed constitutional amendment and a

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<sup>39</sup> See [Laws 2012, ch. 88](#) (proposing an amendment related to marriage), and [Laws 2012, ch. 167](#) (proposing an amendment related to elections).

<sup>40</sup> See letter from Gov. Mark Dayton to Sen. Michelle L. Fischbach, President of the Senate (May 25, 2011), and letter from Gov. Mark Dayton to Rep. Kurt Zellers, Speaker of the House (April 9, 2012).

<sup>41</sup> *Limmer v. Ritchie*, 819 N.W.2d 622 (Minn. 2012). In reaching its conclusion, the court relied on citation to longstanding separation of powers principles. See *In re Civil Commitment of Giem*, 746 N.W.2d 422, 429 (Minn. 2007) (“We have long recognized that where the constitution commits a matter to one branch of government, the constitution prohibits the other branches from invading that sphere or interfering with the coordinate branch’s exercise of its authority”). See *Bloom v. Am. Exp. Co.*, 222 Minn. 249, 256, 23 N.W.2d 570, 575 (1946) (internal quotation omitted) (“A constitutional grant of power to one of the three departments of government \* \* \* is a denial to the others.”); *State ex rel. Decker v. Montague*, 195 Minn. 278, 288, 262 N.W. 684, 689 (1935) (“The constitutional separation of authority (Minn. Const. art. 3, § 1) forbids \* \* \* interference with the exercise of the powers which that instrument places’ in the other branches of government”).

<sup>42</sup> Minn. Op. Att’y. Gen. 213-C (Mar. 9, 1994).

<sup>43</sup> *Id.*



number of additional statutory provisions related to the proposed amendment.<sup>44</sup> Though the statutory provisions did not take effect as a result of the veto, the proposed amendment contained in the bill did appear on the ballot at the 2006 state general election, was ratified by the voters, and remains in effect in the constitution today.

## **Legislative Authority to Remove a Proposed Amendment or Modify its Text Prior to its Submission to the People**

It is not clear if the legislature, having approved a proposed constitutional amendment for submission to the people, has authority to remove the proposed amendment from the ballot or make other changes to the substance of the amendment text prior to its submission to the voters.

The attorney general has advised that the legislature is permitted to modify the wording of the question to be presented to the voters after it has approved a proposed constitutional amendment, but it is not permitted to remove the proposed amendment from the ballot or make other changes to the substance of the proposed constitutional text.<sup>45</sup>

Case law and other standards that may affect the Minnesota Legislature's authority on both of these topics are described in this section.

**Legal standards.** Though the issue of the legislature's authority to remove a proposed constitutional amendment from the ballot had not been presented directly before, in 2006 the attorney general relied on several prior advisory opinions dealing with similar circumstances to conclude: "once a proposed constitutional amendment has passed out of the possession and control of the legislature, that body no longer has independent authority to recall and reconsider it...such an amendment does not pass from legislative authority to the governor for approval or veto, but to the voters for their action." Publication of the proposed amendment in the session laws of that year was, in the attorney general's opinion, an indication that control of the amendment has passed from the legislature to the voters.

In reaching this conclusion, the attorney general rejected the idea that the legislature retains certain implied procedural rights as a result of its authority to propose amendments, and similarly rejected the notion that a proposed amendment is in the nature of an "offer" of a contract by the legislature that could be withdrawn at any time prior to its acceptance (approval by the voters).<sup>46</sup>

The attorney general reached a separate conclusion on the question of revising the wording of the question to be presented to the voters on the general election ballot. Relying on the legislature's broad authority to frame the question presented to the voters, and the fact that a change in the question does not inherently change the text of the proposed amendment, the attorney general

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<sup>44</sup> See [Laws 2005, ch. 88](#) (proposing a constitutional amendment and associated statutory provisions related to motor vehicle sales taxes).

<sup>45</sup> See letter from Kenneth Raschke, Jr., Assistant Att'y Gen., to Rep. Mary Liz Holberg, Chair, House Transportation Finance Committee (Apr. 5, 2006).

<sup>46</sup> Id. at 6.

concluded that a change to a question's wording is permissible.<sup>47</sup>

**Litigation history in other states.** Though these issues have not been formally litigated in Minnesota, case law from some other states reaches a different conclusion from that reached by the Minnesota attorney general.

In 1970, the Maryland Court of Appeals heard a challenge to that state legislature's action in removing a proposed amendment to its state constitution from the ballot and replacing it with a revised amendment. The court held that the Maryland Legislature may, under the provisions of that state's constitution, "recall and reframe a proposal for amendment of the constitution before the specified time for submitting the proposal to the electorate arises."<sup>48</sup>

Relying on the fact that the terms of the state constitution did not explicitly prohibit reconsideration of a proposed amendment, the Maryland court went on to find that "[s]implicity, certainty, order and clarity in the amending process would be furthered, in our view, by submission of only the one proposal ultimately deemed suitable and appropriate, rather than by submission of two or more inconsistent versions of an idea for change, with the resultant necessity for the voters to pick and choose the better or the best and with the real possibilities that in voter disgust both or all would be rejected or, in confusion, both or all adopted."<sup>49</sup>

A number of other court decisions addressing similar questions have been issued in other states; all generally follow the same principles as the Maryland decision, permitting repeal and/or reconsideration of a proposed amendment previously adopted by the legislature in other specific procedural contexts.<sup>50</sup>

Attorney general advisory opinions from other states on this issue are more mixed in their conclusions.<sup>51</sup>

**Prior legislative practice.** On several occasions, legislation has been introduced in Minnesota to modify the text of proposed constitutional amendments, remove amendments from the ballot completely, or modify the text of the ballot question submitted to the voters. Recent examples

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<sup>47</sup> Id. at 7 ("A modification of the ballot question does not affect the constitutional language which the voters will approve or reject. Therefore, it is our view that the legislature may amend the form of the question...subject to the above condition that the question posed not be misleading as to the nature of the proposed amendment.").

<sup>48</sup> *Bourbon v. Governor of Md.*, 265 A.2d 477, 479 (Md. 1970).

<sup>49</sup> Id.

<sup>50</sup> See *Crawford v. Gilchrist*, 59 So. 963 (Fla. 1912) (permitting the Senate to vote to reconsider a prior approval of a constitutional amendment resolution); *Opinion of the Justices*, 135 N.E.2d 741 (Mass. 1956) (upholding the effect of a legislative vote for reconsideration, preventing a proposed amendment from appearing on the ballot).

<sup>51</sup> See *1 AGO 1969*, No. 23, 1969 WL 98450 (Wash. Dec. 15, 1969) (holding that a legislature may not further act upon a proposed amendment once it has exhausted three specific powers granted by the state's constitution for proposing amendments); Kan. Op. Att'y Gen. 85-110, 1985 WL 204802 (Aug. 29, 1985) (holding that the legislature may modify a constitutional amendment previously adopted by the legislature in the form of a concurrent resolution).

include:

**1976 – Modifying the substance of a proposed amendment.** The House of Representatives approved a bill proposing to modify the terms of an amendment related to transportation and transit funding. While approved by the House, the bill did not receive the concurrence of the Senate.<sup>52</sup>

**1998 – Modifying the text of a ballot question.** After approval of a proposed constitutional amendment abolishing the office of the state treasurer, the legislature approved the addition of a reference to a delayed effective date in the text of the ballot question submitted to the voters.<sup>53</sup> This change was incorporated on the ballot at the 1998 state general election.

**2006 – Modifying/replacing the substance of a proposed amendment.** Bills were introduced proposing to modify and/or replace a proposed constitutional amendment related to motor vehicle sales taxes that had been approved at the 2005 legislative session.<sup>54</sup> Though a proposal to withdraw the amendment and replace it with new text did receive some committee action in the Senate, no changes were ultimately approved by the legislature as a whole.<sup>55</sup>

**2012 – Repealing a proposed amendment prior to submission to voters.** Bills were introduced to repeal a proposed constitutional amendment related to marriage, in an attempt to remove the issue from the ballot entirely. These bills did not receive committee or floor action in either the House or the Senate.<sup>56</sup>

## Ballot Question Title

State law requires a title to be placed on the general election ballot for each proposed constitutional amendment. The law requiring proposed amendments to be titled was first enacted in 1919 and has remained in substantially the same form since that time.<sup>57</sup>

The current standards for providing a ballot question title, prior examples of proposed constitutional amendments specifying a title, and a history of the litigation related to titling are described in this section.

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<sup>52</sup> See H.F. 2593, 69th Sess., 6012-6013 (1st Engrossment, Mar. 30, 1976).

<sup>53</sup> See [Laws 1998, ch. 408](#), § 24. For the original amendment proposal, see [Laws 1998, ch. 387](#).

<sup>54</sup> See [Laws 2005, ch. 88](#).

<sup>55</sup> See, e.g., [H.F. 3048, 84th Sess.](#), 5145 (as introduced, Mar. 1, 2006) (Companion: [S.F. 2446](#); proposing to amend the text of the amendment and ballot question); [H.F. 2915, 84th Sess.](#), 5121 (as introduced, Mar. 1, 2006) (Companion: [S.F. 2444](#); proposing to withdraw the prior adopted proposed constitutional amendment, replacing it with alternate text drafted in the form of a joint resolution).

<sup>56</sup> See e.g., [H.F. 1885, 87th Sess.](#), 5363 (as introduced, Jan. 24, 2012) (Companion: [S.F. 1529](#)).

<sup>57</sup> See [Laws 1919, ch. 76](#).

**Legal standards.** A proposed constitutional amendment ballot question title appears before the text of the question itself. The statute provides:

The secretary of state shall provide an appropriate title for each question printed on the pink [constitutional amendment] ballot. The title shall be approved by the attorney general, and shall consist of not more than one printed line above the question to which it refers.<sup>58</sup>

Figure 1: Example Constitutional Amendment (“Pink”) Ballot, 2012

OFFICIAL BALLOT	<b>STATE GENERAL ELECTION BALLOT</b>
Judge _____	<b>COUNTY NAME, MINNESOTA</b>
Judge _____	<b>NOVEMBER 6, 2012</b>
<b>INSTRUCTIONS TO VOTERS:</b> To vote, completely fill in the oval next to your choice like this: <input type="radio"/>	
<b>CONSTITUTIONAL AMENDMENTS</b>	
Failure to vote on a constitutional amendment will have the same effect as voting no on the amendment.	
To vote for a proposed constitutional amendment, fill in the oval next to the word “YES” on that question. To vote against a proposed constitutional amendment, fill in the oval next to the word “NO” on that question.	
<b>AMENDMENT 1</b> <b>RECOGNITION OF MARRIAGE SOLELY BETWEEN ONE MAN AND ONE WOMAN</b>	
Shall the Minnesota Constitution be amended to provide that only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota?	
<input type="radio"/> YES	_____
<input type="radio"/> NO	_____
<b>AMENDMENT 2</b> <b>PHOTO IDENTIFICATION REQUIRED FOR VOTING</b>	
Shall the Minnesota Constitution be amended to require all voters to present valid photo identification to vote and to require the state to provide free identification to eligible voters, effective July 1, 2013?	
<input type="radio"/> YES	_____
<input type="radio"/> NO	_____

Constitutional amendment titles

**Litigation history.** In its 2012 decision *Limmer v. Ritchie*, the Minnesota Supreme Court held that the legislature is within its exclusive authority under [article IX](#), section 1 of the constitution to propose constitutional amendments when it chooses to specify a title to be included on the general election ballot when the proposed constitutional amendment is presented to the voters.<sup>59</sup>

In relation to section [204D.15](#), subdivision 1, the court’s decision in *Limmer* held that, where the legislature specifies a title, that title must be the “appropriate title” provided by the secretary of state for use on the general election ballot.<sup>60</sup> The court additionally indicated that, so long as

<sup>58</sup> [Minn. Stat. § 204D.15](#), subd. 1.

<sup>59</sup> *Limmer v. Ritchie*, 819 N.W.2d 622 (Minn. 2012).

<sup>60</sup> *Id.* at 629.

section [204D.15](#) remains in place, the secretary of state may have discretion, subject to the approval or rejection of the attorney general, to choose a title for a proposed amendment if one is not otherwise specified by the legislature.<sup>61</sup>

Because neither question was presented to the court, the *Limmer* decision did not address whether the attorney general has authority to approve or reject a title specified by the legislature, nor did it address whether there are limits on the wording of the title in relation to the substance of the proposed amendment itself.

The dispute that resulted in the court's decision arose as a result of the secretary of state's proposed modification of a legislatively specified title for two proposed constitutional amendments. Included in the legislation for each was the proposed constitutional text, the text of the question to appear on the ballot, and text of the title to appear on the ballot preceding the question itself.<sup>62</sup>

In preparation for the 2012 state general election, the secretary of state submitted to the attorney general for approval or rejection proposed constitutional amendment titles that were different from those provided for in the legislation proposing the amendments. In making his request to the attorney general, the secretary of state cited his authority under section [204D.15](#) to provide an appropriate title for the amendments.<sup>63</sup> The attorney general approved these titles.<sup>64</sup>

A number of individuals, including several members of the legislature, filed suit challenging the modification of the titles (the legislature did not participate in an institutional capacity in this case). The court issued its ruling in late August 2012.

**Prior legislative practice.** Though the law requiring a title is nearly a century old, the legislative practice of specifying a title within legislation proposing a constitutional amendment is very recent—it was first employed in 2008, in legislation proposing a constitutional amendment increasing the sales tax to fund natural resources, arts, and cultural heritage programs.<sup>65</sup>

## Ballot Question Wording

When the legislature proposes a constitutional amendment, it passes a bill showing the text of the section of the constitution proposed for amendment, along with language proposed to be added

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<sup>61</sup> Id. at 629 n.5.

<sup>62</sup> See [Laws 2011, ch. 88](#), proposing a constitutional amendment related to marriage; see also [Laws 2012, ch. 167](#), proposing a constitutional amendment related to elections.

<sup>63</sup> See letter from Mark Ritchie, Sec'y of State, to Lori Swanson, Att'y Gen. (June 15, 2012); letter from Mark Ritchie, Sec'y of State, to Lori Swanson, Att'y Gen. (July 3, 2012).

<sup>64</sup> See letter from Christie B. Eller, Deputy Att'y Gen., to Mark Ritchie, Sec'y of State (June 19, 2012); letter from Alan I. Gilbert, Solicitor Gen., to Mark Ritchie, Sec'y of State, (July 6, 2012).

<sup>65</sup> See [Laws 2008, ch. 151](#).

and, if applicable, language proposed to be stricken. But when the proposed constitutional amendment is submitted to the voters, the constitutional text is not reproduced in full. Instead, a question, to which voters may mark a “yes” or “no” vote, appears on the ballot. The legislation proposing the amendment contains the text of the question that will be presented to the voters at the election.

The current standards for writing a question, historical legislative practices, and the history of litigation in court over the wording of particular questions submitted by the legislature are described in this section.

**Legal standards.** The form and manner of submitting a proposed constitutional amendment to the voters for approval or rejection is “left to the judgment and discretion of the legislature, subject only to the implied limitation that they must not be so unreasonable and misleading as to be a palpable evasion of the constitutional requirement to submit the law to a popular vote.”<sup>66</sup> In practice, this means the legislature has fairly wide discretion to determine the way in which a proposed constitutional amendment is presented to the voters, including the wording of the question itself.

In applying this standard to ballot question text, the court has relied on other analysis, including whether “the clear and essential purpose of the act...was fairly expressed in the question submitted,”<sup>67</sup> and whether the language is “so unclear or misleading that voters of common intelligence cannot understand the meaning and effect of the amendment.”<sup>68</sup>

But the court has also indicated a reluctance to substitute its own judgment for the legislature’s in determining appropriate wording: “The courts cannot review the judgment and discretion of the legislature in prescribing the form and substance of the question to be submitted, simply because they may be of the opinion that the question was not phrased in the best or fairest terms.”<sup>69</sup> Similarly, the court has also indicated that its role is not to determine “whether the form of the ballot selected by the legislature is the best and fairest that could have been framed by a trained lawyer.”<sup>70</sup> These standards reflect the high degree of deference granted to the legislature when amendments to the constitution are proposed.<sup>71</sup>

However, the court has suggested there may be a limit when a question becomes too complex for voters to understand: “[w]e can conceive of a situation, particularly in the area of taxation, where the language of a ballot question is so complex that voters could not fairly be expected to understand the meaning or essential purpose of the proposed constitutional amendment.”<sup>72</sup>

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<sup>66</sup> *State ex. rel. Marr v. Stearns*, 75 N.W. 210, 214 (Minn. 1898), aff’d in, *Breza*, 723 N.W.2d 633; *League of Women Voters Minnesota v. Ritchie*, 819 N.W.2d 636 (Minn. 2012).

<sup>67</sup> *State v. Duluth & N.M. Ry. Co.*, 112 N.W. 897, 898-99 (Minn. 1907).

<sup>68</sup> *Breza v. Kiffmeyer*, 723 N.W.2d at 636.

<sup>69</sup> *Duluth & N.M. Ry. Co.*, 112 N.W. at 898.

<sup>70</sup> *Stearns*, 75 N.W. at 217.

<sup>71</sup> *Fugina v. Donovan*, 104 N.W.2d 911, 915 (Minn. 1960).

<sup>72</sup> *Breza v. Kiffmeyer*, 723 N.W.2d. at 636.

To date, the Minnesota Supreme Court has never found a constitutional amendment ballot question proposed by the legislature to be so “unreasonable and misleading” that it required modification or removal from the ballot.

**Delayed effective dates.** A constitutional amendment proposal that contains a delayed effective date should specify that effective date in the text of the question.<sup>73</sup>

**Prior legislative practice.** Over the years, the form and content of ballot questions proposing a constitutional amendment has varied. The modern legislative practice has been to draft a one-sentence question that gives a brief, general description of the substance of the proposed amendment.

Providing a description of the proposed amendment’s content has not always been the norm, however. At various points in Minnesota’s history, the legislature has approved proposed constitutional amendment ballot questions in other formats, including:

- *Specifying only the constitutional article and section number in the question.* A fairly common practice for amendments proposed in the 19th century, this question format provided the voter with only the article and section number proposed to be changed, with the expectation that the voter would have researched amendments in advance (or perhaps used other materials provided in the polling place) to understand the substance of the proposal. This method coincides with a high rate of nonparticipation by voters. See prior statistical section on participation rates for more detail.

A representative example of this type of question is an amendment proposed in 1876, granting item-veto power to the governor.<sup>74</sup> The ballots provided at the election (at the time, a separate ballot was used for those voting “yes” and those voting “no”) read:

Amendment to section eleven, article four of the constitution, “yes”; and

Amendment to section eleven, article four of the constitution, “no.”

- *Stating general principles intended to be accomplished by the proposed amendment.* On occasion, the legislature has provided ballot questions for proposed constitutional amendments that specify only a general principle intended to be accomplished by the amendment, rather than attempting to summarize the substantive change contained proposed in the constitutional text.

A representative example of this type of question is an amendment proposed in 1887, which provided that certain property of an individual would be subject to seizure and

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<sup>73</sup> See Office of the Revisor of Statutes, *supra* note 16, at 79; *State ex. rel. Graves v. Brown*, 247 N.E.2d 463 (Ohio 1969).

<sup>74</sup> See [Laws 1876, ch. 1](#).

sale for debts incurred in the construction, repair, or improvement of the property.<sup>75</sup>  
The ballots provided at the election read:

Amendment to section twelve (12) of article one (1) of the constitution of this state, for protection of rights of working men or women – Yes; and

Amendment to section twelve (12) of article one (1) of the constitution of this state, for protection of rights of working men or women – No.

- *Quoting, nearly identically, the wording of the proposed new constitutional text.* The legislature has also provided ballot questions that mirror identically, or nearly identically, the actual text proposed to be inserted into the constitution.

A representative example of this type of question is an amendment proposed by the legislature in 1925, authorizing the legislature to enact laws related to forestation and reforestation of certain lands.<sup>76</sup> The text of the question to appear on the ballot, as provided by the legislature, was a paragraph nearly identical to the actual substance proposed for insertion into the constitution. The question read:

Amendment to the constitution of Minnesota by adding thereto a new article, to be appropriately numbered in the order of its adoption, authorizing the enactment of laws encouraging and promoting forestation and reforestation of lands in this state, whether owned by private persons or the public, including the fixing in advance of a definite and limited annual tax on such lands for a term of years and a yield tax at or after the end of such term upon the timber and other forest products so grown, but the taxation of mineral deposits shall not be affected by this amendment.

Yes.....  
No.....<sup>77</sup>

**Litigation history.** The Minnesota Supreme Court has been asked to weigh in on constitutionally mandated ballot questions proposed by the legislature on at least four occasions. The resulting cases form the basis for the legal standards applied to ballot questions today, as described above. This section provides brief background on the factual circumstances that led to each of these cases.

**1898 – *State ex. rel. Marr v. Stearns.***<sup>78</sup> In *Stearns*, the Minnesota Supreme Court was presented with a challenge to a ballot question submitted by the legislature related to taxation of railroad lands. In this case, the underlying question was not over the validity of a proposed constitutional amendment, but rather about a question of taxation that the

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<sup>75</sup> See [Laws 1887, ch. 2](#).

<sup>76</sup> See [Laws 1925, ch. 427](#).

<sup>77</sup> To compare the question to the actual constitutional text, see *supra*.

<sup>78</sup> *Stearns*, 75 N.W. at 217.



constitution—at the time—required to be submitted to the people for a vote. Those challenging the question argued, among other things, that the wording of the question—which read simply “For taxation of railroad lands. Yes.... No....” —was merely a political device that did not meet the constitutional standard for submission of the law to the people for a vote (presumably, the challengers preferred a question that provided more detail about the substance of the law change). The court rejected this argument.

In making its determination in *Stearns*, the court established precedent that continues to be used as the basic test of proposed constitutional amendment ballot questions today: granting the legislature wide discretion to determine the format and wording of ballot questions, provided that the question is not “so unreasonable and misleading as to be a palpable evasion of the constitutional requirement to submit the law to a popular vote.”

**1907 – *State v. Duluth & N.M. Ry. Co.***<sup>79</sup> Similar to the factual context in *Stearns*, in 1907 the Minnesota Supreme Court was asked to determine whether a railroad taxation law presented to the voters for approval, as required by the constitution, applied to the Duluth & Northern Minnesota Railway Company.

The allegation of the railroad was that the wording of the ballot question approved by the legislature (“For increasing the gross earnings tax of railroad companies from three to four percent. Yes.... No....”) meant that the law did not apply to it because the Duluth & Northern Minnesota Railway had not been paying a 3 percent rate at the time the question was presented. The text of the underlying law submitted to the voters was clear, however, that the new rate would apply to all railroads—regardless of whether the rate paid by the company was 3 percent at the time the question was presented.

Though the ballot question did not accurately reflect the full application of the proposed law, the court rejected the challenge and affirmed the *Stearns* test, finding that the technical misstatement in the question did not indicate “any purpose to mislead the voter or evade the requirement of the constitution.”

**2006 – *Breza v. Kiffmeyer.***<sup>80</sup> In 2005, the legislature approved a proposed constitutional amendment to direct the use of motor vehicle sales taxes collected by the state to specific transportation purposes. Included in the amendment was direction that:

not more than 60 percent must be deposited in the highway user tax distribution fund, and not less than 40 percent must be deposited in a fund dedicated solely to public transit assistance...<sup>81</sup>

The ballot question submitted by the legislature asked voters:

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<sup>79</sup> *State v. Duluth & N.M. Ry. Co.*, 112 N.W. at 898.

<sup>80</sup> *Breza v. Kiffmeyer*, 723 N.W.2d. at 636.

<sup>81</sup> [Laws 2005, ch. 88](#), art. 3, § 9.

Shall the Minnesota Constitution be amended to dedicate revenue from a tax on the sale of new and used motor vehicles over a five-year period, so that after June 30, 2011, all of the revenue is dedicated at least 40 percent for public transit assistance and not more than 60 percent for highway purposes? Yes.... No....<sup>82</sup>

In October 2006, a challenge to the wording of the ballot question was filed with the Minnesota Supreme Court, arguing that the question could mislead voters into believing that the split of revenues must be exactly 40 percent for public transit and 60 percent for highway purposes, when the substance of the proposed constitutional text could result in all revenues being allocated to transit and none being allocated to highway purposes.

The court rejected this challenge and affirmed its prior precedents in *Stearns* and *Duluth & N.M. Ry. Co.*, finding that the wording was not “so unclear or misleading that voters of common intelligence cannot understand the meaning and effect of the amendment,” and therefore that the ballot question was not so misleading as to evade the requirement that constitutional amendments be submitted to a popular vote.

**2012 – *League of Women Voters Minnesota v. Ritchie*.**<sup>83</sup> In 2012, the legislature approved a proposed constitutional amendment related to elections. The proposed amendment added two new paragraphs to article VII, section 1, of the constitution, as follows:

(a) All voters voting in person must present valid government-issued photographic identification before receiving a ballot. The state must issue photographic identification at no charge to an eligible voter who does not have a form of identification meeting the requirements of this section. A voter unable to present government-issued photographic identification must be permitted to submit a provisional ballot. A provisional ballot must only be counted if the voter certifies the provisional ballot in the manner provided by law.

(b) All voters, including those not voting in person, must be subject to substantially equivalent identity and eligibility verification prior to a ballot being cast or counted.<sup>84</sup>

The ballot question submitted by the legislature asked voters:

Shall the Minnesota Constitution be amended to require all voters to present valid photo identification to vote and to require the state to provide free identification to eligible voters, effective July 1, 2013? Yes.... No....<sup>85</sup>

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<sup>82</sup> Id. § 10.

<sup>83</sup> 819 N.W.2d. 636 (Minn. 2012).

<sup>84</sup> [Laws 2012, ch. 167](#), § 1.

<sup>85</sup> [Laws 2012, ch. 167](#), § 2.

In May 2012, a challenge to the wording of the ballot question was filed with the Minnesota Supreme Court, arguing that the question was misleading and did not “accurately and factually describe the proposed amendment” and “fail[ed] to describe at all certain important substantive provisions contained in the amendment.”<sup>86</sup>

Though the court acknowledged that the ballot question did not use the same words as used in the underlying proposed amendment, and did not list all of the potential effects of implementation of the policy, the majority rejected the challenge, again affirming the line of precedent first established in *Stearns*, and found that the challenge did not meet the “high standard required for the judiciary to intercede into a matter that is constitutionally committed to the legislative branch.”<sup>87</sup>

Two separate and lengthy dissenting opinions were filed in this case.

## Multiple Subject Issues

[Article IX, section 1](#), of the constitution requires that “[i]f two or more amendments are submitted at the same time, voters shall vote for or against each separately.” This standard forms the basis for what is, in effect, a single-subject rule for constitutional amendments akin to the single-subject rule that applies to ordinary legislation.<sup>88</sup>

The legal standards that have developed to further interpret this requirement (resulting from litigation over particular proposed constitutional amendments) as well as some prior examples of proposed amendments where these principles have been considered are described in this section.

**General legal standards.** Consistent with the deferential standard applied when reviewing titles and ballot questions approved by the legislature related to proposed constitutional amendments, the Minnesota Supreme Court has acted in a deferential way when determining whether a proposed constitutional amendment contains more than one subject:

Courts defer somewhat to the judgment of the legislature upon that proposition. It is not enough that a proposed amendment contains several propositions which could have been submitted in several amendments. But the changes proposed must be independent and

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<sup>86</sup> *League of Women Voters Minnesota*, 819 N.W.2d at 641. Though the secretary of state was named as the defendant, he declined to file a brief on the substantive merits of the claim, arguing that his ministerial duty is to “ensure that the ballots are properly printed, [and] not to take a side as to whether a ballot question proposed by the legislature accurately or completely represents a Constitutional amendment under consideration.” See letter from Mark Ritchie, Sec’y of State to Hon. Chief J. Lorie Gildea, Minn. S. Ct. (June 14, 2012). Minnesota Majority, Inc. (a private organization advocating in favor of the amendment), a group of individual legislators, and the House of Representatives and Senate in their institutional capacities all requested permission to intervene as defendants in the case. The court denied the requests of Minnesota Majority, Inc., and the individual legislators, but granted the request of the legislature as an institution. As a result, the legislature acted as the primary respondent in defense of the ballot question in this case.

<sup>87</sup> *Id.* at 651 (citing *Breza*, 723 N.W.2d at 636).

<sup>88</sup> See [Minn. Const. art. IV, § 17](#).

unrelated so as not to fit in with the one general aim or purpose of the amendment framed.<sup>89</sup>

The court has also described this test as one allowing for multiple propositions to be included in a single proposal “if they are rationally related to a single purpose, plan, or subject.”<sup>90</sup> In applying this formulation of the test, the court has “weigh[ed] the relative importance of the propositions.” Finding “[m]ost sections of the constitution contain a number of provisions, some of greater and some of less importance” it has determined that “whether particular proposals can be combined, therefore, necessarily requires a judgment both as to the relationship between them and as to their relative importance.”<sup>91</sup>

The logical extension of this analysis is that the court leaves open the option to reject a single proposal if it contains multiple propositions that are of high or equal importance to one another.

**Constitutional amendment in a bill containing other statutory changes.** The Minnesota Supreme Court has held that the inclusion of a constitutional amendment in a bill is not a single subject in itself that prohibits the inclusion of other statutory changes within the legislation, “so long as the amendment and the other provisions are germane to the same general subject.”<sup>92</sup>

Based on this rule, the legislature may incorporate a constitutional amendment as part of a bill that includes conforming amendments to implement the constitutional language, if adopted, or it may include the proposed amendment in a bill on the same general subject matter as the amendment, subject to certain restrictions contained in the procedural rules of the legislature.<sup>93</sup> The legislature has engaged in both of these practices on a number of occasions.<sup>94</sup>

**Bills proposing two or more separate constitutional amendments, on the same general subject.** There is no case law directly to address this issue, though the legislature has approved legislation containing multiple separate proposed constitutional amendments in the past, without legal challenge. Recent examples include:

**1980 – Initiative and referendum, and campaign spending.** [Laws 1980, chapter 587](#), proposed separate constitutional amendments for establishing an initiative and referendum process, and for requiring the legislature to enact campaign spending limits

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<sup>89</sup> *Winget v. Holm*, 244 N.W. 331 (Minn. 1932).

<sup>90</sup> *Fugina v. Donovan*, 104 N.W.2d 911, 914 (Minn. 1960).

<sup>91</sup> *Id.*

<sup>92</sup> *Wass v. Anderson*, 252 N.W.2d 131, 136 (Minn. 1977).

<sup>93</sup> See [Joint Rule 2.01 \(2011\)](#), providing that “[a] bill containing a constitutional amendment may only contain the statutory language and changes necessary to conduct the constitutional election and to implement the constitutional amendment, should it pass. Extraneous statutory changes or additional topics may not be included in a bill proposing a constitutional amendment.”

<sup>94</sup> For recent examples, see [Laws 2005, chapter 88](#), proposing a constitutional amendment related to motor vehicle sales taxes (the original legislation contained a number of statutory provisions, vetoed by the governor); [Laws 1998, chapter 387](#), proposing an amendment to abolish the office of state treasurer; [Laws 1996, chapter 469](#), proposing a constitutional amendment authorizing recall of state elected officials.

for candidates for office. Each proposal was accompanied by conforming statutory implementation language, to be effective upon adoption of the related constitutional amendment. Both proposed constitutional amendments appeared on the ballot at the 1980 state general election; only the amendment related to campaign spending limits was ratified by the voters.

**1988 – Lottery and the Environmental and Natural Resources Trust Fund.** [Laws 1988, chapter 690](#), proposed separate constitutional amendments (each with its own ballot question) for establishment of the state lottery and establishment of the Environmental and Natural Resources Trust Fund. The legislation also included a number of statutory enactments, including a requirement that the lottery proceeds be allocated to the Environmental and Natural Resources Trust Fund for the first five years of its implementation. Both proposed constitutional amendments appeared on the ballot at the 1988 state general election and were ratified by the voters.

**Litigation history.** The Minnesota Supreme Court has been asked to weigh in on single-subject issues arising from constitutional amendments proposed by the legislature on at least four occasions. The cases resulting form the basis for the legal standards applied today, as described above. This section provides brief background on the factual circumstances that led to these cases.

**1932 – *Winget v. Holm*.**<sup>95</sup> In 1932, the Minnesota Supreme Court was presented with a challenge to a proposed constitutional amendment related to taxation of national banks and personal income. In adopting the general test still used today—whether the changes are “independent and unrelated so as not to fit in with the one general purpose or aim of the amendment framed”—the court relied on precedent that had been established in other states and rejected the challenge, determining that the proposed amendment had a general purpose of broadening the tax field.

**1960 – *Fugina v. Donovan*.**<sup>96</sup> In 1960, the Minnesota Supreme Court was again presented with a proposed constitutional amendment that was alleged to include more than one subject in violation of the constitutional requirement. At issue was an amendment that provided for extension of the regular legislative session by no more than 30 days, restricting the time during which bills may be introduced in the legislature, and setting qualifications for legislators to be candidates for other elective offices.

The court affirmed the test set in *Winget* and introduced the concept of weighing the relative importance of the propositions in determining whether a single or multiple submissions is required. The court upheld the formulation of the proposed constitutional amendment as a single proposal. In doing so, the court referenced the “two great objectives” of the rule: to prevent deception of the public by presenting a proposal, part of which is “concealed or not readily understandable”; and to prevent “the combining of unrelated proposals in order to secure approval by appealing to different groups which

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<sup>95</sup> 244 N.W. 331 (Minn. 1932).

<sup>96</sup> 104 N.W.2d 911 (Minn. 1960).

will support the entire proposals in order to secure some part...although perhaps disapproving of other parts.”<sup>97</sup>

**1972 – *Opatz v. City of St. Cloud.***<sup>98</sup> In 1972, the Minnesota Supreme Court addressed a challenge to a constitutional amendment that had been adopted in 1970 to lower the voting age to 19, but established an age requirement for holding office at 21. A 19-year-old student seeking to run for city council office argued that the amendment was improperly submitted as a single proposal.

The court rejected the challenge, following the precedent established in *Winget* and *Fugina*, as described above.

**1977 – *Wass v. Anderson.***<sup>99</sup> In *Wass*, the court was presented with a new challenge: whether the existence of a constitutional amendment in legislation was a single subject in itself, prohibiting other provisions from being contained in the same legislation. At issue was legislation that included a number of statutory changes related to transportation issues, as well as a proposed constitutional amendment related to the gas tax and highway bonding.

In this case, the court established the rule that “a proposed constitutional amendment is not a single subject in itself and that the single subject provision...is not violated by the inclusion of a proposed amendment in a bill containing other provisions so long as the amendment and the other provisions are all germane to the same general subject.”<sup>100</sup>

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<sup>97</sup> Id. at 914.

<sup>98</sup> 196 N.W.2d 298 (Minn. 1972).

<sup>99</sup> 252 N.W.2d 131 (Minn. 1977).

<sup>100</sup> Id. at 136.

## Proposing a State Constitutional Amendment: The Voter-Ratification Process

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This section provides an overview of the legal and procedural issues that may arise while a proposed constitutional amendment moves through the ratification process at a general election, after the legislature has approved the proposed amendment for submission to the voters. Topics contained in this section include:

- [Ballot Formatting and Order of Placement](#)
- [Lobbying, Campaign, and Campaign Finance Issues](#)
- [Attorney General’s Statement of Purpose and Effect](#)
- [Vote-Counting Procedures](#)
- [Proclamation of Governor Upon Voter Ratification of Amendment](#)
- [Effective Date of a Voter-Ratified Amendment](#)

### Ballot Formatting and Order of Placement

There are relatively few provisions of statute governing the formatting of a proposed constitutional amendment ballot question or the manner in which a proposed amendment is placed on the ballot. This section describes the provisions of statute and administrative rule that do govern this process.

**Legal standards.** Absent other direction in the legislation proposing the amendment, section [204B.36](#), subdivision 3, will govern the placement of the question on the general election ballot. That section provides:

Subd. 3. **Question; form of ballot.** When a question is to be submitted to a vote, a concise statement of the nature of the question shall be printed on the ballot. The words, “YES” and “NO” shall be printed to the left of this statement, with a square to the left of each word so that the voter may indicate by a mark (X) either a negative or affirmative vote. The ballot shall include instructions directing the voter to put an (X) in the square before the word “YES” if the voter desires to vote for the question, or to put an (X) before the word “NO” if the voter desires to vote against the question.

This statute, including the requirement that a “concise statement of the nature of the question” be printed on the ballot, was first enacted in this form in 1959.<sup>101</sup>

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<sup>101</sup> [Laws 1959, ch. 675](#), art. 4, § 30.

The secretary of state is also authorized to adopt administrative rules related to the preparation of a constitutional amendment ballot question.<sup>102</sup> The administrative rules applicable to ballot preparation for an optical scan ballot (the format used in nearly all precincts in Minnesota) require, among other more technical details:<sup>103</sup>

- **Placement of constitutional amendment questions immediately following state offices to be elected.** Proposed constitutional amendment ballot questions must appear following all federal and state offices to be elected on the ballot. County offices to be elected must be listed immediately following the proposed amendments.
- **Information on the effect of a failure to vote on a constitutional amendment.** The ballot must inform the voter, as follows: “Failure to vote on a constitutional amendment will have the same effect as voting no on the amendment.” This statement must appear in at least eight-point type underneath the heading “CONSTITUTIONAL AMENDMENT.”
- **Voter instructions.** The ballot must include instructions for how to mark a “yes” and “no” vote on the ballot.
- **Amendment numbering.** If more than one proposed amendment is to appear on the ballot, each amendment must be assigned a number and labeled “Amendment [Number].” Historically, amendments have been assigned numbers and placed on the ballot in chronological order based on the time they were finally approved by the legislature. In 1955, the attorney general issued an advisory opinion affirming that, while chronological placement is not statutorily or constitutionally required, the custom and practice of doing so is appropriate.<sup>104</sup>
- **The ballot question.** The wording of the ballot question must be printed in a typeface as large as practicable, but in no case smaller than eight-point type. The words “YES” and “NO” must be printed in at least ten-point type, aligned as close as possible to the vote targets (the blank oval or arrow to be filled in by the voter).

**Sample ballots.** The secretary of state is required to provide sample copies of a proposed constitutional amendment ballot in the secretary’s office for inspection at least four weeks prior to a state general election. Three weeks prior to the election, the secretary is required to mail sample copies of the ballot to each county auditor for posting in a conspicuous place in the auditor’s office.<sup>105</sup>

**Legislative preemption.** Both the statute and the administrative rules described above could be

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<sup>102</sup> [Minn. Stat. § 204D.11](#), subd. 2.

<sup>103</sup> See [Minn. R. 2010, § 8250.1810\(5\)](#), (11). Separate administrative rules for formatting a constitutional amendment ballot in a jurisdiction not using an optical scan ballot format are contained in [Minn. R. 2010, § 8250.0365](#).

<sup>104</sup> Minn. Op. Att’y. Gen. 86A20 (May 24, 1955).

<sup>105</sup> [Minn. Stat. § 204D.15](#), subd. 3.



preempted by any additional specifications related to formatting or placement of the question on the ballot contained in the legislation proposing a particular amendment.<sup>106</sup>

The legislature may not preempt the requirement that a proposed constitutional amendment be submitted to the voters at a general election.<sup>107</sup>

## Lobbying, Campaign, and Campaign Finance Issues

A number of provisions of state law may govern the activities and disclosure requirements of individuals and groups advocating for or against a proposed constitutional amendment under consideration by the legislature, or under consideration by the voters. The details of these requirements are beyond the scope of this publication, but general citations are included in this section for reference purposes.

**Lobbying at the legislature.** Individuals lobbying the legislature for or against a bill containing a proposed constitutional amendment, while the bill is under consideration by the legislature, may be subject to registration and reporting requirements related to that lobbying activity.<sup>108</sup>

**Campaign activities.** Persons participating in a campaign in an attempt to influence voting at an election where a proposed constitutional amendment may appear on the ballot are subject to the requirements of Minnesota's Fair Campaign Practices Act.<sup>109</sup>

The Fair Campaign Practices Act includes, among other things, a requirement that campaign material advocating for or against a proposed constitutional amendment contain a disclaimer that includes a name and address if certain thresholds related to the preparation and dissemination of the material are met.<sup>110</sup>

**Campaign finance reporting.** Groups of persons acting in concert to promote or defeat a ballot question, including activities other than lobbying activity related to qualifying the question for placement on the ballot, may be required to form a political committee or other legal entity, register with the Campaign Finance and Public Disclosure Board, and file periodic disclosure reports.<sup>111</sup>

**Publication of websites by the secretary of state.** State law requires the secretary of state to publish links, on the secretary's elections-related website, to the sites of individuals or groups

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<sup>106</sup> See generally Minn. Op. Att'y. Gen. 280-C, ques. 2 (Mar. 9, 1954).

<sup>107</sup> See Minn. Const. art. IX, § 1; Minn. Op. Att'y. Gen. 86a-20 (Feb. 14, 1961).

<sup>108</sup> See generally, Minn. Stat. chapter 10A.

<sup>109</sup> See generally, Minn. Stat. chapter 211B.

<sup>110</sup> Minn. Stat. § 211B.04.

<sup>111</sup> See generally Minn. Stat. ch. 10A; For more detailed information, see Minnesota Campaign Finance and Public Disclosure Board, <http://www.cfboard.state.mn.us> (accessed Nov. 16, 2012).

advocating for or against, or providing neutral information on a ballot question.<sup>112</sup> Inclusion on the list requires a written request to the Office of the Secretary of State, a valid website address, and a valid email address.

## **Attorney General's Statement of Purpose and Effect**

When a constitutional amendment has been proposed to the voters by the legislature, state law requires the attorney general to prepare a statement describing the purpose and effect of the proposed amendment. The current and historical standards for preparation and dissemination of the statement, as well as an example the use of an attorney general's statement in litigation, is described in this section.

**Legal standards.** The attorney general is required to prepare a statement of purpose and effect for proposed constitutional amendments subject to the requirements of state law, which reads as follows:

At least four months before the election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed, showing clearly the form of the existing sections and how they will read if amended. If a section to which an amendment is proposed exceeds 150 words in length, the statement shall show the part of the section in which a change is proposed, both its existing form and as it will read when amended, together with the portions of the context that the attorney general deems necessary to understand the amendment.<sup>113</sup>

**Use of attorney general's statement in litigation.** The Minnesota Supreme Court has analyzed statements of the attorney general to help determine the intent and application of constitutional amendments that have been ratified by the voters.

In 1970, the court was asked to determine the constitutionality of a state statute that had been enacted related to payment of members of the state tax court. At issue was a constitutional amendment, ratified by the voters in 1962, modifying the number of days the legislature may meet in a session. In interpreting the constitutional amendment and its application to the challenged law, the court needed to determine whether the voters intended to change the manner of counting "legislative days," which are limited by the constitution.

In concluding that the 1962 amendment did not, and was not intended to, change the method of counting legislative days, the court cited attorney general statements of purpose and effect prepared for the 1962 proposed constitutional amendment, as well as a statement of purpose and effect prepared by the attorney general for a constitutional amendment proposed to the voters in 1888, inferring that the statement of the attorney general in both cases was reflective of the intent of the voters:

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<sup>112</sup> [Minn. Stat. § 10.60](#), subd. 4.

<sup>113</sup> [Minn. Stat. § 3.21](#).

It is evident that the Legislature has been mindful of the fact that frequently people who are not educated in law do not understand the legal terminology of a proposed constitutional amendment and, for that reason, has required that the attorney general explain it to them so they understand what they are voting on...<sup>114</sup>

Later in the decision, the court further concluded that, because the attorney general did not describe this new interpretation in the statement of purpose and effect, the voters could not have intended that new interpretation to apply:

Inasmuch as the term ‘legislative days’ was not used in the attorney general’s statement involving either the 1888 amendment or the 1962 amendment, it can hardly be contended, we believe, that the people had in mind changing the manner of computing the number of days during which the Legislature could be in session.<sup>115</sup>

**Statutory history.** The statutory requirement that the attorney general prepare a statement of purpose and effect for all proposed constitutional amendments submitted to the voters dates to 1887.<sup>116</sup> For much of its history, the law remained in substantially the same form as it existed on its original 1887 enactment date, with a few relatively minor amendments.<sup>117</sup>

In 1992, however, a law was enacted that significantly modified the distribution of the attorney general’s statements. In that year two distribution requirements, which had previously been part of the law, were repealed.<sup>118</sup> The two requirements provided for:

- *Newspaper publication.* The law had required that the secretary of state publish the attorney general’s statement of purpose and effect in all “qualified newspapers” of the state, in the October prior to the election.<sup>119</sup>
- *Posting in polling place.* The law had required the secretary of state to forward to each county auditor sufficient copies of the attorney general’s statement, in poster form, so that each precinct in the state would have two copies of the statement conspicuously posted at or near the polling place on election day.

In addition, the 1992 law repealed a misdemeanor penalty that had applied to an official required

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<sup>114</sup> *Knapp v. O’Brien*, 179 N.W.2d 88, 92-93 (Minn. 1970).

<sup>115</sup> *Id.* at 93.

<sup>116</sup> [Laws 1887, ch. 157](#).

<sup>117</sup> A number of amendments addressed the rate at which payment would be made for a required publication of the statements in a legal or qualified newspaper; others modified the types of newspapers in which a statement must be published or the frequency of publication in the newspaper. *See, e.g.* [Laws 1913, ch. 299](#); [Laws 1951, ch. 699](#); [Laws 1985, 1st Spec. Sess., ch. 13](#), § 60. In 1941, an amendment was adopted permitting the attorney general to provide appropriate context, rather than printing a full section of the constitution proposed to be amended, if the section to be amended is longer than 150 words. [Laws 1941, ch. 136](#).

<sup>118</sup> [Laws 1992, ch. 513](#), art. 3, § 17.

<sup>119</sup> A “qualified newspaper” is a legal newspaper of the state, defined in other provisions of law. *See generally* [Minn. Stat. ch. 331A](#).

to perform a duty under the law, if the official willfully or negligently failed to perform the duty.<sup>120</sup>

Today, statements of purpose and effect prepared by the attorney general are not required to be published in a newspaper or posted in a polling place, but they are public documents available upon request made to the Office of the Secretary of State or the Office of the Attorney General.

## Vote-Counting Procedures

The procedures and standards for counting the votes on a proposed constitutional amendment ballot question are established by the constitution and state statute, and have been further developed through case law and opinions of the attorney general. This section describes those procedures and standards.

**General legal standards.** The final certification of the result of a state constitutional amendment ballot question is determined by the State Canvassing Board. The State Canvassing Board is a constitutionally established entity, required by statute to canvass and certify the results of a ballot question proposing a state constitutional amendment, and certain elected offices voted on statewide.<sup>121</sup>

Pursuant to the requirements of statute, the State Canvassing Board receives vote totals on a proposed constitutional amendment ballot question from the canvassing boards of each county, compiles the totals into a single report, certifies its correctness, and declares the result within three days of completion of the canvass.<sup>122</sup>

For a constitutional amendment to be ratified by the voters, it requires the affirmative vote of a majority of all voters voting in the election at which the amendment is proposed. The following standards apply to determine the result:

**Blank ballots.** The ballot of a voter who leaves a proposed constitutional amendment ballot question blank has the same mathematical effect in determining the outcome of the amendment question as a voter who affirmatively casts a “no” vote. This standard is affirmed by the principles contained in the constitution for ratification of an amendment<sup>123</sup> and is also supported by case law and opinions of the attorney general:

- In 1914, the Minnesota Supreme Court noted the procedure for voting on constitutional amendments in a case unrelated to an actual proposed amendment: “If the elector does not register his vote upon this proposition by marking his ballot, his vote nevertheless counts in the negative. The result is that every elector must, in effect, vote either for or against every constitutional amendment or refrain from

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<sup>120</sup> [Laws 1992, ch. 513](#), art. 3, § 17.

<sup>121</sup> *See* [Minn. Const. art. VII, § 8](#); [Minn. Stat. § 204C.33](#).

<sup>122</sup> [Minn. Stat. § 204C.33](#), subd. 3.

<sup>123</sup> [Minn. Const. art. IX, § 1](#).

voting at all.”<sup>124</sup>

- In 1928, the attorney general was asked to provide advice on the effect of blank ballots, determining that the effect of the blank ballot is the same as if the voter voted against the amendment.<sup>125</sup>

Though a ballot with no recorded vote for or against an amendment has the same mathematical effect on the outcome of a proposed constitutional amendment ballot question as a “no” vote, these ballots are still considered to not have cast a vote on the question—they are not formally recorded as “no” votes in the election results.

**Voters who mark both “yes” and “no” on the ballot.** State law provides that “if a voter votes both yes and no on a question, no vote may be counted for that question, but the rest of the ballot must be counted if possible.”<sup>126</sup> Because of the requirements for ratification, the effect of a voter marking both a “yes” and “no” on the ballot, if the rest of the ballot is counted, is the same as if the voter voted “no” on the amendment.

**Determining the number of voters at the election.** In 1968, the attorney general was asked to issue an advisory opinion on the impact of voters who vote at an election, but are not eligible to vote on a proposed constitutional amendment question, in calculating the number of votes necessary for a proposed amendment to be ratified. At issue in the attorney general’s opinion were voters who had a statutory right to vote for electors for president and vice president of the United States, but due to their new residency in the state did not have a constitutional right to vote for other candidates or issues on the ballot at the election.

The attorney general determined that those voters who did not have the constitutional right to vote on the amendment should not be counted as electors for determining the number of votes necessary for ratification of a proposed amendment.<sup>127</sup>

**Recounts.** There is no procedure contained in the Minnesota Constitution or in state law for recounting the results of a proposed constitutional amendment ballot question.

Because of the requirement that an amendment may only be ratified if it receives a majority vote of all those voting at the election, if a question were to result in a tie vote the proposed amendment would not be ratified.

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<sup>124</sup> *Farrell v. Hicken*, 147 N.W. 815, 817 (Minn. 1914). See also *State ex. Rel. Marr v. Stearns*, 75 N.W. 210 (Minn. 1898). A decision of the Minnesota Supreme Court in 1876, reaching the opposite conclusion, was overruled by a subsequent amendment to the Minnesota Constitution specifying the procedure for counting votes. See *Dayton v. City of St. Paul*, 22 Minn. 400 (1876).

<sup>125</sup> Minn. Op. Att’y. Gen. 28-a-3 (Nov. 8, 1928).

<sup>126</sup> [Minn. Stat. § 204C.22](#), subd. 3a.

<sup>127</sup> Minn. Op. Atty. Gen. 86a (June 10, 1968).

**Contesting the declared result of a constitutional amendment question.** State law permits any eligible voter to contest the declared result of a constitutional amendment question.<sup>128</sup> A contest may be brought over “an irregularity in the conduct of an election or canvass of votes, ... over the number of votes legally cast in favor of or against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.”<sup>129</sup>

Certain standards and procedures for conducting a contest of a constitutional amendment question have been established by the Minnesota Supreme Court.<sup>130</sup>

## **Proclamation of Governor Upon Voter Ratification of Amendment**

State law requires that the governor announce, by proclamation, the adoption of a proposed constitutional amendment in the event the amendment is ratified by the voters.<sup>131</sup> Proclamations issued by the governor are required to be filed with the secretary of state.<sup>132</sup>

**Content and form of proclamation.** In November 1948, the attorney general issued an advisory opinion related to the content of a proclamation announcing ratification of an amendment, in response to a request from the governor after an amendment had been ratified at that year’s state general election.<sup>133</sup>

The attorney general addressed two issues:

- **Publication of proclamation.** The attorney general advised that filing the proclamation with the secretary of state was legally sufficient to comply with state law, and that further publication in a paid legal advertisement was unnecessary. The attorney general also noted that the custom of the legislature had been to include the governor’s proclamation in the first session laws of the state published after adoption of an amendment. That custom, never a formal requirement of the law, has since been discontinued.
- **Inclusion of the full amendment text in the proclamation.** The attorney general advised that inclusion of the full and complete text of the adopted amendment in the proclamation announcing its ratification was proper.

**Effect of proclamation on ratified amendment.** In 1922, the Minnesota Supreme Court was presented with a challenge to the effective date of a proposed constitutional amendment that had

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<sup>128</sup> See generally [Minn. Stat. ch. 209](#).

<sup>129</sup> [Minn. Stat. § 209.02](#), subd. 1.

<sup>130</sup> See generally *In re McConaughy*, 119 N.W. 408 (Minn. 1909).

<sup>131</sup> [Minn. Stat. § 3.20](#).

<sup>132</sup> [Minn. Stat. § 4.03](#).

<sup>133</sup> See *Minn. Op. Att’y. Gen.* 182, p. 290 (1948).

been ratified by the voters, extending the length of the term of office of probate judge. The court discussed the effect of the governor's proclamation in relation to implementation of the new amendment's requirements. The majority determined that the proclamation date was not the proper test for determining the date the amendment took effect: "[t]he Governor's proclamation ... merely made a record of what had been done by the electors whose votes gave vitality to the amendment..."<sup>134</sup>

The attorney general has further advised, consistent with the court's precedent, that the date on which a governor's proclamation is issued has no bearing on the date the ratified constitutional amendment takes effect: "it is obvious that a governor cannot change or thwart the will of ... voters by failing to issue a proclamation or by issuing it at a time meeting his convenience."<sup>135</sup>

## Effective Date of a Voter-Ratified Amendment

Minnesota case law and opinions of the attorney general have not definitively stated a date on which a proposed constitutional amendment that has been ratified by the voters formally takes effect. However, a variety of analyses of this question in different contexts suggest that a proposed constitutional amendment takes effect once the election at which the question was presented has been finally canvassed and a result declared by the State Canvassing Board.

This section describes the case law and other legal history that leads to this conclusion and provides examples of prior proposed constitutional amendments in which the legislature specified alternate effective dates.

**Legal standards and litigation history.** The Minnesota Supreme Court decisions and the opinions of the attorney general that form the basis for this general conclusion include the following:

**1895 – *City of Duluth v. Duluth St. Ry. Co.***<sup>136</sup> In 1895, the Minnesota Supreme Court was asked to rule on the validity of a special law that had been enacted in 1881, granting certain particular franchise rights to the Duluth Street Railway Company.<sup>137</sup> A proposed constitutional amendment appeared on the ballot at the 1881 state general election prohibiting this type of special law.<sup>138</sup> The law granting rights to the Duluth Street Railway Company was enacted by the legislature and took effect on November 17, 1881—after the voters had voted on the proposed constitutional amendment at the state general election, but before the time that the results of the election had been canvassed and the voter ratification of the proposed amendment officially proclaimed by the governor.

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<sup>134</sup> *State ex. rel. Matthews v. Houndersheldt*, 186 N.W. 234, 236 (Minn. 1922).

<sup>135</sup> Minn. Op. Att'y. Gen. 86-a (Dec. 29, 1962).

<sup>136</sup> 62 N.W. 267 (Minn. 1895).

<sup>137</sup> [Laws 1881, 1st Spec. Sess., ch. 200.](#)

<sup>138</sup> [Laws 1881, ch. 3.](#)

In determining whether the special law was valid, the court needed to determine the date the proposed constitutional amendment, ratified by the voters, officially took effect. The court held that the law was valid, despite the timing of its passage in relation to the proposed constitutional amendment: “We are clear that this amendment did not take effect at least until the result was ascertained by the canvass of the vote. Whether it took effect then, or only upon the proclamation of the result by the governor, it is not necessary to decide.”<sup>139</sup>

In reaching its conclusion, the court noted that the legislation proposing the constitutional amendment explicitly specified the manner in which the results of the election were to be canvassed and the manner in which the amendment, if ratified, was to take effect; however, the court apparently did not believe these specified procedures were any different from normal practices, noting that they were “substantially the same as the provisions embodied in every act ever passed for the submission of a proposed constitutional amendment to the people...”<sup>140</sup>

**1922 – *State ex. rel. Matthews v. Hundersheldt*.**<sup>141</sup> In 1922, the Minnesota Supreme Court was asked to determine the effective date of a newly ratified constitutional amendment related to the length of terms of probate court judges. At issue was a 1920 constitutional amendment that extended the terms of these judges from two years to four years.<sup>142</sup>

The dispute arose when a probate court judge—elected at the same 1920 state general election at which the constitutional amendment was ratified by the voters—and the local county auditor disagreed over whether the judge’s term was subject to election at the 1922 state general election or the 1924 state general election (in other words, it was not clear whether the judge, elected in 1920, was elected at that time to a two-year or four-year term, because the voters ratified the constitutional amendment simultaneously with the judge’s election).

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<sup>139</sup> 62 N.W. at 267. A 1915 decision of the Minnesota Supreme Court, addressing matters related to the Duluth Street Railway Company and the constitutional amendment in a different context, refers to the amendment taking effect “the January following” the date of the election at which the amendment was presented to the voters. The opinion cites the court’s 1895 decision as support for this conclusion, however that decision does not explicitly contemplate a January effective date. It is not clear if the 1915 court’s reference to January is erroneous or based on other documents, customs, or procedures no longer available and known today related to this case. *See State v Duluth St. Ry. Co.*, 150 N.W. at 917.

<sup>140</sup> The instructions in the legislation proposing the amendment read: “[T]he returns thereof shall be made and certified and such votes canvassed and the result thereof declared in the manner provided by law for returning, certifying and canvassing votes at general elections for State officers and declaring the result thereof, and if it shall appear therefrom that a majority of the voters present and voting at said election upon said amendment have voted in favor of the same, then immediately after the result shall have been ascertained, the Governor shall make proclamation thereof, and said amendment shall thereupon take effect and be in full force as part of the Constitution of the State of Minnesota.” *See Laws 1881, ch. 3, § 2.*

<sup>141</sup> 186 N.W. 234 (Minn. 1922).

<sup>142</sup> [Laws 1919, ch. 531.](#)



The court looked to what the voters intended and considered when voting on the constitutional amendment and determined that it was unlikely voters meant for some judges to be elected to a two-year term at the same time they approved the extension of terms to four years. As a result, the court concluded that the newly ratified constitutional amendment was not retrospective in its application and therefore was effective for those probate judges elected simultaneously with the ratification of the amendment at the 1920 election.

The court's ruling in this case was accompanied by a dissenting opinion.

**1956 – Attorney general's advisory opinion.**<sup>143</sup> In 1956, the attorney general was requested to provide advice on the application of a newly ratified constitutional amendment that modified the procedure for filling vacancies in the office of judge: the old constitutional language provided that the governor appoints a successor, subject to the next annual election held more than 30 days after the vacancy occurred. The ratified constitutional amendment provided that a judge appointed to fill a vacancy is subject to election at the next general election occurring more than one year after the appointment.

At issue was whether a municipal judge, who had served less than one year in office after being appointed by the governor, was required to run for election under the prior constitutional standard or the newly ratified constitutional standard.

The attorney general relied on the Minnesota Supreme Court's decisions in *Duluth St. Ry. Co.*<sup>144</sup> and *Houndersheldt*<sup>145</sup> and looked to the amendment's intent in determining that the constitutional language in effect at the time the judge was appointed (the "old" language) applied, because the newly ratified amendment was intended to have only a prospective and not retrospective effect.

The attorney general did not opine on the exact date that the ratified amendment took effect, but rather applied the Supreme Court's legal principles in creating an opinion based on the specific facts and circumstances applicable in this case.

**1962 – Attorney general's advisory opinion.**<sup>146</sup> In 1962, the attorney general was requested to provide advice on the application of a newly ratified constitutional amendment related to investment of school trust funds by the State Investment Board. The amendment, among other things, modified the makeup of the State Investment Board. At issue for the attorney general was when the board's new membership structure took effect for purposes of the board's decision making.

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<sup>143</sup> Minn. Op. Att'y. Gen. 307-L (Nov. 20, 1956). See additional facts related to this opinion in Minn. Op. Att'y. Gen. 3078-L (Oct. 11, 1956).

<sup>144</sup> 62 N.W. 267 (Minn. 1895).

<sup>145</sup> 186 N.W. 234 (Minn. 1922).

<sup>146</sup> Minn. Op. Att'y. Gen. 86-a (Dec. 29, 1962).

The attorney general considered four possible effective dates for the amendment: the end of the fiscal year; the date on which the governor issues a proclamation announcing ratification; the date the State Canvassing Board meets and declares the result of the vote; and election day. Citing a variety of reasons and court precedent, the attorney general ultimately concluded that the date of the State Canvassing Board's declaration of the result of the vote was the official day the amendment became effective.

**1969 – Delayed effective date precedent (Ohio).** Though no Minnesota case law exists directly on point, an Ohio Supreme Court case in 1969 suggested that, where a proposed amendment is to have a delayed effective date, that date should be included in the question presented to the voters.<sup>147</sup>

**Prior legislative practice.** The legislature has approved proposed constitutional amendments that contain delayed effective dates, establish schedules for a transition to the new policies enacted into the constitution, or provide for expiration of policies after a certain period of time. Representative examples include:

**1955 – Transition schedule. (Judicial reorganization).** A proposed constitutional amendment approved by the legislature in 1955 and ratified by the voters in 1956, reorganized the judicial structure of the state. The amendment contained an extensive transition schedule to clarify terms in office, salary schedules, and other administrative requirements for implementation of the amendment as they applied to judges and other affected individuals in place at the time the amendment was ratified.<sup>148</sup>

**1998 – Delayed effective date. (Abolition of state treasurer).** A proposed constitutional amendment approved by the legislature and ratified by the voters in 1998, abolishing the Office of State Treasurer as a constitutional office, contained a transition period. The amendment—voted on at the 1998 state general election—provided that the Office of State Treasurer would be abolished effective the first Monday in January 2003.<sup>149</sup>

**2008 – Delayed effective date and expiration. (Natural Resources, Arts, and Cultural Heritage Fund).** A proposed constitutional amendment, increasing the sales and use tax rate by three-eighths of 1 percent, was approved by the legislature and ratified by the voters in 2008. It contained a delayed effective date, specifying its application beginning July 1, 2009, and also contained an expiration date—the increased tax rate is constitutionally—scheduled to expire June 30, 2034.<sup>150</sup>

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<sup>147</sup> *State ex. rel. Graves v. Brown*, 247 N.E.2d 463 (Ohio 1969); See also Office of the Revisor of Statutes, *supra* note 16, at 79.

<sup>148</sup> [Laws 1955, ch. 881](#).

<sup>149</sup> [Laws 1998, ch. 387](#).

<sup>150</sup> [Laws 2008, ch. 151](#).

**2012 – Delayed effective date. (Elections and voting).** A proposed constitutional amendment related to elections, approved by the legislature in 2012, provided that its policies would take effect July 1, 2013, and apply to voting at elections held on or after November 5, 2013.<sup>151</sup> This amendment was rejected by the voters at the 2012 general election.

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<sup>151</sup> [Laws 2012, ch. 167.](#)



## Individual Amendment Statistics

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The pages that follow contain statistical data on each of the individual amendments that the legislature has submitted to the voters for ratification or rejection since statehood.

Except where noted, the source of the vote totals contained in the table is the Minnesota Legislative Manual, published on a biennial basis by the Office of the Minnesota Secretary of State. Other numerical data were extrapolated from the reported vote totals by the House Research Department.

Data related to legislative approval of proposed amendments were compiled by the staff of the Minnesota Legislative Reference Library.

The columns contained in the table reflect the following data:

- **Amendment Description:** A brief description of the content of a proposed amendment.
- **Election Year:** The year in which the proposed amendment appeared before the voters at an election for ratification or rejection.
- **Ratified (Y)/Rejected (N):** A proposed amendment that was ratified by the voters is marked “Y”; a proposed amendment that was rejected is marked “N.”
- **#Yes/#No Votes:** Divided into two rows, this column lists the total number of voters who marked “yes” or “no” on the constitutional amendment question.
- **% Yes/No on Question:** Divided into two rows, this column lists the percentage of “yes” and “no” votes on the question itself; blank ballots are not included in the calculations in this column. This column is used for determining ratification of an amendment presented to the voters prior to 1900.
- **# Votes at Election:** This column lists the total number of voters casting ballots at the election. In several years prior to 1900, this number is not available and was not used for determining ratification; where appropriate, a note on the source of the number is included.
- **% Yes/No at Election:** Divided into two rows, this column lists the percentage of “yes” and “no” votes, taking into account all voters at the election. (Though blank ballots are included in the total number of votes at the election, they are not considered a “yes” or “no” vote in the calculations here. As a result, the percentages listed may not add to 100 percent). For amendments proposed beginning in 1900, a “yes” percentage greater than 50 percent in this column would be required for the amendment to be ratified.

- **Blank Ballots on Question (#/%):** Divided into two rows, this column lists the raw number of ballots on which the voter did not record a “yes” or “no” vote, and the percentage of ballots this raw number represents.
- **Other Year(s) Proposed.** This column lists, where applicable, additional years that the substance of a particular proposed constitutional amendment appeared on the ballot. These data were compiled by the House Research Department and reflect years in which an amendment appeared again in either an identical or substantially similar form.
- **Legislative Approval.** Divided into two rows, this column lists the date on which a proposed amendment was finally approved for submission to the voters by the House of Representatives and the Senate. The vote total in each body is listed in parentheses following the date.

Amendment Description	Election Year	Ratified (Y)/ Rejected (N)?	# YES/ # NO Votes	% YES/NO on Question	# Votes at Election	% Voting YES/NO at Election	Blank Ballots on Question (#/%)	Other Year(s) Proposed	Legislative Approval
To authorize \$5 million railroad loan	1858	Y	Y: 25,023	Y: 78.80%	31,756 <sup>s</sup>	Y: 78.80%	0	None	N/A
			N: 6,733	N: 21.20		N: 21.20%	0%		N/A
To establish state government May 1, 1858	1858	Y	Y: 25,023	Y: 78.80	31,756 <sup>s</sup>	Y: 78.80	0	None	N/A
			N: 6,733	N: 21.20		N: 21.20	0%		N/A
To limit legislative sessions to 60 days	1860	Y	Y: 19,785	Y: 97.91	34,737 <sup>p</sup>	Y: 56.96	14,530	None	N/A
			N: 422	N: 2.09		N: 21.20	41.83%		N/A
To require popular approval of tax to pay railroad bonds; to repeal the \$5 million amendment	1860	Y	Y: 18,648	Y: 96.17	34,737 <sup>p</sup>	Y: 53.38	15,346	None	N/A
			N: 743	N: 3.83		N: 1.21	44.18%		N/A
To authorize Negroes to vote	1865	N	Y: 12,135	Y: 45.30	31,160 <sup>g</sup>	Y: 43.36	7,103	1867, 1868	N/A
			N: 14,651	N: 54.70		N: 45.43	11.21%		N/A
To authorize Negroes to vote	1867	N	Y: 27,479	Y: 48.83	63,376 <sup>g</sup>	Y: 43.36	7,103	1865, 1868	N/A
			N: 28,794	N: 51.17		N: 45.43	11.21%		N/A
To subject shares in state and national banks to state taxation	1867	N	Y: 8,742	Y: 20.29	64,376 <sup>g</sup>	Y: 13.58	21,283	None	N/A
			N: 34,351	N: 79.71		N: 53.36	33.06%		S: (17-0)
To authorize Negroes to vote	1868	Y	Y: 38,493	Y: 56.10	71,818 <sup>p</sup>	Y: 53.60	3,204	1865, 1867	N/A
			N: 30,121	N: 43.90		N: 41.94	4.46%		N/A
To abolish requirement of grand jury	1868	N	Y: 14,763	Y: 32.58	71,818 <sup>p</sup>	Y: 20.56	26,511	1904	N/A
			N: 30,544	N: 67.42		N: 42.53	36.91%		N/A
To authorize sale of 500,000 acres of internal improvement lands and investment of proceeds in state or national securities	1868	N	Y: 19,398	Y: 40.31	71,818 <sup>p</sup>	Y: 27.01	23,691	None	N/A
			N: 28,729	N: 59.69		N: 40.00	32.99%		N/A
To abolish Manomin County	1869	Y	Y: 13,392	Y: 88.91	54,525 <sup>g</sup>	Y: 24.56	39,462	None	N/A
			N: 1,671	N: 11.09		N: 3.06	72.37%		N/A

Amendment Description	Election Year	Ratified (Y)/ Rejected (N)?	# YES/ # NO Votes	% YES/NO on Question	# Votes at Election	% voting YES/NO at Election	Blank Ballots on Question (#/%)	Other Year(s) Proposed	Legislative Approval
To authorize special assessments for local improvements	1869	Y	Y: 26,636	Y: 91.23	54,525 <sup>g</sup>	Y: 48.85	25,329	None	N/A
			N: 2,560	N: 8.77		N: 4.70	46.45%		N/A
To exempt holders of railroad stock from double liability	1870	N	Y: 7,446	Y: 39.91	18,656 <sup>l</sup>	Y: 39.91	0	None	N/A
			N: 11,210	N: 60.09		N: 60.09	0%		N/A
To require popular approval of changes in railroad gross earnings tax law	1871	Y	Y: 41,814	Y: 81.94	78,172 <sup>g</sup>	Y: 53.49	27,142	None	N/A
			N: 9,216	N: 18.06		N: 11.79	34.72%		N/A
To authorize state loan for asylum buildings	1871	N	Y: 6,724	Y: 14.15	78,172 <sup>g</sup>	Y: 8.60	30,651	1872	N/A
			N: 40,797	N: 85.85		N: 52.19	39.21%		N/A
To authorize state loan for asylum buildings	1872	Y	Y: 29,158	Y: 52.03	90,919 <sup>p</sup>	Y: 32.07	34,880	1871	N/A
			N: 26,881	N: 47.97		N: 29.57	38.36%		N/A
To exempt stockholders in manufacturing or mechanical businesses from double liability	1872	Y	Y: 23,091	Y: 51.44	90,919 <sup>p</sup>	Y: 25.40	46,034	None	N/A
			N: 21,794	N: 48.56		N: 23.97	50.63%		N/A
To restrict issuance of county, town, and municipal bonds to aid railroads	1872	Y	Y: 27,916	Y: 78.17	90,919 <sup>p</sup>	Y: 30.70	55,207	1879	N/A
			N: 7,796	N: 21.83		N: 8.57	60.72%		N/A
To provide for sale of internal improvement lands	1872	Y	Y: 55,438	Y: 92.75	90,919 <sup>p</sup>	Y: 60.98	31,150	None	N/A
			N: 4,331	N: 7.25		N: 4.76	34.26%		N/A
To provide for biennial sessions of the legislature	1873	N	Y: 14,007	Y: 30.63	77,057 <sup>g</sup>	Y: 18.18	31,321	1877	N/A
			N: 31,729	N: 69.37		N: 41.18	40.65%		N/A
To extend terms of representatives and senators to two and four years, respectively	1873	N	Y: 11,675	Y: 32.43	77,057 <sup>g</sup>	Y: 15.15	41,051	1877	N/A
			N: 24,331	N: 67.57		N: 31.58	53.27%		N/A
To provide for state canvassing board	1873	N	Y: 12,116	Y: 32.04	77,057 <sup>g</sup>	Y: 15.72	39,247	1877	N/A
			N: 25,694	N: 67.96		N: 33.34	50.93		N/A
To provide more effectively for the safekeeping of public funds	1873	Y	Y: 27,143	Y: 83.31	77,057 <sup>g</sup>	Y: 35.22	44,476	None	N/A
			N: 5,438	N: 16.96		N: 7.06	57.72%		N/A



Amendment Description	Election Year	Ratified (Y)/ Rejected (N)?	# YES/ # NO Votes	% YES/NO on Question	# Votes at Election	% voting YES/NO at Election	Blank Ballots on Question (#/%)	Other Year(s) Proposed	Legislative Approval
To provide for an indefinite number of judges in each judicial district	1875	Y	Y: 22,560	Y: 54.90	84,017 <sup>g</sup>	Y: 26.85	42,923	None	N/A
			N: 18,534	N: 45.10		N: 22.60	51.09%		N/A
To authorize the legislature to grant women suffrage in school affairs	1875	Y	Y: 24,340	Y: 55.56	84,017 <sup>g</sup>	Y: 28.97	40,209	None	N/A
			N: 19,468	N: 44.44		N: 23.17	47.86%		N/A
To prescribe manner in which school funds could be invested	1875	Y	Y: 28,755	Y: 73.22	84,017 <sup>g</sup>	Y: 34.23	44,745	None	N/A
			N: 10,517	N: 26.78		N: 12.52	53.26%		N/A
To establish single liability for stockholders in ordinary business corporations	1875	N	Y: 16,349	Y: 38.74	84,017 <sup>p</sup>	Y: 19.46	41,810	None	N/A
			N: 25,858	N: 61.26		N: 30.78	49.76%		N/A
To authorize governor to veto items of appropriation bills	1876	Y	Y: 47,302	Y: 91.44	123,931 <sup>p</sup>	Y: 38.17	72,203	None	N/A
			N: 4,426	N: 8.56		N: 3.57	58.26%		N/A
To establish single liability for stockholders in all corporations except banks	1876	N	Y: 21,721	Y: 48.76	123,931 <sup>p</sup>	Y: 17.53	79,380	1877	N/A
			N: 22,830	N: 51.24		N: 18.42	64.05%		N/A
To authorize district judges to sit on supreme bench when supreme court justices disqualified	1876	Y	Y: 41,069	Y: 87.14	123,931 <sup>p</sup>	Y: 33.14	76,799	None	N/A
			N: 6,063	N: 12.86		N: 4.89	61.97%		N/A
To establish biennial sessions of legislature	1877	Y	Y: 37,995	Y: 64.59	98,614 <sup>g</sup>	Y: 38.53	39,786	1873	N/A
			N: 20,833	N: 35.41		N: 21.13	40.35%		N/A
To extend terms of representatives and senators to two and four years, respectively	1877	Y	Y: 33,072	Y: 56.85	98,614 <sup>g</sup>	Y: 33.54	40,443	1873	N/A
			N: 25,099	N: 43.15		N: 25.45	41.01%		N/A
To provide for State Canvassing Board	1877	Y	Y: 36,072	Y: 62.32	98,614 <sup>g</sup>	Y: 36.58	40,728	1873	N/A
			N: 21,814	N: 37.68		N: 22.12	41.30%		N/A
To authorize women to vote in local option elections	1877	N	Y: 26,468	Y: 44.54	98,614 <sup>g</sup>	Y: 26.84	39,183	None	N/A
			N: 32,963	N: 55.46		N: 33.43	39.73%		N/A

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To establish single liability for stockholders in all corporations except banks	1877	N	Y: 24,415	Y: 48.41	98,614 <sup>p</sup>	Y: 24.76	48,179	1876	N/A
			N: 26,020	N: 51.59		N: 26.39	48.86%		N/A
To authorize sale of internal improvement lands and use of proceeds to pay railroad bonds	1877	N	Y: 17,324	Y: 22.65	98,614 <sup>g</sup>	Y: 17.57	22,114	None	N/A
			N: 59,176	N: 77.35		N: 60.01	22.42%		N/A
To prohibit use of state school funds to support sectarian schools	1877	Y	Y: 36,780	Y: 68.82	98,614 <sup>g</sup>	Y: 37.30	45,167	None	N/A
			N: 16,667	N: 31.18		N: 16.90	45.80%		N/A
To restrict issuance of county, town, and municipal bonds to aid railroads	1879	Y	Y: 54,810	Y: 96.99	99,048 <sup>g</sup>	Y: 55.34	42,538	1872	N/A
			N: 1,700	N: 3.01		N: 1.72	42.95%		N/A
To authorize levy of water-mains assessments on a frontage basis	1881	Y	Y: 35,019	Y: 65.65	102,193 <sup>g</sup>	Y: 34.27	48,854	None	N/A
			N: 18,320	N: 34.35		N: 17.93	47.81%		N/A
To remove time limitations from sessions of legislature	1881	N	N/A	N/A	102,193 <sup>g</sup>	N/A	N/A	None	N/A
			N/A	N/A		N/A	N/A		N/A
To regulate compensation of legislators	1881	N	N/A	N/A	102,193 <sup>g</sup>	N/A	N/A	None	N/A
			N/A	N/A		N/A	N/A		N/A
To prohibit special legislation on certain subjects	1881	Y	Y: 56,491	Y: 87.10	102,193 <sup>g</sup>	Y: 55.28	37,333	None	N/A
			N: 8,369	N: 12.90		N: 8.19	36.53%		N/A
To provide for sale of swamplands and appropriation of proceeds of swampland funds	1881	Y	Y: 51,903	Y: 86.01	102,193 <sup>g</sup>	Y: 50.79	41,850	None	N/A
			N: 8,440	N: 13.99		N: 8.26	40.95%		S: (21-13)
To make auditor's term four years, to conform to system of biennial elections	1883	Y	Y: 74,375	Y: 75.33	130,713 <sup>g</sup>	Y: 56.90	31,979	None	N/A
			N: 24,359	N: 24.67		N: 18.64	24.47%		N/A
To establish the official year and to provide for a system of biennial elections	1883	Y	Y: 75,782	Y: 75.89	130,713 <sup>g</sup>	Y: 57.98	30,849	None	N/A
			N: 24,082	N: 24.11		N: 18.42	23.60%		N/A
To make term of clerk of supreme court four instead of three years	1883	Y	Y: 73,565	Y: 75.39	130,713 <sup>g</sup>	Y: 56.28	33,132	None	N/A
			N: 24,016	N: 24.61		N: 18.37	25.35%		N/A

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To make terms of justices of supreme court six instead of seven years	1883	Y	Y: 73,565	Y: 75.39	130,713 <sup>g</sup>	Y: 56.28	33,132	None	N/A
			N: 24,016	N: 24.61		N: 18.37	25.35%		N/A
To make terms of district judges six instead of seven years	1883	Y	Y: 73,565	Y: 75.39	130,713 <sup>g</sup>	Y: 56.28	33,132	None	N/A
			N: 24,016	N: 24.61		N: 18.37	25.35%		N/A
To provide for loans of state school funds to counties and school districts	1886	Y	Y: 131,533	Y: 88.01	220,558 <sup>g</sup>	Y: 59.64	71,111	None	N/A
			N: 17,914	N: 11.99		N: 8.12	32.24%		N/A
To prohibit the monopolization of the markets of food products	1888	Y	Y: 194,932	Y: 93.72	261,632 <sup>g</sup>	Y: 74.51	53,636	None	N/A
			N: 13,064	N: 6.28		N: 4.99	20.50%		N/A
To guarantee the payment of liens of workmen and material-men out of exempted property	1888	Y	Y: 153,908	Y: 75.98	261,632 <sup>g</sup>	Y: 58.83	59,075	None	N/A
			N: 48,649	N: 24.02		N: 18.59	22.58%		N/A
To extend biennial sessions of legislature to 90 days each	1888	Y	Y: 150,003	Y: 73.91	261,632 <sup>g</sup>	Y: 57.33	58,683	None	N/A
			N: 52,946	N: 26.09		N: 20.24	22.43%		N/A
To provide for verdicts by five-sixths of jury in civil cases	1890	Y	Y: 66,929	Y: 61.82	240,892 <sup>g</sup>	Y: 27.78	132,622	None	N/A
			N: 41,341	N: 38.18		N: 17.16	55.05%		N/A
To extend and strengthen the prohibition against special legislation	1892	N	Y: 77,614	Y: 79.85	255,921 <sup>g</sup>	Y: 30.33	158,724	None	N/A
			N: 19,583	N: 20.15		N: 7.65	62.02%		S: 4/13/1891 (41-0)
To authorize various gross earnings taxes and a tonnage tax on iron ore	1892	Y	Y: 53,372	Y: 39.16	255,921 <sup>g</sup>	Y: 20.85	119,639	None	N/A
			N: 82,910	N: 60.84		N: 32.40	46.75%		N/A
To authorize inheritance taxes	1894	Y	Y: 108,332	Y: 72.43	296,249 <sup>g</sup>	Y: 36.57	146,675	None	H: 4/15/1893 (67-16)
			N: 41,242	N: 27.57		N: 13.92	49.51%		S: 2/8/1893 (34-8)
To take pardoning power from governor and to confer it on a pardon board	1896	Y	Y: 130,354	Y: 74.30	337,229 <sup>g</sup>	Y: 38.65	161,778	None	H: 4/3/1895 (62-1)
			N: 45,097	N: 25.70		N: 13.37	47.97%		S: 4/22/1895 (30-3)
To prohibit aliens from voting	1896	Y	Y: 97,980	Y: 65.13	337,229 <sup>g</sup>	Y: 29.05	186,795	None	H: 2/28/1895 (72-0)
			N: 52,454	N: 34.87		N: 15.55	55.39%		S: 2/28/1895 (36-3)

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To authorize home rule for cities	1896	Y	Y: 107,086	Y: 64.74	337,229 <sup>g</sup>	Y: 31.75	171,831	None	H: 3/28/1895 (65-29)
			N: 58,312	N: 35.26		N: 17.29	50.95%		S: 3/21/1895 (46-1)
To require compensation for property destroyed or damaged for public use	1896	Y	Y: 101,188	Y: 64.03	337,229 <sup>g</sup>	Y: 30.01	179,202	None	H: 3/19/1895 (72-0)
			N: 56,839	N: 35.97		N: 16.85	53.14%		S: 2/19/1895 (36-0)
To permit cities, towns, and villages, as well as counties and school districts, to borrow school and university funds	1896	Y	Y: 127,151	Y: 77.87	337,229 <sup>g</sup>	Y: 37.70	173,944	None	H: 4/4/1895 (79-0)
			N: 36,134	N: 22.13		N: 10.71	51.58%		S: 4/5/1895 (34-0)
To provide flexible system for taxing large corporations	1896	Y	Y: 163,694	Y: 79.23	337,229 <sup>g</sup>	Y: 48.54	130,613	None	H: 4/22/1895 (66-5)
			N: 42,922	N: 20.77		N: 12.73	38.73%		S: 4/22/1895 (30-15)
To permit women to vote for and serve on library boards	1898	Y	Y: 71,704	Y: 62.15	252,562 <sup>g</sup>	Y: 28.39	137,198	None	H: 3/15/1897 (69-2)
			N: 43,660	N: 37.85		N: 17.29	54.32%		S: 4/17/1897 (34-2)
To make it more difficult to amend constitution	1898	Y	Y: 69,760	Y: 67.97	252,562 <sup>g</sup>	Y: 27.62	149,921	None	H: 3/9/1897 (59-25)
			N: 32,881	N: 32.03		N: 13.02	59.36%		S: 4/17/1897 (35-2)
To amend the municipal home rule section	1898	Y	Y: 68,754	Y: 68.19	252,562 <sup>g</sup>	Y: 27.22	151,740	None	H: 4/20/1897 (61-0)
			N: 32,068	N: 31.81		N: 12.70	60.08%		S: 4/8/1897 (37-3)
To provide state road and bridge fund	1898	Y	Y: 70,043	Y: 64.82	252,562 <sup>g</sup>	Y: 27.73	144,502	None	H: 4/19/1897 (65-17)
			N: 38,017	N: 35.18		N: 15.05	57.21%		S: 4/20/1897 (36-5)
To increase debt limit of municipalities borrowing permanent school funds	1900	N	Y: 108,681	Y: 78.28	314,181	Y: 34.59	175,340	1902	H: 3/21/1899 (71-0)
			N: 30,160	N: 21.72		N: 9.60	55.81%		S: 3/20/1899 (37-0)
To increase state road and bridge tax, and to eliminate restrictions on expenditure of fund	1902	N	Y: 114,969	Y: 82.76	276,071	Y: 41.64	137,154	1906	H: 3/10/1902 (99-3)
			N: 23,948	N: 17.24		N: 8.67	49.68%		S: 3/10/1902 (46-11)
To increase debt limit of municipalities borrowing permanent school funds	1902	N	Y: 116,766	Y: 84.89	276,071	Y: 42.30	138,528	1900	H: 3/10/1902 (99-3)
			N: 20,777	N: 15.11		N: 7.53	50.18%		S: 3/10/1902 (46-11)
To simplify the taxing provisions of the constitution	1902	N	Y: 124,584	Y: 85.43	276,071	Y: 45.13	130,236	None	H: 3/10/1902 (99-3)
			N: 21,251	N: 14.57		N: 7.70	47.17%		S: 3/10/1902 (46-11)

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To increase debt limit of municipalities borrowing school and university funds	1904	Y	Y: 190,718	Y: 82.90	322,692	Y: 59.10	92,640	None	H: 2/4/1903 (78-0)
			N: 39,334	N: 17.10		N: 12.19	28.71%		S: 2/23/1903 (40-0)
To abolish the requirement of a grand jury	1904	Y	Y: 164,055	Y: 75.88	322,692	Y: 50.84	106,485	1868	H: 4/17/1903 (63-21)
			N: 52,152	N: 24.12		N: 16.16	33.00%		S: 3/25/1903 (35-23)
To simplify the taxing provisions by a "wide open" section	1906	Y	Y: 156,051	Y: 76.86	284,366	Y: 0.55	81,333	None	H: 4/11/1905 (81-0)
			N: 46,982	N: 23.14		N: 16.52	28.60%		S: 3/29/1905 (42-7)
To increase state road and bridge tax, and to reduce restrictions on expenditure of funds	1906	Y	Y: 141,870	Y: 74.24	284,366	Y: 49.89	93,264	1902	H: 3/21/1905 (73-0)
			N: 49,232	N: 25.76		N: 17.31	32.80%		S: 4/14/1905 (43-1)
To permit farmers to sell their produce without licenses	1906	Y	Y: 190,897	Y: 84.85	284,366	Y: 67.13	59,375	None	H: 4/12/1905 (72-2)
			N: 34,094	N: 15.15		N: 11.99	20.88%		S: 4/17/1905 (44-0)
To limit the exemption of church property from taxation to that "used for religious purposes"	1908	N	Y: 134,141	Y: 67.10	355,263	Y: 37.76	155,346	None	H: 4/6/1907 (71-1)
			N: 65,776	N: 32.90		N: 18.51	43.73%		S: 4/17/1907 (43-6)
To permit unlimited state taxation for road and bridge purposes	1908	N	Y: 154,226	Y: 73.17	355,263	Y: 43.41	144,480	None	H: 3/19/1907 (78-0)
			N: 56,557	N: 26.83		N: 15.92	40.67%		S: 4/23/1907 (36-6)
To authorize state hail insurance	1908	N	Y: 137,710	Y: 69.27	355,263	Y: 38.76	156,469	1910, 1912	H: 4/23/1907 (60-42)
			N: 61,084	N: 30.73		N: 17.19	44.04%		S: 4/5/1907 (32-12)
To authorize legislature to establish educational qualifications for county superintendents of schools	1908	N	Y: 169,785	Y: 80.13	355,263	Y: 47.79	143,364	1912	H: 4/12/1907 (63-0)
			N: 42,114	N: 19.87		N: 11.85	40.35%		S: 4/23/1907 (48-0)
To permit the state to assume half the cost of any road or bridge project	1910	Y	Y: 159,746	Y: 78.26	310,165	Y: 51.50	106,032	None	H: 4/13/1909 (80-1)
			N: 44,387	N: 21.74		N: 14.31	34.19%		S: 3/23/1909 (33-0)
To repeal the requirement as to publication of treasurer's report annually in a St. Paul newspaper and also in the biennial session laws	1910	N	Y: 123,787	Y: 70.56	310,165	Y: 39.91	134,728	1914	H: 4/21/1909 (76-0)
			N: 51,650	N: 29.44		N: 16.65	43.44%		S: 4/5/1909 (44-0)

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To authorize state hail insurance	1910	N	Y: 108,926	Y: 63.28	310,165	Y: 35.12	138,034	1908, 1912	H: 4/17/1909 (62-14)
			N: 63,205	N: 36.72		N: 20.38	44.50%		S: 4/19/1909 (40-0)
To authorize reapportionment of legislative representation at any time	1910	N	Y: 95,181	Y: 60.74	310,165	Y: 30.69	153,464	None	H: 4/19/1909 (79-0)
			N: 61,520	N: 39.26		N: 19.83	49.48%		S: 4/17/1909 (33-2)
To authorize and require an annual state tax for reforestation work	1910	N	Y: 100,168	Y: 61.03	310,165	Y: 32.30	146,035	None	H: 4/19/1909 (67-0)
			N: 63,962	N: 38.97		N: 20.62	47.08%		S: 4/19/1909 (40-0)
To authorize tax exemptions to encourage reforestation	1910	N	Y: 87,943	Y: 54.41	310,165	Y: 28.35	148,525	None	H: 3/25/1909 (69-0)
			N: 73,697	N: 45.59		N: 23.76	47.89%		S: 3/5/1909 (36-10)
To authorize a one mill state tax for roads and bridges and to permit state to assume entire cost of any project	1912	Y	Y: 195,724	Y: 79.29	349,678	Y: 55.97	102,819	None	H: 2/2/1911 (109-1)
			N: 51,135	N: 20.71		N: 14.62	29.40%		S: 3/9/1911 (62-0)
To authorize state hail insurance	1912	N	Y: 145,173	Y: 70.61	349,678	Y: 41.52	144,066	1908, 1910	H: 3/22/1911 (19-9)
			N: 60,439	N: 29.39		N: 17.28	41.20%		S: 2/1/1911 (48-0)
To authorize investment of school and university funds in first mortgages on improved farms	1912	N	Y: 168,440	Y: 81.01	349,678	Y: 48.17	141,755	1914, 1916	H: 4/5/1911 (73-10)
			N: 39,483	N: 18.99		N: 11.29	40.54%		S: 4/18/1911 (45-4)
To amend the municipal home rule clause to authorize commission government and for other purposes	1912	N	Y: 157,086	Y: 78.92	349,678	Y: 44.92	150,621	None	H: 4/12/1911 (96-0)
			N: 41,971	N: 21.08		N: 12.00	43.07%		S: 4/11/1911 (44-11)
To authorize the legislature to establish educational qualifications for county superintendents of schools	1912	N	Y: 167,983	Y: 82.12	349,678	Y: 48.04	145,111	1908	H: 3/17/1911 (85-4)
			N: 36,584	N: 17.88		N: 10.46	41.50%		S: 4/18/1911 (38-0)
To limit size of state senate and number of senators from any county	1912	N	Y: 122,457	Y: 61.34	349,678	Y: 35.02	150,034	1914	H: 4/22/1913 (64-41)
			N: 77,187	N: 38.66		N: 22.07	42.91%		S: 4/4/1913 (33-25)
To establish initiative and referendum	1914	N	Y: 168,004	Y: 80.16	356,906	Y: 47.07	147,325	1916, 1980	H: 4/3/1913 (80-4)
			N: 41,577	N: 19.84		N: 11.65	41.28%		S: 4/4/1913 (47-0)

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To increase number of justices of supreme court and to authorize the court to appoint its clerk	1914	N	Y: 127,352	Y: 64.90	356,906	Y: 35.68	160,668	1916	H:2/18/1913 (84-4)
			N: 68,886	N: 35.10		N: 19.30	45.02%		S: 4/17/1913 (44-0)
To authorize a revolving fund for improving state school and swamplands	1914	N	Y: 162,951	Y: 77.28	356,906	Y: 45.66	146,049	1916	H: 4/16/1913 (68-0)
			N: 47,906	N: 22.72		N: 13.42	40.92%		S: 4/23/1913 (39-0)
To repeal the requirement as to publication of treasurer's report annually in a St. Paul newspaper and also in the biennial session laws	1914	N	Y: 131,213	Y: 69.04	356,906	Y: 36.76	166,866	1910	H:3/3/1913 (63-2)
			N: 58,827	N: 19.30		N: 16.48	46.75%		S: 4/17/1913 (34-3)
To authorize investment of school and university funds in first mortgages on improved farms	1914	N	Y: 159,531	Y: 80.70	356,906	Y: 44.70	159,230	1912, 1916	H: 2/7/1913 (81-0)
			N: 38,145	N: 19.30		N: 10.69	44.61%		S: 2/4/1913 (48-4)
To extend terms of probate judges to four years	1914	N	Y: 128,601	Y: 66.70	356,906	Y: 36.03	164,091	1916, 1920	H: 4/10/1913 (79-5)
			N: 64,214	N: 33.30		N: 17.99	45.98%		S: 4/21/1913 (42-6)
To limit size of state senate and number of senators from any county	1914	N	Y: 98,144	Y: 53.75	356,906	Y: 27.50	174,326	1912	H: 4/22/1913 (64-41)
			N: 84,436	N: 46.25		N: 23.66	48.84%		S: 4/4/1913 (33-25)
To authorize the recall by the voters of "every public official in Minnesota, elective or appointive"	1914	N	Y: 139,801	Y: 75.67	356,906	Y: 39.17	172,144	None	H: 4/21/1913 (68-2)
			N: 44,961	N: 24.33		N: 12.60	48.23%		S: 4/21/1913 (48-4)
To authorize special dog taxes and use of proceeds to compensate owners of animals injured by dogs	1914	N	Y: 136,671	Y: 69.57	356,906	Y: 38.29	160,449	None	H: 4/23/1913 (64-13)
			N: 59,786	N: 30.43		N: 16.75	44.96%		S: 4/22/1913 (33-3)
To authorize state bounties for reforestation	1914	N	Y: 108,351	Y: 62.95	356,906	Y: 30.36	184,772	None	H: 3/13/1913 (69-11)
			N: 63,782	N: 37.05		N: 17.87	51.77%		S: 1/18/1913 (53-0)
To authorize certain public lands to be set aside as state forests	1914	Y	Y: 178,954	Y: 80.25	356,906	Y: 50.14	133,919	None	H: 3/5/1913 (67-0)
			N: 44,033	N: 19.75		N: 12.34	37.52%		S: 3/31/1913 (33-0)
To authorize a revolving fund for improving state school and swamplands	1916	Y	Y: 240,975	Y: 80.57	416,215	Y: 57.90	117,140	1914	H: 2/26/1915 (71-36)
			N: 58,100	N: 19.43		N: 13.96	28.14%		S: 2/8/1915 (45-0)

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To authorize investment of school and university funds in first mortgages on improved farms	1916	Y	Y: 211,529	Y: 79.02	416,215	Y: 50.82	148,539	1912, 1914	H: 2/9/1915 (89-0)
			N: 56,147	N: 20.98		N: 13.49	35.69%		S: 2/11/1915 (41-19)
To authorize the state to mine ore under public waters	1916	N	Y: 183,597	Y: 74.08	416,215	Y: 44.11	168,363	None	H: 4/15/1915 (72-0)
			N: 64,255	N: 25.92		N: 15.44	40.45%		S: 3/11/1915 (49-5)
To increase number of justices of supreme court and to authorize the court to appoint its clerk	1916	N	Y: 130,363	Y: 54.69	416,215	Y: 31.32	177,850	1914	H: 4/21/1915 (74-3)
			N: 108,002	N: 45.31		N: 25.95	42.73%		S: 2/4/1915 (51-1)
To authorize the governor to cut down items in appropriation bills	1916	N	Y: 136,700	Y: 62.13	416,215	Y: 32.84	196,191	None	H: 4/12/1915 (77-1)
			N: 83,324	N: 37.87		N: 20.02	47.14%		S: 4/21/1915 (51-1)
To authorize condemnation of private lands for construction of private drainage ditches	1916	N	Y: 132,741	Y: 57.67	416,215	Y: 31.89	186,042	None	H: 4/20/1915 (95-0)
			N: 97,432	N: 42.33		N: 23.41	44.70%		S: 4/6/1915 (55-2)
To establish initiative and referendum	1916	N	Y: 187,711	Y: 78.46	416,215	Y: 45.10	176,960	1914, 1980	H: 4/21/1915 (98-0)
			N: 51,544	N: 21.54		N: 12.38	42.52%		S: 4/21/1915 (55-0)
To extend terms of probate judges to four years	1916	N	Y: 186,847	Y: 72.08	416,215	Y: 44.89	157,007	1914, 1920	H: 4/21/1915 (70-9)
			N: 72,361	N: 27.92		N: 17.39	37.72%		S: 2/9/1915 (46-0)
To prohibit the manufacture and sale of liquor	1918	N	Y: 189,614	Y: 52.20	380,604	Y: 49.82	17,325	None	H: 2/16/1917 (86-24)
			N: 173,665	N: 47.80		N: 45.63	4.55%		S: 2/15/1917 (49-16)
To provide a state trunk highway system	1920	Y	Y: 526,936	Y: 72.53	797,945	Y: 66.05	71,406	None	H: 2/14/1919 (118-7)
			N: 199,603	N: 27.47		N: 25.01	8.95%		S: 2/17/1919 (52-0)
To extend terms of probate judges to four years	1920	Y	Y: 446,959	Y: 72.28	797,945	Y: 56.01	179,572	1914, 1916	H: 4/2/1919 (87-0)
			N: 171,414	N: 27.72		N: 21.48	22.50%		S: 3/13/1919 (48-0)
To authorize state income tax and to change provisions on tax-exempt property	1920	N	Y: 331,105	Y: 60.35	797,945	Y: 41.49	249,282	None	H: 3/15/1919 (101-0)
			N: 217,558	N: 39.65		N: 27.26	31.24%		S: 3/13/1919 (48-10)



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To establish a state rural credit system to aid agricultural development	1922	Y	Y: 534,310	Y: 87.85	714,630	Y: 74.77	106,403	None	H: 3/18/1921 (97-0)
			N: 73,917	N: 12.15		N: 10.34			14.89%
To tax mining of iron and other ores	1922	Y	Y: 474,697	Y: 83.91	714,630	Y: 66.43	148,922	None	H: 4/19/1921 (100-14)
			N: 91,011	N: 16.09		N: 12.74			20.84%
To place revenue generated by excise taxes on motor fuels in trunk highway fund	1924	Y	Y: 520,769	Y: 72.51	869,151	Y: 59.92	150,927	None	H: 3/27/1923 (89-0)
			N: 197,455	N: 27.49		N: 22.72			17.36%
To change requirements for publication of proposed amendments to city and village charters	1924	N	Y: 246,414	Y: 55.15	869,151	Y: 28.35	422,346	1938, 1940	H: 4/5/1923 (73-5)
			N: 200,391	N: 44.85		N: 23.06			48.59%
To establish state-owned and -operated public terminal grain elevators	1924	N	Y: 253,732	Y: 49.63	869,151	Y: 29.19	357,927	None	H: 4/13/1923 (75-31)
			N: 257,492	N: 50.37		N: 29.63			41.18%
To authorize enactment of laws promoting forestation and reforestation of public and private lands, including irrevocable provisions for forest land tax and a yield tax on timber products	1924	N	Y: 428,407	Y: 74.85	869,151	Y: 49.29	296,767	None	H: 4/18/1923 (109-0)
			N: 143,977	N: 25.15		N: 16.57			34.14%
To authorize state expenditure to prevent forest fires, including compulsory taxation, clearing, and improvement of public and private wild lands	1924	Y	Y: 460,965	Y: 76.26	869,151	Y: 53.04	264,668	None	H: 4/18/1923 (71-0)
			N: 143,518	N: 23.74		N: 16.51			30.45%
To fix the number of justices on the state supreme court	1926	N	Y: 331,964	Y: 69.05	722,781	Y: 45.93	242,033	None	H: 4/3/1925 (111-0)
			N: 148,784	N: 30.95		N: 20.58			33.49%
To authorize enactment of laws promoting forestation and reforestation of public and private lands	1926	Y	Y: 383,003	Y: 75.01	722,781	Y: 52.99	212,186	None	H: 2/16/1925 (98-1)
			N: 127,592	N: 24.99		N: 17.65			29.36%
To authorize the legislature to limit the liability of stockholders in corporations	1926	N	Y: 323,322	Y: 69.72	722,781	Y: 44.73	259,037	1928, 1930	H: 4/20/1925 (73-12)
			N: 140,422	N: 30.28		N: 19.43			35.84%

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To place revenue generated by motor fuel tax two-thirds in truck highway fund and one-third in bridge fund	1928	Y	Y: 542,796	Y: 61.06	1,070,274	Y: 50.72	181,369	None	H: 3/22/1927 (87-40)
			N: 346,109	N: 38.94		N: 32.34	16.95%		S: 4/8/1927 (45-20)
To authorize the legislature to limit the liability of stockholders in corporations	1928	N	Y: 506,065	Y: 69.34	1,070,274	Y: 47.28	340,484	1926, 1930	H: 2/23/1927 (89-9)
			N: 223,725	N: 30.66		N: 20.90	31.81%		S: 2/14/1927 (53-0)
To provide two elective associate supreme court justices to replace appointed court commissioners	1930	Y	Y: 428,013	Y: 76.59	828,401	Y: 51.67	269,555	None	H: 2/9/1929 (97-0)
			N: 130,833	N: 23.41		N: 15.79	32.54%		S: 3/5/1929 (51-0)
To authorize the legislature to exchange state public lands for federal lands	1930	N	Y: 378,716	Y: 68.49	828,401	Y: 45.72	275,454	1932, 1934, 1936, 1938	H: 4/15/1929 (99-0)
			N: 174,231	N: 31.51		N: 21.03	33.25%		S: 4/2/1929 (43-0)
To authorize the legislature to limit the liability of stockholders in corporations	1930	Y	Y: 486,818	Y: 78.25	828,401	Y: 58.77	206,238	1926, 1928	H: 1/31/1929 (109-0)
			N: 135,345	N: 21.75		N: 16.34	24.90%		S: 1/29/1929 (58-0)
To authorize taxation of income, franchises, and privileges of railroad companies; to authorize legislation to make taxation of national banking associations conform to federal law	1932	N	Y: 420,052	Y: 50.61	1,054,203	Y: 39.85	224,227	None	H: 4/21/1931 (90-20)
			N: 409,924	N: 49.39		N: 38.88	21.27%		S: 4/21/1931 (46-2)
To authorize taxation of motor vehicles of companies paying taxes under the gross earnings taxation system	1932	Y	Y: 537,292	Y: 70.24	1,054,203	Y: 50.97	289,277	None	H: 3/10/1931 (93-0)
			N: 227,634	N: 29.76		N: 21.59	27.44%		S: 3/5/1931 (48-0)
To authorize the legislature to exchange state public lands for federal lands	1932	N	Y: 433,193	Y: 62.69	1,054,203	Y: 41.16	362,033	1930, 1934, 1936, 1938	H: 4/15/1929 (99-1)
			N: 258,257	N: 37.31		N: 24.50	34.34%		S: 4/2/1929 (43-0)
To authorize the taxation of lands acquired through rural credit system	1932	N	Y: 468,101	Y: 64.13	1,054,203	Y: 44.40	324,246	1934	H: 4/9/1931 (100-2)
			N: 261,856	N: 35.87		N: 24.84	30.76%		S: 4/10/1931 (40-0)

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To authorize legislature to add new routes to trunk highway system	1934	N	Y: 509,074	Y: 64.53	1,064,332	Y: 47.83	275,381	None	H: 4/18/1933 (92-0)
			N: 279,877	N: 35.47		N: 26.30	25.87%		S: 4/18/1933 (49-0)
To authorize taxation of lands acquired through rural credit system	1934	N	Y: 496,017	Y: 69.70	1,064,332	Y: 46.60	352,692	1932	H: 4/4/1933 (82-13)
			N: 215,623	N: 30.30		N: 20.26	33.14%		S: 4/7/1933 (38-3)
To exempt all household goods and farm machinery and equipment from taxation	1934	Y	Y: 630,125	Y: 77.67	1,064,332	Y: 59.20	253,081	None	H: 4/13/1933 (77-5)
			N: 181,126	N: 22.33		N: 17.02	23.78%		S: 4/10/1933 (38-2)
To authorize the legislature to exchange state public lands for federal lands	1934	N	Y: 468,617	Y: 68.37	1,064,332	Y: 44.03	378,955	1930, 1932, 1936, 1938	H: 1/19/1933 (97-15)
			N: 216,760	N: 31.63		N: 20.37	35.60%		S: 4/11/1933 (40-0)
To define “academies, colleges, universities and seminaries of learning” to mean, for tax purposes, property actually used in instruction and housing of students	1934	N	Y: 472,374	Y: 65.65	1,064,332	Y: 44.38	344,792	None	H: 4/11/1933 (91-1)
			N: 247,166	N: 34.35		N: 23.22	32.40%		S: 4/17/1933 (55-2)
To authorize the legislature to exchange state public lands for federal lands	1936	N	Y: 448,917	Y: 53.06	1,164,268	Y: 38.56	318,245	1930, 1932, 1934, 1938	H: 1/30/1935 (116-0)
			N: 397,106	N: 46.94		N: 34.11	27.33%		S: 3/27/1935 (42-0)
To exempt personal property from state tax	1936	N	Y: 355,588	Y: 39.53	1,164,268	Y: 30.54	264,833	None	H: 4/18/1935 (75-43)
			N: 543,847	N: 60.47		N: 46.71	22.75%		S: 4/17/1935 (48-16)
To authorize the legislature to exchange state public lands for federal lands	1938	Y	Y: 609,046	Y: 70.16	1,144,926	Y: 53.20	276,873	1930, 1932, 1934, 1936	H: 1/19/1937 (118-0)
			N: 259,007	N: 29.84		N: 22.62	24.18%		S: 1/27/1937 (37-0)
To change requirements for publication of proposed amendments to city and village charters	1938	N	Y: 488,370	Y: 65.24	1,144,926	Y: 42.66	396,404	1924, 1940	H: 3/20/1937 (79-5)
			N: 260,152	N: 34.76		N: 22.72	34.62%		S: 3/22/1937 (42-0)

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To change requirements for publication of proposed amendments to city and village charters	1940	N	Y: 635,815	Y: 68.88	1,301,573	Y: 48.85	378,472	1924, 1938	H: 4/6/1939 (76-1)
			N: 287,286	N: 31.12		N: 22.07	29.08%		S: 4/5/1939 (36-21)
To change requirements for investment or loan of permanent school and permanent university funds	1942	Y	Y: 415,012	Y: 68.53	818,182	Y: 50.72	212,607	None	H: 3/29/1941 (93-0)
			N: 190,563	N: 31.47		N: 23.29	25.99%		S: 4/4/1941 (48-0)
To simplify and reduce the expense of publishing amendments to city and village charters	1942	Y	Y: 459,868	Y: 76.05	818,182	Y: 56.21	213,472	None	H: 3/3/1941 (110-0)
			N: 144,842	N: 23.95		N: 17.70	26.09%		S: 3/12/1941 (49-0)
To authorize state construction and operation of airports; to authorize taxes on aircraft fuel and aircraft sales	1944	Y	Y: 737,091	Y: 73.62	1,195,397	Y: 61.66	194,157	None	H: 4/20/1943 (92-0)
			N: 264,149	N: 26.38		N: 22.10	16.24%		S: 4/20/1947 (48-0)
To provide for 50-50 apportionment of excise tax on petroleum products	1948	N	Y: 534,538	Y: 49.78	1,257,804	Y: 42.50	184,042	None	H: 4/23/1947 (116-0)
			N: 539,224	N: 50.22		N: 42.87	14.63%		S: 4/23/1947 (62-3)
To authorize submission of two or more amendments without requiring voters to vote separately on each	1948	N	Y: 319,667	Y: 33.96	1,257,804	Y: 25.41	316,614	None	H: 4/23/1947 (83-0)
			N: 621,523	N: 66.04		N: 49.41	25.17%		S: 4/21/1947 (49-0)
To authorize two-thirds of the legislature to call for a constitutional convention without submitting the question to the voters	1948	N	Y: 294,842	Y: 31.51	1,257,804	Y: 23.44	321,949	None	H: 4/23/1947 (90-4)
			N: 641,013	N: 68.49		N: 50.96	25.60%		S: 4/21/1947 (44-3)
To authorize the state to pay a veterans' bonus	1948	Y	Y: 664,703	Y: 61.25	1,257,804	Y: 52.85	172,583	None	H: 4/23/1947 (99-0)
			N: 420,518	N: 38.75		N: 33.43	13.72%		S: 4/23/1947 (66-0)
To authorize diversion of 1% of the proceeds of the occupation mining tax to the veterans' compensation fund	1950	Y	Y: 594,092	Y: 67.13	1,067,967	Y: 55.63	183,005	None	H: 4/14/1949 (103-0)
			N: 290,870	N: 32.87		N: 27.24	17.14%		S: 4/20/1949 (59-2)
To authorize forestry management funds by diverting certain proceeds (25%) from the public land trust fund	1950	N	Y: 367,013	Y: 44.10	1,067,967	Y: 34.37	235,715	None	H: 4/11/1949 (97-3)
			N: 465,239	N: 55.90		N: 43.56	22.07%		S: 4/12/1949 (47-0)

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To provide for a 50-44-6 apportionment of the excise tax on petroleum products	1950	N	Y: 420,530	Y: 47.96	1,067,967	Y: 39.38	191,091	None	H: 4/20/1949 (107-4)
			N: 456,346	N: 52.04		N: 42.73	17.89%		S: 4/29/1949 (52-2)
To authorize a change in the investment and loan requirements governing permanent school and university funds	1952	N	Y: 604,384	Y: 54.70	1,460,326	Y: 41.39	355,452	None	H: 4/12/1951 (107-0)
			N: 500,490	N: 45.30		N: 34.27	24.34%		S: 4/13/1951 (34-29)
To provide for a 60% popular majority of voters voting on the question before a new state constitution can be considered legally ratified by the electorate	1952	N	Y: 656,618	Y: 60.74	1,460,326	Y: 44.96	379,216	None	H: 4/11/1951 (95-0)
			N: 424,492	N: 39.26		N: 29.07	25.97%		S: 4/10/1951 (46-2)
To clarify meaning of who shall be entitled to vote	1952	N	Y: 716,670	Y: 65.86	1,460,326	Y: 49.08	372,148	None	H: 4/6/1951 (94-2)
			N: 371,508	N: 34.14		N: 25.44	25.48%		S: 4/18/1951 (52-0)
To permit legislature to extend probate jurisdiction by a two-thirds vote	1952	N	Y: 646,608	Y: 59.34	1,460,326	Y: 44.28	370,713	1954	H: 4/18/1951 (88-11)
			N: 443,005	N: 40.66		N: 30.34	25.39%		S: 3/30/1951 (51-0)
To provide for a 65-10-25 apportionment of excise tax on motor vehicles	1952	N	Y: 580,316	Y: 45.17	1,460,326	Y: 39.74	175,674	None	H: 4/18/1951 (87-28)
			N: 704,336	N: 54.83		N: 48.23	12.03%		S: 4/18/1951 (35-28)
To permit legislature to extend probate jurisdiction by a two-thirds vote	1954	Y	Y: 610,138	Y: 66.76	1,168,101	Y: 52.23	254,125	1952	H: 3/9/1953 (102-2)
			N: 303,838	N: 33.24		N: 26.01	21.76%		S: 2/23/1953 (51-3)
To authorize the legislature to limit the liability of stockholders of state banks	1954	Y	Y: 624,611	Y: 68.29	1,168,101	Y: 53.47	253,451	None	H: 3/10/1953 (104-0)
			N: 290,039	N: 31.71		N: 24.83	21.70%		S: 3/25/1953 (52-0)
To provide for a 60% popular vote before a new state constitution can be ratified and to remove the constitutional bar precluding members of the legislature from serving in a constitutional convention	1954	Y	Y: 638,818	Y: 70.57	1,168,101	Y: 54.69	262,849	None	H: 4/17/1953 (93-0)
			N: 266,434	N: 29.43		N: 22.81	22.50%		S: 4/16/1953 (43-0)

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To permit gubernatorial appointments in case of vacancy in certain offices to run until end of term or January 1 to eliminate need for election to short terms	1954	Y	Y: 636,237	Y: 69.27	1,168,101	Y: 54.47	249,652	None	H: 4/20/1953 (105-0)
			N: 282,212	N: 30.73		N: 24.16	21.37%		S: 4/18/1953 (38-0)
To permit the legislature to reorganize the judicial power of the state	1956	Y	Y: 939,957	Y: 75.37	1,443,856	Y: 65.10	196,721	None	H: 4/13/1955 (113-0)
			N: 307,178	N: 24.63		N: 21.27	13.62%		S: 4/13/1955 (58-0)
To authorize the consolidation of present trunk highway articles and sections; to increase state aid and supervision of public highways; to permit tax of motor vehicles and fuel; to apportion funds for highway purposes 62-29-9 to state and local highways	1956	Y	Y: 1,060,063	Y: 82.13	1,443,856	Y: 73.42	153,086	None	H: 4/18/1955 (109-0)
			N: 230,707	N: 17.87		N: 15.98	10.60%		S: 4/18/1955 (51-0)
To authorize the legislature to divert 50% of the occupation mining tax proceeds earmarked for education from permanent trust funds to current educational needs	1956	Y	Y: 1,084,627	Y: 83.82	1,443,856	Y: 75.12	149,918	None	H: 4/26/1955 (80-41)
			N: 209,311	N: 16.18		N: 14.50	10.38%		S: 4/26/1955 (63-0)
To authorize the legislature to revise and consolidate provisions relating to local government, home rule, and special laws	1958	Y	Y: 712,552	Y: 69.69	1,178,172	Y: 60.48	155,773	None	H: 4/23/1957 (118-0)
			N: 309,848	N: 30.31		N: 26.30	13.22%		S: 4/22/1957 (63-0)
To provide for four-year terms for state constitutional officers to take effect for terms beginning in 1963	1958	Y	Y: 641,887	Y: 62.66	1,178,173	Y: 54.48	153,781	None	H: 5/24/1957 (77-46)
			N: 382,505	N: 37.34		N: 32.47	13.05%		S: 4/22/1957 (51-0)
To permit members of the legislature to hold certain elective and nonelective state offices	1958	N	Y: 576,300	Y: 57.26	1,178,731	Y: 48.89	172,319	None	H: 4/5/1957 (115-6)
			N: 430,112	N: 42.74		N: 36.49	14.62%		S: 4/24/1957 (48-0)

Amendment Description	Election Year	Ratified (Y)/ Rejected (N)?	# YES/ # NO Votes	% YES/NO on Question	# Votes at Election	% voting YES/NO at Election	Blank Ballots on Question (#/%)	Other Year(s) Proposed	Legislative Approval
To extend the legislative session; to restrict the time during which bills can be introduced; to set qualifications for legislators running for other elective offices	1960	N	Y: 763,434	Y: 60.36	1,577,509	Y: 48.39	312,646	None	H: 6/29/1959 (108-11)
			N: 501,429	N: 39.64		N: 31.79	19.82%		S: 6/29/1959 (58-2)
To allow an extra legislative session for reapportionment if reapportionment is not completed during the regular session	1960	N	Y: 600,797	Y: 47.61	1,577,509	Y: 38.09	315,703	None	H: 6/9/1959 (95-20)
			N: 661,009	N: 52.39		N: 41.90	20.01%		S: 6/10/1959 (46-15)
To provide for succession to the office of governor; to provide for continuity of government in emergencies caused by enemy attack	1960	Y	Y: 974,486	Y: 76.15	1,577,509	Y: 61.77	297,778	None	H: 4/20/1959 (124-0)
			N: 305,245	N: 23.85		N: 19.35	18.88%		S: 4/20/1959 (55-0)
To prescribe the place where a person moving to a new precinct within 30 days before an election may vote; eliminating obsolete provisions on the voting rights of persons of Indian blood	1960	Y	Y: 993,186	Y: 76.67	1,577,509	Y: 62.96	282,106	None	H: 4/20/1959 (99-7)
			N: 302,217	N: 23.33		N: 19.16	17.88%		S: 4/20/1959 (55-0)
To consolidate the swampland fund and the permanent school fund; to set distribution requirements and investment restrictions	1962	Y	Y: 828,880	Y: 74.18	1,267,502	Y: 65.39	150,132	None	H: 5/15/1961 (68-50)
			N: 288,490	N: 25.82		N: 22.76	11.84%		S: 5/9/1961 (56-0)
To allow state to contract long- and short-term debts for public improvements upon approval of three-fifths of both houses of the legislature	1962	Y	Y: 728,255	Y: 65.37	1,267,502	Y: 57.46	153,524	None	H: 6/6/1961 (86-36)
			N: 385,723	N: 34.63		N: 30.43	12.11%		S: 6/6/1961 (37-22)
To remove restrictions on length of legislative session	1962	Y	Y: 706,761	Y: 64.23	1,267,502	Y: 55.76	167,203	None	H: 6/5/1961 (93-24)
			N: 393,538	N: 35.77		N: 31.05	13.19%		S: 6/5/1961 (57-2)

Amendment Description	Election Year	Ratified (Y)/ Rejected (N)?	# YES/ # NO Votes	% YES/NO on Question	# Votes at Election	% voting YES/NO at Election	Blank Ballots on Question (#/%)	Other Year(s) Proposed	Legislative Approval
To prevent amendment or repeal of taconite tax policies for 25 years; to authorize legislature to impose limitations for not more than 25 years on taxation of copper and nickel mining	1964	Y	Y: 1,272,590	Y: 86.18	1,586,173	Y: 80.23	109,450	None	H: 3/21/1963 (125-4)
			N: 204,133	N: 13.82		N: 12.87	6.90%		S: 3/20/1963 (56-9)
To remove obsolete language from constitution	1964	Y	Y: 1,089,798	Y: 81.09	1,586,173	Y: 68.71	242,159	None	H: 5/21/1963 (126-0)
			N: 254,216	N: 18.91		N: 16.03	15.27%		S: 5/21/1963 (57-1)
To allow legislators to seek election to other offices and to provide resignation procedure for legislators	1966	N	Y: 575,967	Y: 54.99	1,312,288	Y: 43.89	264,894	None	H: 5/21/1965 (124-0)
			N: 471,427	N: 45.01		N: 35.92	20.19%		S: 5/22/1965 (54-0)
To allow legislators to assume another elective or appointive office upon resignation from the legislature	1968	Y	Y: 1,012,235	Y: 73.81	1,601,515	Y: 63.20	230,192	None	H: 5/18/1967 (129-2)
			N: 359,088	N: 26.19		N: 22.42	14.37%		S: 5/20/1967 (62-2)
To allow legislature to present bills to governor within three days after legislature adjourns; allowing governor 14 days to sign or veto such bills	1968	Y	Y: 1,044,418	Y: 76.72	1,601,515	Y: 65.21	240,181	None	H: 6/2/1967 (122-0)
			N: 316,916	N: 23.28		N: 19.79	15.00%		S: 6/1/1967 (65-0)
To authorize the legislature to define or limit categories of tax-exempt property	1970	Y	Y: 969,774	Y: 77.11	1,388,525	Y: 69.84	130,893	None	H: 5/20/1969 (134-0)
			N: 287,858	N: 22.89		N: 20.73	9.43%		S: 5/24/1969 (64-0)
To reduce the voting age requirement from 21 to 19 years; to provide an age requirement of 21 years to hold public office	1970	Y	Y: 700,449	Y: 54.58	1,388,525	Y: 50.45	105,186	None	H: 5/24/1969 (123-3)
			N: 582,890	N: 45.42		N: 41.98	7.58%		S: 5/24/1969 (54-12)
To allow flexible legislative sessions	1972	Y	Y: 968,088	Y: 61.60	1,773,838	Y: 54.58	202,365	None	H: 7/26/1971 (115-11)
			N: 603,385	N: 38.40		N: 34.02	11.41%		S: 7/21/1971 (49-4)
To reorganize the state judicial system; to provide for appointment of clerks of district court; to authorize discipline and removal of judges	1972	Y	Y: 1,012,916	Y: 65.57	1,773,838	Y: 57.10	229,091	None	H: 5/22/1971 (133-0)
			N: 531,831	N: 34.43		N: 29.98	12.91%		S: 5/22/1971 (59-0)



Amendment Description	Election Year	Ratified (Y)/ Rejected (N)?	# YES/ # NO Votes	% YES/NO on Question	# Votes at Election	% voting YES/NO at Election	Blank Ballots on Question (#/%)	Other Year(s) Proposed	Legislative Approval
To provide for the joint election of the governor and lieutenant governor; to remove the lieutenant governor as the presiding officer of the senate	1972	Y	Y: 1,064,580	Y: 67.90	1,773,838	Y: 60.02	205,916	None	H: 5/22/1971 (126-6)
			N: 503,342	N: 32.10		N: 28.38	11.61%		S: 5/21/1971 (49-5)
To authorize bonus payment for Vietnam veterans	1972	Y	Y: 1,131,921	Y: 70.33	1,773,838	Y: 63.81	164,444	None	H: 5/22/1971 (135-0)
			N: 477,473	N: 29.67		N: 26.92	9.27%		S: 5/21/1971 (67-0)
To revise organization and language of the constitution	1974	Y	Y: 815,064	Y: 72.33	1,296,209	Y: 62.88	169,364	None	H: 3/22/1974 (107-8)
			N: 311,781	N: 27.67		N: 24.05	13.07%		S: 3/22/1974 (42-0)
To ease voting requirement for amending constitution	1974	N	Y: 638,775	Y: 57.38	1,296,209	Y: 49.28	182,915	None	H: 3/28/1974 (93-28)
			N: 474,519	N: 42.62		N: 36.61	14.11%		S: 3/27/1974 (39-16)
To allow legislature to determine railroad taxes	1974	Y	Y: 741,353	Y: 66.58	1,296,209	Y: 57.19	182,698	None	H: 3/27/1974 (118-0)
			N: 372,158	N: 33.42		N: 28.71	14.09%		S: 3/25/1974 (46-2)
To permit proceeds from increases in motor fuel taxes to be placed in the general fund; to remove restrictions on interest rate for and amount of highway bonds	1976	N	Y: 552,543	Y: 32.75	1,978,590	Y: 27.93	291,200	None	H: 5/19/1975 (74-56)
			N: 1,134,847	N: 67.25		N: 57.36	14.72%		S: 5/19/1975 (40-24)
To establish a bipartisan reapportionment commission	1980	N	Y: 1,036,581	Y: 57.86	2,079,411	Y: 49.85	287,895	None	H: 4/10/1980 (114-10)
			N: 754,935	N: 42.14		N: 36.31	13.85%		S: 4/10/1980 (52-12)
To require campaign spending limits for executive and legislative offices and public disclosure of campaign spending for all state candidates	1980	Y	Y: 1,457,454	Y: 78.53	2,079,411	Y: 70.09	223,406	None	H: 4/11/1980 (86-47)
			N: 398,551	N: 21.47		N: 19.17	10.74%		S: 4/11/1980 (47-13)
To remove restrictions on the interest rate for and the amount of highway bonds	1980	N	Y: 964,212	Y: 53.94	2,079,411	Y: 46.37	292,007	1982	H: 4/1/1980 (101-21)
			N: 823,192	N: 46.06		N: 39.59	14.04%		S: 4/2/1980 (42-3)
To establish initiative and referendum	1980	N	Y: 970,407	Y: 53.19	2,079,411	Y: 46.67	254,840	1914, 1916	H: 4/11/1980 (86-47)
			N: 854,164	N: 46.81		N: 41.08	12.26%		S: 4/11/1980 (47-13)

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To remove requirement of senate approval for notaries public	1980	N	Y: 944,883	Y: 52.64	2,079,411	Y: 45.44	284,277	None	H: 4/11/1980 (132-2)
			N: 850,251	N: 47.36		N: 40.89	13.67%		S: 4/2/1980 (39-8)
To allow the creation of a court of appeals	1982	Y	Y: 1,304,127	Y: 77.17	1,834,737	Y: 71.08	144,872	None	H: 3/13/1982 (118-1)
			N: 385,738	N: 22.83		N: 21.02	7.90%		S: 3/13/1982 (62-0)
To remove restrictions on the interest rate for and the amount of highway bonds	1982	Y	Y: 1,103,221	Y: 66.18	1,834,737	Y: 60.13	167,651	1980	H: 3/12/1982 (122-1)
			N: 563,865	N: 33.82		N: 30.73	9.14%		S: 3/12/1982 (51-1)
To permit the legislature to authorize on-track pari-mutuel betting on horse racing	1982	Y	Y: 1,108,255	Y: 63.95	1,834,737	Y: 60.40	101,761	None	H: 3/13/1982 (77-49)
			N: 624,721	N: 36.05		N: 34.05	5.55%		S: 3/13/1982 (36-26)
To provide state bonding authority for the improvement and rehabilitation of railroad facilities	1982	Y	Y: 1,201,321	Y: 70.91	1,834,737	Y: 65.48	140,680	None	H: 3/13/1982 (121-1)
			N: 492,736	N: 29.09		N: 26.86	7.67%		S: 3/13/1982 (54-2)
To allow the exchange of state-owned lands for other lands owned by state or local governments	1984	Y	Y: 1,176,809	Y: 65.82	2,114,842	Y: 55.65	326,833	None	H: 4/24/1984 (127-0)
			N: 611,200	N: 34.18		N: 28.90	15.45%		S: 2/24/1984 (38-0)
To remove restrictions on the investment of the permanent school fund and to allow the limits on the investment of the fund and the apportionment of the returns on the investment to school districts to be set by law	1984	Y	Y: 1,139,390	Y: 64.34	2,114,842	Y: 53.88	344,074	None	H: 4/18/1984 (122-0)
			N: 631,378	N: 35.66		N: 29.85	16.27%		S: 4/19/1984 (60-0)
To establish a Minnesota Environmental and Natural Resources Trust Fund for environmental, natural resources, and wildlife purposes	1988	Y	Y: 1,645,090	Y: 81.41	2,125,119	Y: 77.41	104,277	None	H: 4/20/1988 (77-55)
			N: 375,752	N: 18.59		N: 17.68	4.91%		S: 4/20/1988 (37-28)
To allow the use of juries of fewer than 12 members in civil and nonfelony cases	1988	Y	Y: 1,205,730	Y: 59.91	2,125,119	Y: 56.74	112,623	None	H: 4/25/1988 (119-4)
			N: 806,766	N: 40.09		N: 37.96	5.30%		S: 4/12/1988 (48-0)
To permit the legislature to authorize a lottery operated by the state	1988	Y	Y: 1,214,032	Y: 59.01	2,125,119	Y: 57.13	67,780	None	H: 4/20/1988 (77-55)
			N: 843,307	N: 40.99		N: 39.68	3.19%		S: 4/20/1988 (37-28)

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To dedicate 40 percent of the state lottery proceeds to the environment and natural resources trust fund until the year 2001	1990	Y	Y: 1,388,105	Y: 80.80	1,843,104	Y: 75.31	125,193	None	H: 4/25/1990 (113-18)
			N: 329,806	N: 19.20		N: 17.89	6.79%		S: 4/25/1990 (55-6)
To permit off-track wagering on horse racing in a manner prescribed by law	1994	N	Y: 841,277	Y: 49.81	1,794,618	Y: 46.88	105,539	None	H: 5/5/1994 (76-52)
			N: 847,802	N: 50.19		N: 47.24	5.88%		S: 5/5/1994 (46-15)
To authorize a bonus for Persian Gulf War veterans	1996	Y	Y: 1,334,409	Y: 64.33	2,211,161	Y: 60.35	136,713	None	H: 3/28/1996 (130-0)
			N: 704,039	N: 35.67		N: 33.47	6.18%		S: 3/28/1996 (58-0)
To provide for recall of elected state officials	1996	Y	Y: 1,833,523	Y: 88.05	2,211,161	Y: 82.92	128,860	None	H: 4/2/1996 (122-8)
			N: 248,778	N: 11.95		N: 11.25	5.83%		S: 4/2/1996 (34-30)
To extend use of lottery for environmental trust fund	1998	Y	Y: 1,556,895	Y: 77.16	2,105,343	Y: 73.95	87,701	None	H: 3/23/1998 (132-0)
			N: 460,747	N: 22.84		N: 21.88	4.17%		S: 3/20/1998 (62-3)
To preserve hunting and fishing heritage	1998	Y	Y: 1,570,720	Y: 77.24	2,105,343	Y: 74.61	71,874	None	H: 4/9/1998 (124-7)
			N: 462,749	N: 22.76		N: 21.98	3.41%		S: 4/8/1998 (57-8)
To abolish the office of state treasurer	1998	Y	Y: 1,087,789	Y: 55.97	2,105,343	Y: 51.67	161,701	None	H: 4/8/1998 (85-45)
			N: 855,853	N: 44.03		N: 40.65	7.68%		S: 4/8/1998 (63-2)
To dedicate the motor vehicle sales tax to highways and public transportation <sup>152</sup>	2006	Y	Y: 1,270,042	Y: 60.25	2,217,719	Y: 57.27	109,838	None	H: 5/12/2005 (76-61)
			N: 837,839	N: 39.76		N: 37.78	4.95%		S: 5/18/2005 (36-31)
To protect natural resources and preserve Minnesota's arts and cultural heritage by increasing the sales and use tax rate beginning July 1, 2009, by three-eighths of one percent on taxable sales until the year 2034	2008	Y	Y: 1,635,046	Y: 58.89	2,920,214	Y: 55.99	143,628	None	H: 2/14/2008 (85-46)
			N: 1,141,540	N: 41.11		N: 39.09	4.92%		S: 2/14/2008 (46-17)

<sup>152</sup> According to the state canvassing report for the November 7, 2006, general election, approved by the State Canvassing Board at their meeting on November 21, 2006, the numbers in the table are relevant totals for the 2006 constitutional amendment. In Legislative Manuals published since 2006, the no vote listed appears to include both the votes cast as "no" and the blank votes.

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To provide that only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota	2012	N	Y: 1,399,916	Y: 48.10	2,950,780	Y: 47.44	40,430	None	H: 5/21/2011 (70-62)
			N: 1,510,434	N: 51.90		N: 51.19	1.37%		S: 5/11/2011 (38-27)
To require all voters to present valid photo identification to vote	2012	N	Y: 1,362,009	Y: 46.95	2,950,780	Y: 46.16	49,727	None	H: 4/3/2012 (72-57)
			N: 1,539,044	N: 53.05		N: 53.05	1.69%		S: 4/4/2012 (35-29)

<sup>g</sup> – number of votes cast for governor

<sup>l</sup> – legislative election

<sup>p</sup> – number of votes cast for president

<sup>s</sup> – special election

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