THE STATE CONSTITUTION OF NORTH DAKOTA. As revised and renumbered in 1981 PREAMBLE We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution. ARTICLE I DECLARATION OF RIGHTS SECTION 1. All men are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; and pursuing and obtaining safety and happiness. SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require. SEC. 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state. SEC. 4. Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court as in other cases. SEC. 5. The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance. SEC. 6. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state. SEC. 7. Every citizen of this state ought to be free to pursue his profession, labor or business without being molested or interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor. SEC. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized. SEC. 9. All courts shall be open, and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the state in such manner, in such courts, and in such cases, as the legislative assembly may, by law, direct. SEC. 10. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system. SEC. 11. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned. SEC. 12. In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. SEC. 13. The right of trial by jury shall be secured to all, and remain inviolate. A person accused of a crime for which he may be confined for a period of more than one year has the right of trial by a jury of twelve. The legislative assembly may provide by law for such a jury of less than twelve in all other cases, provided that the jury consists of at least six members. All verdicts must be unanimous. SEC. 14. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require. SEC. 15. No person shall be imprisoned for debt in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud. SEC 16. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, provided however, when the state or any of its departments, agencies or political subdivisions seeks to acquire right of way, it may take possession upon making an offer to purchase and by depositing the amount of such offer with the clerk of the district court of the county wherein the right of way is located. The clerk shall immediately notify the owner of such deposit. The owner may thereupon appeal to the court in the manner provided by law, and may have a jury trial, unless a jury be waived, to determine the damages. SEC. 17. Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court. SEC. 18. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed. SEC. 19. The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law. SEC. 20. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate. SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens. SEC. 22. All laws of a general nature shall have a uniform operation. SEC. 23. The state of North Dakota is a part of the American union and the Constitution of the United States is the supreme law of the land. SEC. 24. The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise. ARTICLE II ELECTIVE FRANCHISE SECTION 1. The general election of the people shall be biennially on the first Tuesday after the first Monday in November in even numbered years. Every citizen of the United States, who has attained the age of eighteen years and who is a North Dakota resident, shall be a qualified elector. When an elector moves within the state, he shall be entitled to vote in the precinct from which he moves until he establishes voting residence in another precinct. The legislative assembly shall provide by law for the determination of residence for voting eligibility, other than physical presence. No elector shall lose his residency for voting eligibility solely by reason of his absence from the state. The legislative assembly shall provide by law for secrecy in voting, for absentee voting, for administration of elections and for the nomination of candidates. SEC. 2. No person who has been declared mentally incompetent by order of a court or other authority having jurisdiction, which order has not been rescinded, shall be qualified to vote. No person convicted of a felony shall be qualified to vote until his or her civil rights are restored. ARTICLE III POWERS RESERVED TO THE PEOPLE SECTION 1. While the legislative power of this state shall be vested in a legislative assembly consisting of a senate and a house of representatives, the people reserve the power to propose and enact laws by the initiative, including the call for a constitutional convention; to approve or reject legislative Acts, or parts thereof, by the referendum; to propose and adopt constitutional amendments by the initiative; and to recall certain elected officials. This article is self-executing and all of its provisions are mandatory. Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers. SEC. 2. A petition to initiate or to refer a measure shall be presented to the secretary of state for approval as to form. A request for approval shall be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom shall be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure. SEC. 3. The petition shall be circulated only by electors. They shall swear thereon that the electors who have signed the petition did so in their presence. Each elector signing a petition shall also write in the date of signing and his post-office address. No law shall be enacted limiting the number of copies of a petition. The copies shall become part of the original petition when filed. SEC. 4. The petition may be submitted to the secretary of state if signed by electors equal in number to two percent of the resident population of the state at the last federal decennial census. SEC. 5. An initiative petition shall be submitted not less than ninety days before the statewide election at which the measure is to be voted upon. A referendum petition may be submitted only within ninety days after the filing of the measure with the secretary of state. The submission of a petition shall suspend the operation of any measure enacted by the legislative assembly except emergency measures and appropriation measures for the support and maintenance of state departments and institutions. The submission of a petition against one or more items or parts of any measure shall not prevent the remainder from going into effect. A referred measure may be voted upon at a statewide election or at a special election called by the governor. SEC. 6. The secretary of state shall pass upon each petition, and if he finds it insufficient, he shall notify the "committee for the petitioners" and allow twenty days for correction or amendment. All decisions of the secretary of state in regard to any such petition shall be subject to review by the supreme court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it. SEC. 7. All decisions of the secretary of state in the petition process are subject to review by the supreme court in the exercise of original jurisdiction. If his decision is being reviewed at the time the ballot is prepared, he shall place the measure on the ballot and no court action shall invalidate the measure if it is approved at the election by a majority of the votes cast thereon. SEC. 8. If a majority of votes cast upon an initiated or a referred measure are affirmative, it shall be deemed enacted. An initiated or referred measure which is approved shall become law thirty days after the election, and a referred measure which is rejected shall be void immediately. If conflicting measures are approved, the one receiving the highest number of affirmative votes shall be law. A measure approved by the electors may not be repealed or amended by the legislative assembly for seven years from its effective date, except by a two-thirds vote of the members elected to each house. SEC. 9. A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. All other provisions relating to initiative measures apply hereto. SEC. 10. Any elected official of the state, of any county or of any legislative or county commission district shall be subject to recall by petition of electors equal in number to twenty-five percent of those who voted at the preceding general election for the office of governor in the state, county, or district in which the official is to be recalled. The petition shall be filed with the official with whom a petition for nomination to the office in question is filed, who shall call a special election if he finds the petition valid and sufficient. No elector may remove his name from a recall petition. The name of the official to be recalled shall be placed on the ballot unless he resigns within ten days after the filing of the petition. Other candidates for the office may be nominated in a manner provided by law. When the election results have been officially declared, the candidate receiving the highest number of votes shall be deemed elected for the remainder of the term. No official shall be subject twice to recall during the term for which he was elected. ARTICLE IV LEGISLATIVE BRANCH SECTION. 1. The senate and house of representatives joint ly shall be designated as the legislative assembly of the state of North Dakota. SEC. 2. [Unconstitutional] [Note: The 1960 amendment of this section, formerly Article II, section 26 of the 1889 Constitution, was held unconstitutional.] SEC. 3. Senators shall be elected for the term of four years, except as hereinafter provided. SEC. 4. Each person elected as a senator must be, on the day of his election, a qualified elector in the district from which he is chosen and have been a resident of the state for one year next preceding his election. SEC. 5. [Unconstitutional] [Note: The 1960 amendment of this section, formerly Article II, section 29 of the 1889 Constitution, was held unconstitutional.] SEC. 6. The senatorial districts shall be numbered consecutively from one upwards, according to the number of districts prescribed, and the senators shall be divided into two classes. Those elected in the districts designated by odd numbers shall constitute the other class. The senators of one class elected in the year 1890 shall hold their office for two years, those of the other class shall hold their office four years, and the determination of the two classes shall be by lot, so that one-half of the senators, as nearly as practicable, may be elected biennially. SEC. 7. The senate, at the beginning and close of each regular session, and at such other times as may be necessary, shall elect one of its members president pro tempore, who may take the pace of the lieutenant governor under rules prescribed by law. SEC. 8. The house of representatives shall be composed of not less than sixty, nor more than one hundred forty members. SEC. 9. Representatives shall be elected for the term of two years. SEC. 10. Each person elected as a representative must be, on the day of his election, a qualified elector in the district from which he is chosen and have been a resident of the state for one year next preceding his election. SEC. 11. [Unconstitutional] [Note: The 1960 amendment of this section, formerly Article II, section 35 of the 1889 Constitution, was held unconstitutional.] SEC. 12. The house of representatives shall elect one of its members as speaker. SEC. 13. No judge or clerk of any court, secretary of state, attorney general, register of deeds, sheriff or person holding any office of profit or honor under this state, except in the militia or the office of attorney at law, notary public or justice of the peace, and no person holding any office of profit or honor under any foreign government, or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of $300, shall hold any office in either branch of the legislative assembly or become a member thereof. SEC. 14. If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence, in favor of, or against any measure or proposition pending or proposed to be introduced into the legislative assembly, in consideration that any other person elected to the same legislative assembly will give, or will promise or assent to do upon condition that any other member will give, promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into the legislative assembly, he shall be deemed guilty of bribery. If any member shall offer or promise or assent so to do upon condition that any other member will give, promise or assent to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced into such legislative assembly, or in consideration that any other member hath given his vote or influence, for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery. And any person, member of legislative assembly or person elected thereto, shall be expelled, and shall not thereafter be eligible to the legislative assembly, and, on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law. SEC. 15. No member of the legislative assembly, expelled for corruption, and no person convicted of bribery, perjury or other infamous crime shall be eligible to the legislative assembly, or to any office in either branch thereof. SEC. 16. The term of service of the members of the legislative assembly shall begin on the first day of December following their election, or at such other time as may be prescribed by law. SEC. 17. No member of the legislative assembly shall, during the term for which he was elected, be appointed or elected to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected; nor shall any member receive any civil appointment from the governor, or governor and senate, during the term for which he shall have been elected. SEC. 18. The governor or any officer of this state, or any manager or executive head, or other person employed either directly or indirectly in any department, bureau, commission, institution, or industry of this state, or any member of any state board shall not appoint a member of the legislative assembly to any civil office or employment of any nature whatsoever, during the term for which said member of the legislative assembly shall have been elected. No member of the legislative assembly shall accept any such appointment to civil office or other employment during the term for which he was elected. SEC. 19. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislative assembly. SEC. 20. The members of the legislative assembly shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to or returning from the same. For words used in any speech or debate in either house, they shall not be questioned in any other place. SEC. 21. Any member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house. SEC. 22. The legislative assembly shall meet at the seat of government in the month of December following the election of the governor, at such other time as may be prescribed by law but not later than the eleventh day of January. SEC. 23. Each regular session of the legislative assembly shall be limited to sixty legislative assembly shall not exceed eighty natural days during the biennium. The organizational meeting of the legislative assembly as provided in article IV, section 10, shall not be counted as part of such eighty natural days, nor shall days spent in session at the call of the governor pursuant to article V, section 5, or while engaged in impeachment proceedings, be counted. Days spent in regular session needed to override a veto of the governor, need not be consecutive, and the legislative assembly may authorize its committees to adjourn for any period of time during the biennium. As used in this section, a "natural day" means a period of twenty-four consecutive hours. SEC. 24. Neither house shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which the two houses shall be sitting, except in case of epidemic, pestilence or other great danger. SEC. 25. A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such a manner, and under such a penalty, as may be prescribed by law. SEC. 26. Each house shall be the judge of the election returns and qualifications of its own members. SEC. 27. Each house shall have the power to determine the rules of proceeding, and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribery or private solicitation, and with the concurrence of two-thirds, to expel a member; and shall have all other powers necessary and usual in the legislative assembly of a free state. But no imprisonment by either house shall continue beyond thirty days. Punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense. SEC. 28. All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, shall be open to the public. SEC. 29. Each house shall keep a journal of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the request of one-sixth of those present. SEC. 30. In all elections to be made by the legislative assembly, or either house thereof, the members shall vote viva voce, and their votes shall be entered in the journal. SEC. 31. Any bill may originate in either house of the legislative assembly, and a bill passed by one house may be amended by the other. SEC. 32. No law shall be passed, except by a bill adopted by both houses, and no bill shall be so altered and amended on its passage through either house as to change its original purpose. SEC. 33. No bill shall embrace more than one subject, which shall be expressed in its title, but a bill which violates this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed. SEC. 34. The enacting clause of every bill shall be as follows: Be it enacted by the Legislative Assembly of the State of North Dakota. SEC. 35. No bill for the appropriation of money, except for the expenses of the government, shall be introduced after the fortieth day of the session, except by unanimous consent of the house in which it is sought to be introduced. SEC. 36. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative and judicial departments of the state, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. SEC. 37. Every bill shall be read two separate times, but the first and second readings may not be upon the same day; and the first reading may be by title of the bill only, unless upon such first reading, a reading at length is demanded. The second reading shall be at length. No legislative day shall be short of the natural day. SEC. 38. No bill shall be revised or amended, nor the provisions thereof extended or incorporated in any other bill by reference to its title only, but so much thereof as is revised, amended or extended or so incorporated shall be reenacted and published at length. SEC. 39. No bill shall become a law except by a vote of a majority of all the members-elect in the house of representatives, and a vote of the majority of the members-elect in the senate, however the lieutenant governor may vote as provided in article V, section 9. On the passage of any bill, in the event the senate is equally divided nor unless, on its final passage, the vote taken by yeas and nays, and the names of those voting be entered on the journal. SEC. 40. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislative assembly; immediately before such signing shall be read at the time of such signing, shall be declared in the same manner their title shall be publicly read and the fact of signing shall be at once entered on the journal. SEC. 41. No act of the legislative assembly shall take effect until July first after the close of the session, unless the legislature by a vote of two-thirds of all the members present and voting, in each house, shall declare it an emergency measure, which declaration shall be set forth in the Act, provided, however, that no Act granting a franchise, or a special privilege, or creating any vested right or interest other than in the state, shall be declared an emergency measure. An emergency measure shall take effect and be in force from and after its passage and approval by the governor. SEC. 42. The legislative assembly shall pass all laws necessary to carry into effect the provisions of this constitution. SEC. 43. The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: 1. For granting divorces. 2. Laying out, opening, altering, or working roads or highways, vacating roads, town plats, streets, alleys or public grounds. 3. Locating or changing county seats. 4. Regulating county or township affairs. 5. Regulating the practice in courts of justice. 6. [Repealed] 7. Changing the rules of evidence in any trial or inquiry. 8. Providing for changes of venue in civil or criminal cases. 9. Declaring any person of age. 10. Providing for the management of commons, or giving effect to informal or invalid deeds. 11. Summoning or impaneling grand or petit juries. 12. Providing for the management of commons or conducting of any election or designating the place of voting. 15. Th
e sale or mortgage of real estate belonging to minors or others under disability. 16. Chartering or licensing ferries, toll bridges or toll roads. 17. Remitting fines, penalties or forfeitures. 18. Creating, increasing or decreasing fees, percentages or allowances of public officers. 19. Changing the law of descent. 20. Granting to any corporation, association or individual the right to lay down railroad tracks, or any similar or other private privilege. 21. For the punishment of crimes. 22. Changing the names of persons or places. 23. For the assessment or collection of taxes. 24. Affecting estates of deceased persons, minors or others under legal disabilities. 25. Extending the time for the collection of taxes. 26. Refunding money into the state treasury. 27. Relinquishing or extinguishing in whole or in part the indebtedness, liability or obligation of any corporation or person to this state, or to any municipal corporation therein. 28. Legalizing, except as against the state, the unauthorized or invalid act of any officer. 29. Exempting property from taxation. 30. Restoring to citizenship persons convicted of infamous crimes. 31. Authorizing the creation, extension or impairing of liens. 32. Creating offices, or prescribing the powers or duties of officers in counties, cities, townships, election or school districts, or authorizing the adoption or legitimation of children. 33. Incorporation of cities, towns or villages, or changing or amending the charter of any town, city or village. 34. Providing for the election of members of the board of supervisors in townships, incorporated towns or cities. 35. The protection of game or fish. SEC. 44. In all other cases where a general law can be made applicable, no special law shall be enacted; nor shall the legislative assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special Acts may be passed. SEC. 45. Any amendment or amendments to the constitution of the state may be proposed in either house of the legislature, and if the same shall be agreed to upon roll call by a majority of the members elected to each house, it shall be submitted to the electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this constitution. SEC. 46. Each member of the legislative assembly shall receive as a compensation for his services for each session, five dollars per day, and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly, on the most usual route. ARTICLE V EXECUTIVE BRANCH SECTION 1. The executive power shall be vested in a governor, who shall reside at the seat of government and shall hold his office for the term of four years beginning in the year 1965, and until his successor is elected and duly qualified. SEC. 2. A lieutenant governor shall be elected at the same time and for the same term as the governor. In case of the death, impeachment, resignation, failure to qualify, absence from the state, removal from office, or the disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted of the disability shall devolve upon the lieutenant governor. SEC. 3. No person shall be eligible to the office of governor or lieutenant governor unless he be a citizen of the United States, and a qualified elector of the state, who shall have attained the age of thirty years, and who shall have resided five years next preceding the election within the state of North Dakota, nor shall any other person be eligible to any office at the term for which he shall have been elected. SEC. 4. The governor and lieutenant governor shall be elected upon a joint ballot by the qualified electors of the state beginning with elections held in 1976. A single vote shall be cast upon a joint ballot by each qualified elector for the joint candidates representing the political party or affiliation of his choice. The joint candidates having the highest number of votes shall be declared elected, but if two or more joint candidates shall have an equal and highest number of votes for governor or lieutenant governor, the two houses of the legislative assembly at its next regular session shall forthwith in joint session choose one pair of such joint candidates for said offices. The returns of the election for governor and lieutenant governor shall be made in such manner as shall be prescribed by law. SEC. 5. The governor shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the legislative assembly on extraordinary occasions. He shall at the commencement of each session communicate to the legislative assembly by message, information of the condition of the state, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislative assembly and shall take care that the laws be faithfully executed. SEC. 6. The governor shall have power in conjunction with the board of pardon of which the governor shall be ex officio a member and the other members of which shall consist of the attorney general of the state of North Dakota, the chief justice of the supreme court of the state of North Dakota, and two qualified electors who shall be appointed by the governor, to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the legislative assembly may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves maybe applied for. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case is reported to the legislative assembly at its next regular session, when the legislative assembly shall either pardon or commute the sentence, direct the execution of the sentence or grant further reprieve. The governor shall communicate to the legislative assembly at each regular session each case of remission of fine, reprieve, commutation or pardon granted by the board of pardon, stating the name of the convict, the crime for which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with their reasons for granting the same. SEC. 7. The powers and duties of the lieutenant governor shall be to serve as president of the senate, and he may, when the senate is equally divided, vote on procedural matters, and on substantive matters if his vote would be decisive. Additional duties shall be prescribed by the governor. If, during a vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the secretary of state shall act as governor until the vacancy shall be filled or the disability removed. SEC. 8. When any office shall from any cause become vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have power to fill such vacancy by appointment. SEC. 9. Every bill which shall have passed the legislative assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign, but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members-elect shall agree to pass the bill, it shall be sent, together with objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members-elect, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislative assembly, by its adjournment, prevent its return, in which case it shall be a law unless he shall file the same with his objections, in the office of the secretary of state, within fifteen days after such adjournment. SEC. 10. The governor shall have power to disapprove of any item or items, or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts approved shall be the law, and the item or item, and part or parts disapproved shall be void, unless enacted in the following manner: if the legislative assembly be in session he shall transmit to the house in which the bill originated a copy of the item or items, or part or parts thereof disapproved, together with his objections thereto and upon the concurrence of two-thirds, to expel a member; and shall have and each item or part shall then take the same course as is prescribed for the passage bills over the executive veto. SEC. 11. Any governor of this state who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the legislative assembly shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislative assembly, or who threatens any member that he, the said governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now, or that may hereafter, be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this state. SEC. 12. There shall be chosen by the qualified electors of the state at the times and places of choosing members of the legislative assembly, a secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, an attorney general, a commissioner of agriculture and labor, and a tax commissioner, who shall have attained the age of twenty-five years and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term of four years beginning with the year 1965, and until their successors are elected and duly qualified; but no person shall be eligible to the office of treasurer for more than two consecutive terms. The tax commissioner shall be elected on a no-party ballot and he shall be nominated and elected in the manner now provided for the nomination and election of the superintendent of public instruction. The board of railroad commissioners shall have the qualifications of the state electors, have attained the age of twenty-five years, be chosen by the qualified electors of the state at the times and places of choosing members of the legislative assembly, hold office at the seat of government and until their successors are elected and duly qualified. As each of the three public service commissioners now holding office completes his term, his successor shall be elected for a term of six years. The legislative assembly may by law provide for a department of labor, which, if provided for, shall be separate and distinct from the department of agriculture, and shall be administered by a public official who may be either elected or appointed, whichever the legislative assembly shall declare; and if such a department is established the commissioner of agriculture and labor provided for above shall become the commissioner of agriculture. SEC. 13. The powers and duties of the secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, commissioners of railroads, attorney general, and