THE STATE CONSTITUTION OF WASHINGTON. PREAMBLE We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution. ARTICLE I DECLARATION OF RIGHTS SECTION 1. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights. SEC. 2. The Constitution of the United States is the supreme law of the land. SEC. 3. No person shall be deprived of life, liberty or property without due process of law. SEC. 4. The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged. SEC. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. SEC. 6. The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered. SEC. 7. No person shall be disturbed in his private affairs, or his home invaded, without authority of law. SEC. 8. No law granting irrevocably any privilege, franchise or immunity shall be passed by the legislature. SEC. 9. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense. SEC. 10. Justice in all cases shall be administered openly, and without unnecessary delay. SEC. 11. Absolute freedom of conscience in all matters of religious sentiment, belief, and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support, of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent, as a witness or juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony. SEC. 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations. SEC. 13. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it. SEC. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted. SEC. 15. No conviction shall work corruption of blood, nor forfeiture of estate. SEC. 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question, whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public. SEC. 17. There shall be no imprisonment for debt, except in cases of absconding debtors. SEC. 18. The military shall be in strict subordination to the civil power. SEC. 19. All elections shall be free and equal and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. SEC. 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident, or the presumption great. SEC. 21. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto. SEC. 22. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed. SEC. 23. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed. SEC. 24. The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men. SEC. 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment, as shall be prescribed by law. SEC. 26. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order. SEC. 27. Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court. SEC. 28. No hereditary emoluments, privileges or powers shall be granted or conferred in this state. SEC. 29. The provisions of this constitution are mandatory, unless by express words they are declared to be otherwise. SEC. 30. The enumeration in this constitution of certain rights shall not be construed to deny others retained by the people. SEC. 31. No standing army shall be kept up by this state in time of peace, and no soldiers shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law. SEC. 32. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government. ARTICLE II LEGISLATIVE DEPARTMENT SECTION 1. The legislative powers shall be vested in a senate and house of representatives, which shall be called the legislature of the State of Washington. SEC. 2. The house of representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one-half nor less than one-third of the number of members of the house of representatives. The first legislature shall be composed of seventy members of the house of representatives and thirty-five senators. SEC. 3. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five, and every ten years thereafter ; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service. SEC. 4. Members of the house of representatives shall be elected in the year eighteen hundred and eighty-nine, at the time and in the manner provided by this constitution, and shall hold their offices for the term of one year and until their successors shall be elected. SEC. 5. The next election of the members of the house of representatives after the adoption of this constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the house of representatives shall be elected biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law. SEC. 6. After the first election the senators shall be elected by single districts of convenient and contiguous territory at the same time and in the same manner as members of the house of representatives are required to be elected, and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this constitution, in odd numbered districts, shall go out of office at the end of the first year, and the senators elected in the even numbered districts shall go out of office at the end of the third year. SEC. 7. No person shall be eligible to the legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen. SEC. 8. Each house shall be the judge of the election, returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business, but, a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide. SEC. 9. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense. SEC. 10. Each house shall elect its own officers, and when the lieutenant governor shall not attend as president, or shall act as governor, the senate shall choose a temporary president. When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate. SEC. 11. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which the y may be sitting, without the consent of the other. SEC. 12. The first legislature shall meet on the first Wednesday after the first Monday in November, A.D. 1889. The second legislature shall meet on the first Wednesday after the first Monday in January, A.D. 1891, and sessions of the legislature will be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days. SEC. 13. No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected. SEC. 14. No person, being a member of congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the legislature; and if any person after his election as a member of the legislature shall be elected to congress or be appointed to any other office, civil or military, under the government of the United States, or any y other power, his acceptance thereof shall vacate his seat: Provided, That officers in the militia of the state who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible. SEC. 15. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. SEC. 16. Members of the legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace hey shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session. SEC. 17. No member of the legislature shall be liable in any civil action or criminal prosecution whatever for or words spoken in debate. SEC. 18. The style of the laws of the state shall be: " Be it enacted by the legislature of the State of Washington." And no law shall be enacted except by bill. SEC. 19. No bill shall embrace more than one subject, and that shall be expressed in the title. SEC. 20. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other. SEC. 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present. SEC.22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to o each house be recorded thereon as voting in its favor. SEC. 23. Each member of the legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route. SEC. 24. The legislature shall never authorize any lottery or grant any divorce. SEC. 25. The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office. SEC. 26. The legislature shall direct by law in what manner and in what courts suits may be brought against the state. SEC. 27. In all elections by the legislature the members shall vote viva voce, and their votes shall be entered on the journal. SPECIAL LEGISLATION SEC. 28. The legislature is prohibited from enacting any private or special law in the following cases: 1. For changing the names of persons, or co nstituting one person the heir at law of another. 2. For laying out , opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by congres s. 3. For authorizing persons to keep ferries wholly within this state. 4. For authorizing the sale or mortgage of real or personal property of minors, or others under disabilities. 5. For assessment or collection of taxes, or for extending the time for collection thereof. 6. For granting corporate powers or privileges. 7. For authorizing the apportionment of any part of the school fund. 8. For incorporating any town or village, or to amend the charter thereof. 9. [From] giving effect to invalid deeds, wills or other instruments. 10. Releasing or extinguishing, in whole or in part, the indebtedness, liability or other obligation of any person or corporation to the state, or to any municipal corporation therein. 11. Declaring any person of age or authorizing any minor to sell, lease or encumber his or her property. 12. Legalizing, except as a against the state, the unauthorized or invalid act of any officer. 13. Regulating the rates of interest on money. 14. Remitting fines, penalties or forfeitures. 15. Providing for the management of common schools. 16. Authorizing the adoption of children. 17. For limitation of civil action in criminal action. 18. Changing county lines, locating or changing county seats: Provided, This shall not be construed to apply to the creation of new counties. SEC. 29. After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state. SEC. 30. The offense of corrupt solicitation of members of the legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony and any person convicted of either of the offenses aforesaid, shall as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. SEC. 31. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the legislature shall otherwise by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals. SEC. 32. No bill shall become a law until the same shall have been signed by , the presiding officer of each of the two houses in open session, and under such rules as the legislature shall prescribe. SEC. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That, the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition. SEC. 34. There shall be established in the office of the secretary of state, a bureau of statistics, agriculture and immigration, under such regulations as the legislature may provide. SEC. 35. The legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life and deleterious to health; and fix pains and penalties for the enforcement of same. SEC. 36. No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the legislature, unless the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at special session. SEC. 37. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. SEC. 38. No amendment to any bill shall be allowed which shall change the scope and object of the bill. SEC. 39. it shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision. ARTICLE III THE EXECUTIVE SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, treasurer, auditor attorney general, superintendent of public instruction, and a commissioner of public lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the legislature. SEC. 2. The supreme executive power of this state shall be vested in a governor, who shall hold his office for a term of four years and until his successor is elected and qualified. SEC. 3. The lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands, shall hold their offices for four years, respectively, and until their successors are elected and qualified. SEC. 4. The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives at the first meeting of the house thereafter who shall open, publish and declare the results thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest an equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the legislature in such manner as shall be decided by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election, until otherwise provided by law. SEC. 5. The governor may require information in writing, from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed. SEC. 6. He, shall communicate at every session by message to the legislature the condition of the affairs of the state, and recommend such measures as he shall deem expedient for their action. SEC. 7. He may, on extraordinary occasions, convene the legislature by proclamation, in which shall be stated the purposes for which the legislature is convened. SEC. 8. He shall be commander-in-chief of the military in the state except when they shall be called into the service of the United States. SEC. 9. The pardoning power shall be vested in the governor under such regulations and restrictions as may be prescribed by law. SEC. 10. In case of the removal, resignation, death or disability of the governor, the duties of the office shall devolve upon the lieutenant governor, and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of governor shall devolve upon the secretary of state, who shall act as governor until the disability be removed or a governor be elected. SEC. 11. The governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the legislature at its next meeting each case of reprieve, commutation, or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission. SEC. 12. Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sunday excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within ten days next after the adjournment, Sundays excepted, shall file such bill, with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor. If any bill presented to the governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items to which he objects, and the reasons therefor, and the section or sections, item or items so objected to shall not take effect unless passed over the governor's objection, as hereinbefore provided. SEC. 13. When, during a recess of the legislature, a vacancy shall happen in any office, the appointment to which is vested in the legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is, made elsewhere in this constitution, the governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified. SEC. 14. The governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum. SEC. 15. All commissions shall issue in the name of the state, shall be signed by the governor, sealed with the seal of the state, and attested by the secretary of state. SEC. 16. The lieutenant governor shall be presiding officer of tile state senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum. SEC. 17. The secretary of state shall keep a record of the official acts of the legislature and executive department of the state, and shall, when required, lay the same and all matters relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum. SEC. 18. There shall be a seal of the state kept by the secretary of state for official purposes, which shall be called " 'The Seal of the State of Washington." SEC. 19. The treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed four thousand dollars per annum. SEC. 20. The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive all annual salary of two thousand dollars which may be increased by the legislature, but shall never exceed three thousand dollars per annum. SEC. 21. The attorney general shall be the legal adviser of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed thirty-five hundred dollars per annum. SEC. 22. The superintendent of public instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum. SEC. 23. The commissioner of public lands shall perform such duties and receive such compensation as the legislature may direct. SEC. 24. The governor, secretary of state, treasurer, auditor. superintendent of public instruction, commissioner of public lands, and attorney general shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the governor, secretary of state, treasurer and auditor shall reside. SEC. 25. No person, except, a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the state treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may, in its discretion, abolish the offices of the lieutenant governor, auditor, and commissioner of public lands. ARTICLE IV THE JUDICIARY SECTION 1. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide. SEC. 2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time, and may provide for separate departments of said court. SEC. 3. The judges of the supreme court shall be elected by the qualified electors of the state at large, at the general state election, at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this constitution, and the judges elected thereat shall be classified, by lot, so that two shall hold their office for the term of three years, two for a term of five years, and one for the term of seven years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court, the governor shall appoint a person to hold the office until the election and qualification o a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law. SEC. 4. The supreme court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all state officers and appellate jurisdiction in all actions and proceedings, excepting that, its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars ($200), unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appel