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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 2694

03/24/2025 Authored by Bahner, Jones and Falconer
The bill was read for the first time and referred to the Committee on State Government Finance and Policy

A bill for an act

relating to state government; proposing an amendment to the Minnesota Constitution by making technical changes to certain terms in Article I to be consistent with language in Minnesota Statutes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article I, section 2, will read:

Sec. 2. No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of ~~his~~ the member's peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted.

article I, section 6, will read:

Sec. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law. In all prosecutions of crimes defined by law as felonies, the accused has the right to a jury of 12 members. In all other criminal prosecutions, the legislature may provide for the number of jurors, provided that a jury have at least six members. The accused shall enjoy the right to be informed of the nature and cause of the accusation, to be confronted with the witnesses against ~~him~~ the accused, to have compulsory process for obtaining witnesses in ~~his~~ favor of the accused and to have the assistance of counsel in ~~his~~ the accused's defense.

article I, section 7, will read:

Sec. 7. No person shall be held to answer for a criminal offense without due process of law, and no person shall be put twice in jeopardy of punishment for the same offense, nor be compelled in any criminal case to be a witness against ~~himself~~ oneself, nor be deprived of life, liberty or property without due process of law. All persons before conviction shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended unless the public safety requires it in case of rebellion or invasion.

article I, section 8, will read:

Sec. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which ~~he~~ the person may receive to ~~his~~ their person, property or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws.

article I, section 16, will read:

Sec. 16. The enumeration of rights in this constitution shall not deny or impair others retained by and inherent in the people. The right of every ~~man~~ person to worship God according to the dictates of ~~his~~ the person's own conscience shall never be infringed; nor shall any ~~man~~ person be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against ~~his~~ the person's consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; 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 the state, nor shall any money be drawn from the treasury for the benefit of any religious societies or religious or theological seminaries.

article I, section 17, will read:

Sec. 17. No religious test or amount of property shall be required as a qualification for any office of public trust in the state. No religious test or amount of property shall be required as a qualification of any voter at any election in this state; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of ~~his~~ the person's opinion upon the subject of religion.

article IV, section 5, will read:

Sec. 5. No senator or representative shall hold any other office under the authority of the United States or the state of Minnesota, except that of postmaster or of notary public. If elected or appointed to another office, a legislator may resign from the legislature by tendering ~~his~~ a resignation to the governor.

article IV, section 8, will read:

Sec. 8. Each member and officer of the legislature before entering upon ~~his~~ the person's duties shall take an oath or affirmation to support the Constitution of the United States, the constitution of this state, and to discharge faithfully the duties of ~~his~~ the office to the best of ~~his~~ the person's judgment and ability.

article IV, section 21, will read:

Sec. 21. No bill shall be passed by either house upon the day prescribed for adjournment. This section shall not preclude the enrollment of a bill or its transmittal from one house to the other or to the executive for ~~his~~ signature.

article IV, section 23, will read:

Sec. 23. Every bill passed in conformity to the rules of each house and the joint rules of the two houses shall be presented to the governor. If ~~he~~ the governor approves a bill, ~~he~~ the governor shall sign it, deposit it in the office of the secretary of state and notify the house in which it originated of that fact. If ~~he~~ the governor vetoes a bill, ~~he~~ the governor shall return it with ~~his~~ the governor's objections to the house in which it originated. ~~His~~ The objections shall be entered in the journal. If, after reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the governor's objections, to the other house, which shall likewise reconsider it. If approved by two-thirds of that house it becomes a law and shall be deposited in the office of the secretary of state. In such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered in the journal of each house. Any bill not returned by the governor within three days (Sundays excepted) after it is presented to ~~him~~ the governor becomes a law as if ~~he~~ the governor had signed it, unless the legislature by adjournment within that time prevents its return. Any bill passed during the last three days of a session may be presented to the governor during the three days following the day of final adjournment and becomes law if the governor signs and deposits it in the office of the secretary of state within 14 days after the adjournment of the legislature. Any bill passed during the last three days of the session which is not signed and deposited within 14 days after adjournment does not become a law.

If a bill presented to the governor contains several items of appropriation of money, ~~he~~ the governor may veto one or more of the items while approving the bill. At the time ~~he~~ the governor signs the bill the governor shall append to it a statement of the items ~~he vetoes~~ vetoed and the vetoed items shall not take effect. If the legislature is in session, ~~he~~ the governor shall transmit to the house in which the bill originated a copy of the statement, and the items vetoed shall be separately reconsidered. If on reconsideration any item is approved by two-thirds of the members elected to each house, it is a part of the law notwithstanding the objections of the governor.

article IV, section 24, will read:

Sec. 24. Each order, resolution or vote requiring the concurrence of the two houses except such as relate to the business or adjournment of the legislature shall be presented to the governor and is subject to ~~his~~ the governor's veto as prescribed in case of a bill.

article V, section 2, will read:

Sec. 2. The term of office for the governor and lieutenant governor is four years and until a successor is chosen and qualified. Each shall have attained the age of 25 years and, shall have been a bona fide resident of the state for one year next preceding ~~his~~ their election, and shall be a citizen of the United States.

article V, section 3, will read:

Sec. 3. The governor shall communicate by message to each session of the legislature information touching the state and country. ~~He~~ The governor is commander-in-chief of the military and naval forces and may call them out to execute the laws, suppress insurrection and repel invasion. ~~He~~ The governor may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to ~~his~~ the governor's duties. With the advice and consent of the senate ~~he~~ the governor may appoint notaries public and other officers provided by law. ~~He~~ The governor may appoint commissioners to take the acknowledgment of deeds or other instruments in writing to be used in the state. ~~He~~ The governor shall take care that the laws be faithfully executed. ~~He~~ The governor shall fill any vacancy that may occur in the offices of secretary of state, auditor, attorney general and the other state and district offices hereafter created by law until the end of the term for which the person who had vacated the office was elected or the first Monday in January following the next general election, whichever is sooner, and until a successor is chosen and qualified.

article V, section 5, will read:

Sec. 5. In case a vacancy occurs from any cause whatever in the office of governor, the lieutenant governor shall be governor during such vacancy. The compensation of the lieutenant governor shall be prescribed by law. The last elected presiding officer of the senate shall become lieutenant governor in case a vacancy occurs in that office. In case the governor is unable to discharge the powers and duties of ~~his~~ the governor's office, the same devolves on the lieutenant governor. The legislature may provide by law for the case of the removal, death, resignation, or inability both of the governor and lieutenant governor to discharge the duties of governor and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack in this state, including but not limited to, succession to the powers and duties of public office and change of the seat of government.

article V, section 6, will read:

Sec. 6. Each officer created by this article before entering upon ~~his~~ the officer's duties shall take an oath or affirmation to support the constitution of the United States and of this state and to discharge faithfully the duties of ~~his~~ the office to the best of ~~his~~ the officer's judgment and ability.

article VI, section 4, will read:

Sec. 4. The number and boundaries of judicial districts shall be established in the manner provided by law but the office of a district judge shall not be abolished during ~~his~~ the judge's term. There shall be two or more district judges in each district. Each judge of the district court in any district shall be a resident of that district at the time of ~~his~~ the judge's selection and during ~~his~~ the judge's continuance in office.

article VI, section 6, will read:

Sec. 6. A judge of the supreme court, the court of appeals or the district court shall not hold any office under the United States except a commission in a reserve component of the military forces of the United States and shall not hold any other office under this state. ~~His~~ The term of office of the judge shall terminate at the time ~~he~~ the judge files as a candidate for an elective office of the United States or for a nonjudicial office of this state.

article VI, section 9, will read:

Sec. 9. The legislature may provide by law for retirement of all judges and for the extension of the term of any judge who becomes eligible for retirement within three years after expiration of the term for which ~~he~~ the judge is selected. The legislature may also

provide for the retirement, removal or other discipline of any judge who is disabled, incompetent or guilty of conduct prejudicial to the administration of justice.

article VI, section 10, will read:

Sec. 10. As provided by law a retired judge may be assigned to hear and decide any cause over which the court to which ~~he~~ the retired judge is assigned has jurisdiction.

article VI, section 13, will read:

Sec. 13. There shall be in each county one clerk of the district court whose qualifications, duties and compensation shall be prescribed by law. ~~He~~ The clerk shall serve at the pleasure of a majority of the judges of the district court in each district.

article VII, section 1, will read:

Section 1. Every person 18 years of age or more who has been a citizen of the United States for three months and who has resided in the precinct for 30 days next preceding an election shall be entitled to vote in that precinct. The place of voting by one otherwise qualified who has changed ~~his~~ the person's residence within 30 days preceding the election shall be prescribed by law. The following persons shall not be entitled or permitted to vote at any election in this state: A person not meeting the above requirements; a person who has been convicted of treason or felony, unless restored to civil rights; a person under guardianship, or a person who is insane or not mentally competent.

article VII, section 2, will read:

Sec. 2. For the purpose of voting no person loses residence solely by reason of ~~his~~ the person's absence while employed in the service of the United States; nor while engaged upon the waters of this state or of the United States; nor while a student in any institution of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison. No soldier, ~~seaman~~ sailor or marine in the army or navy of the United States is a resident of this state solely in consequence of being stationed within the state.

article VII, section 3, will read:

Sec. 3. The legislature shall provide for a uniform oath or affirmation to be administered at elections and no person shall be compelled to take any other or different form of oath to entitle ~~him~~ the person to vote.

article VII, section 6, will read:

Sec. 6. Every person who by the provisions of this article is entitled to vote at any election and is 21 years of age is eligible for any office elective by the people in the district

wherein ~~he~~ the person has resided 30 days previous to the election, except as otherwise provided in this constitution, or the constitution and law of the United States.

article VII, section 8, will read:

Sec. 8. The returns of every election for officeholders elected statewide shall be made to the secretary of state who shall call to ~~his~~ the secretary's assistance two or more of the judges of the supreme court and two disinterested judges of the district courts. They shall constitute a board of canvassers to canvass the returns and declare the result within three days after the canvass.

article VIII, section 3, will read:

Sec. 3. No officer shall exercise the duties of ~~his~~ the office after ~~he~~ the officer has been impeached and before ~~his~~ the officer's acquittal.

article VIII, section 4, will read:

Sec. 4. No person shall be tried on impeachment before ~~he~~ the person has been served with a copy thereof at least 20 days previous to the day set for trial.

article XI, section 13, will read:

Sec. 13. All officers and other persons charged with the safekeeping of state funds shall be required to give ample security for funds received by them and to keep an accurate entry of each sum received and of each payment and transfer. If any person converts to ~~his~~ the person's own use in any manner or form, or shall loan, with or without interest, or shall deposit in ~~his~~ the person's own name, or otherwise than in the name of the state of Minnesota; or shall deposit in banks or with any person or persons or exchange for other funds or property, any portion of the funds of the state or the school funds aforesaid, except in the manner prescribed by law, every such act shall be and constitute an embezzlement of so much of the aforesaid state and school funds, or either of the same, as shall thus be taken, or loaned, or deposited or exchanged, and shall be a felony. Any failure to pay over, produce or account for the state school funds, or any part of the same entrusted to such officer or persons as by law required on demand, shall be held and be taken to be prima facie evidence of such embezzlement.

article XIII, section 7, will read:

Sec. 7. Any person may sell or peddle the products of the farm or garden occupied and cultivated by ~~him~~ the person without obtaining a license therefor.

article XIII, section 11, will read:

Sec. 11. A seal of the state shall be kept by the secretary of state and be used by ~~him~~ the secretary of state officially. It shall be called the great seal of the state of Minnesota.

Sec. 2. **SEVERABILITY.**

If a change included in the proposed amendment is found to be in violation of the Constitution or other than inconsequential by litigation before or after the submission of the amendment to the people, the change is without effect and severed from the other changes. The other changes must be submitted or remain in effect as though the improper change were not included.

Sec. 3. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2026 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to replace certain terms without any consequential changes in its legal effect?

Yes .....

No ..... "