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"I will tell you now what I do not like. (There is no) bill of rights, providing . . . what the people are entitled to against every government on earth." — Thomas Jefferson commenting on the Constitution

The authors of the Constitution trusted Congress would make good and just laws, and the court system would see that every person was treated fairly. However, many people feared the new government would be too strong and, perhaps, take away individual freedom, just as the British government had done.

Therefore, during the fight to ratify the Constitution, the Federalists were obliged to propose a *bill of rights* that would safeguard the rights of the people. The Federalists promised this bill of rights would be added to the Constitution as soon as the new Congress met.

As the delegates gathered in May 1787 to revise the Articles of Confederation, a Virginia delegate, George Mason, voiced his disappointment with the new constitutional proposals because "... there is no declaration of individual rights." Mason had earlier written the Virginia Declaration of Rights and that declaration had influenced Thomas Jefferson when he wrote the first part of the Declaration of Independence. Ultimately, Mason's views were accepted by James Madison. Madison would come to be called the "Father of the Constitution" because of his negotiating power and suggestions of compromise.

In 1789, the new Congress took action when Madison proposed 15 amendments. In 1791, 10 of them were approved. They make up what we call the *Bill of Rights*, or the first 10 amendments.

These amendments provide certain guarantees that had not been written into the Constitution. Their purpose was to protect the rights of the people against any misuse of governmental powers. These first 10 amendments guaranteed fundamental freedoms, including:

- freedom of religion, speech, and the press
- the right to assemble and petition the government
- the right to keep and bear arms
- freedom from unreasonable search and seizure
- that no person be deprived of life, liberty, or property without due process of law
- the right to a fair and speedy trial
- the right to a trial by jury
- protection against excessive bail or unusual punishment

These were the rights the colonists had fought for against the English king, and they did not intend to give them up.

People are guaranteed these freedoms as long as they do not take away the freedom of others. Even today these important freedoms can be threatened. Controversial subjects are under the protection of the Bill of Rights, such as religion, unpopular ideas, censorship, membership and activity in unpopular organizations, and expressions of minority opinions. It is the job of the courts to interpret the Constitution and decide the rights of individuals.

It is human nature to believe strongly in one's own beliefs and think those holding opposing views must be wrong. Many of us find opinions expressed by others offensive and distressing. We often wish others' opinions could be suppressed. However, we must remember, freedom to express only popular opinions is no freedom at all.

Especially in times of emergency, it is easy to believe that measures infringing upon individual rights can or should be taken "for the good of the country." But this attitude is dangerous to our country since it strikes at the very foundation of our democratic system. More and more rights could be taken away under the justification that it is "for the good of the country."

Before you decide "it doesn't matter" if the rights of someone you do not agree with are violated, stop to consider whether you are willing to risk the loss of your rights because other people disagree with you.

QUESTIONS

TRUE OR FALSE?	Write a 7	or F in	the space	provided
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1.	The first 10 amendments were adopted a month after the Constitution was approved.
2.	Jefferson supported the idea of a bill of rights.
3.	The Bill of Rights applies to all levels of government.
4.	The Bill of Rights was proposed in an attempt to defeat the Constitution.
5.	The Bill of Rights does not give a person the right to criticize a government official.
6.	The Bill of Rights protects freedom of speech, even if the speech is unpopular.
7.	The right to a trial by jury is in the Bill of Rights.
8.	The first 10 amendments make up the Bill of Rights.
9.	George Mason wrote the Virginia Declaration of

10. There are times when the courts must interpret

the Constitution affecting someone's rights.

The authors of the Constitution could not have imagined that, in 200 years, people would be exploring outer space or going from coast to coast in a few hours. Nor could they have imagined all the changes in daily living that would occur. Today, we claim the protection of the Constitution, written when there were only a few million people in the United States. The Constitution now protects more than 300 million Americans. Almost everything about the United States has changed, except the Constitution. It is truly an outstanding document that has withstood the test of time.

Yet, the Constitution changes in some very important ways. In upcoming units, you will see how the Constitution is officially amended. Officials, who operate the government under the rules of the Constitution, constantly interpret its meaning. The Constitution allows a great deal of freedom to do this (and is referred to as a living document). It's a basic guide for government and safeguards our freedom. It's flexible and brief enough to allow for adjustments. For example, the Constitution sets up strict rules for making laws to ensure they are just and democratic. But, the Constitution also gives Congress the power to make laws. This provides our Congress with the ability to make laws in areas that did not even exist when the Constitution was written. Space exploration and the internet are two examples. Can you think of others?

Quotes on the Constitution

Two centuries of growth and unrivaled prosperity have proven the foresight of the 55 men who worked through the summer of 1787 to lay the foundation of American government. In the words of Archibald Cox, former solicitor general of the United States, "The original Constitution still serves us well despite the tremendous changes in every aspect of American life because the framers had the genius to say enough but not too much.... As the plan outlined in the Constitutional Convention succeeded, as the country grew and prospered both materially and in the realization of its ideals, the Constitution gained majesty and authority far greater than that of any individual or body of men."

Quotes from the Founding Father's give insight into the attitude and mindset of the time:

"Let our government be like that of the solar system. Let the general government be like the sun and the states the planets, repelled yet attracted, and the whole moving regularly and harmoniously in several orbits."

— John Dickinson

"The happy Union of these States is a wonder; their Constitution a miracle; their example of Liberty throughout the world."

— James Madison

"Our new Constitution is now established, and has an appearance that promises permanency; but in this world nothing can be said to be certain, except death and taxes."

— Ben Franklin

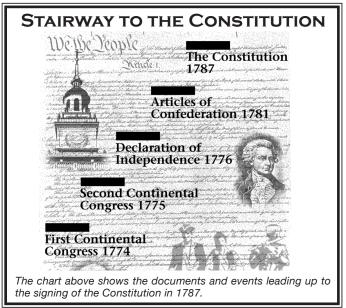
"The Constitution is the guide which I will never abandon."

— George Washington

Within the framework of the Constitution, as interpreted by the courts, we are governed by laws, treaties, and customs. Later, you will study judicial review and the amending process, helping you better understand how the Constitution is changed.

The Constitution has lasted because it:

- provides for a government by the people;
- provides for a government that can act when in danger;
- provides for a federal union where people retain certain rights and powers in their states;
- guarantees individual rights even when the individual's views are unpopular or in the minority;
- has preserved the Union;
- provides the leaders of our government an opportunity to interpret the Constitution and apply it to changing times;
- has provisions for orderly changes.



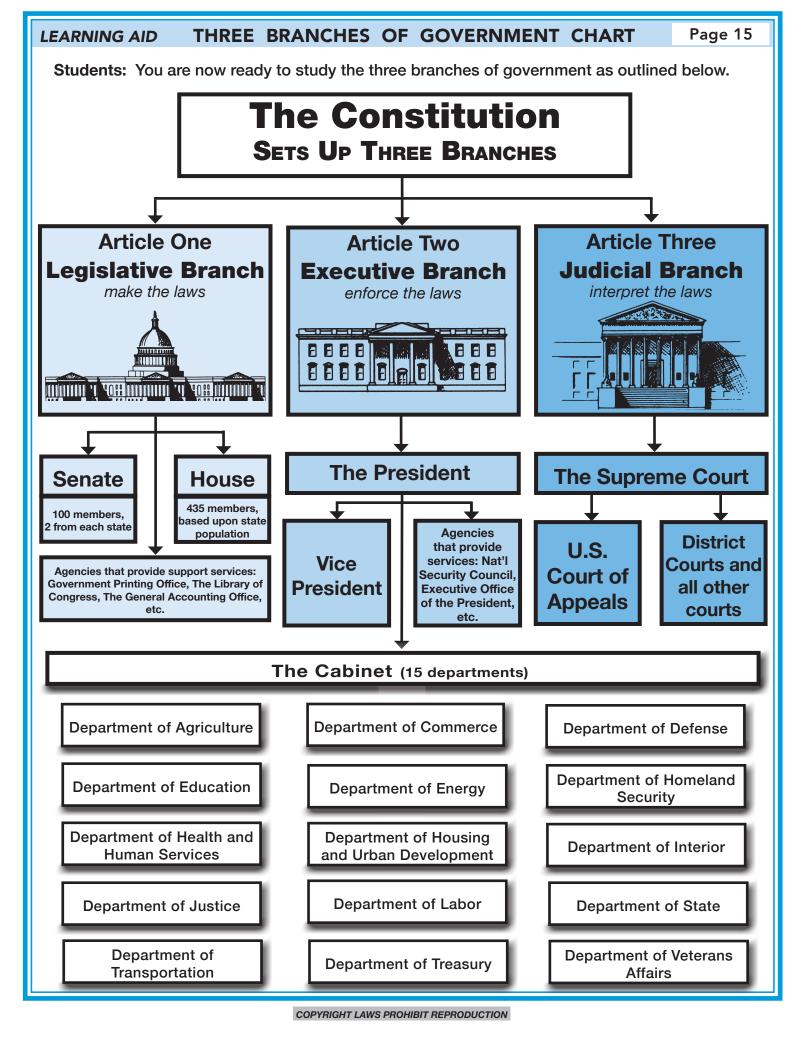
QUESTIONS

TRUE OR FALSE? Write a **T** or **F** in the space provided.

- _____ 1. Changing the interpretation of the Constitution is what makes our Constitution weak.
- _____ 2. The Constitution allows laws to be made for subjects that did not exist in 1787.
- _____ 3. The Constitution can be changed only through rebellion and revolution.
- 4. The Articles of Confederation were written after the Declaration of Independence.
- 5. Over 500 delegates attended the Constitutional Convention and signed the Constitution.

DISCUSSION OR REPORT TOPICS

- 1. Should a person be allowed to pass out notices on a street corner in your town if the notices are very unpopular with the people in your town? Why?
- 2. Should a person be allowed to give a street-corner speech in your town if he/she desires? Why?



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LAWMAKING PROCESS

CONTINUED

___ 7. Lobbies are illegal in Washington, D.C.

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QUESTIONS

FILL IN THE RIANKS

FILL IN THE BLANKS 1. In Congress, where are bills sent for consideration?	8. After a law is passed, if it is in conflict with the Constitution, it can be made void by the Supreme Court.			
2. What is the president's role in lawmaking?	WHICH BRANCH? Answer Executive (E), Legislative (L), or Judicial (J) branch 1. Makes the country's laws.			
3. What is a pocket veto?	2. Enforces the country's laws. 3. Tries cases under the laws. 4. Is the court system of the country. 5. Has two houses.			
4. Which group of Congress has more members, the Senate or House?	6. The president is the head of this branch.7. The Supreme Court is the chief body.			
5. After a bill has passed the two houses of, it is sent to the	8. Members are not elected. 9. Uses pocket veto.			
TRUE OR FALSE? Write a T or F in the space provided.	10. Uses joint committees.			
 The Congress vetoes laws. The Supreme Court helps in making laws. Bills may start in either house of Congress. Revenue bills start in the Senate. A three-fourth vote is necessary for Congress to override a president's veto. The president can declare laws unconstitutional. 	LAWMAKING BY THE NUMBERS. Choose the correct number from the bank that matches the statement. Number Bank: 1/2, 2/3, 1, 2, 4, 6, 8, 10, 50, 100 Lawmaking is in which Article of the Constitution. President has this many days to take action. Number of U.S. senators in Congress. A U.S. representative's term in years. Fraction of votes Congress needs to override a year.			

LEARNING A	AID LEGISLATIVE BRANCH F	ACT SHEET	
Main Body	Congress, consisting of a Senate and House of Re	presentatives	
Membership	Senate: 100 House of Representatives: 435		
Terms of Office	Senate: 6 years House of Representatives: 2 years		
Salaries	Senate: \$174,000 Majority and Minority Lead House of Representatives: \$174,000 Speaker o	ers, President pro tempore: \$193,400 f the House: \$223,500	
Requirements	Senate: 30 years old, a citizen for 9 years, resident of the state represented. House of Representatives: 25 years old, a citizen for 7 years, resident of the state represented.		
Officers	Senate: President of the Senate (Vice President of the United States), president pro tempore, majority leader, minority leader. House of Representatives: Speaker of the House, majority leader, minority leader.		
Meeting Place	Capitol Building, Washington, D.C.		
Duties	Main duty of the legislative branch is to make laws Senate: Pass bills, decide guilt of impeached federapprove treaties. House of Representatives: Pass bills, charge feder president when no candidate has a majority in the Joint Duties: Raise, borrow, and coin money; have crights and patents; control commerce; govern Washing Forbidden Powers: No expost facto laws, no sus no title of nobility, no bill of attainder, no mid-term	ral officers, approve presidential appointments, ral officers in impeachment cases, select electoral College, start all revenue bills. defense powers; control immigration; grant copyngton, D.C.; investigate executive branch. pension of habeas corpus, no tax on exports,	
Article Number	Article 1 of the U.S. Constitution	1 2	

How the Federal Government and States Divide Powers



The Constitution Says...

Certain Powers
Belong to the Federal
Government:

- ★ Regulate Interstate Commerce
- ★ Conduct Foreign Affairs
- Coin and Issue Money
- Establish Post Offices
- 📩 Make War and Peace
- Maintain Armed Forces
- * Admit New States and Govern Territories
- Punish Crimes Against the U.S.
- Grant Patents and Copyrights
- Make Uniform Laws on Naturalization and Bankruptcy

(Also considered expressed powers.)

Certain Powers Belong to State Governments:

(Mainly comes from an interpretation of the reserved powers.)

- ★ Authorize Establishment of Local Governments
- ★ Establish and Supervise Schools
- ★ Provide for State Militia
- ★ Regulate Commerce Within the State
- ★ Charter Corporations
- ★ Regulate Labor, Industry, and Business Within the State
- ★ All Other Powers Not Delegated to the United States Government or Specifically Prohibited to the States

Certain Powers Are Shared by Both Governments

Tax...Establish Courts...Promote Agriculture and Industry...Borrow Money... Charter Banks...Protect the Public Health...Provide For Public Welfare



Certain Powers Are Prohibited to Both Governments

The personal rights of citizens of the United States, as listed in the Bill Of Rights (first 10 amendments to the Constitution) and in state constitutions, cannot be reduced or destroyed by the federal or the state governments. Also, certain specific prohibitions in the Constitution itself, such as no title of nobility, no ex post facto laws, no duty on exports,

no bill of attainder, etc.

"Laws are a dead letter without courts to expound their true meaning and operation." – Alexander Hamilton

Judicial review is the name given to the process by which the courts interpret the meaning of the Constitution and the laws passed under it. It is clear that the Constitution is the supreme law of our land and takes precedence over any law passed or any action taken by any state or federal official.

But the Constitution is not a detailed legal code, and it is not always easy to see how the Constitution can be applied to particular cases. As conditions change, new interpretations may be placed on the Constitution; actions may be taken in areas that are not directly covered by the Constitution.

Someone, then, must have the authority to say exactly what the Constitution means and to decide if the government is acting within constitutional limits. Most historians agree that the members at the Constitutional Convention meant the courts to have the power of judicial review, even though they did not write it out in detail. Apparently, they thought that the idea had been conveyed adequately through the wording of Article 3, the judicial article, and Article 6, the "supreme law of the land" clause.

There was some discussion of this question after the Constitutional Convention, but nothing was settled until 1803 when the Supreme Court handed down its decision in the case of *Marbury v. Madison*. The court ruled that one section of a 1789 law was contrary to the Constitution and, therefore, was not a valid law.

This case established the precedent for judicial review, an important addition to the system of checks and balances to prevent any one branch of the federal government from becoming too powerful. Judicial review in the United States has been a model for other countries.

The Supreme Court's right to interpret the Constitution has been challenged at times but has always been upheld. In a sense, all of our courts contribute to the interpretation of the Constitution through the rulings they hand down on various cases involving the Constitution. The Supreme Court has used its power of judicial review to overturn more than a hundred acts of Congress and more than a thousand state laws. In addition, the Supreme Court can, and often does, overturn the rulings of lower courts. It is the final authority on the meaning of the Constitution.

QUESTIONS

FILL IN THE BLANKS

- 1. This name is given to the process by which courts interpret the meaning of the Constitution and the laws passed under it.
- 2. What Article in the Constitution discusses the judicial branch?
- 3. What important case came before the Supreme Court in 1803?
- 4. What court is the final authority on the meaning of the Constitution?

LEARNING A	ID JUDICIAL BRANCH FACT SHEET		
Main Courts	The Supreme Court, Court of Appeals, and District Courts.		
Number of Courts	Supreme Court: 1 Court of Appeals: 13 District Courts: 94		
Number of Judges	Supreme Court: 9 Court of Appeals: 3 to 9 District Courts: 1 to 24		
Supreme Court Salaries	\$223,500 for Supreme Court chief justice \$213,900 for Supreme Court associate justices		
Terms of Office	For life; may be removed only by impeachment.		
Duties	Main duty of the judicial branch is to interpret laws and administer justice.		
	Supreme Court: Decide if laws are constitutional Court of Appeals: Hear appeals from lower courts District Courts: Ordinary trial courts, federal cases begin here		
	Other courts handle special cases, examples include U.S. Claims Court and U.S. Tax Court.		
Meeting Place	Supreme Court: Washington, D.C. Court of Appeals: various circuits District Courts: various districts		
Article Number in Constitution	Article 3 of the U.S. Constitution		

LEARNING AID

FEDERAL UNIT SELF-TEST

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The following test will help you prepare for your final Constitution test. It has questions similar to ones you will find on your final. It is suggested you write your answers on a piece of paper so you can take the test multiple times. You will find the correct answers at the bottom of Page 51.

MULTIPLE CHOICE

Vrite the lette	er of the correct answer in the space provided.
1	The president may serve how many terms? A. 1 B. 2 C. 3 D. 4
2	 What is NOT a rule of the flag code? A. worn flags should be thrown in trash C. nothing should be attached to the flag B. should be in the front of a parade D. exact likeness should not be used in ads
3	How many amendments have been added to the Constitution? A. 10 B. 21 C. 27 D. 41
4	How many years is the president's term of office? A. 2 B. 4 C. 6 D. 9
5	What is the age requirement to become president? A. 18 B. 21 C. 35 D. 45
6	After a bill has gone through both houses of Congress successfully, it is sent to: A. the President C. the Speaker of the House B. the States D. the Supreme Court
	Which amendment explains that the president may serve only two terms?A. 17th B. 19th C. 22nd D. 27th
8	How many U.S. senators come from each state? A. 1 B. 2 C. 3 D. 4
9	Each state receives at least representative(s) in the U.S. House of Representatives. A. 1 B. 2 C. 3 D. 4
10	 Who may veto a bill proposed by Congress? A. the President of the United States B. the Secretary of State C. the Vice President D. all Cabinet members
11	The president of the Senate is: A. the President of the United States C. the Secretary of State B. the Speaker of the House D. the Vice President
12	Which of these rights is not an unalienable right from the Declaration of Independence?A. liberty B. education C. pursuit of happiness D. life
13	The Declaration of Independence was written largely by: A. Hamilton B. Washington C. Jefferson D. Adams
14	The national budget is presented annually to Congress by the: A. the Vice President C. the Secretary of State B. the Governors D. the President
15	There are how many branches of government? A. 1 B. 2 C. 3 D. 4
16	The president takes the oath of office on: A. January 4th B. January 20th C. November 7th D. September 5th
17	In our First Amendment, which is NOT a "freedom"? A. freedom of the press C. freedom of speech B. freedom of employment D. freedom of religion
18	The vote of what group really decides who will be president? A. Electoral College C. United Nations B. popular vote by the people D. House of Representatives
19	
20	
	A. Congress C. Executive Branch B. Supreme Court D. State Legislatures

The Governor

The executive branch of Wisconsin's government enforces and administers the law. The governor is the chief executive officer of the state and represents all the people of Wisconsin.



Governor Scott Walker

Qualifications and Duties

Although there are no age or residency

requirements, the Wisconsin Constitution does state that the governor must be a citizen of the United States and a qualified voter of the state of Wisconsin. The governor serves a term of four years and may be reelected. The governor receives a salary of \$147,328. In the event that the governor cannot complete the term, the lieutenant governor becomes governor. If the lieutenant governor is unable to serve, the secretary of state assumes the office.

The governor, besides enforcing and administering the law, also has the important duty of vetoing or approving bills passed by the Legislature.

The governor of Wisconsin has many other important duties:

- The governor appoints many members of the state government. Some appointments require approval by the Senate. The governor may also remove any of these officials he/she feels is incompetent.
- The governor may grant pardons, commutations, and reprieves, as deemed proper.
- The governor must approve the spending of all federal aid grants, state land purchases, and construction of highways and airports.
- The governor represents the state in interstate relations and at national meetings.
- The governor must spend a great deal of time explaining the goals of the administration to citizens.
- In addition to having the power to veto legislation, the governor influences the lawmaking process by submitting the state budget to the Legislature.
- The governor may call special sessions of the Legislature.
- The governor addresses the Legislature in a State of the State message and other special messages on topics of urgent or desirable legislation.
- The governor is commander-in-chief of the state militia.
- The governor must call for a special election to fill a vacancy in the Senate or Assembly.

Vetoes

The governor may take action on bills by:

- 1. The **regular veto** in which the whole bill is rejected, much like the veto of the president.
- 2. **Veto in part**. This is for appropriation or money bills and means that the governor may approve only some parts of a bill while rejecting others.

The governor's office is similar in some ways to the Office of the President of the United States. However, there are some differences. Some of the most important differences are the lack of foreign affairs and national defense in the responsibilities of the governor.

Wisconsin has had many famous and talented governors and public officials. The lives of these people make an interesting and worthwhile study. Your local or school library should contain some interesting material on the lives of some of Wisconsin's chief executives and officials.

Recall Elections

The citizens of Wisconsin are granted the authority to perform a recall election by Section 12 of Article XIII of the Wisconsin Constitution. Recall is a procedure that allows citizens to remove and replace a public official before the end of a term of office. It differs from impeachment where the house brings specific charges against an official, and the senate acts as the jury. Specific grounds for removal are not needed under the recall process. In 2012, Wisconsin Governor Scott Walker survived a recall attempt after creating a controversy over rights of public union workers.

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QUESTIONS
1. What are the qualifications for governor?
2. What is the order of succession to the office of governor?
 TRUE OR FALSE? Write a T or F in the space provided. 1. The Legislature cannot be called into special session. 2. The governor may remove an appointed official. 3. The governor has the job of enforcing the law. 4. The governor is the commander-in-chief of the state militia. 5. The governor is appointed by the president. 6. The governor is in charge of foreign affairs. 7. The governor cannot grant pardons. 8. The governor may veto only a part of a bill and approve the rest. 9. The governor must be 40 years old or older. 10. The governor may serve three terms.
WISCONSIN BY THE NUMBERS. Choose the correct number from the bank that matches the statement.
Number Bank: 2, 3, 4, 6, 8, 10, 24, 33, 35, 99
 Number of Electoral Votes for Wisconsin Days for governor review before becoming law Numbers of senators in Wisconsin Legislature A governor's term in years Number of branches in state government Number of WI representatives in the U.S. House Number of members in Wisconsin Assembly
DEFINE
1. pardons
2. militia
3 succession

In a democracy, a citizen has the responsibility for the government under which he or she lives. By voting and staying informed on the issues, he or she takes part in the business of government. With every freedom we enjoy, there are also corresponding duties. We must perform these duties, such as voting if we expect to enjoy our freedom. Also, it is an important way to help select the national, state, and local officials who make laws, design programs, and decide how tax dollars are spent.

Voting is a constitutional right and responsibility of citizenship. Early in American history, only white men over the age of 21 could vote. Then it took two constitutional amendments, one in 1870 and the other in 1920, to give black people and women, respectively, the right to vote. Then, when Americans 18 years of age and older were in the military fighting in wars, people began to think that if young people were old enough to die for their country, they were old enough to vote. So in 1971, the 26th Amendment to the U.S. Constitution gave 18-year-olds the right to vote, and so did the state of Wisconsin.

Voting Requirements

In Wisconsin, like any state, a citizen must obey the election laws. The basic election laws are as follows:

- Age: Must be at least 18 years old on Election Day.
- Residency: Voters must be a United States Citizen and a resident of the state and voting district for at least 10 days preceding the election.
- **Registration:** Voters must register to vote in their election district before, or the day of, the election. Registration procedures vary from place to place throughout the state. You can either register to vote at your local clerk's office or other designated location, by mail or at the polling place at the time of an election. Contact your county clerk's office to find out where to register to vote.

Types of Elections

There are three basic types of elections in Wisconsin. The first type is the election of representatives to operate the government. These legislative, executive, and judicial representatives have been discussed in past sections of this book. The second type of election is voting on constitutional amendments. Such elections take place when the citizens desire to change the constitution and call for a constitutional convention. And the third type is the election in which the people are asked to vote on a public issue. This may be done through a referendum or initiative. A referendum is a vote by citizens to approve or reject an existing state or local law. An example is the local school district requesting a tax increase to fund a new school. An initiative is a vote on an issue put on the ballot by a petition of citizens. It may either be a new law or a constitutional amendment.

Primary Elections

Although there are several election dates hosting a variety of elections, the most popular are the *primary* and *general* elections. Primary elections are held to choose the political party candidate for general or spring elections. The non-partisan (having no party affiliation) spring primary election is held on the third Tuesday in February each year. This primary is held for candidates running for the state superintendent of public instruction, education offices, judicial offices and county and municipal positions. After the primary, the names of the two candidates receiving the highest number of votes are put on the April spring election.

The partisan (running as a Democrat, Republican, or minor party candidate) primary election, held in Wisconsin on the second Tuesday in September of even-numbered years, is for the purpose of electing one candidate from a specific political party to represent that party in the November general election. Offices covered by this primary include U.S. senator, U.S. representative, state constitutional officers (except state superintendent), and state legislators.

General Elections

The most publicized election in Wisconsin is the general election. The terms of office vary, so only certain officials are elected each year. At this biennial election (every two years) you may vote for:

- President (every 4 years)
- U.S. SENATOR (every 6 years)
- U.S. Representative (every 2 years)
- GOVERNOR (every 4 years)
- STATE SENATOR (every 4 years)
- STATE ASSEMBLY (every 2 years)

Other elections may take place at this time as well, such as the election of county and state officers. The general election in every state is held on the first Tuesday following the first Monday in November of even-numbered years. Every four years this coincides with the presidential election, and in those years, more people vote than in the so-called "off years." The next presidential election will be held in 2020. We have learned that President Trump will be eligible to run for re-election (as stated in the 22nd Amendment).

A special election may be held to fill a vacancy in the office of a U.S. senator or representative or a state legislator.

Absentee Ballots & Early Voting

Any registered voter who cannot go to their polling place on Election Day may choose to vote by absentee ballot. To be counted, the completed ballot must be postmarked or received by the municipal clerk on or before Election Day. You can also visit your local municipal clerk's office up to two weeks before an election and vote in-person, thus early voting.