

18. — In general.

Wis. 2002. Upon passage of a statute into law, generally there is no question about the vote that propelled the drafted statute into law; however, in the case of popular votes, a certification process is necessary to assure the results of the vote.—*State v. Gonzales*, 645 N.W.2d 264, 253 Wis.2d 134, 2002 WI 59.

21. — Particular classes of acts.

Wis. 2001. Bill increasing benefits under a public retirement system may be passed when bill has received votes of three-fourths of entire elected membership of legislature. W.S.A. Const. Art. 4, § 26.—*Wisconsin Professional Police Ass'n, Inc. v. Lightbourn*, 627 N.W.2d 807, 243 Wis.2d 512, 2001 WI 59, reconsideration denied *Wis. Professional Police Ass'n v. Lightbourn*, 634 N.W.2d 324, 246 Wis.2d 179, 2001 WI 114, certiorari denied *Wisconsin State Engineering Ass'n v. Lightbourn*, 122 S.Ct. 812, 534 U.S. 1080, 151 L.Ed.2d 696.

Constitutional requirement of three-fourths of vote of entire elected membership of legislature to pass bill increasing benefits under a public retirement system does not replace requirement elsewhere in State Constitution that a bill must pass each house before it may be sent to governor to become law; it adds to that requirement. W.S.A. Const. Art. 4, § 26.—*Id.*

Bill providing for increased benefits under Wisconsin retirement system (WRS) received three-fourths vote of entire elected membership of legislature, as required by State Constitution, where bill received 79 votes in assembly and 23 votes in senate, for a total of 102 votes from members elected to both houses of legislature. W.S.A. Const. Art. 4, § 26; 1999 Act 11, § 1 et seq.—*Id.*

35½.
See 301–375.

47. — Certainty and definiteness.

See also particular topics; and most particularly Key Number lines therein captioned "Constitutional and statutory provisions".

C.A.7 (Wis.) 2006. A party raising a facial challenge to a statute or regulation on vagueness grounds must demonstrate that the law is impermissibly vague in all of its applications. U.S.C.A. Const. Amend. 14.—*Koutnik v. Brown*, 456 F.3d 777, rehearing en banc denied.

C.A.7 (Wis.) 2006. Law is void for vagueness if it fails to give fair warning of what is prohibited, if it fails to provide explicit standards for persons responsible for enforcement and thus creates risk of discriminatory enforcement, and if its lack of clarity chills lawful behavior. U.S.C.A. Const. Amend. 14.—*Anderson v. Milwaukee County*, 433 F.3d 975.

E.D.Wis. 2005. Void for vagueness doctrine is applied less stringently when the government acts as an employer or contractor. U.S.C.A. Const. Amend. 14.—*Metropolitan Milwaukee Ass'n of Commerce v. Milwaukee County*, 359 F.Supp.2d 749, reversed 431 F.3d 277.

E.D.Wis. 2003. The "void for vagueness doctrine" prohibits the enforcement of a law that contains words so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application. U.S.C.A. Const. Amend. 14.—*Sharkey's, Inc. v. City of Waukesha*, 265 F.Supp.2d 984.

Legislation must articulate terms with a reasonable degree of clarity to reduce the risk of arbitrary enforcement and allow individuals to

conform their behavior to the requirements of the law.—*Id.*

Flexibility and reasonable breadth in the language chosen for a statute or ordinance is constitutionally acceptable.—*Id.*

W.D.Wis. 2004. Legislation that has civil rather than criminal penalties is given great leeway with respect to constitutional vagueness analysis because the consequences of imprecision are qualitatively less severe.—*Payday Loan Store of Wisconsin, Inc. v. City of Madison*, 333 F.Supp.2d 800.

Wis. 2002. Statute must be narrowly enough drawn that its terms can be given a reasonably precise content and those persons it encompasses can be identified with reasonable accuracy.—*In re Commitment of Dennis H.*, 647 N.W.2d 851, 255 Wis.2d 359, 2002 WI 104.

Wis.App. 2006. A vagueness challenge to a statute is subject to a two-prong test: the first prong of the test is concerned with whether the statute sufficiently warns persons "wishing to obey the law that their conduct comes near the proscribed area," and the second prong is concerned with whether those who must enforce and apply the law may do so without creating or applying their own standards.—*Larson v. Burmaster*, 720 N.W.2d 134, 295 Wis.2d 333, 2006 WI App 142, review denied 724 N.W.2d 203, 2006 WI 126.

The concept of vagueness applies only to statutes that regulate conduct and requires that such a statute give adequate notice of what is prohibited, so as not to delegate basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis.—*Id.*

Wis.App. 2006. Courts will not declare a statute unconstitutionally vague unless it fails to give notice about what conduct the statute proscribes or fails to provide those who enforce the law with objective standards with which to do so.—*In re Commitment of Olson*, 712 N.W.2d 61, 290 Wis.2d 202, 2006 WI App 32, review denied *State v. Olson*, 718 N.W.2d 723, 292 Wis.2d 410, 2006 WI 108.

Wis.App. 2002. A statute is not void for vagueness if, by the ordinary process of statutory construction, the Court of Appeals can give a practical or sensible meaning to the statute, even if the statute is ambiguous.—*Gross v. Woodman's Food Market, Inc.*, 655 N.W.2d 718, 259 Wis.2d 181, 2002 WI App 295, review denied 661 N.W.2d 100, 260 Wis.2d 752, 2003 WI 32.

61. — Presumptions and construction in favor of validity.

Wis. 2005. Every presumption must be indulged to sustain the law.—*In re Termination of Parental Rights to Diana P.*, 694 N.W.2d 344, 279 Wis.2d 169, 2005 WI 32.

63. Effect of total invalidity.

E.D.Wis. 2005. A law that fails to satisfy the constitutional standard under which it must be evaluated cannot constitutionally be applied to any set of facts.—*Metropolitan Milwaukee Ass'n of Commerce v. Milwaukee County*, 359 F.Supp.2d 749, reversed 431 F.3d 277.

E.D.Wis. 2003. A successful facial challenge results in the complete invalidation of the law in question.—*MDK, Inc. v. Village of Grafton*, 277 F.Supp.2d 943.

Wis. 2006. If a statute is unconstitutional on its face, any judgment premised upon that statute is void.—*State v. Campbell*, 718 N.W.2d 649, 294 Wis.2d 100, 2006 WI 99.