

## INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

Constitutional amendment to: make the deadline to submit petition signatures for a voter-initiated referendum to approve or reject a law 6 months after its enactment, instead of 90 days after legislative session; allow referendums on laws with funding appropriations; require that petition signatures for voter-initiated laws and constitutional amendments be counted, on a statewide basis, 60 days before election day, be determined valid if gathered within 2 years of filing, and be submitted 120 days before election day; eliminate legislature's power to approve voter-initiated law; require voters or 3/4 vote of the legislature to reenact laws rejected by referendums.

The proposal, if adopted, would amend Article II, Section 9, Article IV, Section 31 and Article XII, Section 2 (new language capitalized, deleted language struck out with a line)

### Article II - Elections

#### § 9 Initiative and referendum; limitations; appropriations; petitions.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days SIX MONTHS following the final adjournment of the legislative session at which the law was enacted ENACTMENT OF THE LAW. THE SIGNATURES ON A REFERENDUM PETITION SHALL BE COUNTED ON A STATEWIDE BASIS (WITHOUT REGARD TO LOCAL, COUNTY, CONGRESSIONAL OR OTHER JURISDICTIONAL BOUNDARIES) AND ARE VALID IF THEY ARE GATHERED DURING THE SIX MONTHS FOLLOWING SUCH ENACTMENT. THE PERSON AUTHORIZED BY LAW TO RECEIVE SUCH REFERENDUM PETITION SHALL, UPON ITS RECEIPT, DETERMINE, AS PROVIDED BY LAW, THE VALIDITY AND SUFFICIENCY OF THE SIGNATURES ON THE PETITION, AND MAKE AN OFFICIAL ANNOUNCEMENT THEREOF AT LEAST 60 DAYS PRIOR TO THE GENERAL ELECTION AT WHICH THE PROPOSED REFERENDUM IS TO BE VOTED UPON.

ANY LAW SUBMITTED TO THE PEOPLE BY INITIATIVE PETITION SHALL BE FILED WITH THE PERSON AUTHORIZED BY LAW TO RECEIVE THE SAME AT LEAST 120 DAYS BEFORE THE GENERAL ELECTION AT WHICH THE PROPOSED INITIATIVE PETITION IS TO BE VOTED UPON. THE SIGNATURES ON AN INITIATIVE PETITION SHALL BE COUNTED ON A STATEWIDE BASIS (WITHOUT REGARD TO LOCAL, COUNTY, CONGRESSIONAL OR OTHER JURISDICTIONAL BOUNDARIES) AND ARE VALID IF THEY ARE GATHERED DURING THE TWO YEARS PRIOR TO THEIR FILING WITH THE PERSON AUTHORIZED BY LAW TO RECEIVE THE SAME. THE PERSON AUTHORIZED BY LAW TO RECEIVE SUCH INITIATIVE PETITION SHALL UPON ITS RECEIPT DETERMINE, AS PROVIDED BY LAW, THE VALIDITY AND SUFFICIENCY OF THE SIGNATURES ON THE PETITION, AND MAKE AN OFFICIAL ANNOUNCEMENT THEREOF AT LEAST 60 DAYS PRIOR TO THE GENERAL ELECTION AT WHICH THE PROPOSED INITIATIVE PETITION IS TO BE VOTED UPON.

To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

#### Referendum, approval.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

#### Initiative; duty of legislature; referendum:

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature, it shall be subject to referendum, as hereinafter provided:

#### INITIATIVE Legislative rejection of initiated measure; different measure; submission to people.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit ANY LAW PROPOSED BY INITIATIVE PETITION such proposed law to the people for approval or rejection at the next general election. The legislature may NOT ACCEPT OR reject any measure so proposed by initiative petition and BUT MAY propose a different measure upon the same subject by a year and may vote upon separate roll calls NO LATER THAN 60 DAYS BEFORE THE GENERAL ELECTION, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

#### BALLOT, STATEMENT OF PURPOSE.

THE BALLOT TO BE USED IN CONNECTION WITH A LAW PURSUANT TO WHICH A REFERENDUM HAS BEEN PROPERLY INVOKED OR IN CONNECTION WITH A LAW PROPOSED BY INITIATIVE SHALL CONTAIN A STATEMENT OF THE PURPOSE OF THE APPLICABLE LAW, EXPRESSED IN NOT MORE THAN 100 WORDS, EXCLUSIVE OF CAPTION. SUCH STATEMENT OF PURPOSE AND CAPTION SHALL BE PREPARED BY THE PERSON AUTHORIZED BY LAW, AND SHALL CONSIST OF A TRUE AND IMPARTIAL STATEMENT OF PURPOSE OF THE APPLICABLE LAW IN SUCH LANGUAGE AS SHALL CREATE NO PREJUDICE FOR OR AGAINST THE PROPOSED APPLICABLE LAW.

#### Initiative or referendum law; effective date, veto, amendment and repeal.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law

initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by A ROLL CALL VOTE OF three-fourths of the members elected to and serving in each house of the legislature. NO NEW LAW COVERING THE SAME SUBJECT MATTER REJECTED BY THE PEOPLE AT THE POLLS UNDER THE REFERENDUM PROVISION OF THIS SECTION SHALL BE ENACTED EXCEPT BY A VOTE OF THE ELECTORS OR BY A ROLL CALL VOTE OF THREE-FOURTHS OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE OF THE LEGISLATURE. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

#### Legislative implementation.

The legislature shall implement the provisions of this section.

ANY PROVISION OF THIS SECTION HELD INVALID SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

### Article IV - Legislative Branch

#### § 31 General appropriation bills; priority, statement of estimated revenue.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill DEALING WITH A MATTER OTHER THAN AN APPROPRIATION THAT REQUIRES requiring an appropriation to carry out its purpose shall NOT be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

### Article XII - Amendment and Revision

#### § 2 Amendment by petition and vote of electors.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. THE SIGNATURES ON A PETITION TO AMEND THE CONSTITUTION SHALL BE COUNTED ON A STATEWIDE BASIS (WITHOUT REGARD TO LOCAL, COUNTY, CONGRESSIONAL OR OTHER JURISDICTIONAL BOUNDARIES) AND ARE VALID IF THEY ARE GATHERED DURING THE TWO YEARS PRIOR TO THEIR FILING WITH THE PERSON AUTHORIZED BY LAW TO RECEIVE THE SAME. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the GENERAL election at which the proposed amendment is to be voted upon.

#### Submission of proposal; publication.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

#### Ballot, statement of purpose.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

#### Approval of proposal, effective date; conflicting amendments.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

ANY PROVISION OF THIS SECTION HELD INVALID SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

**Provisions of existing Constitution altered or abrogated by the proposal if adopted:**

**Article II—Elections**

**§ 9 Initiative and referendum; limitations; appropriations; petitions.**

**Sec. 9.**

The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

**Referendum, approval.**

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

**Initiative; duty of legislature, referendum.**

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

**Legislative rejection of initiated measure; different measure; submission to people.**

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

**Initiative or referendum law; effective date, veto, amendment and repeal.**

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

**Legislative implementation.**

The legislature shall implement the provisions of this section.

**Article IV—Legislative Branch**

**§ 31 General appropriation bills; priority, statement of estimated**

**revenue.**

**Sec. 31.**

The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

**Article XII—Amendment and Revision**

**§ 2 Amendment by petition and vote of electors.**

**Sec. 2.**

Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

**Submission of proposal; publication**

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

**Ballot, statement of purpose.**

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

**Approval of proposal, effective date; conflicting amendments.**

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.