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HOUSE JOINT RESOLUTION NO. 504

Offered January 20, 1995

Proposing an amendment to Section 1 of Article IV of the Constitution of Virginia and amendments to the Constitution of Virginia by adding an article numbered IV-A, consisting of sections numbered 1 through 5, and adding in Article XII a section numbered 1-A, relating to legislative power, initiative and referendum, and constitutional amendments.

Patrons—Callahan, Albo, Crouch, Dudley, Fisher, Hargrove, Harris, Katzen, Kidd, Marshall, McClure, Mims, O'Brien, Orrock, Wardrup and Way

Referred to Committee on Privileges and Elections

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 1 of Article IV of the Constitution of Virginia and amend the Constitution of Virginia by adding an article numbered IV-A, consisting of sections numbered 1 through 5, and by adding in Article XII a section numbered 1-A, as follows:

ARTICLE IV

LEGISLATURE Section 1. Legislative power.

The legislative power of the Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates, except that the people reserve to themselves the power to propose laws and amendments to the Constitution; to adopt or reject the same at the polls independent of the General Assembly; and, at their own option, to approve or reject any law or section of a law enacted by the General Assembly.

ARTICLE IV-A

INITIATIVE AND REFERENDUM Section 1. Initiative.

The initiative is the power of the voters to propose statutes to the General Assembly and to adopt or reject them.

An initiative measure may be proposed to the General Assembly by presenting to the Clerk of either house and to the Attorney General, on or before the first day of its regular session, the text of the proposed law and petitions which have been signed by qualified voters equal in number to at least five percent of the total vote cast for Governor in the last preceding gubernatorial election, provided that the required number of signatures shall include at least 2,500 signatures of qualified voters from each of at least five of the Commonwealth's congressional districts.

The Attorney General, within five days of the receipt of the text of the proposed law and petitions, shall instruct the election officials of the Commonwealth to determine the validity and sufficiency of the signatures on the petition and make an official announcement thereof within 30 days. If the number of signatures is insufficient, the procedures delineated in Section 5 of this Article shall be followed.

Any law proposed by initiative petition shall be either enacted or rejected by the General Assembly without change or amendment of substance during the regular session at which such petition is received by the General Assembly. If any law proposed by such petition shall be enacted by the General Assembly and signed by the Governor, it shall become effective on the July 1 following the adjournment of the session at which the law has been enacted.

If the law so proposed is not enacted by the General Assembly during the regular session, the Attorney General shall direct the election officials of the Commonwealth to submit such proposed law to the people for approval or rejection at the next statewide general election. The General Assembly may reject any measure so proposed by initiative petition and propose a different measure upon the same subject, upon separate roll calls, and in such event the Attorney General shall direct the election officials of the Commonwealth to submit both measures to the voters for approval or rejection at the next statewide general election.

Section 2. Referendum.

A referendum is the power of the voters to approve or reject laws or sections of laws enacted by the General Assembly. The power of referendum does not extend to acts creating, continuing, or making appropriations for state institutions or to acts meeting deficiencies in state funds.

A referendum may be required on a law or section of a law, by presenting to the Attorney General within 90 days of enactment, or prior to June 1 in the case of enactment at a regular session of the

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60 General Assembly, a statement setting forth the law or section or sections of a law it is proposed to
61 nullify and requesting that the effective date of the law or section or sections shall be suspended
62 pending a referendum thereon. The statement shall be presented with petitions which have been signed
63 by qualified voters equal in number to at least five percent of the total vote cast for Governor in the
64 last preceding gubernatorial election, provided that the required number of signatures shall include at
65 least 2,500 signatures of qualified voters from each of at least five of the Commonwealth's congressional
66 districts.

67 The Attorney General, within five days of the receipt of the statement and petitions, shall direct the
68 election officials of the Commonwealth to determine the validity and sufficiency of the signatures on the
69 petition and make an official announcement thereof within 30 days, or prior to July 1 in the case of a
70 referendum on a law or section or sections of a law enacted at a regular session. If the number of
71 signatures is insufficient, the procedures delineated in Section 5 of this Article shall be followed.

72 The effective date of the law or section or sections of the law subject to a referendum shall be
73 suspended pending the outcome of the referendum unless the law or section or sections of the law have
74 taken effect prior to an official announcement that the petitions for the referendum are valid and
75 sufficient. In the latter case, the pending referendum shall have no effect on the law and it shall remain
76 in effect unless rejected by the voters in the referendum.

77 Section 3. Initiative or referendum law; effective date, veto, amendment and repeal.

78 Any law submitted to the people by initiative petition and approved by a majority of the votes cast
79 thereon shall take effect on the tenth day after the date of the official declaration of the vote unless a
80 later effective date is specified in the law. Any law or section of a law submitted to the people by
81 referendum petition and approved by a majority of the votes cast thereon shall take effect on the tenth
82 day after the date of the official declaration of the vote unless the law is already in effect or a later
83 effective date is specified in the law. Any law or section of a law submitted to the people by referendum
84 petition and rejected by a majority of the votes cast thereon, shall not become effective or, if in effect,
85 shall be nullified on the tenth day after the date of the official declaration of the vote.

86 No law initiated and approved by the voters pursuant to Section 1 of this Article shall be subject to
87 the veto power of the Governor. No law initiated and approved by the voters pursuant to Section 1 of
88 this Article shall be amended or repealed, unless otherwise provided in the initiative measure, except by
89 a vote of the people or by a vote of three-fourths of the members elected to each house of the General
90 Assembly. Laws approved by the people under the referendum provisions of Section 2 of this Article may
91 be amended by the General Assembly at any subsequent session thereof. If two or more measures
92 approved by the voters at the same election conflict, the measure receiving the highest affirmative vote
93 shall prevail.

94 Section 4. Initiative and referendum powers of voters in localities.

95 Initiative and referendum powers may be exercised by voters of counties, cities, and towns on local
96 legislative matters. Such local legislative matters shall include the levying of taxes and the issuance of
97 bonds. Petition requirements for local initiatives and referenda shall provide for presentation of petitions
98 to the clerk of the circuit court for the county, city, or town. The petitions shall have been signed by
99 qualified voters of the locality equal in number to at least five percent of the total vote cast for
100 Governor in the locality in the last preceding gubernatorial election. The clerk of the court, within five
101 days of receipt of the petitions, shall instruct the general registrar to determine the validity and
102 sufficiency of the signatures on the petition and make an official announcement thereof at least 60 days
103 prior to the election at which the proposed amendment is to be voted upon. If the number of signatures
104 is insufficient, the procedure delineated in Section 5 of this Article shall be followed.

105 Section 5. General provisions applicable to initiatives and referenda procedures.

106 There shall be no requirement imposed by statute or other procedure to have petitions notarized.
107 Petitions may have multiple signatures of qualified voters on a single page made in the presence of a
108 solicitor who is also a qualified voter of the jurisdiction wherein the initiative or referendum election
109 will be conducted. The solicitor must certify before two witnesses that all signatures were made in the
110 solicitor's presence. Witnesses shall sign and print their names on the petition page.

111 If the general registrar or other official responsible for counting and validating signatures
112 determines that the number of signatures is insufficient, an announcement shall be placed for two
113 consecutive weeks in the two newspapers with the highest circulation in the affected jurisdiction. The
114 announcement shall contain the verbatim text of the petition, the number of signatures submitted, the
115 number of signatures accepted as valid, and the number of additional signatures needed to place the
116 initiative or referendum on the ballot. Additional petition signatures shall be accepted by the receiving
117 official for 30 days after the second published notice. If the 30-day grace period ends less than 90 days
118 prior to the general election, the referendum shall be held one year later at the subsequent general
119 election. A recount of previously accepted signatures shall not be required. Previously accepted
120 signatures plus valid signatures submitted during the grace period shall count toward the total number
121 of signatures required.

ARTICLE XII
FUTURE CHANGES

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Section 1-A. Amendment by petition and vote of the people.

Amendments may be proposed to this Constitution by petition of the qualified voters of the Commonwealth. The petition shall be accompanied by a statement containing the full text of the proposed amendment. The petition shall be signed by qualified voters equal in number to at least eight percent of the total vote cast for Governor in the last preceding gubernatorial election, provided that the required number of signatures shall include at least 3,000 signatures of qualified voters from each of at least five of the Commonwealth's congressional districts. The statement and petition shall be presented to the Attorney General at least 120 days before the statewide general election at which the proposed amendment is to be voted upon. The petitions shall be signed and circulated in accordance with Article IV-A, Section 5. The Attorney General, within five days of receipt of the statement and petitions, shall direct the election officials of the Commonwealth to determine 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. If the number of signatures is insufficient, the procedure specified in Section 5 of Article IV-A shall be followed.

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 and posted in each polling place as provided by law.

If the proposed amendment is approved by a majority of the voters voting on the question, it shall become part of the Constitution and shall abrogate or amend existing provisions of the Constitution on the 45th day after the date of the official declaration of the vote. If two or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmative vote shall prevail.

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