

LD3563324

HOUSE JOINT RESOLUTION NO. 627

Offered January 23, 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 and 2, relating to legislative power and the power of the people to initiate legislation regarding state taxes and limits on state expenditures.

Patrons—Marshall, Katzen, O'Brien and Ruff

Referred to Committee on Rules

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 and 2, 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 initiate laws and to adopt or reject the same laws at the polls as provided in Article IV-A of this Constitution.

ARTICLE IV-A

INITIATIVE Section 1. Initiative; state taxes and expenditures.

The initiative power reserved to the people pursuant to this article is the power to propose, and to adopt or reject, laws to impose, increase, decrease, or repeal state taxes and to impose limits on state expenditures. Laws enacted pursuant to this article are subject to the same requirements and limitations as laws enacted by the General Assembly including, without limitation, the requirements of Article IV, Section 12, and Article X, Section 8.

An initiative measure may be proposed by presenting to the state officer designated by law petitions which have been signed by qualified voters equal in number to at least seven percent of the total vote cast for governor in the last preceding gubernatorial election. At least six percent of that required number shall be attributable to qualified voters from each congressional district in the Commonwealth.

The General Assembly, by general law, shall provide for the form of petitions and establish requirements and procedures for the circulation and verification of petitions including, without limitation, (i) that any person who circulates petitions is a qualified voter of the same or a contiguous congressional district as each person whose signature he witnesses; (ii) that petitions may be circulated for nine months, but not longer; and (iii) that the signatures to the petitions may be verified on a reasonably continuous basis while the petitions are being circulated.

Before circulating petitions for signatures, the proponents of the initiative shall file the text of the proposed law with the Attorney General. Within forty-five days of the filing, the Attorney General shall provide his opinion whether the proposed law is constitutional under the provisions of this Constitution and the Constitution of the United States. The proponents of the initiative may circulate petitions pending the opinion of the Attorney General. The opinion shall be advisory only.

The state officer designated by law shall submit the proposed law and appropriate question to the people for approval or rejection at the next statewide general election held at least ninety days after the sufficiency of the petitions is established.

The General Assembly shall provide by law for preparation of the ballot question, notice of the initiative election, including notice of the arguments for and against the initiative, the conduct of the election, and the disclosure of initiative campaign finances.

Section 2. Required vote; effective date; veto, amendment, and repeal.

Any law submitted to the people by initiative shall become effective if approved by a three-fifths or greater majority of the votes cast thereon and shall take effect on the tenth day after the date of the official declaration of the vote unless a later effective date is specified in the law. No law initiated by the voters shall be subject to the veto power of the Governor.

A law adopted under the initiative provisions of this article shall be subject to amendment or repeal by the General Assembly at any subsequent session thereof. If two or more laws approved by the voters

INTRODUCED

HJ627

60 *at the same election conflict, the law receiving the highest affirmative vote shall prevail.*