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HOUSE JOINT RESOLUTION NO. 646

Offered January 23, 1995

Proposing an amendment to Section 1 of Article IV of the Constitution of Virginia and an amendment to the Constitution of Virginia by adding an article numbered IV-A, consisting of sections numbered 1 through 3, relating to legislative power and initiative and referendum powers.

Patrons—Cox, Albo, Callahan, Dudley, Fisher, Howell, Katzen, Marshall, McClure, McDonnell, Orrock, Rollison and Wardrup; Senators: Bell, Martin and Waddell

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 through 3, 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 to adopt or reject the same at the polls independent of the General Assembly and 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 people to propose laws and to adopt or reject them.

Any qualified voter of the Commonwealth may propose a law for submission to the people by filing with the Secretary of the State Board of Elections, or his successor as chief election officer of the Commonwealth, a statement containing the text of the proposed law and ballot question and a copy of the petition which he proposes to circulate to the voters to place the initiative on the ballot. The petitioner shall file the statement and petition not earlier than January 1, and not later than March 1, of the year in which the initiative will be placed on the ballot. The petitioner shall include on the statement his name, residence address and, if different, mailing address, and the name of the organization, if any, which he represents in proposing the initiative and circulating the petition. The form of the petition shall be prescribed by the State Board of Elections or its successor agency. The Secretary of the State Board shall certify, within ten days of the filing of the statement and petition, the fact of receipt, the completeness of the statement and the correctness of the form of the petition.

An initiative shall qualify for the ballot only if petitions are submitted to the State Board which have been signed by qualified voters from each and every congressional district of the Commonwealth equal in number to at least ten percent of the total vote cast for Governor in the last preceding gubernatorial election in each respective congressional district.

The petitions shall be on the form which has been certified as correct. Petitions shall be circulated for signatures only after the date on which the form of the petition has been certified as correct. Each signature shall be dated and shall be accompanied by the residence address and social security number of the signing voter. However, the failure to provide a social security number shall not be cause to invalidate a signature. Each signature shall be witnessed by a person who is qualified to vote on the initiative and is a resident of the congressional district in which he circulates the petition or a contiguous congressional district; and his affidavit to that effect shall appear on each page of the petition. Completed petitions shall be submitted to the State Board for verification no later than August 1 of the year in which the initiative will be placed on the ballot.

The State Board shall be responsible for the verification of petition signatures and shall certify, within thirty days of the filing of the completed petitions, to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate its statement that the filed petitions have been verified and whether or not found to be valid and sufficient.

If the State Board certifies that the petitions are valid and sufficient, the initiative shall be submitted to the qualified voters for approval or rejection at the next November general election.

The General Assembly shall provide by law for the publication of the full text of the proposed law and the question as it will appear on the ballot and for the disclosure of initiative campaign finances.

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60 *Section 2. Referendum.*

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

64 *Any qualified voter of the Commonwealth may propose that a referendum be required on a law or*
65 *section of a law by filing with the Secretary of the State Board of Elections, or his successor as chief*
66 *election officer of the Commonwealth, (i) a statement containing the text of the proposed law or section*
67 *or sections of a law it is proposed to nullify and the request that the effective date of the law or section*
68 *or sections of the law be suspended pending a referendum thereon, (ii) the proposed ballot question,*
69 *and (iii) a copy of the petition which he proposes to circulate to the voters to place the referendum on*
70 *the ballot. The petitioner shall file the statement and petition within thirty days of enactment of the law,*
71 *or prior to June 1 in the case of enactment at a regular session of the General Assembly. The petitioner*
72 *shall include on the statement his name, residence address and, if different, mailing address, and the*
73 *name of the organization, if any, which he represents in proposing the referendum and circulating the*
74 *petition. The form of the petition shall be prescribed by the State Board of Elections or its successor*
75 *agency. The Secretary of the State Board shall certify, within ten days of the filing of the statement and*
76 *petition, the fact of receipt, the completeness of the statement and the correctness of the form of the*
77 *petition.*

78 *A referendum shall qualify for the ballot only if petitions are submitted to the State Board which*
79 *have been signed by qualified voters from each and every congressional district of the Commonwealth*
80 *equal in number to at least ten percent of the total vote cast for Governor in the last preceding*
81 *gubernatorial election in each respective congressional district.*

82 *The petitions shall be on the form which has been certified as correct. Petitions shall be circulated*
83 *for signatures only after the date on which the form of the petition has been certified as correct. Each*
84 *signature shall be dated and shall be accompanied by the residence address and social security number*
85 *of the signing voter. However, the failure to provide a social security number shall not be cause to*
86 *invalidate a signature. Each signature shall be witnessed by a person who is qualified to vote on the*
87 *referendum and is a resident of the congressional district in which he circulates the petition or a*
88 *contiguous congressional district; and his affidavit to that effect shall appear on each page of the*
89 *petition. Completed petitions shall be submitted to the State Board for verification no later than ninety*
90 *days prior to the statewide general election at which the referendum will be placed on the ballot.*

91 *The State Board shall be responsible for the verification of petition signatures and shall certify,*
92 *within thirty days of the filing of the completed petitions, to the Governor, the Speaker of the House of*
93 *Delegates and the President Pro Tempore of the Senate its statement that the filed petitions have been*
94 *verified and whether or not found to be valid and sufficient.*

95 *If the State Board certifies that the petitions are valid and sufficient, the referendum shall be*
96 *submitted to the qualified voters for approval or rejection at the next statewide general election held at*
97 *least sixty days after the Board's certification.*

98 *The General Assembly shall provide by law for the publication of the full text of the proposed law or*
99 *section or section of law it is proposed to nullify and the question as it will appear on the ballot and*
100 *for the disclosure of referendum campaign finances.*

101 *The effective date of the law or section or sections of the law subject to a referendum shall be*
102 *suspended pending the outcome of the referendum unless the law or section or sections of the law have*
103 *taken effect prior to certification by the State Board that the filed petitions calling for the referendum*
104 *are valid and sufficient. A pending referendum shall have no effect on a law or section or sections of a*
105 *law which has taken effect prior to such certification, and the same shall remain in effect unless*
106 *rejected by the voters in the referendum.*

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

108 *Any law submitted to the people by initiative petition and approved by a majority of the votes cast*
109 *thereon shall take effect on the January 1 following the date of the official declaration of the vote unless*
110 *a later effective date is specified in the law. Any law or section of a law submitted to the people by*
111 *referendum petition and approved by a majority of the votes cast thereon shall take effect on the*
112 *January 1 following the date of the official declaration of the vote unless the law is already in effect or*
113 *a later effective date is specified in the law. Any law or section of a law submitted to the people by*
114 *referendum petition and rejected by a majority of the votes cast thereon, shall not become effective or, if*
115 *in effect, shall be nullified on the tenth day after the date of the official declaration of the vote.*

116 *No law initiated and approved by the voters pursuant to Section 1 of this article shall be subject to*
117 *the veto power of the Governor. No law initiated and approved by the voters pursuant to Section 1 of*
118 *this article shall be amended or repealed, unless otherwise provided in the initiative measure, except (i)*
119 *by a vote of the people, or (ii) by a vote of three-fourths of the members elected to each house of the*
120 *General Assembly, or (iii) to correct purely technical defects in the law without affecting its substance.*
121 *Laws approved by the people under the referendum provisions of Section 2 of this Article may be*

122 *amended by the General Assembly at any subsequent session thereof.*

123 *If two or more measures approved by the voters at the same election conflict, the measure receiving*

124 *the highest affirmative vote shall prevail.*

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