

LD2183812

SENATE JOINT RESOLUTION NO. 156

Offered January 25, 1994

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 3, relating to legislative power and powers of initiative and referendum.

Patron—Hawkins

Referred to the Committee on Privileges and Elections

RESOLVED by the Senate, the House of Delegates 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 amendments to the Constitution and to adopt or reject the same amendments at the polls independent of the General Assembly as provided in Article XII; to propose laws to the General Assembly and to adopt or reject the same laws at the polls as provided in Article IV-A; and to adopt or reject any law or section of a law enacted by the General Assembly as provided in Article IV-A.*

ARTICLE IV-A

INITIATIVE AND REFERENDUM Section 1. Initiative.

The initiative is the power of the voters to propose laws to the General Assembly and to adopt or reject them. The power of initiative does not extend to laws providing appropriations for the expenses of state government and institutions.

An initiative measure may be proposed to the General Assembly by presenting to the Clerk of either House, 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 three percent of the total vote cast for governor in the last preceding gubernatorial election provided that at least three percent of that required number shall be attributable to qualified voters from each congressional district in the Commonwealth. The General Assembly, by 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; (iii) that the signatures to the petitions may be verified on a reasonably continuous basis while the petitions are being circulated; and (iv) that the signatures not verified by the first day of the regular session shall not be counted.

Any law proposed by initiative petition shall be enacted or rejected by the General Assembly without change or amendment of substance during the 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 be subject to referendum at a future date as provided in this article.

If the law so proposed is not enacted by the General Assembly during the session, the state officer designated by law shall submit such proposed law to the people for approval or rejection at the next statewide general election. Such proposed law shall be submitted only if the Attorney General certifies to such state officer that the proposed law is constitutional under the provisions of this Constitution and the Constitution of the United States.

The General Assembly may reject any law so proposed by initiative petition and propose a different law upon the same subject, upon separate roll calls; and, in such event, both laws shall be submitted by such state officer to the voters for approval or rejection at the next statewide general election.

Such proposed law or laws and the question as it shall appear on the ballot shall be published in full as provided by law. The General Assembly shall provide by law for the disclosure of initiative campaign finances.

If any law submitted pursuant to these initiative procedures is defeated, the same issue shall not be submitted again to the voters for five years.

INTRODUCED

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60 *Section 2. Referendum.*

61 *A referendum is the power of the voters to approve or reject laws or sections of laws enacted by the*
62 *General Assembly. The power of referendum does not extend to laws providing appropriations for the*
63 *expenses of state government and institutions.*

64 *A referendum may be required on a law or section of a law, by presenting to the state officer*
65 *designated by law within ninety days of enactment or prior to July first in the case of enactment at a*
66 *regular session of the General Assembly, a statement setting forth the law or section or sections of a*
67 *law it is proposed to nullify and requesting that the effective date of the law or section thereof be*
68 *suspended pending a referendum thereon. The statement shall be presented with petitions signed by*
69 *qualified voters equal in number to at least three percent of the total vote cast for governor in the last*
70 *preceding gubernatorial election provided that at least three percent of that required number shall be*
71 *attributable to qualified voters from each congressional district in the Commonwealth. The General*
72 *Assembly by law shall provide for the form of petitions and establish requirements and procedures for*
73 *the circulation and verification of petitions including, without limitation, (i) that any person who*
74 *circulates petitions is a qualified voter of the same or a contiguous congressional district as each*
75 *person whose signature he witnesses; and (ii) that the signatures to the petitions may be verified on a*
76 *reasonably continuous basis while the petitions are being circulated.*

77 *After a proposed referendum has been found to have qualified with the required number of*
78 *signatures, the law or section or sections of the law subject to the referendum shall be suspended*
79 *pending the referendum, and the state officer designated by law shall submit it to a vote at the next*
80 *statewide general election held at least ninety days after the referendum qualified. The qualification of a*
81 *referendum petition on one or more sections of a law shall not delay the remainder of the law from*
82 *becoming effective.*

83 *Such proposed law or section or sections and the question as it shall appear on the ballot shall be*
84 *published in full as provided by law. The General Assembly shall provide by law for the disclosure of*
85 *referendum campaign finances.*

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

87 *Any law submitted to the people by either initiative or referendum petition and approved by a*
88 *majority of the votes cast thereon shall take effect on the tenth day after the date of the official*
89 *declaration of the vote unless a later effective date is specified in the law. Any law or section of a law,*
90 *subject to a referendum and not approved by a majority of the votes cast thereon, shall be nullified on*
91 *the tenth day after the date of the official declaration of the vote. No law initiated or approved by the*
92 *voters shall be subject to the veto power of the Governor, and no law adopted under the initiative*
93 *provisions of this article shall be amended or repealed except by a vote of the people unless (i)*
94 *otherwise provided in the initiative measure or (ii) solely to correct a technical defect without any*
95 *change in the substance of the law. Laws approved by the people under the referendum provisions of*
96 *this article may be amended by the General Assembly at any subsequent session thereof. If two or more*
97 *measures approved by the voters at the same election conflict, the measure receiving the highest*
98 *affirmative vote shall prevail.*