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SENATE JOINT RESOLUTION NO. 91

Offered January 22, 1996

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 by adding in Article XII a section numbered 1-A, relating to legislative power, initiative and referendum powers, and constitutional amendments.

Patrons—Waddell, Bolling, Earley, Hanger, Martin, Miller, K.G., Quayle, Schrock, Stolle, Stosch and Trumbo

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 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 and to adopt or reject the same at the polls and the power 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.

Initiative is the power of the people to propose laws to the General Assembly and to adopt or reject them.

An initiative may be proposed by presenting to the Attorney General the text of the proposed law and a petition signed by at least one qualified voter from each county and city of the Commonwealth. The Attorney General shall determine, within thirty days of such presentation, if the initiative is in proper form for submission to the General Assembly and the people and that it is not substantially the same as any other initiative submitted to the people within the current year and the preceding three years.

Following a determination favorable to the proponents, the Attorney General shall transmit the proposed law and petition to the Secretary of the State Board of Elections. The Secretary shall provide petition forms to the proponents for additional signatures. The petition forms shall contain a description of the proposed law and appropriate instructions.

Proponents of an initiative shall circulate petition forms only between January one and November fifteen of an even-numbered year. An initiative shall qualify for submission to the General Assembly and then to the people only if the proponents submit completed petition forms to the Secretary which contain signatures of qualified voters from each county and city in the Commonwealth equal in number to at least ten percent of the number of voters registered in each respective county and city on January one of the year in which the petition forms are circulated. The State Board of Elections and general registrars shall verify petition signatures as provided by law by December fifteen of that year.

The initiative shall be submitted to the General Assembly on the first day of its next regular session in an odd-numbered year. Any initiative not so submitted shall expire.

A law proposed by initiative shall be either enacted or rejected by the General Assembly without substantive change during the regular session at which such initiative is submitted to the General Assembly. If any proposed law is enacted into law, it shall become effective on the July one following the adjournment of the session at which the law has been enacted unless a later effective date is stated therein.

If the proposed law is not enacted by the General Assembly, 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 the proposed law and propose a different law upon the same subject, upon separate roll calls; in such event, the Attorney General shall direct the election officials of the Commonwealth to submit both laws to the voters for

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60 approval or rejection.

61 Section 2. Referendum.

62 A referendum is the power of the people to approve or reject laws or sections of laws enacted by the
63 General Assembly

64 A referendum may be required on a law or section, by presenting to the Secretary of the State Board
65 of Elections within ninety days of the law's enactment, or prior to June one in the case of enactment at
66 a regular session of the General Assembly, a petition signed by at least one qualified voter from each
67 county and city of the Commonwealth. The petition shall be accompanied by a statement setting forth
68 the law or section it is proposed to nullify and requesting that its effective date be suspended pending a
69 referendum thereon. The Secretary shall provide petition forms to the proponents for additional
70 signatures. The petition forms shall contain a description of the law or section it is proposed to nullify
71 and appropriate instructions.

72 The referendum shall qualify for submission to the people only if the proponents submit completed
73 petition forms to the Secretary which contain signatures of qualified voters from each county and city in
74 the Commonwealth equal in number to at least ten percent of the number of voters registered in each
75 respective county and city on the date provided by law.

76 Completed petition forms shall be submitted to the Secretary no later than ninety days prior to the
77 first statewide general election held at least 180 days after the enactment of the law or section at issue
78 in the referendum. The State Board of Elections and general registrars shall verify petition signatures as
79 provided by law. The referendum shall be submitted to the voters at such statewide general election.

80 The effective date of the law or section subject to a referendum shall be suspended pending the
81 outcome of the referendum unless the law or section has taken effect prior to an official announcement
82 that the final voter petitions for the referendum are valid and sufficient. In the latter case, the pending
83 referendum shall have no effect on the law or section which shall remain in effect unless rejected by the
84 voters in the referendum.

85 Section 3. Limitation on initiative and referendum powers; reserved power of the legislature.

86 The people's powers of initiative and referendum do not extend to acts creating, continuing, or
87 making appropriations for state institutions or to acts meeting deficiencies in state funds. Nor shall this
88 article be construed to limit the power of the General Assembly to submit matters by law to the people
89 for their approval or rejection.

90 Section 4. Initiative or referendum law; effective date, veto, amendment and repeal.

91 Any law submitted to the people by initiative petition and approved by a majority of the votes cast
92 thereon shall take effect on the tenth day after the date of the official declaration of the vote unless a
93 later effective date is specified in the law. Any law or section of a law submitted to the people by
94 referendum petition and approved by a majority of the votes cast thereon shall take effect on the tenth
95 day after the date of the official declaration of the vote unless the law is already in effect or a later
96 effective date is specified in the law. Any law or section submitted to the people by referendum petition
97 and rejected by a majority of the votes cast thereon, shall not become effective or, if in effect, shall be
98 nullified on the tenth day after the date of the official declaration of the vote.

99 No law initiated and approved by the voters pursuant to Section 1 of this Article shall be subject to
100 the veto power of the Governor or be amended or repealed, unless otherwise provided in the initiative
101 measure, except by a vote of the people. Laws approved by the people under the referendum provisions
102 of Section 2 of this Article may be amended by the General Assembly at any subsequent session thereof.
103 If two or more measures approved by the voters at the same election conflict, the measure receiving the
104 highest affirmative vote shall prevail.

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

106 The General Assembly shall provide by law for the disclosure to the public of initiative and
107 referendum campaign finances. The General Assembly shall provide by law for requirements for
108 initiative and referendum petitions and for notice to the public of initiative and referendum proposals.
109 The provisions of this section shall be applicable to constitutional amendments initiated by the people
110 pursuant to Article XII, Section 1-A.

111 ARTICLE XII

112 FUTURE CHANGES

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

114 A constitutional amendment may be initiated by the people by presenting to the Attorney General the
115 text of the proposed amendment and a petition signed by at least one qualified voter from each county
116 and city of the Commonwealth. The Attorney General shall determine, within thirty days of such
117 presentation, if the amendment is in proper form for submission to the people and that it is not
118 substantially the same as any other amendment submitted to the people within the current year and the
119 preceding three years.

120 Following a determination favorable to the proponents, the Attorney General shall transmit the
121 proposed amendment and petition to the Secretary of the State Board of Elections. The Secretary shall

provide petition forms to the petitioners for additional signatures. The petition forms shall contain a description of the proposed constitutional amendment and appropriate instructions.

Proponents of an initiative shall circulate petition forms no longer than ten months from the date on which the Attorney General transmits the petition to the Secretary. An initiative shall qualify for submission to the people only if the proponents submit completed petition forms to the Secretary which contain signatures of qualified voters from each county and city in the Commonwealth equal in number to at least fifteen percent of the number of voters registered in each respective county and city on January one of the year in which the Attorney General transmits the petition to the Secretary. The State Board of Elections and general registrars shall verify petition signatures as provided by law.

The initiative shall be submitted to the voters at the first statewide general election held at least ninety days after the date on which the proponents submit completed petition forms to the Secretary.

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 thirtieth 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.