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HOUSE JOINT RESOLUTION NO. 556

Offered January 20, 1997

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—Callahan, Cox, Griffith, Tata, Wardrup and Way

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 powers of initiative and referendum as provided in Article IV-A of this Constitution.*

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 General Assembly and the people by filing with the State Board of Elections (i) a statement containing the text of the proposed law and ballot question and (ii) 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 the November 15 immediately preceding the year in which the initiative will be placed on the ballot and not later than January 10 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.

The Attorney General, or other official or body designated by law, shall certify, within twenty days of the filing of the statement and petition, to the completeness of the statement, the legal sufficiency of the ballot question, the constitutionality of the proposed law including compliance with the one object requirement of Section 12 of Article IV, and the correctness of the form of the petition. Denial of certification shall be subject to judicial review as provided by law.

The Attorney General, or other official or body designated by law, shall promptly transmit a copy of the statement containing the proposed law to the Governor, the Speaker of the House of Delegates, the President Pro Tempore of the Senate, and the clerks of the House of Delegates and Senate. The proposed law shall be either enacted or rejected by the General Assembly without change or amendment of substance during the regular session at which such law is received. If the proposed law 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 proposed law is not enacted by the General Assembly during the regular session and if the petition requirements set forth below are met, the proposed law shall be submitted to the qualified voters for approval or rejection at the next November general election. The General Assembly, upon separate votes, may reject the proposed law and propose a different measure upon the same subject with a ballot question for submission to the voters and, in such event, the election officials of the Commonwealth shall submit both measures and questions to the qualified voters for approval or rejection at the next November general election.

An initiative shall qualify for the ballot only upon the submission to the State Board of Elections of petitions which have been signed by qualified voters equal in number to at least five percent of the total statewide vote cast for Governor in the last preceding gubernatorial election. The petitions shall include signatures of qualified voters from at least ten congressional districts of the Commonwealth equal in number to at least five percent of the total vote cast for Governor in the last preceding gubernatorial election in each respective congressional district.

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60 *The petitions shall be on the form which has been certified as correct. Petitions shall be circulated*
61 *for signatures only after the date on which the form of the petition has been certified as correct. Each*
62 *signature shall be dated and shall be accompanied by the residence address and social security number*
63 *of the signing voter. However, the failure to provide a social security number shall not be cause to*
64 *invalidate a signature. Each signature shall be witnessed by a person who is qualified to vote on the*
65 *initiative and is a resident of the congressional district in which he circulates the petition or a*
66 *contiguous congressional district; and his affidavit to that effect shall appear on each page of the*
67 *petition. Completed petitions shall be submitted to the State Board for verification no later than August*
68 *1 of the year in which the initiative will be placed on the ballot.*

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

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

76 *The General Assembly shall provide by law for the publication of the full text of the proposed law*
77 *and the question as it will appear on the ballot. The text of the proposed law shall not exceed 5,000*
78 *words. The General Assembly shall provide by law for the disclosure to the public of initiative campaign*
79 *finances.*

80 Section 2. Referendum.

81 *The referendum is the power of the people to approve or reject a law or a section or sections of a*
82 *law enacted by the General Assembly. The power of referendum does not extend to laws creating,*
83 *continuing, or making appropriations for state institutions or to laws meeting deficiencies in state funds.*

84 *Any qualified voter of the Commonwealth may propose that a referendum be required on a law or*
85 *section or sections of a law by filing with the State Board of Elections (i) a statement containing the*
86 *text of the law or section or sections of a law it is proposed to nullify, the request that the effective date*
87 *of the law or section or sections of a law be suspended pending a referendum thereon, and the*
88 *proposed ballot question and (ii) a copy of the petition which he proposes to circulate to the voters to*
89 *place the referendum on the ballot. The petitioner shall file the statement and petition within thirty days*
90 *of enactment of the law or, in the case of enactment at a regular session of the General Assembly, prior*
91 *to June 1 of the year of enactment. The petitioner shall include on the statement his name, residence*
92 *address and, if different, mailing address, and the name of the organization, if any, which he represents*
93 *in proposing the referendum and circulating the petition. The form of the petition shall be prescribed by*
94 *the State Board.*

95 *The Attorney General, or other official or body designated by law, shall certify, within twenty days*
96 *of the filing of the statement and petition, to the completeness of the statement, the legal sufficiency of*
97 *the ballot question, and the correctness of the form of the petition. Denial of certification shall be*
98 *subject to judicial review as provided by law.*

99 *A referendum shall qualify for the ballot only upon the submission to the State Board of Elections of*
100 *petitions which have been signed by qualified voters equal in number to at least five percent of the total*
101 *statewide vote cast for Governor in the last preceding gubernatorial election. The petitions shall include*
102 *signatures of qualified voters from at least ten congressional districts of the Commonwealth equal in*
103 *number to at least five percent of the total vote cast for Governor in the last preceding gubernatorial*
104 *election in each respective congressional district.*

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

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

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

121 *The General Assembly shall provide by law for the publication of the full text or a summary of the*

122 proposed law or section or sections of a law it is proposed to nullify and the question as it will appear
123 on the ballot. The General Assembly shall provide by law for the disclosure to the public of referendum
124 campaign finances.

125 The effective date of the law or section or sections of a law subject to a referendum shall be
126 suspended pending the outcome of the referendum unless the law or section or sections of a law have
127 taken effect prior to certification by the State Board that the filed petitions calling for the referendum
128 are valid and sufficient. A pending referendum shall have no effect on a law or section or sections of a
129 law which has taken effect prior to such certification, and the same shall remain in effect unless
130 rejected by the voters in the referendum.

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

132 Any law submitted to the people by initiative petition or by the General Assembly as an alternative
133 to an initiative measure and approved by a majority of the votes cast thereon shall take effect on the
134 January 1 following the date of the official declaration of the vote unless a later effective date is
135 specified in the law. Any law or section or sections of a law submitted to the people by referendum
136 petition and approved by a majority of the votes cast thereon shall take effect on the January 1
137 following the date of the official declaration of the vote unless the law is already in effect or a later
138 effective date is specified in the law. Any law or section or sections of a law submitted to the people by
139 referendum petition and rejected by a majority of the votes cast thereon, shall not become effective or, if
140 in effect, shall be nullified on the tenth day after the date of the official declaration of the vote.

141 No law initiated by the voters or the General Assembly pursuant to Section 1 of this article, and
142 approved by the voters, shall be subject to the veto power of the Governor. No law initiated and
143 approved by the voters pursuant to Section 1 of this article shall be amended or repealed, unless
144 otherwise provided in the initiative measure, except (i) by a vote of the people, or (ii) by a vote of
145 three-fourths of the members elected to each house of the General Assembly, or (iii) to correct purely
146 technical defects in the law without affecting its substance. Laws approved by the voters under the
147 referendum provisions of Section 2 of this article may be amended by the General Assembly at any
148 subsequent session thereof.

149 If two or more measures approved by the voters at the same election conflict, the measure receiving
150 the highest affirmative vote shall prevail.