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HOUSE JOINT RESOLUTION NO. 646

Offered January 14, 2015

Proposing an amendment to Section 1 of Article IV of the Constitution of Virginia and proposing an amendment to the Constitution of Virginia by adding an article numbered IV-A, consisting of sections numbered 1 and 2, relating to legislative power and initiative.

 Patron—Krupicka

 Referred to Committee on Privileges and Elections

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 propose laws to the General Assembly and to adopt or reject the same laws at the polls as provided in Article IV-A.*

ARTICLE IV-A
 INDIRECT INITIATIVE

Section 1. Indirect initiative.

The indirect initiative is the power of the voters to propose laws to the General Assembly and to adopt or reject the same laws at the polls. This power shall not extend to laws providing appropriations for the expenses of state government and institutions or to laws that the General Assembly may not pass under this Constitution.

An indirect 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 that have been signed by a number of qualified voters not less than five percent of the total number of votes cast in the Commonwealth for Governor at the last preceding gubernatorial election, provided that the number of signatures shall include at least 2,000 voters from each of the Commonwealth's congressional districts. The General Assembly shall provide by law for the form of petitions and for requirements and procedures for the circulation and verification of petitions, including (i) requirements that any person who circulates petitions be a legal resident of the Commonwealth, not be a felon whose voting rights have not been restored, and not be a minor; (ii) a requirement that petitions be circulated for not longer than one year; (iii) a procedure for verification of the signatures to the petitions on a reasonably continuous basis while the petitions are circulated; and (iv) a provision that signatures to the petitions not verified by the first day of the regular session shall not be counted.

Any law proposed by indirect initiative petition shall be either passed 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 is passed by the General Assembly and signed by the Governor, it shall become law.

If the law so proposed is not passed by the General Assembly during the session, the law so proposed shall be submitted to a vote of the people at the next statewide general election, provided that (a) the petition receives additional signatures of a number of qualified voters not less than ten percent of the total number of votes cast in the Commonwealth for Governor at the last preceding gubernatorial election and (b) the petition is circulated and the additional signatures are verified in accordance with law.

The General Assembly may reject any law so proposed by initiative petition and propose a different law on the same subject, upon separate roll calls; in such event, both proposed laws shall be submitted to the voters for approval or rejection at the next statewide general election. However, if the alternative law proposed by the General Assembly receives the vote of two-thirds of the members elected to each house, only the proposed alternative law shall be submitted to a vote of the people.

Such proposed law or laws and the question as it shall appear on the ballot shall be published in

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59 full as provided by law. The General Assembly shall provide by law for the disclosure of indirect
60 initiative campaign finances.

61 Section 2. Initiative law; effective date; veto, amendment, and repeal.

62 Any proposed law submitted to the people by indirect initiative petition and approved by a majority
63 of the votes cast thereon shall take effect on the tenth day after the date of the official declaration of the
64 vote unless a later effective date is specified in the law. If two or more measures approved by the voters
65 at the same election conflict, the measure receiving the highest number of affirmative votes shall prevail.

66 No law initiated and approved by the voters shall be subject to the veto power of the Governor, and
67 no law so adopted shall be amended or repealed except by a vote of the people unless (i) otherwise
68 provided in the initiative measure or (ii) solely to correct a technical defect without any change in the
69 substance of the law.