

LD2138144

HOUSE JOINT RESOLUTION NO. 73

Offered January 20, 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 4, and adding in Article XII a section numbered 1-A, relating to legislative power, initiative and referendum, and constitutional amendments.

Patrons—Callahan, Albo, Copeland, Crouch, Dudley, Hamilton, Hargrove, Harris, Ingram, Katzen, Kidd, Marshall, McClure, Miller, Mims, O'Brien, Orrock, Wardrup and Way; Senators: Howell, Potts 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 4, 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 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 five percent of the total vote cast for Governor in the last preceding gubernatorial election, provided that the required number of signatures shall include at least one thousand voters in each of the Commonwealth's congressional districts. 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 (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 one year, but not longer; (iii) that the signatures to the petitions may be verified on a reasonably continuous basis while the petitions are 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 either 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. 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.

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 five percent of the total vote cast for Governor in the last*
70 *preceding gubernatorial election, provided that the required number of signatures shall include at least*
71 *one thousand voters in each of the Commonwealth's congressional districts. The General Assembly by*
72 *law shall provide for the form of petitions and establish requirements and procedures for the circulation*
73 *and verification of petitions including (i) that any person who circulates petitions is a qualified voter of*
74 *the same or a contiguous congressional district as each person whose signature he witnesses; (ii) that*
75 *petitions may be circulated for one year, but not longer; and (iii) that the signatures to the petitions*
76 *may be verified on a reasonably continuous basis while the petitions are 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.*

99 *Section 4. Initiative and referendum powers of voters in localities.*

100 *The General Assembly shall provide for comparable initiative and referendum powers which may be*
101 *exercised by voters of counties, cities, towns or regional governments on local legislative matters. Such*
102 *local legislative matters shall include the levying of taxes and the issuance of bonds, but shall not*
103 *extend to appropriations for the expenses of government and governmental institutions.*

104 *The General Assembly shall provide that the petition requirements applicable at the local or regional*
105 *level shall include signatures by qualified voters of the jurisdiction equal in number to at least five*
106 *percent of the total vote cast for Governor in the jurisdiction in the last preceding gubernatorial*
107 *election and requirements comparable to those provided in this Article with respect to the initiative and*
108 *referendum power insofar as the same may be appropriate at the local or regional level.*

109 **ARTICLE XII**

110 **FUTURE CHANGES**

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

112 *Amendments may be proposed to this Constitution by petition of the qualified voters of this*
113 *Commonwealth. Every petition shall include the full text of the proposed amendment and be signed by*
114 *qualified voters equal in number to at least eight percent of the total vote cast for Governor in the last*
115 *preceding gubernatorial election, provided that the required number of signatures shall include at least*
116 *one thousand voters in each of the Commonwealth's congressional districts. The General Assembly, by*
117 *law, shall provide for the form of petitions and establish requirements and procedures for the*
118 *circulation and verification of petitions including (i) that any person who circulates petitions is a*
119 *qualified voter of the same or a contiguous congressional district as each person whose signature he*
120 *witnesses; (ii) that petitions may be circulated for one year, but not longer; and (iii) that the signatures*
121 *to the petitions may be verified on a reasonably continuous basis while the petitions are circulated.*

122 *The petition shall be presented to the state officer designated by law to receive the same petition at*
123 *least one hundred fifty days before the statewide general election at which the proposed amendment is*
124 *to be voted upon. The person designated by law to receive the petition shall make an official*
125 *announcement on the validity and sufficiency of the petition at least one hundred twenty days prior to*
126 *the election at which the proposed amendment is to be voted upon; and if the petition is valid and*
127 *sufficient, it shall be submitted to the voters at the next statewide general election. Such proposed*
128 *amendment, existing provisions of the Constitution which would be altered or abrogated thereby, and*
129 *the question as it shall appear on the ballot shall be published in full as provided by law. The General*
130 *Assembly shall provide by law for the disclosure of initiative campaign finances.*

131 *If the proposed amendment is approved by a majority of the voters voting on the question, it shall*
132 *become part of the Constitution and shall abrogate or amend existing provisions of the Constitution on*
133 *the first day of January after the date of the official declaration of the vote. If two or more amendments*
134 *approved by the voters at the same election conflict, the amendment receiving the highest affirmative*
135 *vote shall prevail.*