

4441

2015-2016 Regular Sessions

I N   S E N A T E

March 20, 2015

---

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to the constitution, in relation to providing the electors with the power of initiative and referendum

1     Section 1. Resolved (if the Assembly concur), That article 20 of the  
2     constitution be renumbered article 21 and a new article 20 be added to  
3     read as follows:

4                                     ARTICLE XX

5                                     INITIATIVE AND REFERENDUM

6     SECTION 1. THE LEGISLATIVE POWER OF THIS STATE SHALL BE VESTED IN THE  
7     SENATE AND ASSEMBLY, BUT THE PEOPLE RESERVE TO THEMSELVES THE POWER TO  
8     PROPOSE LAWS AND AMENDMENTS TO THE CONSTITUTION, AND TO ADOPT OR REJECT  
9     THE SAME, AT THE POLLS, INDEPENDENT OF THE LEGISLATURE, AND ALSO RESERVE  
10    THE POWER, AT THEIR OWN OPTION, TO SO ADOPT OR REJECT ANY ACT, OR  
11    SECTION OR PART OF ANY ACT, PASSED BY THE LEGISLATURE.

12    S 2. A. THE INITIATIVE IS THE POWER OF THE ELECTORS TO PROPOSE STAT-  
13    UTES AND AMENDMENTS TO THE CONSTITUTION AND TO ADOPT OR REJECT THEM.  
14    EVERY INITIATIVE STATUTE WHICH MANDATES THE EXPENDITURE OF MONIES SHALL  
15    CLEARLY STATE THE REVENUES FROM WHICH SUCH MONIES SHALL BE DERIVED.  
16    EVERY INITIATIVE STATUTE WHICH MANDATES A REDUCTION IN REVENUES OR  
17    EXPENDITURES SHALL CLEARLY STATE WHAT REVENUES WILL REPLACE THOSE  
18    REDUCED OR THE EXPENDITURES AND SERVICES TO BE REDUCED OR ELIMINATED.

19    B. AN INITIATIVE MEASURE MAY BE PROPOSED BY PRESENTING TO THE SECRE-  
20    TARY OF STATE A PETITION THAT SETS FORTH THE TEXT OF THE PROPOSED STAT-  
21    UTE OR AMENDMENT TO THE CONSTITUTION AND IS CERTIFIED TO HAVE BEEN  
22    SIGNED BY ELECTORS EQUAL IN NUMBER TO FIVE PERCENT IN THE CASE OF A  
23    STATUTE, AND EIGHT PERCENT IN THE CASE OF AN AMENDMENT TO THE CONSTITU-  
24    TION, OF THE VOTES FOR ALL CANDIDATES FOR GOVERNOR AT THE LAST GUBERNA-  
25    TORIAL ELECTION.

26    C. THE SECRETARY OF STATE SHALL THEN SUBMIT THE MEASURE AT THE NEXT  
27    GENERAL ELECTION HELD AT LEAST ONE HUNDRED THIRTY-ONE DAYS AFTER IT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

1 QUALIFIES OR AT ANY SPECIAL STATEWIDE ELECTION HELD PRIOR TO THAT GENER-  
2 AL ELECTION. THE GOVERNOR MAY CALL A SPECIAL STATEWIDE ELECTION FOR THE  
3 MEASURE.

4 D. AN INITIATIVE MEASURE EMBRACING MORE THAN ONE SUBJECT MAY NOT BE  
5 SUBMITTED TO THE ELECTORS OR HAVE ANY EFFECT EXCEPT THAT ANY NUMBER OF  
6 DISCRETE INITIATIVE MEASURES MAY BE SUBMITTED TO THE ELECTORS AT ANY  
7 GENERAL ELECTION OR ANY SPECIAL STATEWIDE ELECTION CALLED BY THE GOVER-  
8 NOR.

9 S 3. A. AN INITIATIVE OR REFERENDUM MEASURE APPROVED BY A MAJORITY OF  
10 THE VOTES THEREON TAKES EFFECT FIVE DAYS AFTER THE DATE OF THE OFFICIAL  
11 DECLARATION OF THE VOTE BY THE STATE BOARD OF ELECTIONS UNLESS THE MEAS-  
12 URE PROVIDES OTHERWISE. IF A REFERENDUM PETITION IS FILED AGAINST A PART  
13 OF A STATUTE THE REMAINDER OF THE STATUTE SHALL NOT BE DELAYED FROM  
14 GOING INTO EFFECT.

15 B. IF PROVISIONS OF TWO OR MORE MEASURES APPROVED AT THE SAME ELECTION  
16 CONFLICT, THOSE OF THE MEASURE RECEIVING THE HIGHEST AFFIRMATIVE VOTE  
17 SHALL PREVAIL.

18 C. ANY ISSUE DEFEATED BY REFERENDUM CANNOT BE RECONSIDERED BY THE  
19 LEGISLATURE FOR A PERIOD OF TWO YEARS. ANY INITIATIVE MEASURE THAT HAS  
20 BEEN ADOPTED CANNOT BE REPEALED OR AMENDED BY THE LEGISLATURE FOR A  
21 PERIOD OF TWO YEARS.

22 D. THE VETO POWER OF THE GOVERNOR SHALL NOT EXTEND TO AN INITIATIVE OR  
23 REFERENDUM STATUTE APPROVED BY THE ELECTORS.

24 E. PRIOR TO CIRCULATION OF AN INITIATIVE OR REFERENDUM PETITION FOR  
25 SIGNATURES, A COPY SHALL BE SUBMITTED TO THE ATTORNEY GENERAL WHO SHALL  
26 PREPARE A TITLE AND SUMMARY OF THE MEASURE AS PROVIDED BY LAW.

27 F. THE LEGISLATURE SHALL PROVIDE THE MANNER IN WHICH PETITIONS SHALL  
28 BE CIRCULATED, PRESENTED AND CERTIFIED, AND MEASURES SUBMITTED TO THE  
29 ELECTORS WITHIN A TWO YEAR PASSAGE OF THIS AMENDMENT TO THE CONSTITU-  
30 TION.

31 S 4. INITIATIVE AND REFERENDUM POWERS MAY BE EXERCISED BY THE ELECTORS  
32 OF EACH MUNICIPALITY UNDER PROCEDURES THAT THE LEGISLATURE SHALL  
33 PROVIDE.

34 S 5. NO AMENDMENT TO THE CONSTITUTION, AND NO STATUTE PROPOSED TO THE  
35 ELECTORS BY THE LEGISLATURE OR BY INITIATIVE, WHICH NAMES ANY INDIVIDUAL  
36 TO HOLD ANY OFFICE, OR NAMES OR IDENTIFIES ANY PRIVATE CORPORATION TO  
37 PERFORM ANY FUNCTION OR TO HAVE ANY POWER OR DUTY OR ATTEMPTS TO ABOLISH  
38 AN EXISTING STATE AGENCY, MAY BE SUBMITTED TO THE ELECTORS OR HAVE ANY  
39 EFFECT.

40 S 6. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, UPON ALL  
41 INITIATIVE AND REFERENDUM PETITIONS PROVIDED FOR IN THIS ARTICLE, IT  
42 SHALL BE ADDITIONALLY NECESSARY TO FILE FROM EACH CONGRESSIONAL DISTRICT  
43 OF THE STATE SUCH PETITIONS BEARING THE SIGNATURES OF NOT LESS THAN TWO  
44 THOUSAND FIVE HUNDRED OF THE ELECTORS OF SUCH CONGRESSIONAL DISTRICT.

45 S 2. Resolved (if the Assembly concur), That the foregoing amendment  
46 be referred to the first regular legislative session convening after the  
47 next succeeding general election of members of the assembly, and, in  
48 conformity with section 1 of article 19 of the constitution, be  
49 published for 3 months previous to the time of such election.