

5145

2015-2016 Regular Sessions

I N S E N A T E

May 4, 2015

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing the addition of a new article 20 to the constitution, in relation to providing for initiative

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

6 SECTION 1. 1. THE INITIATIVE IS THE POWER OF THE ELECTORS TO PROPOSE  
7 STATUTES AND AMENDMENTS TO THE CONSTITUTION AND TO ADOPT OR REJECT THEM.

8 2. AN INITIATIVE MEASURE MAY BE PROPOSED BY PRESENTING TO THE SECRE-  
9 TARY OF STATE A PETITION THAT SETS FORTH THE TEXT OF THE PROPOSED STAT-  
10 UTE OR AMENDMENT TO THE CONSTITUTION HAVING STATEWIDE SIGNIFICANCE AND  
11 IS CERTIFIED TO HAVE BEEN SIGNED BY TWENTY-FIVE THOUSAND ELECTORS.

12 3. THE PROPOSED STATUTE OR AMENDMENT TO THE CONSTITUTION SHALL HAVE  
13 BEEN PREVIOUSLY INTRODUCED DURING A LEGISLATIVE SESSION OF THE STATE.

14 4. THE SECRETARY OF STATE SHALL THEN SUBMIT THE MEASURE AT THE NEXT  
15 GENERAL ELECTION HELD AT LEAST ONE HUNDRED THIRTY-ONE DAYS AFTER IT  
16 QUALIFIES OR AT ANY SPECIAL STATEWIDE ELECTION HELD PRIOR TO THAT GENER-  
17 AL ELECTION. THE GOVERNOR MAY CALL A SPECIAL STATEWIDE ELECTION FOR THE  
18 MEASURE.

19 5. AN INITIATIVE MEASURE EMBRACING MORE THAN ONE SUBJECT MAY NOT BE  
20 SUBMITTED TO THE ELECTORS OR HAVE ANY EFFECT.

21 6. AN INITIATIVE MEASURE SHALL NOT INCLUDE OR EXCLUDE ANY POLITICAL  
22 SUBDIVISION OF THE STATE FROM THE APPLICATION OR EFFECT OF ITS  
23 PROVISIONS BASED UPON APPROVAL OR DISAPPROVAL OF THE INITIATIVE MEASURE,  
24 OR BASED UPON THE CASTING OF A SPECIFIED PERCENTAGE OF VOTES IN FAVOR OF  
25 THE MEASURE, BY THE ELECTORS OF THAT POLITICAL SUBDIVISION.

26 7. AN INITIATIVE MEASURE SHALL NOT CONTAIN ALTERNATIVE OR CUMULATIVE  
27 PROVISIONS WHEREIN ONE OR MORE OF THOSE PROVISIONS WOULD BECOME LAW

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

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1 DEPENDING UPON THE CASTING OF A SPECIFIED PERCENTAGE OF VOTES FOR OR  
2 AGAINST THE MEASURE.

3 S 2. 1. AN INITIATIVE STATUTE APPROVED BY A MAJORITY OF VOTES THEREON  
4 TAKES EFFECT THE DAY AFTER THE ELECTION UNLESS THE MEASURE PROVIDES  
5 OTHERWISE.

6 2. IF PROVISIONS OF TWO OR MORE MEASURES APPROVED AT THE SAME ELECTION  
7 CONFLICT, THOSE OF THE MEASURE RECEIVING THE HIGHEST AFFIRMATIVE VOTE  
8 SHALL PREVAIL.

9 3. THE LEGISLATURE MAY AMEND OR REPEAL AN INITIATIVE STATUTE BY ANOTH-  
10 ER STATUTE THAT BECOMES EFFECTIVE ONLY WHEN APPROVED BY THE ELECTORS  
11 UNLESS THE INITIATIVE STATUTE PERMITS AMENDMENT OR REPEAL WITHOUT THEIR  
12 APPROVAL.

13 4. PRIOR TO CIRCULATION OF AN INITIATIVE PETITION FOR SIGNATURES, A  
14 COPY SHALL BE SUBMITTED TO THE ATTORNEY GENERAL WHO SHALL PREPARE A  
15 LEGISLATIVE BILL DRAFT OF THE MEASURE.

16 5. THE LEGISLATURE SHALL PROVIDE THE MANNER IN WHICH PETITIONS SHALL  
17 BE CIRCULATED, PRESENTED, AND CERTIFIED, AND MEASURES SUBMITTED TO THE  
18 ELECTORS.

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