

## HOUSE JOINT RESOLUTION NO. 10.

JOINT RESOLUTION AGREEING TO A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF IOWA, PROVIDING FOR THE INITIATIVE AND REFERENDUM, WITH REFERENCE TO THE ENACTMENT OF LAWS AND AMENDMENTS TO THE CONSTITUTION.

Whereas, by House Joint Resolution No. 5 of the resolutions of the thirty-fifth general assembly, which resolution was approved April 17, 1913, an amendment to the constitution of the state of Iowa was proposed, and

Whereas, the said proposed amendment was agreed to by a majority of the members elected to the House of Representatives of the said thirty-fifth general assembly, and entered upon its journal at pages 1413, 1414, 1415 and 1416 thereof, and was also agreed to by a majority of the members elected to the Senate of said general assembly, and entered upon its journal at pages 2175, 2176, 2177 and 2178 thereof, and,

Whereas, the said resolution has been published as provided by law and has now been referred to this the thirty-sixth general assembly. Now, therefore,

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

That the proposed amendment to the constitution of the state of Iowa, as contained in and proposed by the said House Joint Resolution No. 5 of the resolutions of the thirty-fifth general assembly, which resolution, including its title, was and is in words and figures as follows, to-wit:

“Joint resolution to amend the constitution relating to legislative authority; providing for the initiative and referendum with reference to the enactment of laws, or laws enacted by the general assembly, and amendments to the constitution.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

That the following, designated as section one (1), be and the same is hereby proposed as an amendment to section one (1), of article (III) of the legislative department of the constitution of the state of Iowa, which, when agreed to by this, the thirty-fifth general assembly, shall be referred to the thirty-sixth general assembly and, if by it agreed to, shall be referred to the qualified electors of the state of Iowa, and, if approved and ratified by a majority of the qualified electors voting thereon, it

shall be valid as a part of the constitution of the state of Iowa, as amended, and, when said section one (1), of article (III) of the legislative department is so amended, it shall read as follows:

Section 1. The legislative authority of this state shall be vested in a general assembly which shall consist of a senate and house of representatives, and the style of every law shall be, "Be it enacted by the general assembly of the state of Iowa", but the people reserve unto themselves the right and power to propose laws, to enact, approve or reject the same at the polls, independent of the general assembly, and reserve the right and power to approve or reject any item, section or part of any act enacted by the general assembly, except otherwise provided by this section.

The general assembly shall fix the number of qualified electors required to propose the enactment of any proposed law, which shall not be less than twelve (12%) per cent nor more than twenty-two (22%) per cent of the qualified electors of each of the congressional districts of the state. Every law proposed by the people shall be presented by petition, signed by the required number of qualified electors, addressed to and filed with the secretary of state not less than one hundred and fifty (150) days before the general election at which the proposed law shall be submitted. The petition shall contain the full text of the proposed law, with title and enacting clause.

If the proposed measure be to enact a law, the enacting clause shall be as follows: "Be it enacted by the people of the state of Iowa."

The right and power to initiate and enact laws shall be restricted within the same constitutional limitation as apply to the general assembly.

The required number of qualified electors required to exercise the right and power to require an act passed by the general assembly to be referred for approval or rejection shall be fixed by the general assembly, but shall not be less than ten (10%) per cent nor more than twenty (20%) per cent of the qualified electors of each of the congressional districts of the state. Petitions therefor shall be addressed to and filed with the secretary of state within ninety (90) days from the final adjournment of the general assembly which passed the act to which the petition is addressed, and shall contain a full text of that part of the act to be referred; but such right and power shall not extend or apply to an act passed by the general assembly relating to the preservation of the public peace, public health or appropriations for the support and maintenance of the department of state and state institutions. All acts, and parts thereof, enacted by the general assembly and submitted to the people shall be and remain in full force and effect until rejected by the people, as herein provided.

Until the general assembly enacts a law fixing the per cent of qualified electors required for petition, the required per cent shall in all cases be fifteen (15%) per cent of the qualified electors of each of the congressional districts of the state.

34 The whole number of votes cast for secretary of the state at the regular general election last  
35 preceding the filing of petition shall be the basis for the number of legal voters required to sign  
36 such petition.

37 The veto power of the governor shall not apply or extend to any measure initiated and enacted by  
38 the people.

39 All measures for proposed laws under the initiative or referred under the referendum shall be  
40 submitted to the people for adoption or rejection at the regular biennial election first occurring  
41 after the filing of the petition.

42 All measures for proposed laws under the initiative shall become a law when approved by a ma-  
43 jority of the voters whose votes are cast thereon, and shall take effect as hereinafter provided.

44 Any measure referred under the referendum shall cease to be a law when rejected by a majority  
45 of the voters whose votes are cast thereon and proclamation has been made by the governor as here-  
46 inafter provided. All proposed laws under the initiative shall take effect and any measure referred  
47 under the referendum shall cease to be a law from and after the date of official declaration of the  
48 vote thereon by proclamation issued by the governor, which shall be not later than thirty days  
49 after the vote has been canvassed by the state canvassing board for that purpose, composed of  
50 the governor, secretary of state and attorney general, and certificate thereof made not later than  
51 December first following the election.

52 The petition contemplated by this section shall consist of sheets having such general form,  
53 printed or written, as shall be prescribed by the secretary of state, and shall be signed by the re-  
54 quired number of qualified electors, in their proper persons only, to which shall be attached the  
55 resident addresses of such persons signing the petition and the date of signing. To each of such  
56 sheets shall be attached and made a part thereof an affidavit of some qualified elector that each  
57 signature thereon is the signature of the person whose name it purports to be, and that, to the  
58 best of the knowledge and belief of the affiant, each of the persons signing said petition was, at  
59 the time of signing, a qualified elector. Such petition, so verified, shall be prima facie evidence  
60 that the signatures thereon are genuine and true, and that the persons signing the same are qualified  
61 electors of the state of Iowa.

62 Immediately upon the filing of a petition for the submission of a proposed law to the voters,  
63 the secretary of state shall submit the said proposed law to the supreme court for its opinion upon  
64 the constitutionality thereof, which shall be rendered within twenty (20) days, and if the court  
65 finds that the proposed measure conflicts with the constitution of the United States or the state of  
66 Iowa, the proposed measure shall not be submitted.

67 Until the general assembly shall provide by law a method of procedure of printing, distribut-  
68 ing and submitting proposed measures, the secretary of state shall, ninety (90) days preceding the

69 general election at which the measure will be voted upon, cause to be printed any and all measures  
70 for or to which petition has been filed, in pamphlet form, containing the full text thereof, with  
71 the title and enacting clause, together with arguments for and against the same, within the limits  
72 prescribed by the secretary of state. The number printed shall be not less than one for each voter  
73 voting at the last general election preceding the filing of the petition, which shall be delivered to  
74 the county auditor of each county.

75 For each voter in each voting precinct of each political party voting at the last general election,  
76 the auditor of each county shall deliver one copy to each precinct committeeman of each political  
77 party in the county.

78 The secretary of state shall submit all measures petitioned for in accordance with the provisions  
79 of this section, to the people for adoption or rejection at the polls in compliance herewith; but the  
80 right and power reserved to the people shall not operate to deprive or limit the power of the gen-  
81 eral assembly to enact laws.

82 If, at an election, conflicting measures submitted to the voters of the state shall be approved by  
83 a majority of the votes, severally cast thereon, the measure receiving the highest number of af-  
84 firmative votes shall become law as to all conflicting provisions.

85 In so far as applicable, the provisions of this amendment shall govern in the initiative and adop-  
86 tion of amendments to the constitution; provided, however, that no amendment so submitted shall  
87 become a part of the constitution until it shall have first received an affirmative majority vote at  
88 two successive regular biennial elections, the majority vote at the first of which shall be the author-  
89 ity for preparation of the ballot and re-submission at the second. The word "enacted" shall be  
90 replaced by the word "resolved" in the enacting clause when amendments to the constitution are  
91 submitted.

92 This section of the constitution shall be, in all respects, self-executive.

93 Be and the same is hereby agreed to, enacted and adopted.