

Constitutional Amendments.
March 5, 1935.

House Joint Resolution No. 7.

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HOUSE JOINT RESOLUTION

Joint Resolution proposing to so amend article three (III) and article ten (X) of the constitution of the state of Iowa as to reserve in the people of the state of Iowa the right and power to enact laws, to propose and adopt amendments to the constitution of Iowa, and to repeal any law or part thereof enacted by the General Assembly.

Be It Enacted by the General Assembly of the State of Iowa:

That article three (III) of the constitution of the state of Iowa be amended by adding thereto the following:

1 "Section 1. After the word "state" in line 1 of
2 section one (1) of article three (III) of the constitution
3 of the state of Iowa relating to the legislative department,
4 add the following: 'except as reserved to the people'.

1 "Section 2. That article three (III) of the constitution
2 of the state of Iowa be further amended by adding thereto the
3 following: 'Section thirty-nine (39). In addition to the legislative
4 authority vested in the General Assembly consisting of a
5 Senate and House of Representatives, the people reserve to
6 themselves the power to propose laws and to enact or reject
7 them at the polls, independent of the General Assembly,
8 and also reserve power at their own option, to approve
9 or reject at the polls any act, item, section or part of
10 any act, passed by the General Assembly. The style of

11 any law or amendment shall be: 'Be It Enacted by the
12 People of the State of Iowa'.

13 (a) Initiative is First Power. The first power
14 reserved by the people is the initiative whereby laws
15 may be enacted by the people independently of the General
16 Assembly. This power may be invoked by petition wherein
17 the proposed measure shall be set forth at length. If
18 the petition be for the enactmnt of a law, it shall be
19 signed by five (5) per cent of the electors of the state. In
20 all cases the electors signing such petition shall be so
21 distributed as to include five (5) per cent of the electors
22 of each of two-fifths of the counties of the state and
23 when thus signed the petition shall be filed with the
24 secretary of state, who shall submit the measure thus
25 proposed to the electors of the state at the first general
26 or special election held not less than four (4) months after
27 such petition shall have been filed. The same measure,
28 either in form or in essential substance, shall not be
29 submitted to the people by initiative petition, either
30 affirmatively or negatively, oftener than once in three
31 years. If conflicting measures submitted to the people
32 at the same election be approved, the one receiving the
33 highest number of affirmative votes shall thereby become
34 law as to all conflicting provisions. The constitutional
35 limitations as to the scope and subject matter of statutes
36 enacted by the General Assembly shall apply to those

37 enacted by the initiative.

38 (b) Referendum is Second Power. The second power
39 reserved is the referendum which may be invoked by petition
40 against any act or part of an act of the General Assembly,
41 except those acts making appropriations for the support of
42 the government and its various public agencies and acts for
43 the preservation of the public health, safety and security.

44 When the referendum is invoked, as to any act or part
45 of act, other than appropriation acts or emergency acts
46 or those for the immediate preservation of the public peace,
47 health or safety, by petition signed by not less than five (5) per
48 cent of the electors of the state, distributed as aforesaid,
49 it shall suspend the taking effect of such act or part of
50 act until the same has been approved by the electors of the
51 state.

52 (c) Basis of Votes for Initiative or Referendum, Veto
53 by Governor, Returns of Election, Non-partisan Manner of
54 Ballot. The whole number of votes cast for governor at the
55 general election next preceding the filing of an initiative
56 or referendum petition shall be the basis on which the number
57 of signatures to such petition shall be computed. The veto
58 power of the governor shall not extend to measures initiated
59 by or referred to the people. A measure initiated shall
60 become a law or part of the constitution, as the case may be,
61 when a majority of the votes cast thereon, and not less
62 than thirty-five (35) per cent of the total vote cast at the

63 election at which the same was submitted, are cast in favor
64 thereof, and shall take effect upon proclamation by the
65 governor which shall be made within ten (10) days after the
66 official canvass of such votes. The vote upon initiative
67 and referendum measures shall be returned and canvassed in
68 manner prescribed for the canvass of votes as provided for
69 by chapter six (6), Code, 1931. The provisions with respect
70 to the initiative and referendum shall be self-executing
71 but legislation may be enacted to facilitate their operation.
72 All propositions submitted in pursuance hereof shall be sub-
73 mitted in a non-partisan manner and without any indication or
74 suggestion on the ballot that they have been approved or
75 endorsed by any political party or organization. When such
76 proposed laws or measures are submitted to the people for
77 enactment or rejection by them the entire text of said proposed
78 law or measure shall appear on the ballot, and when two or
79 more measures have the same title, they shall be numbered
80 consecutively in the order of filing with the secretary of
81 state and the number shall be followed by the name of the
82 first petitioner on the corresponding petition.

1 “Section 3. That article ten (X) of the constitution
2 of the state of Iowa be amended by adding thereto the follow-
3 ing: ‘Section four (4). The people of the state of Iowa, without
4 limiting the right and power of the General Assembly and
5 constitutional conventions to propose amendments to the con-
6 stitution and to revise and amend the same as hereinabove

7 provided, reserve to themselves the right and power also to
8 initiate and propose amendments to the constitution of the
9 state of Iowa; that such constitutional amendments may be
10 initiated and proposed by the people by securing the signa-
11 tures of duly qualified electors of the state of Iowa, the
12 total number of which shall not be less than ten (10) per
13 cent of all the votes cast for governor of the state at the
14 last preceding general election. In all cases the electors
15 signing such petition shall be so distributed as to include
16 ten (10) per cent of the electors of each of two-fifths of the
17 counties of the state; that said petition, when signed by
18 the above required number of electors and in the manner set
19 forth, shall be filed with the secretary of the state of Iowa
20 and when so filed it shall be the duty of the secretary of
21 state to prepare the ballots for the people to vote thereon
22 at the first general or special election held thereafter,
23 but not less than four months after such petition shall have
24 been filed; that when such a proposed amendment to the
25 constitution is submitted to the people for enactment by
26 them the entire text of said proposed amendment shall appear
27 upon the ballot; if the majority of qualified electors voting
28 thereon at any such election, vote in favor of such proposed
29 amendment, then the same shall become a part of the constitu-
30 tion of the state of Iowa upon the official declaration of
31 the result of the election; that elections held for the
32 purposes hereinabove set forth shall be called and conducted

33 in accordance with all the laws of the state of Iowa relating
34 to the holding of elections; the style of such proposed
35 amendments shall be: 'Be It Enacted by the People of the
36 state of Iowa: ' ”

37 Be it further resolved that the foregoing proposed
38 amendment be and the same is hereby referred to the legislature
39 to be chosen at the next general election for members of the
40 next General Assembly in accordance with article ten (X) of
41 the constitution of the state of Iowa and that the secretary
42 of the state of Iowa cause the same to be published for three
43 months previous to the date of the said next election as
44 provided by law.