

FEB 23 1995

STATE GOVERNMENT

HOUSE JOINT RESOLUTION 12
BY BODDICKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa relating to the power of the people to
3 propose laws and amendments to the Constitution by initiative
4 petition and to enact or reject acts of the General Assembly
5 by referendum.

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

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HJR 12

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article III, Legislative Department, Section 1,
4 Constitution of the State of Iowa, is repealed and the
5 following adopted in lieu thereof:

6 GENERAL ASSEMBLY -- INITIATIVE AND REFERENDUM. Section 1.
7 The Legislative authority of this state is vested in a General
8 Assembly which shall consist of a Senate and a House of
9 Representatives. However, the people reserve the power to
10 propose laws and amendments to the Constitution by initiative
11 petition and to enact or reject such laws and amendments at
12 the polls, independently of the General Assembly, and they
13 also reserve the power to approve or reject at the polls any
14 act, or severable item, section, or part of any act, of the
15 General Assembly.

16 Initiative petitions shall be filed with the Secretary of
17 State not less than four months preceding the date of the
18 election at which the proposed measures are to be voted upon.
19 Each initiative petition, except a petition proposing an
20 amendment to the Constitution, shall be signed by qualified
21 electors equal in number to ten percent of the votes cast for
22 the office of Governor at the last general election in which
23 that office was on the ballot. Each initiative petition
24 proposing an amendment to the Constitution shall be signed by
25 qualified electors equal in number to fifteen percent of the
26 votes cast for the office of Governor at the last general
27 election in which that office was on the ballot.

28 Under the referendum power, the General Assembly or
29 qualified electors equal in number to five percent of the
30 votes cast for the office of Governor at the last general
31 election in which that office was on the ballot may order the
32 submission to the people at the polls of any act, or severable
33 item, section, or part of any act, enacted by the General
34 Assembly, except acts immediately necessary for the
35 preservation of the public peace, health, or safety, or for

1 the support and maintenance of the departments of the state
2 government and state institutions. However, in order for such
3 acts to be excepted from the referendum power, the acts shall
4 be approved by a majority of two-thirds of the members of each
5 house of the General Assembly, taken by roll call vote of yeas
6 and nays, and also approved by the Governor.

7 Referendum petitions shall be filed with the Secretary of
8 State not more than ninety days after the final adjournment of
9 the session of the General Assembly which shall have passed
10 the measure to which the referendum is applied. The filing of
11 a referendum petition against an act or any severable item,
12 section, or part of an act does not prevent the act from
13 becoming effective or suspend the operation of the act until
14 the question is decided by the voters at the polls. Each
15 referendum petition shall be signed by qualified electors
16 equal in number to five percent of the votes cast for the
17 office of Governor at the last general election in which that
18 office was on the ballot.

19 Each initiative or referendum petition shall contain the
20 declaration of each petitioner that the petitioner is a
21 qualified elector of the state, the petitioner's address, and
22 the date on which the petitioner signed the petition. Each
23 sheet containing petitioners' signatures shall be attached to
24 a full and correct copy of the title and text of the proposed
25 measure to be initiated or referred to the people, and every
26 sheet of the petition containing signatures shall be verified
27 by the affidavit of the person who circulated the sheet or
28 petition, setting forth that each of the names on the sheet or
29 petition was signed in the presence of the affiant and that in
30 the belief of the affiant each signer was a qualified elector
31 of the state.

32 All elections on measures referred to or initiated by the
33 people shall be held at the regular biennial general election.
34 When an initiative or referendum petition or any measure
35 referred to the people by the General Assembly is filed, the

1 Secretary of State shall cause to be printed on the official
2 ballot at the next regular biennial general election the title
3 and number of the measure, together with the words "Yes" and
4 "No" in such manner that the electors may express at the polls
5 their approval or disapproval of the measure. The text of all
6 measures to be submitted shall be published as proposed
7 amendments to the Constitution are published.

8 A simple majority of the votes cast on an act or measure is
9 necessary to enact an initiated measure or reject a referred
10 act. An initiated measure approved or ratified by the people
11 is effective January first following its approval. An act
12 rejected is repealed immediately upon certification of the
13 election results by the Secretary of State.

14 The veto power of the Governor shall not extend to
15 initiative or referendum measures approved by a majority vote
16 of the qualified electors.

17 If two or more conflicting measures or amendments are
18 placed on the same ballot, the Secretary of State shall
19 include on the ballot a statement notifying the elector of the
20 conflicting measures or amendments.

21 If two or more conflicting measures or amendments to the
22 Constitution shall be approved by the people at the same
23 election, the measure or amendment receiving the greatest
24 number of affirmative votes shall prevail.

25 The Secretary of State, in the presence of the Governor and
26 the Chief Justice of the Supreme Court, shall canvass the
27 votes for and against each proposed measure or amendment to
28 the Constitution within thirty days after the election, and
29 upon completion of the canvass shall issue a proclamation,
30 giving the entire number of votes cast for and against each
31 proposed measure or amendment to the Constitution, and
32 declaring those measures which were approved and those
33 amendments which were ratified.

34 The General Assembly may provide by law for procedures to
35 implement this section. The General Assembly shall provide a

1 penalty for any willful violation of any of the provisions of
2 this section.

3 This section shall not be construed to deprive the General
4 Assembly of the right to enact any measure.

5 The style of an act enacted by the General Assembly shall
6 be: "Be It Enacted by the General Assembly of the State of
7 Iowa". The style of an act submitted to the voters by an
8 initiative petition shall be: "Be It Enacted by the People of
9 the State of Iowa".

10 Sec. 2. The foregoing proposed amendment to the
11 Constitution of the State of Iowa is referred to the General
12 Assembly to be chosen at the next general election for members
13 of the General Assembly and the Secretary of State is directed
14 to cause the proposed amendment to be published for three
15 consecutive months before the date of that election as
16 provided by law.

17 EXPLANATION

18 This joint resolution proposes an amendment to the
19 Constitution of the State of Iowa granting the people the
20 power to initiate laws or amendments to the Constitution of
21 the State of Iowa by petition and to approve or reject the
22 measures at the polls (initiative). The resolution also
23 grants the general assembly and the people the power to refer
24 acts passed by the general assembly to a popular vote
25 (referendum). Both initiative and referendum petitions must
26 contain a specified number of signatures.

27 Initiative petitions must be filed with the secretary of
28 state not less than four months before the election at which
29 it will be voted on and referendum petitions must be filed not
30 more than 90 days after the General Assembly which passed the
31 measure adjourns.

32 The amendment provides that the power of referendum does
33 not extend to acts immediately necessary for the public
34 welfare or for support of state departments or institutions if
35 the act is approved by two-thirds of the members of each house

1 of the general assembly.

2 A measure or amendment approved by the people is effective
3 January 1 following its approval. An act rejected is repealed
4 effective immediately.

5 The resolution, if adopted, would be referred to the next
6 General Assembly for consideration.

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