

FEB 10 1997
STATE GOVERNMENT

HOUSE JOINT RESOLUTION 8
BY CORMACK

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.

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

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HSR 8

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4 Constitution of the State of Iowa, is repealed and the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. Section 1. The people
7 reserve to themselves the power to initiate laws and
8 amendments to the Constitution and adopt such laws and
9 amendments independently of the legislative authority. With
10 the exception of laws and amendments to the Constitution by
11 initiative petition, the Legislative authority of this State
12 is vested in a General Assembly which shall consist of a
13 Senate and a House of Representatives.

14 An initiative petition proposing a law or an amendment to
15 the Constitution shall be filed with the Secretary of State
16 not less than twelve months preceding the date of the election
17 at which the proposed law or amendment is to be voted upon.
18 Each initiative petition proposing a law shall be signed by
19 registered voters equal in number to five percent of the votes
20 cast for the office of Governor at the last general election
21 in which that office was on the ballot. Each initiative
22 petition proposing an amendment to the Constitution shall be
23 signed by registered voters equal in number to ten percent of
24 the votes cast for the office of Governor at the last general
25 election in which that office was on the ballot.

26 Each initiative petition shall contain the declaration of
27 each petitioner that the petitioner is a registered voter of
28 the State, the petitioner's address, and the date on which the
29 petitioner signed the petition. Each sheet containing
30 petitioners' signatures shall be attached to a full and
31 correct copy of the title and text of the proposed law or
32 amendment to be initiated, and every sheet of the petition
33 containing signatures shall be verified by the affidavit of
34 the person who circulated the sheet, setting forth that each
35 of the names on the sheet was signed in the presence of the

1 affiant and that in the belief of the affiant each signer was
2 a registered voter of the State.

3 Each law or amendment proposed by initiative petition shall
4 comply with the requirements of article III, section 29, or
5 article X, section 2, respectively, and shall not exceed five
6 thousand words in length. An analysis of the legal and fiscal
7 impact of the law or amendment shall be prepared and made
8 available to members of each house of the General Assembly and
9 to the public prior to the day of the election.

10 A law or amendment initiated by petition may be withdrawn
11 if a petition requesting withdrawal is filed with the
12 Secretary of State not later than one hundred twenty days
13 before the next general election. The petition requesting
14 withdrawal must contain the signatures of no less than two-
15 thirds of the signers of the initiative petition filed with
16 the Secretary of State. Upon the filing of a valid withdrawal
17 petition, the Secretary of State shall take no further action
18 on the initiative petition.

19 All elections on laws or amendments to the Constitution
20 initiated by the people shall be held at the regular biennial
21 general election. When an initiative petition is filed, the
22 Secretary of State shall cause to be printed on the official
23 ballot at the next regular biennial general election the title
24 of the law or amendment, together with the words "Yes" and
25 "No" in such manner that the voters may express at the polls
26 their approval or rejection of the law or amendment. The text
27 of all laws or amendments to be submitted shall be published
28 by the Secretary of State as required by law.

29 No more than five laws or amendments to the Constitution
30 initiated by petition may be placed on the ballot at any
31 general election. The first five petitions to be filed with
32 the Secretary of State and to meet the qualifications of this
33 section shall be placed on the ballot at the general election.

34 A simple majority of the votes cast for an initiated law or
35 amendment is necessary to approve the law or amendment. An

1 initiated law or amendment approved by the people is effective
2 July 1 following its approval.

3 The veto power of the Governor in article III shall not
4 extend to laws proposed by initiative petition and approved by
5 the electorate.

6 If two or more conflicting laws or amendments are placed on
7 the same ballot, the Secretary of State shall include on the
8 ballot a statement notifying the voters of the conflicting
9 laws or amendments.

10 If two or more conflicting laws or two or more conflicting
11 amendments to the Constitution are approved by the people at
12 the same election, the law or amendment receiving the greatest
13 number of affirmative votes shall prevail.

14 The Secretary of State, in the presence of the Governor and
15 the Chief Justice of the Supreme Court, shall canvass the
16 votes within thirty days after the election, and upon
17 completion of the canvass shall issue a proclamation, giving
18 the entire number of votes cast for and against each initiated
19 law or amendment to the Constitution and declaring those laws
20 or amendments which were approved.

21 A law or amendment to the Constitution proposed by
22 initiative petition and rejected at election shall not be
23 placed on the ballot more than once in a three-year period.

24 The General Assembly may provide by law for procedures to
25 implement this section. Such procedures shall in no way
26 restrict or impair the powers reserved to the people by this
27 section. The General Assembly shall provide a penalty for any
28 willful violation of any of the provisions of this section.

29 This section shall not be construed to deprive the General
30 Assembly of the right to enact any law. This section shall
31 not be construed to deprive the General Assembly or a
32 constitutional convention of the right to propose any
33 constitutional amendment as provided in article X, or to
34 deprive the people of the right to approve and ratify such a
35 proposed amendment as provided in article X.

1 The style of an act enacted by the General Assembly shall
2 be: "Be It Enacted by the General Assembly of the State of
3 Iowa." The style of an act submitted to the voters by an
4 initiative petition shall be: "Be It Enacted by the People of
5 the State of Iowa."

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

13 EXPLANATION

14 This Joint Resolution proposes an amendment to the
15 Constitution of the State of Iowa granting the people the
16 power to initiate laws or amendments to the Constitution of
17 the State of Iowa by petition and approve the laws or
18 amendments at the polls. Initiative petitions must contain a
19 specified number of signatures of registered voters. A
20 procedure for withdrawal of a petition is included.

21 Initiative petitions must be filed with the secretary of
22 state not less than 12 months before the election at which it
23 will be voted on.

24 The resolution also provides that any law or amendment to
25 the Constitution proposed by initiative petition shall not
26 exceed 5,000 words in length and that a legal and fiscal
27 analysis shall be prepared for members of the general
28 assembly. No more than five initiated laws or amendments may
29 be placed on the ballot at one time.

30 The resolution provides that the general assembly may enact
31 laws to implement this amendment to the Constitution.

32 An initiated law or amendment approved by the people is
33 effective July 1 following its approval. A law or amendment
34 proposed by initiative petition and rejected at election shall
35 not be placed on the ballot more than once in a three-year

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1 period.

2 The resolution, if adopted, would be referred to the next
3 general assembly for consideration.

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