

JAN 13 1999

STATE GOVERNMENT

HOUSE JOINT RESOLUTION

BY CORMACK

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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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HJR 4

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4 Constitution of the State of Iowa, is repealed and the  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 eligible electors 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 eligible electors 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 an eligible elector 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 an eligible elector 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, as provided by  
10 law.

11 A law or amendment initiated by petition may be withdrawn  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

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

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

35 A simple majority of the votes cast for an initiated law or

1 amendment is necessary to approve the law or amendment. An  
2 initiated law or amendment approved by the people is effective  
3 July 1 following its approval.

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

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

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

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

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

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

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

1 proposed amendment as provided in article X.

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

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

14 EXPLANATION

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

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

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

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

33 An initiated law or amendment approved by the people is  
34 effective July 1 following its approval. A law or amendment  
35 proposed by initiative petition and rejected at election shall

1 not be placed on the ballot more than once in a three-year  
2 period.

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

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