

House Joint Resolution 5 - Introduced

HOUSE JOINT RESOLUTION 5
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HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa relating to citizen initiatives to amend
3 the Constitution of the State of Iowa and the Iowa Code and
4 referendums to approve certain bills passed by the general
5 assembly.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 The Constitution of the State of Iowa is amended by adding the
4 following new sections to a new article:

5 ARTICLE ____.

6 INITIATIVE AND REFERENDUM.

7 Section 1. **Reservation of power to enact and reject**
8 **laws.** The people reserve the power to propose and enact or
9 reject laws and amendments to this Constitution by initiative,
10 independent of the general assembly, and also reserve the power
11 to approve or reject by referendum any Act of the general
12 assembly, except as otherwise provided in this article.

13 Sec. 2. **Initiative petitions — signatures required — form**
14 **and procedure.** An initiative petition proposing an amendment
15 to this Constitution shall be signed by a number of qualified
16 electors in each of at least three-fourths of the congressional
17 districts in the state equal to eight percent of the total
18 votes cast in the district for governor at the general election
19 immediately preceding the filing of the petition in which votes
20 were cast for the office of governor. The petition shall
21 be submitted to the secretary of state not less than six
22 months before the next general election. An initiative petition
23 proposing an amendment to the Constitution shall not contain
24 more than one amended article of the Constitution, or one new
25 article which shall not contain more than one subject and matters
26 properly related. An initiative petition proposing an amendment
27 to the Constitution shall include the resolving clause "Be it
28 resolved by the people of the state of Iowa:".

29 An initiative petition proposing a law shall be signed by a
30 number of qualified electors in each of at least three-fourths of
31 the congressional districts in the state equal to five percent of
32 the total votes cast in the district for governor at the general
33 election immediately preceding the filing of the petition in
34 which votes were cast for the office of governor. The petition
35 shall be submitted to the secretary of state not less than six

1 months before the next general election. An initiative petition
2 proposing a law shall not contain more than one subject which
3 shall be clearly expressed in the title. An initiative petition
4 proposing a law shall include the enacting clause "Be it enacted
5 by the people of the state of Iowa:".

6 **Sec. 3. Appropriations by initiative — effective date of**
7 **initiated laws — conflicting laws concurrently adopted.** An
8 initiative shall not appropriate any moneys other than new
9 revenues created and provided for in the initiative. Except
10 as otherwise provided in this Constitution, a law or amendment
11 to the Constitution proposed by an initiative takes effect when
12 approved by a majority of the votes cast thereon, unless a later
13 date is specified in the initiative. When conflicting laws or
14 amendments to the Constitution are approved at the same election,
15 the law or amendment to the Constitution receiving the largest
16 affirmative vote shall prevail.

17 **Sec. 4. Referendum — exceptions — procedure.** A referendum
18 to approve a bill passed by the general assembly, other than
19 laws necessary for the immediate preservation of the public
20 peace, health, or safety and laws making appropriations for the
21 current expenses of the state government, for the maintenance of
22 state institutions, or for the support of public schools, may be
23 ordered by a petition signed by a number of qualified electors
24 in each of at least three-fourths of the congressional districts
25 in the state equal to five percent of the total votes cast in
26 the district for governor at the general election immediately
27 preceding the filing of the petition in which votes were cast
28 for the office of governor. Referendum petitions shall be filed
29 with the secretary of state not more than ninety days after
30 the final adjournment of the session of the general assembly in
31 which the bill that is the subject of the referendum was passed.
32 A referendum shall be presented to the people at the general
33 election next held after the submission of the petition to the
34 secretary of state.

35 A bill referred to the people is not subject to approval or

1 veto by the governor and the approval or veto of a bill later
2 referred to the people shall be void. A bill referred to the
3 people shall take effect upon the approval of the referendum by a
4 majority of qualified electors who cast votes thereon, regardless
5 of any effective date stated in the bill.

6 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
7 amendment to the Constitution of the State of Iowa is referred
8 to the general assembly to be chosen at the next general election
9 for members of the general assembly, and shall be published as
10 provided by law for three months previous to the date of that
11 election.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This joint resolution proposes an amendment to the
16 Constitution of the State of Iowa relating to citizen initiatives
17 and referendums. The amendment creates a process to allow
18 qualified electors to submit petitions to amend the Constitution
19 of the State of Iowa and the Iowa Code. The amendment requires
20 a petition to amend the Constitution to be signed by a number
21 of qualified electors in each of at least three-fourths of
22 the congressional districts in the state equal to 8 percent
23 of the total votes cast in the district for governor at the
24 preceding general election and petitions to amend the Iowa Code
25 to be signed by a number of qualified electors in each of at
26 least three-fourths of the congressional districts in the state
27 equal to 5 percent of the total votes cast in the district
28 for governor at the preceding general election. The petition
29 must be submitted to the secretary of state not less than six
30 months before the next general election. Initiatives shall
31 not appropriate moneys not generated by the initiative and take
32 effect when approved by a majority of the votes cast thereon
33 unless a later date is provided for in the initiative. If
34 conflicting amendments to the Constitution or laws are approved
35 at the same election, the measure receiving a greater number of

1 affirmative votes prevails.

2 The amendment also creates a process for the referral of a
3 bill passed by the general assembly to the people for approval.
4 The amendment requires a petition to approve a bill passed by the
5 general assembly to include signatures from a number of qualified
6 electors in each of at least three-fourths of the congressional
7 districts in the state equal to 5 percent of the total votes cast
8 in the district for governor at the preceding general election.
9 The petition must be submitted to the secretary of state not
10 later than 90 days after the final adjournment of the session
11 during which the general assembly approved the bill. A bill
12 referred to the people is not subject to approval or veto by the
13 governor. The initiative excludes certain types of bills from
14 the referendum process.
15 The resolution, if adopted, would be published and then
16 referred to the next general assembly (92nd) for adoption, before
17 being submitted to the electorate for ratification.