

Senate Joint Resolution 8 - Introduced

SENATE JOINT RESOLUTION 8
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SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa relating to citizen initiatives to amend the
3 Constitution of the State of Iowa.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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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 INITIATIVES.

7 Section 1. **Reservation of power to amend Constitution.** The
8 people reserve the power to propose and enact or reject
9 amendments to this Constitution by initiative, independent of the
10 general assembly.

11 Sec. 2. **Initiative petitions — signatures required — form
12 and procedure.** An initiative petition proposing an amendment
13 to this Constitution shall be signed by a number of qualified
14 electors equal to ten percent of the total number of ballots
15 cast for governor in the last gubernatorial election, including
16 signatures from a number of qualified electors from at least
17 one-half of all counties in this state equal to five percent
18 of the total number of ballots cast for governor in the last
19 gubernatorial election in that county. The initiative petition
20 shall contain the full text of the proposed amendment to this
21 Constitution, and shall include the phrase "Amendment to the
22 Constitution of the State of Iowa Proposed by Initiative to be
23 Submitted Directly to the Electors" printed at the top. The
24 petition shall be submitted to the secretary of state, who shall
25 cause the initiative to be submitted to the electorate at the
26 next general election occurring at least one hundred twenty-five
27 days after the submission of the petition. Except as provided in
28 section 3 of this article, a constitutional amendment proposed
29 by initiative petition takes effect upon the approval of the
30 amendment by a majority of qualified electors casting votes
31 thereon.

32 An initiative petition proposing an amendment to this
33 Constitution may include an argument from the petitioner in
34 favor of the constitutional amendment, which shall not exceed
35 three hundred words. The general assembly, or the governor

1 if the general assembly is not in session, shall appoint a
2 person to prepare an argument in opposition to the proposed
3 constitutional amendment, which shall not exceed three hundred
4 words. The proposed constitutional amendment, together with any
5 arguments for or against the proposed constitutional amendment,
6 shall be published as provided in article X, section 1, of this
7 Constitution prior to the election.

8 The signatures for an initiative petition proposing an
9 amendment to this Constitution may be obtained and presented
10 in separate parts, but each part shall contain a full and
11 correct copy of the title and the proposed amendment to this
12 Constitution. Each signer shall include the signer's name, the
13 date, and the signer's address. The secretary of state shall
14 determine the sufficiency of the signatures not later than one
15 hundred five days before the election.

16 The supreme court shall have original, exclusive jurisdiction
17 over all challenges made to petitions and signatures under
18 this section. A challenge to a petition or signature must be
19 filed not later than ninety-five days before the election. The
20 supreme court shall hear and rule on a challenge made to a
21 petition or signature not later than eighty-five days before the
22 election. If a ruling determining the petition or signature to
23 be insufficient is not issued at least eighty-five days before
24 the election, the petition and signatures shall be presumed to be
25 sufficient.

26 If a petition or signature is determined to be insufficient,
27 ten additional days shall be allowed for the filing of additional
28 signatures to the petition, if necessary. If additional
29 signatures are filed, the secretary of state shall determine
30 the sufficiency of those additional signatures not later than
31 sixty-five days before the election. Any challenge to the
32 additional signatures shall be filed not later than fifty-five
33 days before the election. The court shall hear and rule on
34 any challenges made to the additional signatures not later than
35 forty-five days before the election. If a ruling determining the

1 additional signatures to be insufficient is not issued at least
2 forty-five days before the election, the petition and signatures
3 shall be presumed to be sufficient.

4 **Sec. 3. Limitations.** An initiative proposing an amendment
5 to this Constitution shall not be used to authorize any
6 classification of property for the purpose of levying different
7 rates of taxation thereon, to authorize the levy of any single
8 tax on land or land values or land sites at a higher rate or
9 by a different rule than is or may be applied to improvements
10 thereon or to personal property, to grant or create a monopoly,
11 oligopoly, or cartel, to specify or determine a tax rate, or
12 to confer a commercial interest, commercial right, or commercial
13 license to any person or nonpublic entity that is not then
14 available to other similarly situated persons or nonpublic
15 entities.

16 If it appears to the secretary of state that an initiative
17 proposing an amendment to this Constitution violates this
18 section, the secretary of state shall prescribe two separate
19 questions to appear on the ballot. The first question shall
20 ask whether the petitioner shall be authorized to initiate
21 a constitutional amendment in violation of this section.
22 The second question shall be whether to adopt the proposed
23 constitutional amendment. A proposed constitutional amendment
24 in violation of this section shall take effect only upon the
25 approval of both questions by a majority of qualified electors
26 who cast votes thereon.

27 The supreme court shall have original, exclusive jurisdiction
28 in any action that relates to this section.

29 **Sec. 2. REFERRAL AND PUBLICATION.** The foregoing proposed
30 amendment to the Constitution of the State of Iowa is referred
31 to the general assembly to be chosen at the next general election
32 for members of the general assembly, and shall be published as
33 provided by law for three months previous to the date of that
34 election.

35

EXPLANATION

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

3 This joint resolution proposes an amendment to the
4 Constitution of the State of Iowa relating to citizen initiatives
5 to amend the Constitution of the State of Iowa. The amendment
6 allows a petitioner who collects a number of signatures from
7 qualified electors equal to 10 percent of the total number of
8 ballots cast for governor in the last gubernatorial election,
9 including signatures from a number of qualified electors from at
10 least one-half of all counties in this state equal to 5 percent
11 of the total number of ballots cast for governor in the last
12 gubernatorial election in that county, to submit the proposed
13 constitutional amendment to the secretary of state for submission
14 to the electorate at a general election.

15 The amendment allows a petitioner to include with a proposed
16 constitutional amendment an argument of no more than 300 words
17 in support of a proposed constitutional amendment. The amendment
18 requires the general assembly, or the governor if the general
19 assembly is not in session, to appoint a person to submit
20 an argument of no more than 300 words in opposition to the
21 constitutional amendment. The amendment requires the proposed
22 constitutional amendment, along with the arguments for and
23 against the proposed constitutional amendment, to be published
24 in the same manner as a constitutional amendment proposed by the
25 general assembly.

26 For proposed constitutional amendments that violate certain
27 principles enumerated in the resolution's amendment, the
28 resolution's amendment requires electors to both approve the
29 right of the petitioner to propose the constitutional amendment
30 and to approve the proposed constitutional amendment. The
31 proposed constitutional amendment only takes effect upon the
32 approval of both questions by a majority of qualified electors
33 casting votes thereon.

34 The amendment grants the Iowa supreme court original
35 and exclusive jurisdiction over challenges to petitions and

1 signatures for constitutional amendments proposed by initiative.
2 The amendment creates a timeline for the challenge of petitions
3 and signatures, the resolution of such challenges, and the curing
4 of insufficient petitions.

5 The resolution, if adopted, would be published and then
6 referred to the next general assembly (92nd) for adoption, before
7 being submitted to the electorate for ratification.

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