

Model I&R Legislation

Section 1: The legislative power of the people of this State shall be vested in a General Assembly, which shall consist of the Senate and House of Representatives, but the people reserve to themselves the power to propose legislative measures, laws and amendments to the Constitution, and to enact or reject the same at the polls independent of the General Assembly; and also reserve the power, at their own option, to approve or reject at the polls any entire act or any item passed by the General Assembly.

Section 2: The first power reserved by the people is the initiative. Eight percent of the citizens who cast a vote for Governor in the last statewide election may propose a constitutional amendment by initiative petition and five percent of the citizens who cast a vote for Governor in the last statewide election may propose any law. Every such petition shall include the full text of the measure so proposed. Initiative petitions for statewide measures shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon.

Section 3: The second power reserved by the people is the popular referendum. Five percent of the citizens who cast a vote for Governor in the last statewide election may, by petition, place on the ballot any general act, bill or measures passed by the General Assembly. Such petition shall be filed with the Secretary of State not later than 120 days after the final adjournment of the session at which such act was passed. Any act, bill or measure referred to the people by popular referendum petition shall not be effective until the popular referendum is voted on by the people.

Section 4: No initiative approved by a vote of the people shall be amended or repealed by the General Assembly. The veto power of the Governor shall not extend to initiatives or popular referendum voted on by the people.

Section 5: All initiatives and popular referendum shall be submitted only at regular statewide elections.

Section 6: Any initiative or popular referendum submitted to the people as herein provided shall take effect and become law when approved by a majority of the votes cast upon such measure, and not otherwise, and shall not be required to receive a majority of the electors voting at such elections. Such measures shall be operative on and after the 30th day after the election at which it was approved, unless otherwise specified in the act.

Section 7: Nothing in these sections shall be construed to deprive any member of the General Assembly of the right to carry out his or her constitutional duties.

Section 8: If conflicting initiatives shall be approved by a majority of the votes severally cast for and against the same at the same election, the one receiving the highest number of affirmative votes shall become law.

Section 9: No limitation shall be placed upon the number of constitutional amendments, laws or other measures which may be proposed and submitted to the people by either initiative or popular referendum as provided in this act.

Section 10: Only the signatures of registered voters shall be counted upon petitions. All signatures upon petitions shall be deemed valid unless challenged. The sufficiency of all statewide petitions shall be decided in the first instance by the Secretary of State, subject to review by the Supreme Court of the State, which shall have original and exclusive jurisdiction over all such causes. If the sufficiency of any petition is challenged, such cause shall be a preference cause and shall be tried at once, but the failure of the courts to decide prior to the election as to the sufficiency of any such petition shall not prevent the question from being placed upon the ballot at the election named in such petition, nor militate against the validity of such measure, if it shall have been approved by a vote of the people.

Section 11: If the Secretary of State shall decide any petition to be insufficient, he shall without delay notify the sponsors of such petition, and permit at least thirty days from the date of such notification for the sponsors to submit additional signatures so as to make the petition sufficient.

Section 12: No law shall be passed to prohibit any person or persons from giving or receiving compensation for circulating petitions, nor to prohibit the circulation of petitions, nor in any manner interfering with the freedom of the people in procuring petitions; but laws shall be enacted prohibiting and penalizing perjury, forgery and all other felonies or other fraudulent practices in the securing of signatures or filing petitions.

Section 13: The style of all laws initiated by and submitted under the provisions of this act shall be, "Be It Enacted by the People of the State of (insert state name)". In submitting initiatives to the people, the Secretary of State shall be guided by the general election laws of the state until additional legislation is provided therefor.

Section 14: This act shall be self executing, and all its provisions shall be treated as mandatory, but laws may be enacted to facilitate its operation. No legislation shall be enacted to restrict, hamper or impair the exercise of the rights herein reserved to the people.