

House Concurrent Resolution No. 5024

By Committee on Federal and State Affairs

2-22

A PROPOSITION to amend article 2 of the constitution of the state of Kansas by adding a new section thereto, authorizing initiation and enactment of laws by the registered voters of the state.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 2 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

“§1a. Initiative. (a) Notwithstanding the provisions of section 1 of article 2, laws may be proposed by petition of registered voters of this state and enacted by the registered voters of the state as provided by this section. No law shall be so proposed or enacted which dedicates any revenue, makes or repeals any appropriation, relates to matters concerning the courts or their jurisdiction or funding or is prohibited by this constitution or the constitution of the United States. The enacting clause of any proposed law submitted to the voters pursuant to this section shall be: “Be it enacted by the People of the State of Kansas:

“(b) Prior to being circulated for signatures, the petition, together with the proposed law and proposed ballot summary, shall be submitted to the office of the attorney general for determinations as to proper form, legality and constitutionality. Such determinations shall be rendered in writing within 30 days after submission of the petition. any person aggrieved by the determinations of the attorney general may file, within 10 days after the rendering of the determinations, a proceeding in quo warranto with the supreme court. In determining the constitutionality of the proposed law, such law shall be strictly construed so that such proposed law may contain no more than one subject.

“(c) At the time the petition is submitted to the attorney general,

1 the proposed law shall be submitted as provided by law for an es-
2 timate of the fiscal effect of the proposed law.

3 “(d) Each page of a petition initiating a proposed law shall con-
4 tain the ballot summary and each separately circulated portion of
5 the petition shall contain or have attached thereto the full text of
6 the proposed law and the estimate of its fiscal effect. The ballot
7 summary shall be a brief nontechnical statement expressing the in-
8 tent or purpose of the proposed law and shall contain language
9 which clearly states that a “yes” vote is a vote in favor of the prop-
10 osition and a “no” vote is a vote against the proposition. The ballot
11 summary shall not exceed 150 words and shall not reflect partiality
12 in its composition or contain any argument for or against the pro-
13 posed law.

14 “(e) The petition shall be signed by registered voters equal in
15 number to not less than 5% of the total number of registered voters
16 of the state on the date of last statewide general election. Not less
17 than 60% of the valid signatures on the petition shall be equally
18 apportioned among residents of each of the senatorial districts of
19 the state and the petition shall contain valid signatures of not less
20 than 1% of the registered voters of each county of the state. Peti-
21 tioners shall file the signed petition in the office of the secretary of
22 state not more than 180 days after final determinations as to proper
23 form, legality and constitutionality of the petition. The filing shall
24 be made at one time all in one group. Later or successive filings of
25 documents shall be deemed to be separate petitions and not a part
26 of any other filing. The secretary of state shall have 60 days to
27 determine if the petition contains the requisite number of valid
28 signatures.

29 “(f) Within one business day after a petition is filed with the
30 secretary of state, the secretary of state shall notify the attorney
31 general of the filing of such petition. The attorney general shall
32 determine whether the law proposed by the petition conflicts with
33 any law proposed by an earlier filed petition for submission to the
34 voters at the same election. If the attorney general determines that
35 there is a conflict, the petition shall be invalid. Such determination
36 shall be rendered in writing within 20 days after the filing of the
37 petition. Any person aggrieved by the determination of the attorney
38 general may file, within 10 days after the rendering of the deter-
39 mination, a proceeding in quo warranto with the supreme court.
40 The supreme court shall render a decision in the case not later than
41 30 days after the proceeding is filed.

42 “(g) If a petition is not invalid due to a conflict with a law pro-
43 posed by an earlier filed petition and the secretary of state deter-

1 mines that the petition contains the requisite number of valid sig-
2 natures, the secretary of state shall cause the ballot summary to be
3 submitted to the registered voters of the state at the next general
4 election for state representatives held not less than 180 days after
5 the petition is filed, except that no more than three proposed laws
6 shall be submitted under the authority of this section at any one
7 election. If more than three valid petitions are filed within the time
8 prescribed by this section, the laws proposed by the first three valid
9 petitions filed in the office of the secretary of state shall be sub-
10 mitted at the election and the remaining petitions shall be deemed
11 null and void.

12 “Publication and submission of the proposed law shall be in the
13 manner prescribed by law for propositions to amend the constitu-
14 tion and the proposed law shall be submitted by the ballot summary.
15 The secretary of state shall cause a copy of the full text of the pro-
16 posed law to be filed in the office of the county election officer of
17 each county.

18 “(h) If a majority of the registered voters voting on a proposed
19 law vote for the law, the law shall take effect on the first day of July
20 following enactment of the law, after certification by the state board
21 of canvassers, unless a later date is prescribed within the law itself.
22 If a law approved by the registered voters through initiative is in
23 conflict with the preexisting law, the preexisting law shall be effec-
24 tively amended or repealed.

25 “If less than a majority of the registered voters voting on a pro-
26 posed law vote for the proposed law, the proposed law shall have
27 no force or effect and shall not be again proposed by initiative within
28 four years following the date of rejection unless proposed by a pe-
29 tition signed by registered voters equal in number to 25% of the
30 total vote cast for the office of governor at the last election for such
31 office.

32 “(i) Laws enacted pursuant to this section shall not require the
33 signature of nor be subject to veto by the governor. The legislature
34 shall retain the power to amend or repeal any law enacted pursuant
35 to this section but any amendment or repeal enacted on or before
36 the fortieth day of the next regular legislative session following the
37 approval of the law by the registered voters shall require the affir-
38 mative vote of not less than two-thirds of the members then elected
39 (or appointed) and qualified in each house.

40 “(j) The provisions of this section shall be self-executing, but
41 legislation may be enacted to facilitate its implementation. The leg-
42 islature shall provide for reporting of expenditures and contribu-
43 tions made to support or oppose proposed laws submitted to the

1 registered voters pursuant to this section.
2 Sec. 2. The following statement shall be printed on the ballot with
3 the amendment as a whole:

4 "Explanatory statement. This amendment would authorize the reg-
5 istered voters of the state to propose and enact laws independent
6 of the legislature.

7 "A vote for this proposition would favor granting to the registered
8 voters the right to propose and enact laws independent of the
9 legislature.

10 "A vote against this proposition would retain the power to propose
11 and enact laws in the state legislature without the right of initia-
12 tive in the registered voters."

13 Sec. 3. This resolution, if approved by two-thirds of the members
14 elected (or appointed) and qualified to the House of Representatives, and
15 two-thirds of the members elected (or appointed) and qualified to the
16 Senate shall be entered on the journals, together with the yeas and nays.
17 The secretary of state shall cause this resolution to be published as pro-
18 vided by law and shall cause the proposed amendment to be submitted
19 to the electors of the state at a special election in the year 2002 unless a
20 special election is called at a sooner date by concurrent resolution of the
21 legislature, in which case it shall be submitted to the electors of the state
22 at the special election.

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