

House Concurrent Resolution No. 5025

By Committee on Federal and State Affairs

2-22

A PROPOSITION to amend article 14 of the constitution of the state of Kansas by adding a new section thereto, relating to amendment of the constitution by propositions initiated by 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 14 of the constitution of the state of Kansas is amended by adding a new section 3 thereto to read as follows:

“§ 3. **Initiative of voters.** Propositions for the amendment of this constitution may be initiated by petition of registered voters of this state and submitted to the registered voters of the state for their approval or rejection as provided by this section. Such propositions may amend one or more sections within a single article of the constitution as may be necessary to accomplish the objective of the amendment. Each proposition must relate to one subject. No amendment to the constitution shall be initiated or adopted pursuant to this section which: Dedicates any revenue; makes or repeals any appropriation; relates to matters concerning the courts or their jurisdiction or funding; or encroaches on any right guaranteed by the bill of rights of this constitution or of the constitution of the United States or is prohibited by the constitution of the United States; amends provisions regarding enactment of laws, initiation of laws by the voters or submission of laws to the voters for approval; amends provisions regarding adoption of amendments to the Kansas constitution, initiation of amendments to the Kansas constitution by the voters or submission of amendments to the Kansas constitution to the voters for approval; or reapportions or amends procedures for reapportionment of legislative, congressional, judicial or state board of education districts.

“Prior to being circulated for signatures, a petition initiating a proposition to amend the constitution shall be submitted to the

1 office of the attorney general for determinations as to proper form,
2 legality and constitutionality of the proposed amendment. Such de-
3 terminations shall be rendered in writing within 21 days after sub-
4 mission of the petition. Any person aggrieved by the determinations
5 of the attorney general may file, within 10 days after the rendering
6 of the determinations, a proceeding in quo warranto with the su-
7 preme court.

8 “Each separately circulated portion of the petition shall contain
9 or have attached thereto the full text of the proposed amendment
10 to the constitution. The petition shall be signed by registered voters
11 of the state equal in number to not less than 8% of the total number
12 of registered voters of the state on the date of the last statewide
13 general election. Not less than 60% of the valid signatures on the
14 petition shall be equally apportioned among residents of each of
15 the senatorial districts of the state and the petition shall contain
16 valid signatures of not less than 1% of the registered voters of each
17 county of the state. Petitioners shall file the signed petition in the
18 office of the secretary of state not more than 180 days after final
19 determinations as to proper form, legality and constitutionality of
20 the petition. The filing shall be made at one time all in one group.
21 Later or successive filings shall be deemed to be separate petitions
22 and not a part of any other filing. The secretary of state shall have
23 60 days to determine if the petition contains the requisite number
24 of valid signatures.

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

38 “If a petition is not invalid due to a conflict with an amendment
39 proposed by an earlier filed petition and the secretary of state de-
40 termines that the petition contains the requisite number of valid
41 signatures, the secretary of state shall cause the proposed amend-
42 ment to be submitted to the registered voters of the state at the
43 next statewide general election held not less than 180 days after the

1 petition is filed, except that not more than three proposed amend-
2 ments shall be submitted under the authority of this section at any
3 one election. If more than three valid petitions are filed within the
4 time prescribed by this section, the amendments proposed by the
5 first three valid petitions filed in the office of the secretary of state
6 shall be submitted at the election and the remaining petitions shall
7 be deemed null and void. Publication and submission of the pro-
8 posed amendment shall be in the manner provided by law for other
9 propositions to amend the constitution and the proposed amend-
10 ment shall be submitted by the amendment as a whole.

11 “If two-thirds or more of the registered voters voting on the pro-
12 posed amendment vote for such amendment, the secretary of state
13 shall file the proposed amendment with the clerk of the house of
14 representatives on or before the next December 31 following the
15 election. Upon the commencement of the first regular legislative
16 session following the election, the speaker of the house of repre-
17 sentatives and the president of the senate shall promptly cause the
18 proposed amendment to be submitted by resolution to the respec-
19 tive houses of the legislature for its approval. Such resolution shall
20 be referred to committee, receive a hearing, and be reported either
21 favorably, without amendment, or unfavorably and shall be voted
22 on by the respective house. If a majority of all the members elected
23 (or appointed) and qualified to each house shall approve such res-
24 olution, the amendment shall become a part of the constitution. If
25 more than one-third of the registered voters voting on the proposed
26 amendment vote against the amendment, the proposed amendment
27 shall not again be submitted to the registered voters of the state
28 within four years following the date of rejection.

29 “The provisions of this section shall be self-executing, but legis-
30 lation may be enacted to facilitate its implementation. The legisla-
31 ture shall provide for reporting of expenditures and contributions
32 made to support or oppose proposed amendments submitted to the
33 registered voters pursuant to this section.”

34 Sec. 2. The following statement shall be printed on the ballot with
35 the amendment as a whole:

36 “Explanatory statement. The purpose of this amendment is to au-
37 thorize proposals for amendment of this constitution to be orig-
38 inated by petition of registered voters of the state.

39 “A vote for this amendment favors permitting the origination of
40 constitutional amendments by petition of registered voters.

41 “A vote against this amendment favors the present system of per-
42 mitting origination of constitutional amendments only by the leg-
43 islature through concurrent resolution or constitutional

1 convention.”
2 Sec. 3. This resolution, if approved by two-thirds of the members
3 elected (or appointed) and qualified to the House of Representatives, and
4 two-thirds of the members elected (or appointed) and qualified to the
5 Senate shall be entered on the journals, together with the yeas and nays.
6 The secretary of state shall cause this resolution to be published as pro-
7 vided by law and shall cause the proposed amendment to be submitted
8 to the electors of the state at the general election in the year 2002 unless
9 a special election is called at a sooner date by concurrent resolution of
10 the legislature, in which case it shall be submitted to the electors of the
11 state at the special election.

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