

## Senate Concurrent Resolution No. 1605

By Senators Holland, Haley and Pittman

2-1

1 A PROPOSITION to amend article 14 of the constitution of the state of  
2 Kansas by adding a new section thereto; relating to the powers of  
3 initiative and referendum.

4  
5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
6 *members elected (or appointed) and qualified to the Senate and two-*  
7 *thirds of the members elected (or appointed) and qualified to the*  
8 *House of Representatives concurring therein:*

9 Section 1. The following proposition to amend the constitution of  
10 the state of Kansas shall be submitted to the qualified electors of the state  
11 for their approval or rejection: Article 14 of the constitution of the state of  
12 Kansas is hereby amended by adding a new section to read as follows:

13 **"§ 3. Initiative and referendum powers.** (a) (1) The  
14 people reserve the power to propose and enact or reject  
15 amendments to this constitution by initiative, independent of the  
16 legislature.

17 (2) An initiative amendment to this constitution may be  
18 proposed only by a petition signed by not less than 8% of the  
19 qualified electors who voted in the last preceding gubernatorial  
20 election in each of two of the congressional districts in the state.

21 (3) An initiative petition shall include the full text of the  
22 proposed amendment to this constitution. A proposed  
23 amendment shall not contain more than one subject, and the  
24 enacting clause thereof shall be "Be it resolved by the people of  
25 the State of Kansas:".

26 (4) The title of each proposed amendment to this  
27 constitution shall be specified in the initiative petition and shall  
28 be a brief nontechnical statement expressing the intent or  
29 purpose of the proposed amendment and the effect of a vote for  
30 and a vote against the proposed amendment.

31 (5) When more than one proposed amendment to this  
32 constitution is submitted at the same election, such proposed  
33 amendments shall be so submitted as to enable the electors to  
34 vote separately on each proposed amendment.

35 (6) One amendment to this constitution may revise any  
36 entire article, except the article on general provisions, and in

1 revising any article, the article may be renumbered, and all or  
2 parts of other articles may be amended or amended and  
3 transferred to the article being revised.

4 (7) Not more than five amendments proposed by initiative  
5 shall be submitted at the same election.

6 (b) (1) Notwithstanding the provisions of section 1 of  
7 article 2 of this constitution, the people reserve the power to  
8 propose and enact or reject laws by initiative, independent of  
9 the legislature.

10 (2) An initiative law may be proposed only by a petition  
11 signed by not less than 5% of the qualified electors who voted  
12 in the last preceding gubernatorial election in each of two of the  
13 congressional districts in the state.

14 (3) An initiative petition shall include the full text of the  
15 proposed law. A proposed law shall not contain more than one  
16 subject, and the enacting clause thereof shall be "Be it enacted  
17 by the people of the State of Kansas:".

18 (4) The title of each proposed law shall be specified in the  
19 initiative petition and shall be a brief nontechnical statement  
20 expressing the intent or purpose of the proposed law and the  
21 effect of a vote for and a vote against the proposed law.

22 (5) When more than one proposed law is submitted at the  
23 same election, such proposed law shall be so submitted as to  
24 enable the electors to vote separately on each proposed law.

25 (6) An initiative petition that requires the appropriation of  
26 moneys shall only require the appropriation of moneys directly  
27 attributable to revenues collected pursuant to the provisions of  
28 the petition, and the purpose of such appropriation shall not  
29 otherwise be prohibited by this constitution.

30 (c) (1) The people reserve the power to approve or reject  
31 by referendum any bill enacted by the legislature, except as  
32 otherwise provided in this subsection.

33 (2) A referendum on a bill, or any part thereof, may be  
34 ordered by a petition signed by not less than 5% of the qualified  
35 electors who voted in the last preceding gubernatorial election  
36 in each of two of the congressional districts in the state.

37 (3) A referendum petition shall not be allowed on any part  
38 of a bill:

39 (A) Necessary for the immediate preservation of the public  
40 peace, health or safety; or

41 (B) making or repealing any appropriation of moneys.

42 (4) A referendum ordered by petition on a part of a bill  
43 shall not delay the remainder of the bill from becoming

1 effective.

2 (5) A referendum on a bill may be ordered by the  
3 legislature by law.

4 (6) Notwithstanding section 14 of article 2 of this  
5 constitution, a bill ordering a referendum and a bill on which a  
6 referendum is ordered shall not require the signature of the  
7 governor or be subject to veto by the governor.

8 (d) (1) Before an initiative or referendum petition may be  
9 circulated for signatures, a draft of such petition shall be  
10 submitted to the secretary of state in the form in which such  
11 petition will be circulated for signatures. Upon submission of a  
12 draft petition to the secretary of state, the name and address of  
13 an individual shall be provided to the secretary of state as the  
14 individual to whom any notices shall be sent. The secretary of  
15 state shall transmit a copy of the draft petition to the attorney  
16 general for review. The secretary of state and the attorney  
17 general shall each review the draft petition for sufficiency as to  
18 form, approve or reject the form of the draft petition and state  
19 the reasons for rejection, if any.

20 (2) Upon receipt of a draft petition from the secretary of  
21 state, the attorney general shall examine the draft petition as to  
22 form. The attorney general shall send notice of approval or  
23 rejection of the draft petition to the secretary of state within 10  
24 days after receipt of the draft petition.

25 (3) The secretary of state shall review the notice of  
26 approval or rejection of the attorney general and make a final  
27 decision as to the approval or rejection of the form of the draft  
28 petition. The secretary of state shall send written notice of such  
29 approval or rejection, including the reasons for rejection, to the  
30 individual designated to receive notices within 30 days after  
31 submission of the draft petition.

32 (4) No petition may be submitted to the secretary of state  
33 for review until the day immediately following the date of the  
34 regular general election that immediately precedes the regular  
35 general election for which the petition is submitted.

36 (5) A petition signed by the required number of qualified  
37 electors shall be submitted to the secretary of state on or before  
38 June 1 prior to the date of the next regular general election.

39 (e) All elections on initiative and referendum measures  
40 shall be held at the regular general elections in even-numbered  
41 years, unless otherwise ordered by the legislature pursuant to  
42 subsection (c)(5).

43 (f) Notwithstanding any provision of this constitution to

1 the contrary, an initiative or referendum measure shall become  
2 effective 30 days after the day on which it is enacted or  
3 approved by a majority of the votes cast thereon. When  
4 conflicting measures are approved at the same election, the one  
5 receiving the largest affirmative vote shall prevail.

6 (g) If any initiative measure is not approved but receives an  
7 affirmative vote of at least  $\frac{1}{3}$  of the total votes cast on such  
8 measure, then such measure shall be placed on the ballot at the  
9 next regular general election in an even-numbered year without  
10 the submission of any petition for such measure. But no such  
11 measure shall be placed on the ballot at a third consecutive  
12 regular general election unless a petition has been submitted in  
13 accordance with this section.

14 (h) The provisions of this section shall be self-executing,  
15 but legislation may be enacted to facilitate its implementation."

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

18 "*Explanatory statement.* This amendment would allow the  
19 people to propose and enact or reject amendments to the  
20 constitution of the state of Kansas by initiative, independent  
21 of the legislature. This amendment would also allow the  
22 people to propose and enact or reject laws by initiative,  
23 independent of the legislature. Finally, this amendment  
24 would allow a referendum on any bill enacted by the  
25 legislature either by petition from the people or by order of  
26 the legislature by law. A referendum petition would not be  
27 allowed on any part of a bill necessary for the immediate  
28 preservation of the public peace, health or safety or any part  
29 of a bill making or repealing any appropriation.

30 "A vote for this proposition would reserve to the people the  
31 power to propose and enact or reject laws and amendments  
32 to the constitution of the state of Kansas by initiative,  
33 independent of the legislature, and the power to approve or  
34 reject by referendum any bill enacted by the legislature.

35 "A vote against this proposition would not make any changes to  
36 the constitution and would not reserve the powers of  
37 initiative and referendum to the people."

38 Sec. 3. This resolution, if approved by two-thirds of the members  
39 elected (or appointed) and qualified to the Senate and two-thirds of the  
40 members elected (or appointed) and qualified to the House of  
41 Representatives, shall be entered on the journals, together with the yeas  
42 and nays. The secretary of state shall cause this resolution to be published  
43 as provided by law and shall cause the proposed amendment to be

- 1 submitted to the electors of the state at the general election in November
- 2 in the year 2022, unless a special election is called at a sooner date by
- 3 concurrent resolution of the legislature, in which case it shall be
- 4 submitted to the electors of the state at the special election.