

1 H.714

2 Introduced by Representatives Wright of Burlington, Clark of Vergennes and

3 Devereux of Mount Holly

4 Referred to Committee on

5 Date:

6 Subject: Elections; legislature; citizens' initiative process

7 Statement of purpose: This bill proposes to establish a citizens' initiative

8 process and to require the general assembly to vote on laws proposed by

9 citizens in accordance with this process.

10 An act relating to a citizens' initiative process

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 2 V.S.A. chapter 27 is added to read:

13 CHAPTER 27. CITIZENS' INITIATIVE PROCESS

14 § 1001. INITIATIVES AUTHORIZED

15 The citizens of this state may propose legislation for enactment by the

16 general assembly, provided that prior to presentation to the general assembly,

17 the legislation is first approved by the voters at a statewide election in

18 accordance with the process set forth in this chapter.

1 § 1002. APPLICATION FOR INITIATIVE PROPOSITION

2 Twenty-five registered voters may apply to the secretary of state to prepare
3 an initiative petition. The application shall be filed between January 1 and
4 June 1 of even-numbered years. The application shall contain the text of the
5 proposition, a proposed concise description of the proposition, the names and
6 addresses of the applicants, and the name and address of their designated
7 agent.

8 § 1003. REVIEW OF PETITION

9 (a) Within 14 days after the initiative proposition is filed, the secretary of
10 state shall:

11 (1) review the petition and, after consultation with the legislative
12 council, make any nonsubstantive changes the secretary deems appropriate to
13 ensure clarity and consistency of form and expression with the Vermont
14 Statutes Annotated;

15 (2) revise, if necessary, the concise description to assure that it is
16 accurate, fair, and impartial; and

17 (3) return the documents to the designated agent.

18 (b) Upon request, the secretary of state or the secretary's designee shall
19 meet with the designated agent within 10 days after return of the documents to
20 attempt to resolve any disagreements about form, style, or wording. Within 10
21 days after return, the agent shall give or withhold his or her assent to the

1 wording of the petition and the description. If the agent withholds his or her
2 assent, a petition shall not be prepared.

3 § 1004. INITIATIVE BALLOT

4 (a) With the assent of the agent, the secretary of state shall assign the
5 petition a number.

6 (b) Within 10 days after assent, the secretary shall prepare the form of the
7 petition which shall be used for the initiative proposition. The petition shall
8 contain on each page a caption describing the subject of the initiative
9 proposition, the number assigned to the petition, the description of the
10 initiative proposition, the statement of the proposition, and space for the
11 signatures and addresses of registered voters. Reproduction of the petition
12 shall not be the responsibility of the secretary of state.

13 (c) The statement of the petition shall be in the following form:

14 “We, the undersigned, being registered voters in the State of Vermont,
15 request that the following question be placed on the ballot of the general
16 election to be held November ___ :

17 “Shall Proposition ___, relating to [subject], be brought before
18 the ___ session of the general assembly for a recorded vote?”

1 § 1005. VALIDITY OF PETITION

2 (a) The petition shall be filed with the secretary of state on or before
3 September 1 of the year in which the application was filed under section 2002
4 of this title.

5 (b) The petition shall contain the signatures of 30,000 individuals
6 registered to vote in the state and shall contain at least 1,000 signatures from
7 each county in the state.

8 (c) The secretary of state shall, within 10 days after the filing of the
9 petition, determine whether sufficient legal names have been submitted to
10 satisfy the requirements of subsection (b) of this section. The secretary of state
11 may use a random sampling method in making the determination.

12 (d) If the secretary of state finds that the number of legal names is
13 insufficient, he or she shall promptly notify the agent, who may request a
14 name-by-name validation until a sufficient number of legal names has been
15 found to validate the petition, or until it is mathematically impossible for the
16 requirement to be met. The secretary of state shall assess the agent \$0.25 for
17 each name validated under this subsection, whether the number of names is
18 found to be sufficient, and may require the posting of adequate surety before
19 undertaking the name-by-name validation.

1 § 1006. INITIATIVE BALLOT

2 (a) In each year in which an application for a petition is accepted under
3 section 1002 of this section, the secretary of state shall prepare at most two
4 initiative ballots. The first two petitions determined to be valid under section
5 1005 of this section shall be the petitions for which an initiative ballot is
6 prepared.

7 (b) The article for a statewide public question on an initiative proposition
8 shall be prepared by the secretary of state. The article shall identify the
9 proposition by its assigned number and contain the concise summary approved
10 under section 1003 of this title and a question worded to describe the chief
11 purpose of the proposition so that an affirmative response to the question
12 corresponds to an affirmative vote on the proposition.

13 (c) A copy of the complete text of the initiative proposition shall be filed in
14 the town clerk's office prior to the date of the general election. Copies of the
15 proposition shall be available to members of the public upon request, free of
16 charge, and shall be conspicuously posted at the polling place.

17 (d) If the initiative proposition is approved by a majority of the votes cast
18 on that question, the secretary of state shall immediately forward the certificate
19 of the canvassing committee, together with the full text of the proposition, to
20 the clerk of the house of representatives.

1 § 1007. ACTION OF THE GENERAL ASSEMBLY

2 (a) Upon organization of the general assembly in the January following the
3 general election at which an initiative proposition is approved by the voters,
4 the speaker of the house shall promptly cause the proposition to be introduced
5 without alteration as a bill.

6 (b) Within 20 legislative days after the beginning of the session, the
7 committee to which the bill was referred, if any, shall report the bill to the
8 house, without amendment or with proposed committee amendments. The
9 house shall proceed promptly to consider the bill, and the vote on final passage
10 shall be by roll call.

11 (c) If the vote in the house is in the affirmative, the bill shall forthwith be
12 messed to the senate. Within 20 legislative days after the beginning of the
13 session, the committee to which the bill was referred, if any, shall report the
14 bill to the senate, without amendment or with proposed committee
15 amendments. The senate shall proceed promptly to consider the bill, and the
16 vote on final passage shall be by roll call.

17 (d) Except as otherwise provided in this section, the rules of the house of
18 representatives and the senate, including those related to presentment of bills to
19 the governor, shall apply to enactment of an initiative proposition.