

1 H.320

2 Introduced by Representative Wright of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Elections; legislature; citizens' initiative process

6 Statement of purpose of bill as introduced: This bill proposes to establish a
7 citizens' initiative process and to require the General Assembly to vote on laws
8 proposed by citizens in accordance with this process.

9 An act relating to a citizens' initiative process

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

11 Sec. 1. 2 V.S.A. chapter 30 is added to read:

12 CHAPTER 30. CITIZENS' INITIATIVE PROCESS

13 § 1001. INITIATIVES AUTHORIZED

14 The citizens of this State may propose legislation for enactment by the
15 General Assembly, provided that prior to presentation to the General
16 Assembly, the legislation is first approved by the voters at a statewide election
17 in accordance with the process set forth in this chapter.

18 § 1002. APPLICATION FOR INITIATIVE PROPOSITION

19 Twenty-five registered voters may apply to the Secretary of State to prepare
20 an initiative petition. The application shall be filed between January 1 and

1 June 1 of even-numbered years. The application shall contain the text of the
2 proposition, a proposed concise description of the proposition, the names and
3 addresses of the applicants, and the name and address of their designated
4 agent.

5 § 1003. REVIEW OF PETITION

6 (a) Within 14 days after the initiative proposition is filed, the Secretary of
7 State shall:

8 (1) review the petition and, after consultation with the Legislative
9 Council, make any nonsubstantive changes the Secretary deems appropriate to
10 ensure clarity and consistency of form and expression with the Vermont
11 Statutes Annotated;

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

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

15 (b) Upon request, the Secretary of State or designee shall meet with the
16 designated agent within 10 days after return of the documents to attempt to
17 resolve any disagreements about form, style, or wording. Within 10 days after
18 return, the agent shall give or withhold his or her assent to the wording of the
19 petition and the description. If the agent withholds his or her assent, a petition
20 shall not be prepared.

1 § 1004. INITIATIVE BALLOT

2 (a) With the assent of the agent, the Secretary of State shall assign the
3 petition a number.

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

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

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

15 “Shall Proposition , relating to [subject], be brought before
16 the session of the General Assembly for a recorded vote?”

17 § 1005. VALIDITY OF PETITION

18 (a) The petition shall be filed with the Secretary of State on or before
19 September 1 of the year in which the application was filed under section 2002
20 of this title.

1 (b) The petition shall contain the signatures of 30,000 individuals
2 registered to vote in the State and shall contain at least 1,000 signatures from
3 each county in the State.

4 (c) The Secretary of State shall, within 10 days after the filing of the
5 petition, determine whether sufficient legal names have been submitted to
6 satisfy the requirements of subsection (b) of this section. The Secretary of
7 State may use a random sampling method in making the determination.

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

16 § 1006. INITIATIVE BALLOT

17 (a) In each year in which an application for a petition is accepted under
18 section 1002 of this section, the Secretary of State shall prepare at most two
19 initiative ballots. The first two petitions determined to be valid under section
20 1005 of this section shall be the petitions for which an initiative ballot is
21 prepared.

1 (b) The article for a statewide public question on an initiative proposition
2 shall be prepared by the Secretary of State. The article shall identify the
3 proposition by its assigned number and contain the concise summary approved
4 under section 1003 of this title and a question worded to describe the chief
5 purpose of the proposition so that an affirmative response to the question
6 corresponds to an affirmative vote on the proposition.

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

11 (d) If the initiative proposition is approved by a majority of the votes cast
12 on that question, the Secretary of State shall immediately forward the
13 certificate of the canvassing committee, together with the full text of the
14 proposition, to the Clerk of the House of Representatives.

15 § 1007. ACTION OF THE GENERAL ASSEMBLY

16 (a) Upon organization of the General Assembly in the January following
17 the general election at which an initiative proposition is approved by the
18 voters, the Speaker of the House shall promptly cause the proposition to be
19 introduced without alteration as a bill.

20 (b) Within 20 legislative days after the beginning of the session, the
21 committee to which the bill was referred, if any, shall report the bill to the

1 House, without amendment or with proposed committee amendments. The
2 House shall proceed promptly to consider the bill, and the vote on final
3 passage shall be by roll call.

4 (c) If the vote in the House is in the affirmative, the bill shall forthwith be
5 messed to the Senate. Within 20 legislative days after the beginning of the
6 session, the committee to which the bill was referred, if any, shall report the
7 bill to the Senate, without amendment or with proposed committee
8 amendments. The Senate shall proceed promptly to consider the bill, and the
9 vote on final passage shall be by roll call.

10 (d) Except as otherwise provided in this section, the rules of the House of
11 Representatives and the Senate, including those related to presentment of bills
12 to the Governor, shall apply to enactment of an initiative proposition.

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on passage.