

## **Procedure to Amend the Vermont Constitution**

### ***I. Introduction***

The Vermont Constitution controls the operation of State government, and [Vt. Const. Ch. II, § 72](#) provides the requirements to amend our Constitution. This section generally requires the Senate to propose amendments every other biennium; the House to concur in that “proposing” biennium; the Senate and House to again concur in the following biennium; and then ratification by the voters.

Senate and House Rules provide details regarding how the chambers fulfill these constitutional procedures and statute provides further details in law, all in accordance with these constitutional requirements.

This document summarizes this constitutional amendment procedure.

### ***II. Text of Vt. Const. Ch. II, § 72***

#### **§ 72. [AMENDING CONSTITUTION]**

At the biennial session of the General Assembly of this State which convenes in A.D. 1975, and at the biennial session convening every fourth year thereafter, the Senate by a vote of two-thirds of its members, may propose amendments to this Constitution, with the concurrence of a majority of the members of the House of Representatives with the amendment as proposed by the Senate. A proposed amendment so adopted by the Senate and concurred in by the House of Representatives shall be referred to the next biennial session of the General Assembly; and if at that last session a majority of the members of the Senate and a majority of the House of Representatives concur in the proposed amendment, it shall be the duty of the General Assembly to submit the proposal directly to the voters of the state. Any proposed amendment submitted to the voters of the state in accordance with this section which is approved by a majority of the voters voting thereon shall become part of the Constitution of this State.

Prior to the submission of a proposed amendment to a vote in accordance with this section, public notice of the proposed amendment shall be given by proclamation of the Governor.

The General Assembly shall provide for the manner of voting on amendments proposed under this section, and shall enact legislation to carry the provisions of this section into effect.

### ***III. Summary of Vt. Const. Ch. II, § 72***

Vt. Const. Ch. II, § 72 allows proposals to amend the Vermont Constitution to be introduced only by Senators, and only every other biennial session. The 2019–2020 biennium is a session in which Senators may introduce such proposals.

A proposal must be adopted by both chambers during the biennial legislative session in which it is introduced, and then again in the *next* biennial legislative session.

As set forth in the following bulleted details, the chamber vote requirements are higher in the “proposing” biennium than they are in the subsequent biennium. After approval by both chambers in those two bienniums, the Governor’s only role is to issue a proclamation to provide public notice of the proposed amendment. The proposal must then be approved by a majority of the voters in the State.

The General Assembly is given specific authority to enact law to carry the provisions of this section into effect.

#### ***IV. Details Regarding the Constitutional Amendment Procedure***

##### ***A. “Proposing” Biennium***

###### ***i. Senate***

- A proposal to amend the Vermont Constitution may be introduced in the Senate every other biennial legislative session. Vt. Const. Ch. II, § 72.
- [Senate Rules 76-82 and 85](#) provide the Senate’s procedure in this biennium.
  - *See also* the last page of the [4/2/19 Senate Calendar](#).
- The Senate must approve a proposal in this biennium ***by a vote of two-thirds of its members***. Vt. Const. Ch. II, § 72. In other words, at least **20 Senators** must approve.
  - A roll call is required. Senate Rule 80.

###### ***ii. House***

- [House Rule 51a](#) provides the House’s procedure to consider the proposal. To summarize, in accordance with this rule:
  - The proposal is referred to the committee of jurisdiction.
  - If the proposal is considered, the committee shall conduct a public hearing prior to voting on the proposal.
  - If voted out of committee, it will appear on the Notice Calendar for four days and be up for Action on the fifth day.
- The House must concur with the proposal ***by a majority of the members of the House***. Vt. Const. Ch. II, § 72. In other words, at least **76 House members** must approve.
  - As stated in [1971, Atty. Gen. Op. No. 656-F](#), the House must concur with—and cannot amend—the Senate proposal.
  - However, it is possible for the Senate to request the House to return a proposal before the House acts on it, in order for the Senate to further amend the proposal. Senate Rule 82.

## B. Subsequent Biennium

### i. Senate

- If the House has concurred with the proposal in the previous biennium, Senate Rule 83 requires the Committee on Judiciary or on Rules to direct the proposal to be printed in the Calendar, with Action on the seventh legislative day after printing.
- The Senate must concur with the proposal **by a majority of the members of the Senate**. Vt. Const. Ch. II, § 72. In other words, at least **16 Senators** must approve.

### ii. House

- House Rule 51a again applies.
- The House must concur with the proposal **by a majority of the House**. Because the language is not dependent upon House *membership*, it indicates it means a majority of a House *quorum*. Under Vt. Const. Ch. II, § 14, a majority of House members (76) constitutes a quorum. In other words, at least **a majority of the House members present and constituting a quorum** must approve. For example, if only the bare minimum 76 House members are present to constitute a quorum, at least 39 of them must approve. If there are 100 House members present, 51 must approve, etc.

## C. Voter Ratification

- If passed by both chambers in both bienniums, the Governor must provide public notice of the proposed amendment by proclamation. Vt. Const. Ch. II, § 72.
- The proposal is submitted to the voters of the State for ratification; voters must ratify **by majority vote**. Vt. Const. Ch. II, § 72.
  - Vt. Const. Ch. II, § 72 requires the General Assembly to enact legislation to carry the provisions of that section into effect.
  - [17 V.S.A. ch. 32](#) provides the process for voters to ratify proposed amendment, with [17 V.S.A. § 1842](#) of that chapter providing that this vote happens at the general election.
  - *Note* that past practice has been for the voters to only see on the ballot the actual text of the proposed amendment, and not any Sec. 1 Findings, Purpose, etc.