

House Concurrent Resolution No. 5007

By Representatives Fairchild and Collins

1-22

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 House of*
7 *Representatives and two-thirds of the members elected (or appointed)*
8 *and qualified to the Senate 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 10% of the
19 qualified electors who voted in the last preceding gubernatorial
20 election.

21 (3) An initiative petition shall be filed with the secretary of
22 state not less than 120 days prior to the election at which the
23 proposed amendment is to be voted upon and not more than 360
24 days after such petition was approved pursuant to subsection
25 (d).

26 (4) An initiative petition shall include the full text of the
27 proposed amendment to this constitution. A proposed
28 amendment shall not contain more than one subject, and the
29 enacting clause thereof shall be "Be it resolved by the people of
30 the State of Kansas:".

31 (5) The title of each proposed amendment to this
32 constitution shall be specified in the initiative petition and shall
33 be a brief nontechnical statement expressing the intent or
34 purpose of the proposed amendment and the effect of a vote for
35 and a vote against the proposed amendment.

36 (6) When more than one proposed amendment to this

1 constitution is submitted at the same election, such proposed
2 amendments shall be so submitted as to enable the electors to
3 vote on each proposed amendment separately.

4 (7) One amendment to this constitution may revise any
5 entire article, except the article on general provisions, and in
6 revising any article, the article may be renumbered and all or
7 parts of other articles may be amended, or amended and
8 transferred to the article being revised.

9 (8) Not more than five amendments proposed by initiative
10 shall be submitted at the same election.

11 (b) (1) Notwithstanding the provisions of section 1 of
12 article 2 of this constitution, the people reserve the power to
13 propose and enact or reject laws by initiative, independent of
14 the legislature.

15 (2) An initiative law may be proposed only by a petition
16 signed by not less than 5% of the qualified electors who voted
17 in the last preceding gubernatorial election.

18 (3) An initiative petition shall be filed with the secretary of
19 state not less than 120 days before the election at which the
20 proposed law is to be voted upon and not more than 360 days
21 after such petition was approved pursuant to subsection (d).

22 (4) An initiative petition shall include the full text of the
23 proposed law. A proposed law shall not contain more than one
24 subject, and the enacting clause thereof shall be "Be it enacted
25 by the people of the State of Kansas:".

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

30 (6) When more than one proposed law is submitted at the
31 same election, such proposed law shall be so submitted as to
32 enable the electors to vote on each proposed law separately.

33 (7) An initiative petition that requires the appropriation of
34 moneys shall only require the appropriation of moneys directly
35 attributable to revenues collected pursuant to the provisions of
36 the petition, and the purpose of such appropriation shall not
37 otherwise be prohibited by this constitution.

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

41 (2) A referendum on a bill, or any part thereof, may be
42 ordered by a petition signed by not less than 5% of the qualified
43 electors who voted in the last preceding gubernatorial election.

1 (3) A referendum petition shall be filed with the secretary
2 of state not more than 120 days after the final adjournment of
3 the session of the legislature at which the bill was passed.

4 (4) A referendum petition shall not be allowed on any part
5 of a bill:

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

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

9 (5) A referendum ordered by petition on a part of a bill
10 shall not delay the remainder of the bill from becoming
11 effective.

12 (6) A referendum on a bill may be ordered by the
13 legislature by law.

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

18 (d) (1) Before an initiative or referendum petition may be
19 circulated for signatures, a draft of such petition shall be
20 submitted to the secretary of state in the form in which such
21 petition will be circulated for signatures. Upon submission of a
22 draft petition to the secretary of state, the name and address of
23 an individual shall be provided to the secretary of state as the
24 individual to whom any notices shall be sent. The secretary of
25 state shall transmit a copy of the draft petition to the attorney
26 general for review. The secretary of state and the attorney
27 general shall each review the draft petition for sufficiency as to
28 form, approve or reject the form of the draft petition and state
29 the reasons for rejection, if any.

30 (2) Upon receipt of a draft petition from the secretary of
31 state, the attorney general shall examine the draft petition as to
32 form. The attorney general shall send notice of approval or
33 rejection of the draft petition to the secretary of state within 10
34 days after receipt of the draft petition.

35 (3) The secretary of state shall review the notice of
36 approval or rejection of the attorney general and make a final
37 decision as to the approval or rejection of the form of the draft
38 petition. The secretary of state shall send written notice of such
39 approval or rejection, including the reasons for rejection, to the
40 individual designated to receive notices within 30 days after
41 submission of the draft petition.

42 (e) All elections on initiative and referendum measures
43 shall be held at the regular general elections in even-numbered

1 years, unless otherwise ordered by the legislature pursuant to
2 subsection (c)(6).

3 (f) Notwithstanding any provision of this constitution to
4 the contrary, an initiative or referendum measure shall become
5 effective 30 days after the day on which it is enacted or
6 approved by a majority of the votes cast thereon. When
7 conflicting measures are approved at the same election, the one
8 receiving the largest affirmative vote shall prevail.

9 (g) The provisions of this section shall be self-executing,
10 but legislation may be enacted to facilitate its implementation."

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

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

25 "A vote for this proposition would reserve to the people the
26 power to propose and enact or reject laws and amendments
27 to the constitution of the state of Kansas by initiative,
28 independent of the legislature, and the power to approve or
29 reject by referendum any bill enacted by the legislature.

30 "A vote against this proposition would not make any changes to
31 the constitution and would not reserve the powers of
32 initiative and referendum to the people."

33 Sec. 3. This resolution, if approved by two-thirds of the members
34 elected (or appointed) and qualified to the House of Representatives, and
35 two-thirds of the members elected (or appointed) and qualified to the
36 Senate shall be entered on the journals, together with the yeas and nays.
37 The secretary of state shall cause this resolution to be published as
38 provided by law and shall cause the proposed amendment to be submitted
39 to the electors of the state at the general election in November in the year
40 2022, unless a special election is called at a sooner date by concurrent
41 resolution of the legislature, in which case it shall be submitted to the
42 electors of the state at the special election.