

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 484

DATE: February 22, 1999

Version: Original

Authors: Paulsen and others

Subject: Initiative & Referendum Constitutional Amendment

Analyst: Deborah K. McKnight, 651-296-5056

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill proposes an amendment to the Minnesota Constitution to permit (1) enactment of a law, including a law to repeal another law, (2) amendment of the constitution by petition of the eligible voters (sections 1 and 2), and (3) referral to the people of legislative enactments. If this constitutional amendment is approved by the voters at the 2000 general election, the enabling legislation contained in the remainder of the bill will take effect after voter approval of the amendment.

The enabling legislation sets forth standards and procedures governing the initiative and referendum process.

- 1 Constitutional amendment proposed.** Proposes an amendment to the Minnesota Constitution to (1) permit voters to enact an initiative law, including a law to repeal another law, or a constitutional amendment by petition of eligible voters and (2) permit the legislature to refer laws to the people for approval.

Requires ballot placement of a proposal for an initiated law if the petition is signed by eligible voters in a number not less than 5 percent of the number who voted for governor at the last general election, collected in each of three-quarters of the congressional districts and in the state as a whole. For a proposal to repeal a law, the signature requirement is the same percentage of the vote without any geographical distribution requirement.

Provides that an initiated law is enacted or a constitutional amendment is ratified by affirmative majority vote of those voting on the question. An initiated or referred law or initiated constitutional amendment takes effect 30 days after approval by the voters.

An initiative drive can be abandoned if the legislature passes a similar law. The legislature can also choose to submit its proposal to the people if the petition drive is not abandoned. The proposal with the most votes will take effect, if both receive a majority affirmative vote.

A constitutional amendment may be initiated by petition of voters equal to 8 percent of the vote in each of three-quarters of the congressional districts at the last election for governor and in the state as a whole.

Prohibits amending or repealing an initiated law or reinstating a repealed law until the second general election after it was voted on.

Prohibits the governor from vetoing an initiative.

Provides for legislative referral of up to three laws per general election to a vote of the people. Provides for the legislature to enact procedures for this.

Authorizes legislation to implement the constitutional provision.

- 2 **Ballot question.** Provides the wording of the ballot question to be presented to the voters at the 2000 election.
- 3 **Citation.** Cites the act as the initiative and referendum implementation act.
- 4 **Definitions.** Defines words used in the act.
- 5 **Preparation for petitioning.** Requires sponsors to file a declaration with the secretary of state (secretary) before circulating the petition. January 1 in odd years is the earliest date for filing a declaration for a proposal at the next general election. Sets forth procedures for filing a declaration.

A declaration must include the intent of the proposal, a short title, and contact persons for the proposal.

The secretary will provide a declaration form. The filing fee is \$100.

Requires that an initiative cover only one subject.
- 6 **Advice by revisor of statutes.** Sets forth the procedural requirements for the Revisor's Office to prepare the final draft. Requires revisor to advise the sponsors on the measure's form and constitutionality. In case of disagreements, the sponsors prevail.

Requires that an initiative cover only one subject.
- 7 **Petitions for initiative.** Outlines requirements the initiative petition must meet. A petition form must include the short title of the proposal, a revisor's summary of the proposal, a statement that the language of the proposal is available at the secretary and county auditor's offices, and space for voters to sign.

If the petition form does not comply with law, the secretary must notify sponsors of needed changes. If not re-filed within seven days, the drive is abandoned. A petition may be re-filed until it is correct.

The secretary must send a copy of an approved initiative to each county auditor within seven days after approval.
- 8 **Time of circulation of petitions; voluntary abandonment.** Sets forth requirements of petition circulation. Provides for abandonment of petition drive. Abandonment does not prevent other sponsors from beginning a similar petition drive, but they cannot use old signatures.

Petitions found insufficient are void after the year filed and cannot be used later.
- 9 **Signatures.** Sets out in statute the requirement that the constitutional minimum number of persons must sign the petition in order for placement on the ballot to occur.
- 10 **Filing of petition.** Sets out a filing date of not later than July 1 of the even-numbered year.
- 11 **Verification of petitions.** Requires the secretary to determine the number of valid signatures on the petition and notify the sponsors no later than July 31. A valid signature is one that is voluntary and identifiable and belongs to an eligible voter. Allows a 14 day circulation extension after notification if not enough names were gathered.

Sets forth the procedural requirements for verification of validity of signatures. Sets forth the procedural requirements for a voter to contest the validity of the signatures. Requires the secretary to determine the contest.

- 12 **Random sampling method of signature verification.** Sets forth procedures for verifying validity of petition signatures. Requires testing a random sample of 5 percent of signatures.
- 13 **Certification by secretary of state.** Sets out instructions on certification of the petition. Has the executive council (i.e., the constitutional officers) choose the ballot question wording. The question must be "a true and impartial statement" of the proposal and similar to a constitutional amendment question prepared by the legislature.
- 14 **Abandonment of initiative.** Sets forth procedures for abandonment of an initiative after its validity and sufficiency are certified. The chair and treasurer may file a writing with the secretary by September 15.
- 15 **Placement of law on ballot.** Provides legislature with power to place a law on the ballot as a referendum that would be similar to an initiative proposed on the same ballot. Legislative act need not appear on the ballot if the initiative drive is dropped.
- 16 **Numbering of ballot measures.** Authorizes secretary of state to decide the order of initiative ballot questions. Requires numbering in a single sequence throughout the years (rather than renumbering beginning with number one each election).
- 17 **Ballots, voting, canvassing.** Requires ballot preparation, voting, canvass, and election conduct to follow the Minnesota election law.
- 18 **Time of election.** States that voting upon an initiative and referendum shall be held only at a general election.
- 19 **Simultaneous petitions for initiative.** Allows simultaneous multiple petition drives for identical initiatives. Requires, however, abandonment of all identical initiatives after certification of the first petition to satisfy requirements.
- 20 **Costs of county auditors to verify signature.** Requires the state to reimburse all county auditors for reasonable costs of assisting verification of petition signatures. Provides that the secretary shall provide by rule which costs that will be reimbursed.
- 21 **Resolution of conflicts between measures.** Sets forth procedures relating to ballot initiatives that conflict. Makes the one with the highest vote effective. In case of a tie, neither takes effect and both appear on the ballot at the next general election. Provides a court procedure for a voter to bring to obtain a judicial decision whether two measures conflict.
- 22 **Publication.** Requires the revisor to publish and codify all initiatives or referendums adopted in the same manner as legislative statutes.
- 23 **Organizing guide.** Requires the secretary to prepare a guide to organizing a petition drive.
- 24 **Literature must include names.** Makes it a misdemeanor if any person or committee does not display their names and address on literature, other than a newspaper, used to influence people on the initiative.
- 25 **Paid advertisements in news.** Requires media to refuse to publish or air any paid initiative advertisement that does not indicate it is paid advertisement. Prohibits media from charging fees exceeding charges made for any other comparable purpose.
- 26 **Disclosure to campaign finance and public disclosure board.** Includes in definition of "political committee" under the ethics in government act, (1) an association organized to promote or defeat a ballot question and (2) any association that consents for other persons to receive contributions or make expenditures to promote or defeat a measure.
- 27 **Prohibitions.** Makes it a misdemeanor to commit any of the following: accepting payment for a

petition signature, wilfully refusing to file an expense report, publishing literature without identification, publishing advertising without identification, or filing an initiative petition with the secretary without the sponsor's written authorization.

Makes it a gross misdemeanor to do the following: knowingly publishing false information for the purpose of influencing passage of a proposal, using fraud or force to obtain a signature, paying compensation to sign a petition, knowingly signing a petition more than once, or signing a petition with a false name.

- 28 Action by and notification to sponsors.** Provides that only sponsors or those authorized by them may file required documents or statements regarding initiative position.
- 29 Physical delivery of documents.** Requires that if a document must be filed under this law, physical deposit must be made on time. Postmark is not adequate to meet deadline.
- 30 Judicial review.** Gives the district court jurisdiction of a suit on petition signatures, conflicts between questions, or constitutionality of adopted measures. Suit must be brought in Ramsey County.
- 31 Copies.** Requires the secretary of state to provide county election officials with copies of proposed initiatives and referenda for public information.
- **Conforming amendments.** Makes various conforming amendments to current election laws to
- 383238** reflect the existence of initiative and referendum. Creates a violet ballot for use in paper ballot precincts.
- 39 Effective date.** Implementing law takes effect the day after voter approval of the constitutional amendments in section 1.