HOUSE RESEARCH

Bill Summary

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    Subject: Initiative & Referendum Constitutional Amendment

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Overview

This bill proposes an amendment to the Minnesota Constitution to permit (1) enactment of a law, including a law to repeal another law by initiative, (2) amendment of the constitution by petition of the eligible voters (sections 1 and 2), and (3) referral to the people of legislative enactments.

The enabling legislation sets forth standards and procedures governing the initiative and citizen referendum process. If the constitutional amendment is approved by the voters at the 2004 general election, the enabling legislation contained in the remainder of the bill will take effect after voter approval of the amendment.

<u>Section</u>

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 or a proposal to repeal existing law if the petition is signed by registered voters in a number not less than five 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.

Provides that an initiated law is enacted by affirmative majority vote of those voting on the question.

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 registered voters equal to eight percent of the vote for governor in each of three-quarters of the congressional districts and in the state as a whole at the last election for governor. Requires a majority of those voting at the election in order to ratify a constitutional amendment.

An initiated or referred law or initiated constitutional amendment takes effect 30 days after approval by the voters.

Prohibits both the legislature and the voters from amending or repealing an initiated law or reinstating a repealed law until the next 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.

Requires a proposal under this section to follow the single subject rule.

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 2004 election.

3   **Citation.** Cites the act as the Initiative and Referendum Implementation Act.

4   **Definitions.** Defines words used in the act. "Sponsor" means a political committee as defined by chapter 10A (i.e., two or more persons promoting a proposal).

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.

6   **Advice by revisor of statutes.** Sets forth the procedural requirements for the revisor's office to prepare a final draft of an initiative. 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.

Provides for the secretary of state to 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.

7   **Petitions for ballot measure.** Outlines requirements the petition must meet. A petition form

must include the ballot question prepared by the secretary of state, the sponsor's name, 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 on the secretary's web site, space for voters to sign and indicate they are registered, and a statement that some of the circulators may have been paid.

The secretary of state must prepare the petition form within 14 days after receiving the ballot measure and the revisor's summary. The secretary must send a copy of an approved ballot measure to each county auditor within seven days after approval.

8   **Internet site.** Once a petition is approved for circulating, requires the secretary of state to maintain an Internet site with information about the proposed measure.

9   **Time and place of circulation of petitions; voluntary abandonment.** Sets forth requirements of petition circulation.

Prohibits circulating petitions in, or within 100 feet of, the building where a polling place is located during a primary or election.

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 are found insufficient are void after the year filed and cannot be used later.

10   **Petition filing deadline.** 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 within 30 days after a petition is filed, but no later than July 31. A valid signature is one that is voluntary and identifiable and belongs to a registered 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   **Determination of sufficient valid signatures.** Sets forth procedures for verifying validity of petition signatures. Requires testing a random sample of five percent of signatures.

13   **Certification by secretary of state.** If the minimum signatures are obtained, the secretary of state must certify that to the sponsor and the county auditors. The question must be placed on the general election ballot.

14   **Placement of law on ballot.** Authorizes the legislature to place a law on the ballot as a alternative to an initiative proposed on the same ballot.

15   **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).

16   **Ballots, voting, canvassing.** Requires ballot preparation, voting, canvass, and election conduct to follow the Minnesota election law.

17   **Time of election.** States that voting upon an initiative and referendum shall be held only at a state general election.

18   **Simultaneous petitions for initiative.** Allows simultaneous multiple petition drivers for identical initiatives. Requires, however, abandonment of all identical initiatives after certification of the first petition to satisfy requirements.

19   **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 for the secretary of state to determine whether two measures conflict.

20   **Publication.** Requires the revisor to publish and codify all adopted initiatives or referenda in the same manner as legislative statutes.

21   **Organizing guide.** Requires the secretary to prepare a guide to conducting a ballot measure campaign.

22   **Literature must include names.** Makes it a misdemeanor if any person or committee, other than a newspaper, does not display their names and address on literature used to influence people on a ballot measure. provides the same exception that exists under current law for individuals preparing campaign materials from their own funds in an amount less than $300 and at least 14 days before the election.

23   **Paid advertisements in news.** Requires media to refuse to publish or air any paid initiative advertisement that does not indicate it is a paid advertisement. Prohibits media from charging fees exceeding charges made for any other comparable purpose.

24   **Disclosure to campaign finance and public disclosure board.** Requires a ballot measure sponsor to file political committee reports with the campaign finance and public disclosure board. Makes opponents or proponents of ballot measures file a report with the board if they spend over $100 in a year on the subject (i.e., they qualify as political committees under chapter 10A).

25   **Prohibitions.** Makes it a misdemeanor to commit any of the following: be paid for signing a petition, publish literature on a ballot measure without required identification, publish advertising without required identification, file a petition with the secretary without the sponsor's written authorization. Makes it a gross misdemeanor to knowingly publish false information for the purpose of influencing passage of a proposal, use fraud or force to obtain a petition signature, pay compensation to sign an initiative petition, intentionally sign the same petition more than once, or sign a petition with a false name.

26   **Action by and notification to sponsors.** Provides that only sponsors or those authorized by them may file required documents or statements regarding a ballot measure petition.

27   **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.

28   **Copies.** Requires the secretary of state to provide county election officials with copies of proposed initiatives and referenda for public information.

29   **Internet voter's guide.** Requires the secretary of state to publish a voter's guide to ballot measures at the secretary's web site. The guide would include the ballot text, ballot question, and sponsor's mailing address. If requested by the sponsor or by proponents or opponents registered under chapter 10A, the secretary would provide a link to the requester's web site.

30-32   **Conforming amendments.** Makes various conforming amendments to current election laws to reflect the existence of initiative and referendum.

33   **Effective date.** Implementing law takes effect the day after voter approval of the constitutional amendment in section 1.