

Office of the Vermont Secretary of State
Vermont State Archives

1991: Proposal 3

Subject: Direct initiatives by the voters

PROPOSAL 3

Sec. 1. PURPOSE

This proposal would amend the Vermont Constitution to authorize direct initiatives by the voters.

Sec. 2. Article 22nd of Chapter I of the Vermont Constitution is added to read:

[ARTICLE 22nd. DIRECT INITIATIVE]

The people may propose to the General Assembly for its consideration any bill to enact, amend or repeal state law but not to amend the State Constitution or impose or raise fees or taxes, by written petition certified, addressed to the General Assembly. The petition shall be filed with the Secretary of the Senate and Clerk of the House by the hour of 5:00 p.m. on or before the 50th day after the date of convening of the General Assembly in first session of the biennium or on or before the 25th day after the date of convening of the General Assembly in an adjourned session. If the 50th or 25th day, whichever applies, is a day on which the General Assembly is in recess, the period runs until the hour of 5:00 p.m. of the next day that the General Assembly is in session.

For any measure thus proposed, the signatures shall be those of legal voters and the number of signatures shall not be less than 25 percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of the petition. The date each signature was made shall be written next to the signature on the petition, and no signature older than one year from the written date on the petition shall be valid. The measure thus proposed, unless enacted without change by the General

Assembly at the session at which it is presented, shall be submitted to the people together with any amended form, substitute, or recommendation of the General Assembly, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next statewide election to be held not less than 60 days after the first vote thereon be submitted by itself if it receives more than one third of the votes given for and against both. If the measure initiated is enacted by the General Assembly without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the petition.

The Governor shall, by proclamation, order any measure proposed to the General Assembly as herein provided, and not enacted by the General Assembly without change, referred to the people at an election to be held in November of the year in which the petition is filed. If the Governor fails to order a measure proposed to the General Assembly and not enacted without change to be submitted to the people at such an election by proclamation within ten days after adjournment of the session in which the measure was proposed, the Secretary of State shall order such measure to be submitted to the people at an election as requested, and such order shall be sufficient to enable the people to vote.

Any initiative filed by the people and approved by a majority of the votes given thereon shall, unless a later date is specified in the initiative, take effect and become a law in 30 days after the Governor has made public proclamation of the result of the vote on the initiative, which the Governor shall do within ten days after the vote thereon has been canvassed and determined; provided, however, that any initiative which entails expenditure in an amount in excess of available and unappropriated state funds shall remain inoperative until 45 days after the next convening of the General Assembly in regular session. The veto power of the Governor shall not extend to any measure approved by the people, and any initiative passed by the General Assembly without change, if vetoed by the Governor and if the veto is sustained by the General Assembly shall be referred to the people to be voted

on at the next general election. Any law enacted under this article may be amended or repealed by the General Assembly.

Until the General Assembly shall enact further laws not inconsistent with the Constitution for applying the people's initiative, the election officers and other officials shall be governed by the provisions of this Constitution and of the general law, supplemented by such reasonable action as may be necessary to render this section self-executing. The General Assembly may enact laws not inconsistent with the Constitution to establish procedures for filing and determination of the validity of written petitions. Such laws shall include provision for judicial review of any determination, to be completed within 100 days from the date of filing of a written petition with the General Assembly.