

Office of the Vermont Secretary of State
Vermont State Archives

1995: Proposal 5

Subject: Unicameral legislature

PROPOSAL 5

Sec. 1. PURPOSE

This proposal would amend the Constitution of Vermont to provide for a unicameral legislature of 50 members.

Sec. 2. Section 1 of Chapter II of the Vermont Constitution is amended to read:

§1. [GOVERNING POWER]

The Commonwealth or State of Vermont shall be governed by a Governor (or Lieutenant-Governor), a *[Senate and a House of Representatives]* General Assembly, in manner and form following:

Sec. 3. Section 2 of Chapter II of the Vermont Constitution is amended to read:

§2. [SUPREME LEGISLATIVE POWER]

The Supreme Legislative power shall be exercised by a *[Senate and a House of Representatives]* General Assembly.

Sec. 4. Section 6 of Chapter II of the Vermont Constitution is amended to read:

§6. [LEGISLATIVE POWERS]

The *[Senate and the House of Representatives]* General Assembly shall be styled, The General Assembly of the State of

Vermont. *[Each shall have and exercise the like powers in all acts of legislation; and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other. Provided, that all Revenue bills shall originate in the House of Representatives; but the Senate may propose or concur in amendments, as on other bills. Neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting; and in case of disagreement between the two Houses with respect to adjournment, the Governor may adjourn them to such time as the Governor shall think proper. They]* It may prepare bills and enact them into laws, redress grievances, grant charters of incorporation, subject to the provisions of section 69, constitute towns, boroughs, cities and counties; and *[they]* it shall have all other powers necessary for the Legislature of a free and sovereign State; but *[they]* it shall have no power to add to, alter, abolish, or infringe any part of this Constitution.

Sec. 5. Section 8 of Chapter II of the Vermont Constitution is amended to read:

§8. [DOORS OF GENERAL ASSEMBLY TO BE OPEN]

The doors of the *[House in which the]* General Assembly of this Commonwealth *[shall sit,]* shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.

Sec. 6. Section 9 of Chapter II of the Vermont Constitution is amended to read:

§9. [JOURNALS; YEAS AND NAYS]

The votes and proceedings of the General Assembly shall be printed (when one-third of the members *[of either House]* think it necessary) as soon as convenient after the end of the session, with the yeas and nays *[of the House of Representatives]* on any question when *[required by five members, and of the Senate

when]* required by one Senator*[,]* (except where the votes shall be taken by ballot), in which case every member *[of either House]* shall have a right to insert the reasons of the member's vote upon the minutes.

Sec. 7. Section 11 of Chapter II of the Vermont Constitution is amended to read:

§11. [GOVERNOR TO APPROVE BILLS; VETO PROCEEDINGS THEREON; NONACTION]

Every bill which shall have passed the *[Senate and House of Representatives]* General Assembly shall, before it becomes a law, be presented to the Governor; if the Governor approve, the Governor shall sign it; if not, the Governor shall return it, with objections in writing, to the *[House in which it shall have originated]* General Assembly; which shall proceed to reconsider it. If, upon such reconsideration, two-thirds of the members present *[of that House shall]* pass the bill, it shall *[, together with the objections, be sent to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present of that House, it shall]* become a law.

But, in all such cases, the *[votes of both Houses]* vote shall be taken by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal *[of each House, respectively]*. If any bill shall not be returned by the Governor, as aforesaid, within five days (Sundays excepted) after it shall have been presented to the Governor, the same shall become a law in like manner as if the Governor had signed it; unless the *[two Houses by their]* General Assembly by its adjournment, within three days after the presentation of such bill shall prevent its return; in which case it shall not become a law.

Sec. 8. Section 12 of Chapter II of the Vermont Constitution is amended to read:

§12. [FEES FOR ADVOCATING BILLS, ETC.]

No member of the General Assembly shall, directly or indirectly,

receive any fee or reward, to bring forward or advocate any bill, petition, or other business to be transacted in the Legislature; or advocate any cause, as counsel *[in either House of legislation]*, except when employed in behalf of the State.

Sec. 9. REPEAL

Sections 13 and 14 of Chapter II of the Vermont Constitution are repealed.

Sec. 10. Section 15 of Chapter II of the Vermont Constitution is amended to read:

§15. [RESIDENCE OF *[REPRESENTATIVES AND]* SENATORS]

No person shall be elected *[a Representative or]* a Senator until the person has resided in this State two years, the last year of which shall be in the legislative district for which the person is elected.

Sec. 11. Section 16 of Chapter II of the Vermont Constitution is amended to read:

§16. [*[REPRESENTATIVES']* SENATORS' OATHS]

The *[Representatives having met, and chosen their Speaker and Clerk,]* Senators shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance hereinafter directed (except where they shall produce certificates of their having theretofore taken and subscribed the same) as the following oath or affirmation:

You do solemnly swear (or affirm) that as a member of this Assembly, you will not propose, or assent to, any bill, vote or resolution, which shall appear to you injurious to the people, nor do nor consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State; but will, in all things, conduct yourself as a faithful, honest Senator and guardian of the people, according to the best of your judgment and ability. (In

case of an oath) So help you God. (Or in case of an affirmation) Under the pains and penalties of perjury.

Sec. 12. Section 17 of Chapter II of the Vermont Constitution is amended to read:

§17. [OATH OF SENATORS *[AND REPRESENTATIVES]*]

The *[Representatives having met on the day appointed by law for the commencement of a biennial session of the General Assembly, and chosen their Speaker, and the]* Senators having met, shall, before they proceed to business, take and subscribe the following oath, in addition to the oath prescribed in the foregoing section:

You do solemnly swear (or affirm) that you did not at the time of your election to this body, and that you do not now, hold any office of profit or trust under the authority of Congress. So help you God. (Or in case of an affirmation) Under the pains and penalties of perjury.

The words "office of profit or trust under the authority of Congress" shall be construed to mean any office created directly or indirectly by Congress, and for which emolument is provided from the Treasury of the United States, other than that of a member of the commissioned or enlisted personnel in the reserve components of the armed forces of the United States while not on extended active duty.

Sec. 13. Section 18 of Chapter II of the Vermont Constitution is amended to read:

§18. [SENATORS; NUMBERS; QUALIFICATIONS]

The Senate shall be composed of *[thirty]* fifty Senators to be residents of the senatorial district from which they are elected. The voters of each senatorial district established by law shall elect one or more Senators from that district, the number from each district to be established by the General Assembly.

In establishing senatorial districts, which shall afford equality of

representation, the General Assembly shall seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions.

Sec. 14. Section 19 of Chapter II of the Vermont Constitution is amended to read:

§19. [POWERS OF SENATE; LIEUTENANT-GOVERNOR'S DUTIES]

The Senate shall have the * [like] * powers to decide on the election and qualifications of * [, and to expel any of,] * its members, expel members, but not for causes known to their constituents antecedent to the members' election, administer oaths and affirmations in matters depending before the General Assembly, make its own rules, * [and] * appoint its own officers, * [as are incident to, or are possessed by, the House of Representatives] * and impeach state criminals. A majority shall constitute a quorum for transacting any business other than raising a State Tax, for which two-thirds of the members elected shall be present. The Lieutenant-Governor shall be President of the Senate, except when exercising the office of Governor, or when the office of the Lieutenant-Governor shall be vacant, or in the absence of the Lieutenant-Governor, in which cases the Senate shall appoint one of its own members to be President of the Senate, pro tempore. And the President of the Senate shall have a casting vote, but no other.

Sec. 15. Section 20 of Chapter II of the Vermont Constitution is amended to read:

§20. [GOVERNOR; EXECUTIVE POWER]

The Governor, and in the Governor's absence, the Lieutenant-Governor, shall have power to commission all officers, and also to appoint officers, except where provision is, or shall be, otherwise made by law or this Frame of Government; and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this Constitution. The Governor is to correspond with other States, transact business with officers of government, civil and military,

and prepare such business as may appear necessary, to lay before the General Assembly. The Governor shall have power to grant pardons and remit fines in all cases whatsoever, except in treason in which the Governor shall have power to grant reprieves, but not to pardon, until after the end of the next session of the General Assembly; and except in cases of impeachment, in which the Governor shall not grant reprieve or pardon, and there shall be no remission, or mitigation of punishment, but by act of legislation. The Governor is also to take care that the laws be faithfully executed. The Governor is to expedite the execution of such measures as may be resolved upon by the General Assembly. And the Governor may draw upon the Treasury for such sums as may be appropriated by the General Assembly.

The Governor may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the General Assembly only. The Governor may grant such licenses as shall be directed by law; and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be Captain-General and Commander-in-Chief of the forces of the State, but shall not command in person, in time of war, or insurrection, unless by the advice and consent of the *[Senate]* General Assembly, and no longer than they shall approve thereof. *[And the]* The Lieutenant-Governor shall, by virtue of office, be Lieutenant-General of all the forces of the State.

Sec. 16. Section 32 of Chapter II of the Vermont Constitution is amended to read:

§32. [FILLING JUDICIAL VACANCIES]

The Governor, with the advice and consent of the *[Senate]* General Assembly, shall fill a vacancy in the office of the Chief justice of the State, associate justice of the Supreme Court or judge of any other court, except the office of Assistant Judge and of Judge of Probate, from a list of nominees presented by a judicial nominating body established by the General Assembly having authority to apply reasonable standards of selection.

Sec. 17. Section 33 of Chapter II of the Vermont Constitution is amended to read:

§33. [INTERIM JUDICIAL APPOINTMENTS]

When the *[Senate]* General Assembly is not in session, the Governor may make an interim appointment to fill a vacancy in the office of chief justice, associate justice of the Supreme Court or judge of any other court, except the office of Assistant Judge and of Judge of Probate, from a list of nominees presented by the judicial nominating body. A justice or judge so appointed shall hold office, with all the powers incident to the office, until the *[Senate]* General Assembly convenes and acts upon the appointment submitted by the Governor. Thereafter, the appointee shall continue in office if the *[Senate]* General Assembly consents to the appointment. If the appointment is not confirmed upon vote of the *[Senate]* General Assembly, the appointment shall be terminated and a vacancy in the office will be created.

Sec. 18. Section 43 of Chapter II of the Vermont Constitution is amended to read:

§43. [BIENNIAL ELECTIONS]

The Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, *[Town Representatives,]* Assistant Judges of the County Court, Sheriffs, High Bailiffs, State's Attorneys, Judges of Probate and Justices of the Peace, shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A.D.1914.

Sec. 19. Section 44 of Chapter II of the Vermont Constitution is amended to read:

§44. [ELECTION OF *[REPRESENTATIVES AND]* SENATORS]

Senators *[and Representatives]* shall be elected to office at a general election to be held biennially on the first Tuesday next after the first Monday of November, A.D.1974.

Sec. 20. Section 45 of Chapter II of the Vermont Constitution is amended to read:

§45. [MANNER OF ELECTION]

The manner of election, certification, and filling of vacancies in office of Senators *[and Representatives]* shall be as established by law.

Sec. 21. Section 46 of Chapter II of the Vermont Constitution is amended to read:

§46. [TERMS OF SENATORS *[AND REPRESENTATIVES]*]

The term of office of Senators *[and Representatives]* shall be two years, commencing on the first Wednesday next after the first Monday of January following their election.

Sec. 22. Section 47 of Chapter II of the Vermont Constitution is amended to read:

§47. [ELECTION OF GOVERNOR, LIEUTENANT-GOVERNOR AND TREASURER]

The voters of each town shall, on the day of election for choosing *[Representatives]* Senators to attend the General Assembly, bring in their votes for Governor, with the name fairly written, to the Constable, who shall seal them up, and write on them, Votes for Governor, and deliver them to the *[Representatives]* Senators chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed *[out of the Senate and House of Representatives]*, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for Governor, and declare the person who has the major part of the votes, to be Governor for the two years ensuing.

The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed.

The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the *[Senate and House of Representatives]* General Assembly.

If, at any time, there shall be no election, of Governor, Lieutenant-Governor, or Treasurer, of the State, the *[Senate and House of Representatives]* General Assembly shall by *[a joint]* ballot, elect to fill the office, not filled aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned.

Sec. 23. Section 54 of Chapter II of the Vermont Constitution is amended to read:

§54. [INCOMPATIBLE OFFICES]

No person in this State shall be capable of holding or exercising more than one of the following offices at the same time: Governor, Lieutenant-Governor, Justice of the Supreme Court, Treasurer of the State, member of the Senate, *[member of the House of Representatives,]* Surveyor-General, or Sheriff. Nor shall any person holding any office of profit or trust under the authority of Congress, other than a member of the commissioned or enlisted personnel in the reserve components of the armed forces of the United States while not on extended active duty, be eligible to any appointment in the Legislature, or to any executive or judiciary office under this State.

Sec. 24. Section 57 of Chapter II of the Vermont Constitution is amended to read:

§57. [IMPEACHMENTS, *[HOUSE]* GENERAL ASSEMBLY MAY ORDER]

The *[House of Representatives]* General Assembly shall have the power to order impeachments, which shall in all cases be by a vote of two-thirds of its members.

Sec. 25. Section 58 of Chapter II of the Vermont Constitution is amended to read:

§58. [LIABILITY TO; *[SENATE]* SUPREME COURT TO TRY; JUDGMENT]

Every officer of State, whether judicial or executive, shall be liable to be impeached by the *[House of Representatives]* General Assembly, either when in office or after resignation or removal for maladministration.

The *[Senate]* Supreme Court shall have the sole power of trying and deciding upon all impeachments except the impeachment of a justice of that court which shall be tried by a panel of five superior court judges of the state. When sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of *[two-thirds]* three of the *[members present]* five presiding justices or judges. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the person convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Sec. 26. Section 66 of Chapter II of the Vermont Constitution is amended to read:

§66. [CITIZENSHIP]

Every person of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate; and after one year's residence shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this State, except the privileges of a freeman, the right to which is herein elsewhere determined, and except also that he shall not be capable of being elected Treasurer, or *[Representative]* Senator in the General Assembly, until after two years' residence, nor be eligible to the office of Governor or Lieutenant-Governor until he shall have

resided in this State as required by section 23 of this Constitution.

Sec. 27. Section 72 of Chapter II of the Vermont Constitution is amended to read:

§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]* General Assembly 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]* General Assembly 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.

Sec. 28. Section 73 of Chapter II of the Vermont Constitution is amended to read:

§73. [MANNER OF APPORTIONMENT OF THE GENERAL ASSEMBLY]

The General Assembly shall establish senatorial districts within and including all of the state*[, and shall further establish

representative districts within and including all of the state]*.

At the biennial session following the taking of each decennial census under the authority of Congress, and at such other times as the General Assembly finds necessary, it shall revise the boundaries of the *[legislative]* senatorial districts and shall make a new apportionment of its membership in order to maintain equality of representation among the respective districts as nearly as it is practicable. The General Assembly may provide for establishment of a legislative apportionment board to advise and assist the General Assembly concerning legislative apportionment. If the General Assembly fails to revise the legislative districts as required in this section, the Supreme Court in appropriate legal proceedings brought for that purpose may order reapportionment of the districts.