

Senate Concurrent Resolution No. 1606

By Committee on Federal and State Affairs

2-15

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 *WHEREAS, This proposition to amend article 14 of the constitution of*
6 *the state of Kansas shall be known and may be cited as the Kansas*
7 *Citizen Involvement Amendment.*

8 *Now, therefore:*

9 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
10 *members elected (or appointed) and qualified to the Senate and two-*
11 *thirds of the members elected (or appointed) and qualified to the*
12 *House of Representatives concurring therein:*

13 Section 1. The following proposition to amend the constitution of
14 the state of Kansas shall be submitted to the qualified electors of the state
15 for their approval or rejection: Article 14 of the constitution of the state of
16 Kansas is hereby amended by adding a new section to read as follows:

17 "**§ 3. Initiative and referendum powers.** (a) (1) The
18 people reserve the power to propose and enact or reject
19 amendments to this constitution by initiative, independent of the
20 legislature.

21 (2) An initiative amendment to this constitution may be
22 proposed only by a petition signed by not less than 8% of the
23 qualified electors who voted in the last preceding gubernatorial
24 election in each of two of the congressional districts in the state.

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

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

35 (5) When more than one proposed amendment to this
36 constitution is submitted at the same election, such proposed

1 amendments shall be so submitted as to enable the electors to
2 vote separately on each proposed amendment.

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

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

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

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

18 (3) An initiative petition shall include the full text of the
19 proposed law. A proposed law shall not contain more than one
20 subject, and the enacting clause thereof shall be "Be it enacted
21 by the people of the State of Kansas:".

22 (4) The title of each proposed law shall be specified in the
23 initiative petition and shall be a brief nontechnical statement
24 expressing the intent or purpose of the proposed law and the
25 effect of a vote for and a vote against the proposed law.

26 (5) When more than one proposed law is submitted at the
27 same election, such proposed law shall be so submitted as to
28 enable the electors to vote separately on each proposed law.

29 (6) An initiative petition that requires the appropriation of
30 moneys shall only require the appropriation of moneys directly
31 attributable to revenues collected pursuant to the provisions of
32 the petition, and the purpose of such appropriation shall not
33 otherwise be prohibited by this constitution.

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

37 (2) A referendum on a bill, or any part thereof, may be
38 ordered by a petition signed by not less than 5% of the qualified
39 electors who voted in the last preceding gubernatorial election
40 in each of two of the congressional districts in the state.

41 (3) A referendum petition shall not be allowed on any part
42 of a bill:

43 (A) Necessary for the immediate preservation of the public

1 peace, health or safety; or

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

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

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

8 (6) Notwithstanding section 14 of article 2 of this
9 constitution, a bill ordering a referendum and a bill on which a
10 referendum is ordered shall not require the signature of the
11 governor or be subject to veto by the governor.

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

24 (2) Upon receipt of a draft petition from the secretary of
25 state, the attorney general shall examine the draft petition as to
26 form. The attorney general shall send notice of approval or
27 rejection of the draft petition to the secretary of state within 10
28 days after receipt of the draft petition.

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

36 (4) No petition may be submitted to the secretary of state
37 for review until the day immediately following the date of the
38 regular general election that immediately precedes the regular
39 general election for which the petition is submitted.

40 (5) A petition signed by the required number of qualified
41 electors shall be submitted to the secretary of state on or before
42 June 1 prior to the date of the next regular general election.

43 (e) All elections on initiative and referendum measures

1 shall be held at the regular general elections in even-numbered
2 years, unless otherwise ordered by the legislature pursuant to
3 subsection (c)(5).

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

10 (g) If any initiative measure is not approved but receives
11 an affirmative vote of at least $\frac{1}{3}$ of the total votes cast on such
12 measure, then such measure shall be placed on the ballot at the
13 next regular general election in an even-numbered year without
14 the submission of any petition for such measure. But no such
15 measure shall be placed on the ballot at a third consecutive
16 regular general election unless a petition has been submitted in
17 accordance with this section.

18 (h) The provisions of this section shall be self-executing,
19 but legislation may be enacted to facilitate its implementation."

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

22 "*Explanatory statement.* The Kansas Citizen Involvement
23 Amendment would allow the people to propose and enact or
24 reject amendments to the constitution of the state of Kansas
25 by initiative, independent of the legislature. This amendment
26 would also allow the people to propose and enact or reject
27 laws by initiative, independent of the legislature. Finally, this
28 amendment would allow a referendum on any bill enacted
29 by the legislature either by petition from the people or by
30 order of the legislature by law. A referendum petition would
31 not be allowed on any part of a bill necessary for the
32 immediate preservation of the public peace, health or safety
33 or any part of a bill making or repealing any appropriation.

34 "A vote for the Kansas Citizen Involvement Amendment would
35 reserve to the people the power to propose and enact or
36 reject laws and amendments to the constitution of the state
37 of Kansas by initiative, independent of the legislature, and
38 the power to approve or reject by referendum any bill
39 enacted by the legislature.

40 "A vote against the Kansas Citizen Involvement Amendment
41 would not make any changes to the constitution and would
42 not reserve the powers of initiative and referendum to the
43 people."

1 Sec. 3. This resolution, if approved by two-thirds of the members
2 elected (or appointed) and qualified to the Senate and two-thirds of the
3 members elected (or appointed) and qualified to the House of
4 Representatives, shall be entered on the journals, together with the yeas
5 and nays. The secretary of state shall cause this resolution to be published
6 as provided by law and shall cause the proposed amendment to be
7 submitted to the electors of the state at the general election in November
8 in the year 2024, unless a special election is called at a sooner date by
9 concurrent resolution of the legislature, in which case such proposed
10 amendment shall be submitted to the electors of the state at the special
11 election.