Introduced by Representatives Wright of Burlington, Clark of Vergennes and Devereux of Mount Holly

Referred to Committee on

Date:

Subject: Elections; legislature; citizens’ initiative process

Statement of purpose: This bill proposes to establish a citizens’ initiative process and to require the general assembly to vote on laws proposed by citizens in accordance with this process.

An act relating to a citizens’ initiative process

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 2 V.S.A. chapter 27 is added to read:

CHAPTER 27. CITIZENS’ INITIATIVE PROCESS

§ 1001. INITIATIVES AUTHORIZED

The citizens of this state may propose legislation for enactment by the general assembly, provided that prior to presentation to the general assembly, the legislation is first approved by the voters at a statewide election in accordance with the process set forth in this chapter.
§ 1002. APPLICATION FOR INITIATIVE PROPOSITION

Twenty-five registered voters may apply to the secretary of state to prepare an initiative petition. The application shall be filed between January 1 and June 1 of even-numbered years. The application shall contain the text of the proposition, a proposed concise description of the proposition, the names and addresses of the applicants, and the name and address of their designated agent.

§ 1003. REVIEW OF PETITION

(a) Within 14 days after the initiative proposition is filed, the secretary of state shall:

(1) review the petition and, after consultation with the legislative council, make any nonsubstantive changes the secretary deems appropriate to ensure clarity and consistency of form and expression with the Vermont Statutes Annotated;

(2) revise, if necessary, the concise description to assure that it is accurate, fair, and impartial; and

(3) return the documents to the designated agent.

(b) Upon request, the secretary of state or the secretary’s designee shall meet with the designated agent within 10 days after return of the documents to attempt to resolve any disagreements about form, style, or wording. Within 10 days after return, the agent shall give or withhold his or her assent to the
wording of the petition and the description. If the agent withholds his or her
assent, a petition shall not be prepared.

§ 1004. INITIATIVE BALLOT

(a) With the assent of the agent, the secretary of state shall assign the
petition a number.

(b) Within 10 days after assent, the secretary shall prepare the form of the
petition which shall be used for the initiative proposition. The petition shall
contain on each page a caption describing the subject of the initiative
proposition, the number assigned to the petition, the description of the
initiative proposition, the statement of the proposition, and space for the
signatures and addresses of registered voters. Reproduction of the petition
shall not be the responsibility of the secretary of state.

(c) The statement of the petition shall be in the following form:

“We, the undersigned, being registered voters in the State of Vermont,
request that the following question be placed on the ballot of the general
election to be held November ___:

“Shall Proposition __, relating to [subject], be brought before
the ___ session of the general assembly for a recorded vote?”
§ 1005. VALIDITY OF PETITION

(a) The petition shall be filed with the secretary of state on or before September 1 of the year in which the application was filed under section 2002 of this title.

(b) The petition shall contain the signatures of 30,000 individuals registered to vote in the state and shall contain at least 1,000 signatures from each county in the state.

(c) The secretary of state shall, within 10 days after the filing of the petition, determine whether sufficient legal names have been submitted to satisfy the requirements of subsection (b) of this section. The secretary of state may use a random sampling method in making the determination.

(d) If the secretary of state finds that the number of legal names is insufficient, he or she shall promptly notify the agent, who may request a name-by-name validation until a sufficient number of legal names has been found to validate the petition, or until it is mathematically impossible for the requirement to be met. The secretary of state shall assess the agent $0.25 for each name validated under this subsection, whether the number of names is found to be sufficient, and may require the posting of adequate surety before undertaking the name-by-name validation.
§ 1006. INITIATIVE BALLOT

(a) In each year in which an application for a petition is accepted under section 1002 of this section, the secretary of state shall prepare at most two initiative ballots. The first two petitions determined to be valid under section 1005 of this section shall be the petitions for which an initiative ballot is prepared.

(b) The article for a statewide public question on an initiative proposition shall be prepared by the secretary of state. The article shall identify the proposition by its assigned number and contain the concise summary approved under section 1003 of this title and a question worded to describe the chief purpose of the proposition so that an affirmative response to the question corresponds to an affirmative vote on the proposition.

(c) A copy of the complete text of the initiative proposition shall be filed in the town clerk’s office prior to the date of the general election. Copies of the proposition shall be available to members of the public upon request, free of charge, and shall be conspicuously posted at the polling place.

(d) If the initiative proposition is approved by a majority of the votes cast on that question, the secretary of state shall immediately forward the certificate of the canvassing committee, together with the full text of the proposition, to the clerk of the house of representatives.
§ 1007. ACTION OF THE GENERAL ASSEMBLY

(a) Upon organization of the general assembly in the January following the general election at which an initiative proposition is approved by the voters, the speaker of the house shall promptly cause the proposition to be introduced without alteration as a bill.

(b)Within 20 legislative days after the beginning of the session, the committee to which the bill was referred, if any, shall report the bill to the house, without amendment or with proposed committee amendments. The house shall proceed promptly to consider the bill, and the vote on final passage shall be by roll call.

(c) If the vote in the house is in the affirmative, the bill shall forthwith be messaged to the senate. Within 20 legislative days after the beginning of the session, the committee to which the bill was referred, if any, shall report the bill to the senate, without amendment or with proposed committee amendments. The senate shall proceed promptly to consider the bill, and the vote on final passage shall be by roll call.

(d) Except as otherwise provided in this section, the rules of the house of representatives and the senate, including those related to presentment of bills to the governor, shall apply to enactment of an initiative proposition.