

6/23/95

COMMITTEE ON JUDICIARY AND OTHER ELECTED OFFICES

SUMMARY OF ISSUES WITH RESPECT TO ARTICLE XVIII: CONSTITUTIONAL
AMENDMENT

ARTICLE XVIII: CONSTITUTIONAL AMENDMENT now reads:

Section 1: Proposal of Amendments

Section 1 now reads:

Amendments to this Constitution may be proposed by constitutional convention, legislative initiative or popular initiative.

1. Should the legislative initiative be deleted?
2. Should constitutional conventions be deleted?

Section 2: Constitutional Convention

Section 2 now reads:

a) The legislature, by the affirmative vote of a majority of the members of each house, may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The legislature, or the governor in the event the legislature fails to act, shall submit this question to the voters at a regular general election no later than ten years after the question was last submitted and as provided by law. An act of the legislature under this subsection may not be vetoed by the governor.

b) An initiative petition may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The petition shall be signed by at least twenty-five percent of the persons

qualified to vote in the Commonwealth or by at least seventy-five percent of the persons qualified to vote in a senatorial district. An initiative petition shall be filed with the attorney general for certification that the requirements of this subsection have been met. An initiative petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least thirty days from the date the petition has been certified.

c) If two-thirds of the votes cast are affirmative on the question of holding a convention, the legislature shall convene a convention promptly.

d) The number of delegates to the convention shall be equal to the number of members of the legislature. The delegates to the convention shall be elected on a nonpartisan basis.

1. Should the time for calling a constitutional convention (10 years) be increased or decreased?

2. Should the number of signatures required for an initiative petition to call a constitutional convention (25% of qualified voters) be increased or decreased?

3. Should the number of voters who must vote in favor of holding a constitutional convention (2/3) be increased or decreased?

Section 3: Legislative Initiative

Section 3 now reads:

The legislature by the affirmative vote of three-fourths of the members of each house present and voting may propose amendments to this Constitution. A proposed amendment may not embrace the subject matter of more than one article of this Constitution. An act of the legislature under this section may not be vetoed by the governor.

1. Should a new requirement be added that requires the legislature to conduct a comprehensive public awareness program, including public hearings, to educate the community about any proposed constitutional amendment before it can be voted on by the legislature and

sent to the Board of Elections to be put on the ballot?

Section 4: Popular Initiative

Section 4 now reads:

a) The people may propose constitutional amendments by initiative. An initiative petition shall contain the full text of the proposed amendment. The petition shall be signed by at least fifty percent of the persons qualified to vote in the Commonwealth and at least twenty-five percent of the persons qualified to vote in each senatorial district. A petition shall be filed with the attorney general for certification that the requirements of this subsection have been met.

b) An initiative petition certified by the attorney general shall be submitted to each house of the legislature. If the proposal is approved by the affirmative vote of a majority of the members of each house of the legislature, the proposed amendment shall be submitted for ratification in same manner as and amendment proposed by legislative initiative. The proposed amendment shall be submitted for ratification to the voters at the next regular general election with or without legislative approval.

1. Should the legislative majority needed to approve a popular initiative (majority) be increased?

Section 5: Ratification of Amendments

Section 5 now reads:

a) A proposed amendment to this Constitution shall be submitted to the voters for ratification at the next regular general election or at a special election established by law.

b) An amendment proposed by legislative initiative shall become effective if approved by a majority of the votes cast. An amendment proposed by constitutional

convention or by popular initiative shall become effective if approved by a majority of the votes cast and at least two-thirds of the votes cast in each of two senatorial districts.

1. If a constitutional convention is held, should the requirement be deleted that the number of delegates equals the number of members of the legislature?

2. Should the approval process for constitutional amendments be changed so that constitutional amendments proposed by legislative initiative (majority) are approved in the same way as constitutional amendments proposed by popular initiative (2/3)?

3. Should the voter majority required to approve constitutional amendments by constitutional convention and popular initiative (majority plus 2/3 in two senatorial districts) be changed?

4. Should constitutional amendments that have been approved by the voters take effect:

- upon certification of the results by the Board of Elections, but in no event longer than 90 days?

- on the day the amendment is approved by the voters?