

House Concurrent Resolution No. 5009

By Representative Simmons

2-4

A PROPOSITION to amend article 14 of the constitution of the state of Kansas by adding a new section thereto; reserving to the people of Kansas the power of initiative.

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

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

"§ 3. Power of initiative. (a) (1) The people reserve the power to propose and enact or reject amendments to this constitution by initiative, independent of the legislature.

(2) An initiative amendment to this constitution may be proposed only by a petition signed by not less than 10% of the qualified electors who voted in the last preceding gubernatorial election.

(3) An initiative petition shall be filed with the secretary of state not less than 120 days prior to the election at which the proposed amendment is to be voted upon and not more than 360 days after such petition was approved pursuant to subsection (c).

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

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

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

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

3 (7) 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 (8) 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.

17 (3) An initiative petition shall be filed with the secretary of
18 state not less than 120 days before the election at which the
19 proposed law is to be voted upon and not more than 360 days
20 after such petition was approved pursuant to subsection (c).

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

25 (5) The title of each proposed law shall be specified in the
26 initiative petition and shall be a brief nontechnical statement
27 expressing the intent or purpose of the proposed law and the
28 effect of a vote for and a vote against the proposed law.

29 (6) When more than one proposed law is submitted at the
30 same election, such proposed law shall be so submitted as to
31 enable the electors to vote on each proposed law separately.

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

37 (c) (1) Before an initiative petition may be circulated for
38 signatures, a draft of such petition shall be submitted to the
39 secretary of state in the form in which such petition will be
40 circulated for signatures. Upon submission of a draft petition to
41 the secretary of state, the name and address of an individual
42 shall be provided to the secretary of state as the individual to
43 whom any notices shall be sent. The secretary of state shall

1 transmit a copy of the draft petition to the attorney general for
2 review. The secretary of state and the attorney general shall
3 each review the draft petition for sufficiency as to form,
4 approve or reject the form of the draft petition and state the
5 reasons for rejection, if any.

6 (2) Upon receipt of a draft petition from the secretary of
7 state, the attorney general shall examine the draft petition as to
8 form. The attorney general shall send notice of approval or
9 rejection of the draft petition to the secretary of state within 10
10 days after receipt of the draft petition.

11 (3) The secretary of state shall review the notice of
12 approval or rejection of the attorney general and make a final
13 decision as to the approval or rejection of the form of the draft
14 petition. The secretary of state shall send written notice of such
15 approval or rejection, including the reasons for rejection, to the
16 individual designated to receive notices within 30 days after
17 submission of the draft petition.

18 (d) All elections on initiative measures shall be held at the
19 regular general elections in even-numbered years.

20 (e) Notwithstanding any provision of this constitution to
21 the contrary, an initiative measure shall become effective 30
22 days after the day on which it is enacted or approved by a
23 majority of the votes cast thereon. When conflicting measures
24 are approved at the same election, the one receiving the largest
25 affirmative vote shall prevail.

26 (f) The provisions of this section shall be self-executing,
27 but legislation may be enacted to facilitate its implementation."

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

30 "*Explanatory statement.* This amendment would allow the
31 people to propose and enact or reject amendments to the
32 constitution of the state of Kansas by initiative, independent
33 of the legislature. This amendment would also allow the
34 people to propose and enact or reject laws by initiative,
35 independent of the legislature.

36 "A vote for this proposition would reserve to the people the
37 power to propose and enact or reject laws and amendments
38 to the constitution of the state of Kansas by initiative,
39 independent of the legislature.

40 "A vote against this proposition would not make any changes to
41 the constitution and would not reserve the power of initiative
42 and referendum to the people."

43 Sec. 3. This resolution, if approved by two-thirds of the members

1 elected (or appointed) and qualified to the House of Representatives and
2 two-thirds of the members elected (or appointed) and qualified to the
3 Senate, shall be entered on the journals, together with the yeas and nays.
4 The secretary of state shall cause this resolution to be published as
5 provided by law and shall cause the proposed amendment to be submitted
6 to the electors of the state at the general election in November in the year
7 2026, unless a special election is called at a sooner date by concurrent
8 resolution of the legislature, in which case the proposed amendment shall
9 be submitted to the electors of the state at the special election.