



SENATE JOINT RESOLUTION No. 9

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Article 4 of the Constitution of the State of Indiana.

Synopsis: Ballot and initiative referendum. Provides that the people of Indiana may propose and adopt amendments to the Constitution of the State of Indiana and propose and enact statutes independent of the general assembly through initiative. Provides that the people of Indiana may approve or reject through referendum any statute or part of any statute enacted by the general assembly. This proposed amendment has not been previously agreed to by a general assembly.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Stoops

January 7, 2019, read first time and referred to Committee on Rules and Legislative Procedure.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE JOINT RESOLUTION No. 9

A JOINT RESOLUTION proposing an amendment to Article 4 of the Constitution of the State of Indiana concerning the general assembly.

Be it resolved by the General Assembly of the State of Indiana:

1 SECTION 1. The following amendment to the Constitution of the
2 State of Indiana is proposed and agreed to by this, the One Hundred
3 Twenty-First General Assembly of the State of Indiana, and is referred
4 to the next General Assembly for reconsideration and agreement.
5 SECTION 2. ARTICLE 4, SECTION 1 OF THE CONSTITUTION
6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
7 FOLLOWS: Section 1. (a) **Except as otherwise provided in this**
8 **Constitution**, the Legislative authority of the State shall be vested in
9 a General Assembly, which shall consist of a Senate and a House of
10 Representatives. ~~The style of every law shall be: "Be it enacted by the~~
11 ~~General Assembly of the State of Indiana"; and no law shall be enacted;~~
12 ~~except by bill.~~



1 **(b) The people reserve to themselves the power, independent of**
 2 **the General Assembly, to do the following:**

3 **(1) Propose statutes and amendments to the Constitution of**
 4 **the State of Indiana.**

5 **(2) Adopt or reject their proposed statutes or amendments to**
 6 **the Constitution of the State of Indiana by ballot.**

7 **(3) Approve or reject by ballot any statute, or section or part**
 8 **of any statute, enacted by the General Assembly.**

9 **(c) The style of every statute enacted by the people shall be: "Be**
 10 **it enacted by the People of the State of Indiana:". The style of**
 11 **every statute enacted by the General Assembly shall be: "Be it**
 12 **enacted by the People of the State of Indiana, through the General**
 13 **Assembly:".**

14 SECTION 3. ARTICLE 4 OF THE CONSTITUTION OF THE
 15 STATE OF INDIANA IS AMENDED BY ADDING A NEW
 16 SECTION TO READ AS FOLLOWS: Section 31. (a) As used in this
 17 section, "measure" refers to either of the following:

18 **(1) A statute.**

19 **(2) An amendment to the Constitution of the State of Indiana.**

20 **(b) The initiative is the power of the voters of Indiana to propose**
 21 **a measure and to adopt or reject the proposed measure.**

22 **(c) A measure shall be submitted to the voters of Indiana if a**
 23 **petition containing the text of the proposed measure is signed by**
 24 **the number of Indiana voters equal to two percent (2%) of the total**
 25 **number of votes cast for Secretary of State at the most recent**
 26 **election for Secretary of State.**

27 **(d) All Indiana law not inconsistent with this section relating to**
 28 **election petitions and elections for public questions applies to an**
 29 **initiative.**

30 SECTION 4. ARTICLE 4 OF THE CONSTITUTION OF THE
 31 STATE OF INDIANA IS AMENDED BY ADDING A NEW
 32 SECTION TO READ AS FOLLOWS: Section 32. (a) A referendum
 33 is the power of the voters of Indiana to approve or reject statutes
 34 or parts of statutes enacted by the General Assembly.

35 **(b) A referendum public question shall be submitted to the**
 36 **voters of Indiana if a petition identifying the statute or part of the**
 37 **statute enacted by the General Assembly to be approved or**
 38 **rejected is signed by the number of Indiana voters equal to two**
 39 **percent (2%) of the total number of votes cast for Secretary of**
 40 **State at the most recent election for Secretary of State.**

41 **(c) All Indiana law not inconsistent with this section relating to**
 42 **election petitions and elections for public questions applies to a**



1 **referendum.**

2 SECTION 5. ARTICLE 4 OF THE CONSTITUTION OF THE
3 STATE OF INDIANA IS AMENDED BY ADDING A NEW
4 SECTION TO READ AS FOLLOWS: **Section 33. (a) If an initiative**
5 **or a referendum is approved by a majority of the votes cast on the**
6 **initiative or referendum, the initiative or referendum takes effect,**
7 **subject to subsection (b), five days after the date the results of the**
8 **public question are certified as provided by law, unless the**
9 **initiative or referendum provides otherwise.**

10 (b) **If an initiative statute requires, either implicitly or explicitly,**
11 **that a government entity spend money to carry out the initiative**
12 **statute, the statute does not take effect until the initiative statute or**
13 **another statute provides a source of funding to the government**
14 **entities required to carry out the initiative statute.**

15 (c) **If a referendum petition is filed against part of a statute, the**
16 **remainder of the statute is not delayed from taking effect.**

17 (d) **If provisions of two or more initiatives or referenda**
18 **approved at the same election conflict, the provisions of the**
19 **initiative or referendum receiving the highest affirmative vote**
20 **prevails.**

21 (e) **The General Assembly may amend or repeal referendum**
22 **statutes.**

23 (f) **The General Assembly may amend or repeal an initiative**
24 **statute by another statute only when the other statute is approved**
25 **by the voters in a referendum, unless the initiative statute permits**
26 **amendment or repeal without the approval of the voters.**

27 (g) **The veto power of the governor does not extend to an**
28 **initiative or a referendum statute approved by the voters.**

29 SECTION 6. ARTICLE 4 OF THE CONSTITUTION OF THE
30 STATE OF INDIANA IS AMENDED BY ADDING A NEW
31 SECTION TO READ AS FOLLOWS: **Section 34. The General**
32 **Assembly shall provide by law for exercise of initiative and**
33 **referendum powers by the voters of each unit of local government.**

