

requirement that one-half of the total number of signatures must be presented within 30 days. In principle, this is the same as in the present Constitution. In practice, it makes it somewhat more difficult to suspend the law, because the Committee has recommended a five per cent rather than a three per cent petition requirement.

As noted above, a group may take the entire 60 days to produce the total number of required signatures, without regard to the thirty-day requirement, if it wishes merely to refer a law, rather than to suspend its effect.

The Committee agreed that those who wished to petition legislation for referendum ought to have some responsibility for insuring that those who sign petitions are registered voters. The Committee has included the same provision that is in the present Constitution. That is in section 4 of S&E-1. This requires a person procuring the signatures to sign an affidavit that the persons whose signatures he obtains are registered voters.

The Committee thinks that persons engaged in suspending or referring a law are participating in the legislative process, and that this is a matter of considerable importance.

The requirement of the affidavit has worked satisfactorily in the past. It is considered to serve notice to those who adopt petitions that this is an action of importance to all citizens of the state and as such attaining of petition signatures ought to be done in a responsible manner.

The present Constitution provides that a majority vote on the referendum question is sufficient to determine the outcome. The Committee recommends that if the referred law is rejected by a majority of those voting on the question, and the number of voters voting on that question is not less than one-fourth of the total number of voters voting at such election, the law shall stand repealed.

What this means is that it requires but a simple majority, but that it is necessary that 25 per cent of the people who go to the polls that day cast a vote on the referred question.

The Committee recognized that in all twelve questions previously submitted to referendum by petition, the number of voters voting on the question varied from 30 to 50 per cent. Thus, the provision recommended would have no restrictive effect. Even so, the Committee wished to protect

against the possibility that at some time in the future a militant minority might force its will upon an unsuspecting majority and reverse the actions of the representatives of the people.

That covers the explanation of S&E-1, but does not cover the Committee action with reference to initiative, and I would like to turn attention to that very briefly.

The Committee rejects the concept of initiative and recommends it not be included in the constitution. The Committee believes that the greatest contribution that the electorate can make to the legislative process is to vote for capable candidates, who will enact wise and just laws.

We have been spending these three long and arduous days, I think, with the main purpose of strengthening the legislature, and, therefore, it seems that on the one hand to strengthen the legislature, and on the other to provide provisions for frivolous threats or attacks on the legislative acts, would be in a sense contradictory.

That concludes my presentation on S&E-1.

THE CHAIRMAN: Are there any questions of the Committee Chairman for purposes of clarification of Committee Recommendation S&E-1?

Delegate Hostetter?

DELEGATE HOSTETTER: Madam Chairman, I am just a little bit confused with respect to the term "date of enactment" of a law. Would that be the date the governor signs it into law or would that be the date that it was passed by the General Assembly and presented to the governor?

DELEGATE KOSS: We used the term "date of enactment" to mean the date on which a governor signed a bill into law on the day to which a General Assembly overrode a gubernatorial veto. It has no reference to when it is passed by the General Assembly, nor does it have any reference to the effective date of a law.

If I could differentiate this way between a law being enacted, signed by the governor on July 1, but actually not taking effect until September 1, we had no reference to the September 1 date. We had reference only to the date on which the governor signed the bill, or when the legislature overrode the veto.

THE CHAIRMAN: Delegate Hostetter?

DELEGATE HOSTETTER: I have one