

endum has developed in this state, and in other states, is the abuse that comes about, not by those who seek to mobilize the people to overturn an act of the legislature, but primarily by those who seek to delay the effectiveness of an act of the legislature.

It is in recognition of these proper purposes of referendum, and of this danger of abuse, that the minority has submitted a Minority Report and joins in presenting to you this proposal.

As you will note from the first paragraph of the proposal, it involves striking out a total of three words and inserting in lieu thereof a total of five words. I hope that this net addition of two words to the entire constitution in this manner will not offend those who wish to see the constitution kept short.

The effect of striking out three words would be to increase both the time available for preparing and presenting to the voters a referendum petition and the number of signatures involved in such a petition.

The use of the different base, what we have done is simply to provide that instead of five percent of the gubernatorial vote, what you will need is five percent of the number of registered voters as of the time of the last gubernatorial election. The use of the different base would increase the number of signatures required.

We would hope that as more and more people who have registered take the opportunity to vote, that perhaps this difference may be modified somewhat.

It also increases the number of days available for preparing a referendum petition from sixty days to ninety days. The consequence of these two changes we feel, and we urge upon you, is to shift the emphasis and the availability of the referendum away from those who are highly organized, who have their lobbyists here, who can follow the preparation of a bill, and the time that the bill is signed, who can go into action and have the money available to go into immediate action. It will make it somewhat less available to those people, because they have to gather more signatures, but the added time will make it more available to those people who are not the highly organized body, those people who are involved in a movement of the people, who have to take a while to get themselves organized after a bill is enacted, who can, when they have had an opportunity to edu-

cate the people as to what is happening, get a great deal of response, but who generally nowadays find that sixty days rushes up at them with the result that they cannot possibly get sufficiently organized within the 60 days.

These people, the people in general, as distinguished from those who are highly organized with the lobbyists, these people have a greater availability of the use of the referendum.

There was a second purpose to our amendment, a second major purpose. As I indicated before, it seemed clear to us that the greatest abuse of the referendum in this State and its potential for the future in this State, as well as elsewhere, is in the use of the referendum to suspend the effect of legislation.

The effect of our amendment would increase the number of signatures that must be presented within thirty days in order to suspend the effect of legislation. In other respects it would be the same as the Committee Report. However, we suggest that it will make it less tempting to use this referendum procedure, to misuse this referendum procedure, in order to suspend legislation.

Our Minority Report contains a quotation from a recent unanimous decision of the Court of Appeals, a decision which considered the drastic effect of suspensions as one of the important elements in the background in construing what the meaning of the referendum language is. I suggest that this importance of the effect of suspension is something that you too should consider. You should not make it easy to suspend the action of the legislature.

The third reason we have submitted this amendment, which changes the base upon which this five percent is calculated, is, to add a bit of additional rationality and practicality to the referendum procedure.

At the present time, when you have a hot election, a lot of people getting out to vote, automatically for the next four years the referendum petition signature requirements are increased and increased substantially. The 1966 gubernatorial election figures totaled approximately twenty percent more than the 1962 gubernatorial election figures. As a result, even with no change, the referendum requirement would be increased by twenty percent.

Obviously, the number of registered voters out of whom one must get these signatures has not increased by 20 percent.