

the question must receive a majority of the votes cast at the election or it will fail.

When two questions conflict, the prevailing resolution is that the one receiving the highest number of affirmative votes becomes law. In the State of Washington, when two proposals conflict the ballot allows first for the choices of "either" or "neither." If the majority of votes cast is for "neither," then both are defeated. If it is for "either," then the remaining choices on the ballot determine which measure is to become effective. The remaining choices allow the voter to indicate his first preference. The measure receiving the majority would be law, provided that the votes it received were at least one-third of the total votes cast at that election.

Although the governor's veto power generally does not extend to measures adopted by referendum or initiative, many legislatures can amend or repeal such measures. Alaska allows the legislature to amend the law at any time, but to repeal it only when it has run for two years. The Nevada Constitution is silent about amendments, but provides for repeal after three years. Arkansas and North Dakota provide for amendment or repeal by a two-thirds vote of the legislature at any time. California provides that only referred measures may be amended. In Colorado, Missouri, Montana, Oregon, and Washington the constitutions state that the initiative and referendum provisions do not deprive any member of the legislature of the right to introduce any measure. This, of course, allows the members to amend or repeal any act at any time. Massachusetts allows the amending and repealing of such measures, but these legislative acts are sub-

ject to the governor's veto and to the power of referendum. Arizona is the only state that unconditionally prohibits measures passed as a result of initiative or referendum from being amended or repealed.

Both the initiative and referendum powers are often declared inapplicable to certain measures. The most common restrictions are on bills relating to revenues, appropriations, and courts. The referendum power does not apply to emergency measures in more than half the states with referendum. Generally, an emergency law is defined as a law which is necessary for the immediate preservation of the public peace, health, or safety. Many states require that an emergency measure be declared to be such, either in the preamble of the act or in a section of it and that it be passed by a two-thirds vote. Maryland requires a three-fifths vote. Upon passage, it will take effect immediately; meaning, of course, that it will become law as soon as it is signed by the executive. Nonemergency measures, in most instances, do not take effect until 90 days after either the end of the legislative session or the submission to the governor. The petition to refer a bill must be filed within that 90-day period.

Normally, filing a petition to refer an act passed by the legislature will suspend its operation except when it is an emergency measure (this is in reference, of course, to states which do not bar emergency measures from being so petitioned). A second instance in which filing a petition does not terminate operation of an act is when the petition is filed against one item in the bill. Although that item does not take effect, the remainder of the act is not delayed in becoming operative.