

**INITIATIVE AND
REFERENDUM: PUBLISHED
FOR THE CONSTITUTIONAL
CONVENTION OF 1912**

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Initiative and Referendum: Published for the Constitutional Convention of 1912 by C. B. Galbreath

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C. B. GALBREATH

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REFERENDUM: PUBLISHED
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CONVENTION OF 1912**

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Published for the Constitutional Convention
of 1912

COMPILED BY
C. B. GALBREATH, SECRETARY



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CONSTITUTIONAL CONVENTION,
COLUMBUS, OHIO, February 1, 1912.

The compiler prepared for publication pamphlets on the Initiative and Referendum in 1908, 1909 and 1911. Since that time much has been written on the subject, and developments in different sections of the United States indicate clearly that interest in direct legislation is becoming more general and pronounced.

The supply of the pamphlets previously published is practically exhausted. This contribution has been compiled to meet the current and prospective demand for material on the subject.

Acknowledgment is due to the library of the Ohio State University for assistance in bringing the bibliography down to date.

C. B. GALBREATH,
Secretary.

INITIATIVE AND REFERENDUM.

TERMS DEFINED.

The *Referendum* may be defined in general as the referring of legislation to the people for final rejection or acceptance; the *Initiative* as the giving to the people the right of proposing legislation to be acted upon.

The *Referendum*, as it is now generally advocated, requires that no law save a strictly defined class of urgent measures for the public peace, health, and safety, which usually must have a two-thirds or three-fourths majority to pass, shall go into effect without waiting a fixed time, say ninety days. If, during this time, a part of the voters, say ten per cent., sign a petition for the *Referendum* on that law, it would not go into effect till the next regular election when the people would vote for it, and if a majority voted no, it would not be a law.

The *Initiative* gives the people the power to originate laws. If a certain percentage of the voters, say ten per cent., sign a petition for a law and file it with the proper official, it must come before the legislature, and perhaps be referred to the people.

Sometimes the law requires that legislation be referred to the people, whether they petition it or not. This is called the *compulsory Referendum*. Where the *Referendum* is taken only where a certain number petition for it, it called the *optional Referendum*.

The *Referendum* and the *Initiative* provide for *direct legislation*; that is, legislation directly by the people.

—Adapted from *The Encyclopedia of Social Reform*.

In amendments by a number of states the *Initiative* and *Referendum* are regarded as distinct powers reserved by the people. The two might therefore be defined in a general way as follows:

The *Initiative* is the power reserved by the people to originate and enact laws directly, usually without the mediation of the legislature.

The *Referendum* is the power reserved by the people to veto directly a law passed by the legislature.

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PROGRESS OF THE INITIATIVE AND REFERENDUM IN AMERICA.

- 1897 Iowa applied Referendum to all franchise grants.
- 1897 Nebraska made Initiative and Referendum optional in cities.
- 1898 South Dakota adopted Initiative and Referendum amendment.
- 1900 Utah adopted amendment for which legislature has never passed enabling act.
- 1901 Illinois passed public policy law providing for advisory Referendum.
- 1902 Oregon by constitutional amendment secured an effective form of the Initiative and Referendum.
- 1903 Los Angeles, California, applied Initiative and Referendum to municipal affairs.
- 1905 Nevada by constitutional amendment adopted the Referendum.
- 1905 Grand Rapids, Michigan, applied Initiative and Referendum to municipal affairs.
- 1906 Montana adopted Initiative and Referendum amendment.
- 1906 Delaware by popular vote instructed legislature to provide for the Initiative and Referendum.
- 1907 (1) Oklahoma placed Initiative and Referendum in the constitution to be submitted to the people.
(2) Maine legislature voted to submit an Initiative and Referendum amendment.
(3) Missouri legislature voted to submit an Initiative and Referendum amendment.
(4) North Dakota legislature voted to submit an Initiative and Referendum amendment.
(5) Delaware legislature placed the Initiative and Referendum in the charter of Wilmington.
- 1908 (1) Missouri adopted Initiative and Referendum by vote of 177,615 to 147,290.
(2) Maine adopted Initiative and Referendum by vote of 53,785 to 24,543.
(3) The legislature of North Dakota failed to submit Initiative and Referendum to the people.
- 1909 (1) Arkansas legislature voted to submit Initiative and Referendum amendment.
(2) Colorado legislature voted to submit Initiative and Referendum amendment.