

105TH CONGRESS  
1ST SESSION

# H. J. RES. 87

Proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1997

Mr. HOEKSTRA introduced the following joint resolution; which was referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled (two-*  
3       *thirds of each House concurring therein),* That the follow-  
4       ing article is proposed as an amendment to the Constitu-  
5       tion of the United States, which shall be valid to all intents  
6       and purposes as part of the Constitution when ratified by  
7       the legislatures of three-fourths of the several States with-

1 in seven years after the date of its submission for ratifica-  
2 tion:

3 “ARTICLE —

4 “SECTION 1. The people shall have the right to enact  
5 any law which the Congress has authority to pass, and  
6 to repeal any provision of law passed by Congress which  
7 has become law, except that the people shall not have the  
8 right to declare war, grant letters of marque and reprisal,  
9 make rules concerning captures on land and water, or call  
10 forth the militia.

11 “SECTION 2. A petition proposing the enactment of  
12 a law, or the repeal of a provision of law, shall be submit-  
13 ted to an officer of the Government of the United States  
14 whom the Congress shall designate by law. Each petition  
15 shall contain the text of the proposed law, or, in the case  
16 of a proposed repeal of a provision of law, the text of the  
17 provision of law that shall cease to be effective if repealed  
18 under this article. Each petition shall be signed by at least  
19 3 percent of the whole number of people, in each of at  
20 least 10 States, who voted in the most recent election for  
21 President, or for electors for President, occurring before  
22 the date on which the petition is submitted to the officer  
23 designated by Congress, and the total number of signa-  
24 tures on such petition shall be at least 3 percent of the  
25 whole number of people, from all of the several States,

1 who voted in such election. All such signatures shall be  
2 collected within the 18-month period ending on the date  
3 the petition is submitted to the officer designated by the  
4 Congress.

5       “Within 90 days after a petition is submitted to the  
6 officer designated by the Congress, such officer shall de-  
7 termine the validity of the signatures contained in the pe-  
8 tition. If the petition contains the required number of valid  
9 signatures, the officer shall certify the petition and shall  
10 direct the chief executive officer in each State to place a  
11 copy of the proposed law, or provision of law proposed to  
12 be repealed, contained in the petition on the ballot in the  
13 first election (other than an election to fill a vacancy) for  
14 Members of the House of Representatives which is held  
15 at least 120 days after such certification. The Congress  
16 shall by law establish procedures for the preparation and  
17 submission of any such petition and for the validation of  
18 signatures on such petition.

19       “SECTION 3. If a law or repeal proposed under this  
20 article receives a majority of the votes cast in three-fifths  
21 of the several States, the proposed law or repeal shall be  
22 introduced to the Congress by the Speaker of the House  
23 of Representatives and the President pro tempore of the  
24 Senate on the first day of the first session of Congress  
25 following the vote.

1        “If Congress does not enact the proposed law or re-  
2    peal, without amendment, before the end of one year and  
3    90 days after the first day of the first session of Congress  
4    following the vote, the officer to whom the petition was  
5    submitted shall direct the chief executive officer in each  
6    State again to place a copy of the proposed law, or provi-  
7    sion of law proposed to be repealed, contained in the peti-  
8    tion, together with any amended version approved by Con-  
9    gress, on the ballot in the first election (other than an  
10   election to fill a vacancy) for Members of the House of  
11   Representatives which is held at least 120 days after such  
12   direction.

13       “If a law or repeal again placed on the ballot pursu-  
14   ant to this article receives a majority of the votes cast  
15   in three-fifths of the several States, the proposed law or  
16   repeal shall be enacted and take effect according to its  
17   terms.

18       “No law, or repeal of a provision of law, which is en-  
19   acted under this article shall be subject to approval of the  
20   President.

21       “The Congress may not, during the 2-year period be-  
22   ginning on the date on which a law enacted by the people  
23   under this article takes effect, or the date on which a law  
24   repealed by the people under this article ceases to be effec-  
25   tive, repeal or amend a law so enacted, or reenact any

1 part of a law so repealed, except by an affirmative vote  
2 of two-thirds of the Members of each House of Congress.

3 “SECTION 4. The people in each State voting under  
4 this article shall have the qualification requisite for elec-  
5 tors of the most numerous branch of the State legislature.  
6 The Congress shall by law prescribe the manner in which  
7 the results of the voting conducted under this article shall  
8 be ascertained and declared.”.

