

105TH CONGRESS
1ST SESSION

H. R. 3006

To direct the Attorney General to provide a written opinion regarding the constitutionality of proposed State ballot initiatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To direct the Attorney General to provide a written opinion regarding the constitutionality of proposed State ballot initiatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Truth in Democracy
5 and Legislative Responsibility Act of 1997”.

6 **SEC. 2. ISSUANCE OF OPINION REGARDING CONSTITU-**
7 **TIONALITY OF STATE BALLOT INITIATIVES.**

8 (a) IN GENERAL.—The Attorney General (acting
9 through the United States Attorney for the State involved)
10 shall issue a written opinion regarding whether a proposed

1 State ballot initiative (if adopted) would be consistent with
2 the Constitution of the United States if the initiative has
3 obtained the requisite number of signatures for placement
4 on the ballot in a general election (as determined in con-
5 sultation with the Secretary of State or appropriate offi-
6 cial of the State involved).

7 (b) PUBLICATION; PLACEMENT ON BALLOT.—The
8 Attorney General shall publish and submit to Congress
9 and the Governor of the State involved an opinion under
10 this section not later than 30 days before the general elec-
11 tion for which the initiative is on the ballot, and shall in-
12 clude in the opinion an analysis of the constitutional issues
13 raised and of the potential costs which may be incurred
14 as a result of litigation initiated in response to the initia-
15 tive (if adopted). The Secretary of State of the State (or
16 other appropriate official of the State) shall include the
17 opinion as part of the ballot which contains the initiative.

18 (c) EXCEPTION FOR CERTAIN INITIATIVES.—This
19 section shall not apply with respect to a State ballot initia-
20 tive with respect to which the Attorney General finds that
21 no constitutional issues are involved.

1 **SEC. 3. PROHIBITING INITIATIVES DETERMINED BY ATTOR-**
2 **NEY GENERAL TO BE UNCONSTITUTIONAL**
3 **FROM TAKING EFFECT.**

4 Notwithstanding any other provision of law, no State
5 ballot initiative may take effect if the Attorney General
6 issues an opinion under section 2 that the initiative (if
7 adopted) would be inconsistent with the Constitution of
8 the United States.

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