

What are Initiatives and Referendums? Lesson Plan

Target audience: 12th grade government students
Length: 1 day (90-minute class)

Objectives

The students will:

1. Define initiative and referendum.
2. Compare and contrast initiatives and referendums.
3. Describe the process used in Virginia to get a referendum on the ballot.
4. Evaluate the efficacy of initiatives and referendums.

1. Overview

In this lesson, students will explain the major difference between an initiative and a referendum, and how these two examples of direct democracy are applied to State and local government in Virginia. In addition, they will use the Code of Virginia to examine specific sections that relate to initiatives and referendums. This lesson will also require students to use the State Board of Elections website to discuss how local ballots across the State could be different in the same election. The information compiled during the lesson will be used by the students to form their own opinion on whether or not the State of Virginia should allow for statewide initiatives and referendums.

2. Activities

Activity 1

- Before students analyze the Code of Virginia, have them complete and discuss the answers as a class to Handout #1: *What are Initiatives and Referendums?*

Activity 2

- Distribute Handout #2: *So You Want to Put a Referendum on the Ballot!* Ask students to read each excerpt and respond to the questions.
- Both of the excerpts are from the Code of Virginia and are found at the State Board of Elections website at the following web address:
http://www.sbe.virginia.gov/cms/Election_Information/Getting_a_Question_on_the_Ballot.html.

3. Group Discussion

- Before having a class discussion, have students complete Handout #3: *Group Discussion Questions*.
- Refer to the following website during the discussion:
http://www.sbe.virginia.gov/cms/Election_Information/Getting_a_Question_on_the_Ballot.html.

4. Background

Initiative

- A ballot initiative is a proposal to change or create a law at a local or state level. Instead of relying on the legislature to make all of the laws, citizens can use the ballot initiative process to implement laws on their own. Using the ballot initiative process, citizens can bring about a public vote on a proposed statute or constitutional amendment by gathering a pre-determined amount of signatures from registered voters and turning those signatures in to the state (www.citizensincharge.org).

Referendum

- A referendum is a process by which a legislative measure is referred to the State's voters for final approval or rejection. A referendum places a law that has already been passed by the legislature to a popular vote. Similar to a ballot initiative, it is a citizen led effort and requires a predetermined amount of signatures to qualify the measure to get on the ballot. The legislature can also place a bill to a legislative referendum. (www.citizensincharge.org).

Currently, 24 states have some form of initiative and referendum process. The State of Virginia requires that all legislation be enacted by the General Assembly. Voters in the State of Virginia are not allowed to circulate petitions to appear on the ballot statewide. Therefore, ballots in two separate localities may have different referendums on the ballots depending on issues the local government is facing at a given time.

Local issues are permitted to be placed on the ballot only if the question is authorized by statute or by charter. In such cases, the question is specifically stated in either the county, city or town charter, or in the section of the Code of Virginia that permits the question. Example: The Direct Election of School Board is found in § 22.1-57.2. The signature requirements are also included in that section (http://www.sbe.virginia.gov/cms/Election_Information/Getting_a_Question_on_the_Ballot.html).

5. Conclusion

Conclude the lesson with a group discussion in which students answer the following questions:

1. Do you feel the State of Virginia should allow for statewide referendums and initiatives? Why or why not?
2. What would the General Assembly in Virginia have to do in order to allow for statewide initiatives and referendums?

6. Differentiation

A useful website to provide further information on initiatives and referendums for students can be found at the following address: www.citizenincharge.org. Teachers can use this website to further the student's knowledge and understanding of the topic or as a substitute to the Code of Virginia for lower level students.

Teachers can also incorporate a copy of the state provisions for putting referendums on local ballots at the following address: <http://www.sbe.virginia.gov/cms/documents/INFO->

[REF.pdf](#). Teachers could use this link to provide additional detail and understanding to the students.

If the teacher wants to extend this activity, students can conduct additional research on local referendums in Virginia and come up with referendums of their own either individually or in groups.

7. SOL Skills

The student will demonstrate mastery of the social studies skills citizenship requires, including the ability to

- analyze primary and secondary source documents (GOVT1.a);
- select and defend positions in writing, discussion, and debate (GOVT.1g).

8. SOL Content

The student will demonstrate knowledge of the organization and powers of the state and local governments described in the Constitution of Virginia by

- examining the structure and powers of local (county, city, and town) governments (GOVT.8b);
- analyzing the relationship between state and local governments and the role of regional authorities, governing boards, and commissions (GOVT.8c);
- examining the ways individuals and groups exert influence on state and local governments (GOVT.8d).

9. Materials

- Handout #1: *What are Initiatives and Referendums?*
- Handout #2: *So You Want to Put a Referendum on the Ballot!*
- Handout #3: *Group Discussion Questions*
- Access to the Internet

Name _____
Period _____ Date _____

What are Initiatives and Referendums?

Directions: Initiatives and referendums are two examples of direct democracy which involve voters directly in the law making process. Keeping in mind that initiatives and referendums are examples of direct democracy, respond to the questions.

1. Define the terms “initiative” and “referendum” in your own words.
2. What is the major difference between an initiative and a referendum?
3. Which of the two is a better example of direct democracy? Explain your answer.

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So You Want to Put a Referendum on the Ballot!

Directions: After reading the excerpts from the Virginia Code regarding the process of getting a referendum on the ballot and calling for referendum elections, answer the question that follows each excerpt.

24.2-684. How referendum elections are called and held, and the results ascertained and certified.

Notwithstanding any other provision of any law or charter to the contrary, the provisions of this section shall govern all referenda.

No referendum shall be placed on the ballot unless specifically authorized by statute or by charter.

Whenever any question is to be submitted to the voters of any county, city, town, or other local subdivision, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot in plain English as that term is defined in § [24.2-687](#). The order shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for the referendum if the request is found to be in proper order. The court order shall set the date for the referendum in conformity with the requirements of § [24.2-682](#).

A copy of the court order calling a referendum shall be sent immediately to the State Board by the clerk of the court in which the order was issued.

The ballot shall be prepared by the appropriate electoral board and distributed to the appropriate precincts. On the day fixed for the referendum, the regular election officers shall open the polls and take the census of the qualified voters of the county, city, town, or other local subdivision, as the case may be, on the question so submitted. The ballots for use at any such election shall be printed to state the question as follows:

"(Here state briefly the question submitted)

Yes

No"

The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections. The results shall be certified by the secretary of the appropriate electoral board to the State Board, to the court ordering the election, and to such other authority as may be proper to accomplish the purpose of the election.

(Code 1950, § 24-141; 1966, c. 115; 1970, c. 462, § 24.1-165; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1978, cc. 258, 304; 1979, c. 37; 1980, c. 639; 1981, c. 367; 1982, cc. 498, 650; 1983, c. 461; 1991, c. 592; 1993, c. 641; 1994, c. 142; 1996, c. 297.)

According to the excerpt, how are referendums officially put on the ballot in Virginia?

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§ 24.2-684.1. Requirements for voter petitions to call for referendum elections.

In addition to other applicable requirements of law, the following requirements shall apply whenever a referendum election is initiated by voter petitions. The requirements of this section shall be construed to override any requirement of general or special law in conflict with this section, except requirements set out in charter provisions to govern the exercise of recall, initiative, or referendum powers in a county, city, or town.

The requirements of this section shall apply to petitions calling for any referendum which is ordered to be held on or after January 1, 1994.

1. Prior to circulating any petition for signature, an individual shall file a copy of the petition with the clerk of the circuit court for the county or city in which the referendum will be held. The individual shall be a qualified voter of the county or city and shall file, with the petition copy, a statement giving his name; residence address and, if different, his mailing address; and the name of the organization, if any, which he represents in circulating the petition. The copy of the petition shall be filed on or after the effective date of the law which authorizes the referendum for which the petition will be circulated. The clerk shall certify, within ten days of such filing, that he has received and accepted the petition copy and statement.
2. If the referendum will be held only in a town, the copy and statement shall be filed with the clerk of the circuit court for the county in which the town, or larger portion of the town, is located, and the individual shall be a qualified voter of the town. If the referendum will be held only in part of a county, city, or town, the copy and statement shall be filed with the clerk of the appropriate circuit court, and the individual shall be a qualified voter of the part of the county, city, or town in which the referendum will be held. If the referendum will be held in more than one county, city, or town, the copy and statement shall be filed with the clerk of the circuit court of any one of the localities in which the referendum will be held, and the individual shall be a qualified voter of that locality.
3. Each qualified voter signing a petition shall date his signature.
4. Each such voter shall provide on the petition his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.
5. Each signature on the petition shall be witnessed by a person who is qualified to vote, or qualified to register to vote, in the referendum for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition.
6. The petition shall be circulated, completed, and filed with the appropriate court or authority within nine months of the date of the certification by the clerk of the circuit court pursuant to subdivision 1.
7. Each qualified voter signing the petition shall have been validly registered in the jurisdiction for which the petition is circulated at the time of signing the petition and at the time of validating the petition signatures.

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8. The number of voters registered on January 1 of the year of the certification by the clerk of the circuit court pursuant to subdivision 1 shall be the basis for determining the number of signatures required on the petition in all cases in which the law authorizing the referendum provides that the number of signatures required for the petition is a percentage of the number of registered voters.
9. If the court or authority finds that the filed petitions are valid and sufficient under law, it shall proceed, as provided by law, to order or call for the referendum election. If the court or authority finds that the filed petitions are invalid for any cause, the petitions and the signatures on them shall be invalid for all purposes. The invalidity of one or more signatures on a petition page shall not be cause to invalidate the entire petition page. If the circulators of the petitions fail to file within the nine-month period provided in subdivision 6, the petitions and the signatures on them shall be invalid for all purposes.

(1993, c. 996, § 24.1-165.3; 1993, c. 641; 2000, cc. 232, 252.)

According to the excerpt, what are the nine requirements for voter petitions to call for referendum elections?

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

Name _____
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Group Discussion Questions

Review the Virginia State Board of Elections website at:

http://www.sbe.virginia.gov/cms/Election_Information/Getting_a_Question_on_the_Ballot.html.

After reviewing the website, form groups of three or four and respond to the questions. Be prepared to share your responses with the class.

1. How could it be possible for a ballot in one locality in the State of Virginia to be different than the ballot of another locality in Virginia?
2. What are the positive and negative consequences of not having statewide referendums and initiatives?
3. What issues in your area do you think would be best solved by a referendum or initiative? Explain your answer.
4. What issues in your area do you think would not be best solved by a referendum or initiative? Explain your answer.
5. Why do you think the State has established so many requirements on petitions that call for referendums to be placed on local ballots?