

The Five Percent Solution

For a citizen based revolution changing the balance points of power between the citizens and government to succeed, it will likely be necessary at least at the outset for the campaign to be made to succeed when as few as five percent of the people are involved and leading the charge.

Ultimately a plurality of the entire citizen population will be required to push the campaign over the top, but at the outset, most citizens will probably elect not to get directly involved.

The truth of this can be seen in every such movement by citizens in the known history of the world. Cases in point that hit close to home might be our revolutionary war that started in 1775, and our civil war that started in 1761, and World War II that started (for the US) in December of 1941, and more recently Americas “war” with Vietnam which lasted from 1955 through 1974 without even being declared as a war. In each of these cases the majority whether generally in favor of the cause(s) or not chose to stay home and not get involved....until it became clear to everyone involved on both sides that the cause was going to succeed with or without them.

Forcing a Constitutional Convention by the citizens, which right is the citizens under our present Constitution, (Amendment #10 of the original bill of Rights), while allowed under the present Constitution, is presently only available by way of the citizens being able to either persuade their present state legislatures, or forcing the issue by way of initiative measures at the state level.

Currently just 19 states allow citizens to overrule their legislatures by way of initiative measures. And, in most of these 19 instances, the initiative amendments to the state constitutions, allow the politicians to override the citizens' initiative actions if THE POLITICIANS deem it necessary.

Most states have a provision in their constitution allowing for petitions circulated by citizens to be submitted to the overall citizens of the state by way of referendum measures. The referendum measures are then subject to legislative and governor approval before they can become law. Thus, citizens can legally pass any referendum measure they like, but their politicians at the legislative level can still typically deny them the right to see their referendum-based policies actually implemented.

This has happened so often that citizens typically do not try to get initiative or referendum measures passed on anything important. Some trivial referendum matters are tossed the citizens way as crumbs, but overall, the politicians remain 100% in charge,

That needs to change, and five percent of the citizens should be able to get that job started, and then the balance of citizens can weigh in from home, cast a vote, and finish the job.

The First initiative measure:

In most states the option exists to petition the states legislature for a redress of grievances by the citizens. This is done by circulating initiative and /or referendum petitions authorized by the state (typically by the Secretary of State in each State) .

Almost all states having referendum and/or initiative access for the citizens now have a means of circulating such petitions electronically. Thus, handwritten signatures would typically not be required, and a relative handful of petitioners could gather the required number of signatures in a fraction of the time, and with a fraction of the number of petition circulators required in the past.

Getting a petition **allowing citizen initiative measures on the ballot, and getting enough citizens to vote for it**, is just the first step, but it is a significant first step.

Perhaps fewer than 100 motivated citizens could likely get this job done in most states. And, once on the ballot, the same 100 motivated citizens could likely also initiate the necessary door knocking, sign postings, and town hall meetings to raise the awareness of the citizens and persuade a plurality of citizens to vote to give themselves the power to exercise citizen control over politicians whenever the citizens deemed it necessary.

At the point in time when ballot initiatives become possible in 35 states around the country, citizens forcing a constitutional convention at the national level would be not only possible...but highly likely.

Two additional initiative driven measures will also be needed, and passing the first one (above) would make certain that citizens acting alone could make those two happen.

The two additional initiative driven measures would relate to :

The second initiative measure: (Made possible by the first initiative measure)

The citizens by way of initiative action need to assure that they can direct (not recommend and not request) but require their state legislatures to petition the federal government (Congress) to open a Constitutional Convention to debate any and all amendments submitted by the citizens directly....or to join other states who may have already begun such a petition, within 60 days of being directed by the citizens to do so. In the event of multiple petitions being submitted concurrently, all such petitions can be handled under one Constitutional Convention.

The Third Initiative Measure: (Made possible by the first initiative measure)

A third initiative at the state level will be needed to assure that any Constitutional amendments needing ratification by the several states, as decided during any Constitutional Convention, are subject not just to the approval of the state legislatures and/or the state's governor; but are also subject to the approval of a plurality of the citizens in the state who are eligible to vote.

Currently only specified "electors"(politicians) specified by each state are allowed to cast the actual ratification votes that move the amendment through to completion. An alternative is also provided by the Federal constitution for Congress to instead specify that each state may hold separate convention where "electors" chosen by the politicians are allowed to vote yea or nay on ratifying Constitutional amendments at the federal level.

The third initiative noted here would specify that regardless of which method of ratification the Congress specified, that the citizens of the state reserved for themselves the right to superimpose their decision on either the individual “electors” or the separate convention attendees to the effect that if the wishes of the citizens and the wishes of the “special electors” diverge, the “special electors” must bow to the wishes of the citizens, AND must cast their votes that way during the ratification process....or, alternatively, cast no vote at all. The citizens votes would then prevail.

Passing these three initiative measures at the state level in each state would ensure that the citizens wishes from start to finish during any Constitutional Conventions, and at any other time as well, prevailed over the politicians wishes whenever such a conflict might arise.

An Example:

As a starting point, following is an attachment of a present state constitutional requirement allowing initiative measures and referendum measures. This one, like most others presently in existence needs to be amended to remove the self-serving clauses that allow the states politicians to take back with one hand what they offered in the other hand (a favorite political technique).

Politicians the world over have been employing the “offer with one hand, take back with the other” ploy to make sure that they can rule absolutely over the citizens whenever they believe such control is needed or warranted.

It (the attachment) might serve as a model (or perhaps a place to start) for other states as well.

The attachment has been modified using “line-through” markings to exclude wording that in effect gives back to the politicians all the powers that they “gave” to the citizens, whenever they think it is important to take back the powers awarded to the citizens; entirely at the politicians choosing, and typically without anything the citizens can do about it when it happens.

Any articles in any state constitution having to do with initiatives and referendums must, to be of any value whatsoever to the citizens, preclude the politicians from overriding the citizens wishes for any reason whatsoever. Otherwise it would be just another temporary “feel good” stipulation in the states constitution....and nothing would really change.

There are no existing models for the second and third initiatives measures included here since no state (that I know of) has yet implemented such measures. They should not be hard to draft in a “bulletproof” format. When citizens of any state draft such initiatives, and assuming they work, the text could be sent out to the Citizen Constitutional Amendment committee’s in every state to accelerate the number of passages of these initiatives, nationwide.

With a bit of luck, we might be able to get it all done, nationwide, in 12-36 months.

Then at the Constitutional Convention, we could argue the merits of the proposed amendments, and adopt the ones we believe would move the country forward for everyone in the country and in the process give the United States of America back to its citizens....**all** of them.

Jack

Addendum # 1:

Sample wording for allowing initiatives and referendums – annotated with lined through text proposing deletions that would disallow politicians having the ability to override a citizen passed initiative for any reason.

This particular sample was taken from Article 4 of the State Constitution of the State of Arizona which is one of 19 states providing citizens with direct initiative powers. (see the attached list of states allowing citizen initiatives)

Article IV.

Section 1. Legislative authority; initiative and referendum

(1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

(2) Initiative power. The first of these reserved powers is the initiative. Under this power ten per centum of the qualified electors shall have the right to propose any measure, and fifteen per centum shall have the right to propose any amendment to the constitution.

(3) Referendum power; emergency measures; effective date of acts. The second of these reserved powers is the referendum. Under this power the legislature, or five per centum of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, ~~except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the state government and state institutions;~~ but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for ninety days after the close of the session of the legislature enacting such measure, ~~except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of the state and of state institutions;~~ provided, that no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays,

~~and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.~~

(4) Initiative and referendum petitions; filing. All petitions submitted under the power of the initiative shall be known as initiative petitions and shall be filed with the Secretary of State not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the legislature which shall have passed the measure to

which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

~~(5) Effective date of initiative and referendum measures. Any measure or amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.~~

(6)(A) Veto of initiative or referendum. The veto power of the governor shall not extend to an initiative measure approved by a majority of the votes cast thereon or to a referendum measure decided by a majority of the votes cast thereon.

(6)(B) Legislature's power to repeal initiative or referendum. The legislature shall not have the power to repeal an initiative measure approved by a majority of the votes cast thereon or to repeal a referendum measure decided by a majority of the votes cast thereon. (6)(C)

Legislature's power to amend initiative or referendum. The legislature shall not have the power to amend an initiative measure approved by a majority of the votes cast thereon, or to amend a referendum measure decided by a majority of the votes cast thereon, unless the amending legislation furthers the purposes of such measure and at least three fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to amend such measure.

(6)(D) Legislature's power to appropriate or divert funds created by initiative or referendum. The legislature shall not have the power to appropriate or divert funds created or allocated to a specific purpose by an initiative measure approved by a majority of the votes cast thereon, or by a referendum measure decided by a majority of the votes cast thereon, unless the appropriation or diversion of funds furthers the purposes of such measure and at least three fourths of the members of each house of the legislature, by

~~a roll call of ayes and nays, vote to appropriate or divert such funds.~~

(7) Number of qualified electors. The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a state or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) Local, city, town or county matters. The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the initiative fifteen per centum of the qualified electors may propose

measures on such local, city, town, or county matters, and ten per centum of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Form and contents of initiative and of referendum petitions; verification. Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on state measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the state (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his post office address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title ~~and text of the measure so proposed to be initiated or referred to the people,~~ and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant and that in the belief of the affiant each signer was a qualified elector of the state, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) Official ballot. When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot at the next regular general election the title and number of said measure, together with the words "yes" and "no" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) Publication of measures. The text of all measures to be submitted shall be

published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefore.

(12) Conflicting measures or constitutional amendments. If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

(13) Canvass of votes; proclamation. It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within **ten** days after the election, and upon the completion of the canvass the governor shall

forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

~~(14) Reservation of legislative power. This section shall not be construed to deprive the legislature of the right to enact any measure. Except that the legislature shall not have the power to adopt any measure that supersedes, in whole or in part, any initiative measure approved by a majority of the votes cast thereon or any referendum measure decided by a majority of the votes cast thereon, unless the superseding measure furthers the purposes of the initiative or referendum measure and at least three fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to supersede such initiative or referendum measure.~~

(15) Legislature's right to refer measure to the people. Nothing in this section shall be construed to deprive or limit the legislature of the right to order the submission to the people at the polls of any measure, item, section, or part of any measure.

(16) Self-executing. This section of the constitution shall be, in all respects, self-executing.

Section 2. Penalty for violation of initiative and referendum provisions

The legislature shall provide a penalty for any willful violation of any of the provisions of the preceding section.

Article 21

Section 1. Introduction in legislature; initiative petition; election

Any amendment or amendments to this Constitution may be proposed in

either House of the Legislature, or by Initiative Petition signed by a number of qualified electors equal to fifteen per centum of the total number of votes for all candidates for Governor at the last preceding general election. Any proposed amendment or amendments which shall be introduced in either House of the Legislature, and which shall be approved by a majority of the members elected to each of the two Houses, shall be entered on the journal of each House, together with the ayes and nays thereon. When any proposed amendment or amendments shall be thus passed by a majority of each House of the Legislature and entered on the respective journals thereof, or when any elector or electors shall file with the Secretary of State any proposed amendment or amendments together with a petition therefor signed by a number of electors equal to fifteen per centum of the total number of votes for all candidates for Governor in the last preceding general election, the Secretary of State shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the Legislature shall call a special election for the purpose of having said proposed amendment or amendments voted upon, in which case the Secretary of State shall submit such proposed amendment or amendments to the qualified electors at said special election,) and if a majority of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said regular or special election, such amendment or amendments shall become a part of this Constitution. Until a method of publicity is otherwise provided by law, the Secretary of State shall have such proposed amendment or amendments published for a period of at least ninety days previous to the date of said election in at least one newspaper in every county of the State in which a newspaper shall be published, in such manner as may be prescribed by law. If more than one proposed amendment shall be submitted at any election, such proposed amendments shall be submitted in such manner that the electors may vote for or against such proposed amendments separately.

Beyond this, each state currently allowing initiative measures typically tacks on several pages of small print detailing what petitioners must do to have their petitions accepted by the state.

If your state allows initiative petitions, but doesn't yet allow for gathering petitioners' signatures electronically, you would be well advised to add that requirement to the petition for allowing initiative measures. Gathering signatures electronically is much more efficient (and quicker) than doing it by hand.

In Arizona's Constitution re: initiatives, the fine print goes on several more pages, but those pages are mostly about how petitions are handled after submission by the citizens.

There will likely be pushback, but the citizens should be able to prevail in this regard since the changes all have to do with increasing citizens powers over the powers of the politicians. It should be relatively easy to convince citizens to endorse petitions of this kind.

Addendum # 2

Initiative and Referendum States as of 2020

Initiative – a law or constitutional amendment introduced by citizens through a petition process either to the legislature or directly to the voters.

Popular Referendum – a process by which voters may petition to demand a popular vote on a new law passed by the legislature.

State	Statutes		Constitution
	Initiative	Popular Referendum	Initiative
Alaska	I	Yes	None
Arizona	D	Yes	D
Arkansas	D	Yes	D
California	D	Yes	D
Colorado	D	Yes	D
Florida	None	No	D
Idaho	D	Yes	None
Illinois	None	No	D
Maine	I	Yes	None
Maryland	None	Yes	None
Massachusetts	I	Yes	I
Michigan	I	Yes	D
Mississippi	None	No	I
Missouri	D	Yes	D
Montana	D	Yes	D

		Statutes	Constitution
Nebraska	D	Yes	D
Nevada	I	Yes	D
New Mexico	None	Yes	None
North Dakota	D	Yes	D
Ohio	I	Yes	D
Oklahoma	D	Yes	D
Oregon	D	Yes	D
South Dakota	D	Yes	D
Utah	D & I	Yes	None
Washington	D & I	Yes	None
Wyoming	I*	Yes	None
U.S. Virgin Islands	I	Yes	I

D – *Direct Initiative*; proposals that qualify go directly on the ballot.

I – *Indirect Initiative*; proposals are submitted to the legislature, which has an opportunity to act on the proposed legislation. The initiative question will subsequently go on the ballot if the legislature rejects it, submits a different proposal or takes no action.

I* -- Alaska and Wyoming’s initiative processes are usually considered indirect. However, instead of requiring that an initiative be submitted to the legislature for action, they only require that an initiative cannot be placed on the ballot until after a legislative session has convened and adjourned.