

**OPINION
71-374**

February 24, 1971 (OPINION)

The Honorable Myron H. Atkinson, Jr.
House of Representatives, District 32
State Capitol

RE: Statutes - Initiative and Referendum Petitions - Validity of Sta
Regulating Use

We have received your inquiry as to the constitutionality of Senate Bill 2067.

This bill relates to regulations governing initiative and referendum petitions.

This bill among other things proposes to require the Secretary of State to mail questionnaires or contact a certain percentage of the signers to a petition to verify their signature. It also provides that all signatures on each copy of a petition to which a false affidavit is attached shall be invalid. It requires a printed, typed list of all persons who signed a petition to be attached to each affidavit.

Only the Supreme Court of this State has authority to declare a law unconstitutional, and we can only render opinions thereon. We further realize that if this bill passes and is signed into law by the Governor, we may have to defend its constitutionality. However, in view of the fact that inquiry has been made, we would be less than candid if we do not give the legislature our views on the matter.

Section 25 of the Constitution provides in part as follows:

"* * *This section shall be self-executing and all of its provisions treated as mandatory.

Laws may be enacted to facilitate its operation, but no laws shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people."

In view of this language, we have grave doubts that Senate Bill 2067 could withstand a constitutional test as it seems to us it does more than facilitate the operation of Section 25 of our Constitution.

We trust this will be of some assistance to you.

HELGI JOHANNESON

Attorney General