

PROPOSED AMENDMENTS TO CONSTITUTION VOTED UPON SEPTEMBER 6, ARE EXPLAINED

Thirteen proposed amendments to the constitution of Indiana will be voted on at a special election September 6. The amendments were approved by two consecutive general assemblies, as is required by the constitution before proposed changes in the fundamental law are submitted to the electorate for approval or rejection. The general assembly of 1921 enacted a law for a special election, because heretofore proposed amendments, while they may have received more affirmative than negative votes, usually did not receive affirmative votes equal to a majority of all votes cast. The vote for governor or president was so much larger than the vote on amendments that the amendments failed for want of majority of all votes. The constitution requires that an amendment to be adopted must receive a majority of all votes at the election. A majority for an amendment, when public officials are elected, may not be a majority of all votes cast. At the special election September 6 the electorate will vote on nothing except the amendments.

Each amendment will be numbered, and there will be two squares for each amendment, one lettered "yes" and the other "no." The elector will pass on each amendment separately.

The amendments, as they will be numbered on the ballot, and a brief explanation of their purpose, follow:

AMENDMENT NO. 1 (Voters—Citizens)

Proposed Amendment to Section 2 of Article 2.

Section 2. In all elections not otherwise provided for by this constitution, every citizen of the United States, of the age of 21 years and upward, who shall have resided in the state during the six months, and in the township 60 days, and in the ward or precinct 30 days immediately preceding such election, shall be entitled to vote in the township or precinct where he or she may reside.

The purpose of the foregoing amendment is to enfranchise women and to require foreign-born to be fully naturalized before they can vote. Under the present constitution the foreign-born can vote on taking out first papers, and before a naturalization court has passed on their qualifications for citizenship. Women already have the franchise right because of an amendment to the federal constitution, which was ratified by the states after the present amendment to the state constitution was started by the Indiana general assembly.

AMENDMENT NO. 2 (Registration)

Proposed Amendment to Section 14 of Article 2.

Section 2—All general elections shall be held on the first Tuesday after the first Monday in November, but township elections may be held at such time as may be provided by law. Provided, That the general assembly may provide by law for the election of all judges of courts of general or appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and may also provide for the registration of all persons entitled to vote. In providing for the registration of persons entitled to vote, the general assembly shall have power to classify the several counties, townships, cities and towns of the state into classes, and to enact laws prescribing a uniform method of registration in any or all of such classes.

This amendment is designed to authorize the general assembly to classify counties, townships, cities and towns for registration. Under it registration could be required in the larger cities, for example, but could be dispensed with in rural districts, where there is less need of registration because the population does not change much and there is less of the floating vote.

AMENDMENT NO. 3 (Apportionment)

Proposed Amendment to Sections 4 and 5 of Article 4.

Section 4. The general assembly shall during the period between the general election in the year 1924 and the convening of the legislature in 1925, and every sixth year thereafter, cause to be ascertained the number of votes cast for all of the candidates for secretary of state in the different counties at the last preceding general election.

Section 5. The number of senators and representatives shall, at the session next following each period when the number of votes cast for office of secretary of state shall be ascertained, be fixed by law, and apportioned among the several counties, according to the number of votes so cast for all of the candidates for the office of secretary of state at such last preceding general election.

Under the present constitution a legislative apportionment is based on a special census of all male inhabitants more than twenty-one years of age. Women are not counted. Under the foregoing amendment the apportionment would be based on the total vote for all candidates for secretary of state. It would save the cost of a special census.

ASSESSMENT NO. 4 (Veto—Appropriations)

Proposed Amendment to Section 14 of Article 5.

Section 14. Every bill which shall have passed the general assembly shall be presented to the governor; if he approve, he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the governor's objections, to the other house, by which it shall likewise be reconsidered, and, if approved by a majority of all the members elected to that house, it shall be a law. If any bill shall not be returned by the governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of the secretary of state, who shall lay the same before the general assembly at its next session in like manner as it had been returned by the governor. But no bill shall be presented to the governor within two days next previous to the final adjournment of the general as-

sembly. The governor shall have power to approve or disapprove any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void unless repassed according to the rules and limitations prescribed in this section for the passage of bills over the executive veto. In case the governor shall disapprove any item or items of any bill making appropriations of money, he shall append to the bill, at the time of signing it, a statement of the item or items which he declines to approve, together with his reasons therefor. If the general assembly be in session, the governor shall transmit to the house in which the bill shall have originated a copy of each of such items, separately, together with his objections appended to each of such items, and the item or items so objected to shall be separately considered in the same manner as bills which have been passed by the general assembly and disapproved by the governor, and if on reconsideration such items or any of them shall be approved by a majority of all the members elected to each house, the same shall be a part of the law notwithstanding the objections of the governor.

This amendment is designed to authorize the governor to veto separate items of an appropriation bill. Usually the general assembly passes appropriation bills near the end of the session, and if the governor vetoes them, he may have to call a special session in order to provide financial support for the state government and institutions.

AMENDMENT NO. 5
(State Officers—Terms)

Proposed Amendment to Section 1 of Article 6.

Section 1. There shall be elected by the voters of the state a secretary, an auditor and a treasurer of state, said officers, and all other state officers created by the general assembly and to be elected by the people, except judges, shall severally hold their offices for four years. They shall perform such duties as may be enjoined by law, and no person other than judges shall be eligible to any of said offices for more than four years in any period of eight years.

Under the present Constitution the terms of some of the state officers are two years and some four. The amendment would make the terms of all of them four years, except judges.

AMENDMENT NO. 6
(County Officers—Terms)

Proposed Amendment to Section 2 of Article 6.

Section 2. There shall be elected in each county by the voters thereof at the time of holding general elections a clerk of the circuit court, auditor, recorder, treasurer, sheriff and coroner, who shall severally hold their offices for four years; and no person shall be eligible to either of said offices for more than four years in any period of eight years.

Under the present Constitution the terms of some of the county officers are four years and some two. The amendment would make the terms of all four years. It also would remove the county surveyor from the list of constitutional officers and would enable the legislature to provide either

the state superintendent of public instruction is now elected by popular vote. The amendment would make the office appointive instead of elective. It has been suggested that the legislature would authorize either the Governor or the state board of education to appoint.

AMENDMENT NO. 7
(Taxation—General)

Proposed Amendment to Section 1 of Article 10.

Section 1. The general assembly shall provide by law for the qualification of persons admitted to the practice of the law.

(This amendment would take the place of the present provision of the Constitution which permits every person, being of good moral character, and a voter, to be admitted to practice law. The amendment would authorize the legislature to provide for educational tests.)

AMENDMENT NO. 8
(Lawyers—Qualifications)

Proposed Amendment to Section 21 of Article 7.

Section 21. There shall be elected in each judicial circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for four years.

(The term of the prosecuting attorney under the present Constitution is two years. The amendment would make it four years. A separate amendment is necessary because the office of prosecuting attorney is provided for in a constitutional provision separate from that for county officers.)

AMENDMENT NO. 9
(State Superintendent)

Proposed Amendment to Section 8 of Article 8.

Section 8. The general assembly shall provide for the appointment of a state superintendent of public instruction, whose term of office, duties and compensation, shall be prescribed by law: Provided, That any state superintendent of public instruction elected prior to or at the time of the ratification of this amendment, shall serve out the term for which he shall have been elected.

(The state superintendent of public instruction is now elected by popular vote. The amendment would make the office appointive instead of elective. It has been suggested that the legislature would authorize either the Governor or the state board of education to appoint.)

AMENDMENT NO. 10
(Taxation—General)

Proposed Amendment to Section 1 of Article 10.

Section 1. The general assembly shall provide by law for a system of taxation.

(This amendment, which is being discussed more than any other, would take the place of the provision of the present constitution for uniformity and equality and authorizing exemptions of certain property, including municipal, church and school. Its advocates say it is intended to authorize classification of property, with different valuations or different rates on

each class. They say it is designed to bring intangibles on the duplicate and relieve somewhat the present burden on real estate and other tangible property. Its opponents say it is dangerous because it removes all restrictions on the legislature and would authorize the legislature to provide any system of taxation it pleases.)

AMENDMENT NO. 11
(Income Tax)

Proposed Amendment to Section 8 of Article 10.

Section 8. The general assembly may provide by law for the levy and collection of taxes on incomes and from whatever source derived, in such cases and amounts, and in such manner, as shall be prescribed by law and reasonable exemptions may be provided.

(Nothing is said about an income tax in the present constitution, though it is contended by some lawyers that an income tax could be assessed without the amendment. But advocates of the amendment say it is necessary to authorize the legislature to pass a graduated income tax law, and provide for reasonable exemptions.)

AMENDMENT NO. 12
(Militia)

Proposed Amendment to Section 1 of Article 22.

Section 1. The militia shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

(The word "white" appears in the present Constitution. The amendment would permit colored persons to belong to the state militia.)

AMENDMENT NO. 13
(Salaries, Terms—Increase)

Proposed Amendment to Section 2 of Article 15.

Section 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the general assembly shall not create any office, the tenure of which shall be longer than four (4) years, nor shall the term of office or salary of any officer fixed by this Constitution, or by law be increased during the term for which such officer was elected or appointed.

(This amendment is designed to prohibit an increase in term or salary during the term for which an officer was elected or appointed. It is designed to stop the drives public officials often make for increases in salaries and terms.)

AMENDMENT NO. 14
(Methodist Episcopal Church—

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

(The word "white" appears in the present Constitution. The amendment would permit colored persons to belong to the state militia.)

AMENDMENT NO. 15
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Proposed Amendment to Section 2 of Article 15.

Section 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the general assembly shall not create any office, the tenure of which shall be longer than four (4) years, nor shall the term of office or salary of any officer fixed by this Constitution, or by law be increased during the term for which such officer was elected or appointed.

(This amendment is designed to prohibit an increase in term or salary during the term for which an officer was elected or appointed. It is designed to stop the drives public officials often make for increases in salaries and terms.)

AMENDMENT NO. 16
(Catholic)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

(The word "white" appears in the present Constitution. The amendment would permit colored persons to belong to the state militia.)

AMENDMENT NO. 17
(Christian Science)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

(The word "white" appears in the present Constitution. The amendment would permit colored persons to belong to the state militia.)

AMENDMENT NO. 18
(Friends)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

(The word "white" appears in the present Constitution. The amendment would permit colored persons to belong to the state militia.)

AMENDMENT NO. 19
(Friends)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

(The word "white" appears in the present Constitution. The amendment would permit colored persons to belong to the state militia.)

AMENDMENT NO. 20
(Friends)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

(The word "white" appears in the present Constitution. The amendment would permit colored persons to belong to the state militia.)

AMENDMENT NO. 21
(Friends)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

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AMENDMENT NO. 22
(Friends)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

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AMENDMENT NO. 23
(Friends)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

(The word "white" appears in the present Constitution. The amendment would permit colored persons to belong to the state militia.)

AMENDMENT NO. 24
(Friends)

Proposed Amendment to Section 2 of Article 15.

Section 2. The general assembly shall consist of all the able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this state; and shall be organized, officer