

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 851

Session of
1977

INTRODUCED BY MESSRS. REED, MILLER, ZITTERMAN, BROWN, DeWEESE,
ZELLER AND MELUSKEY, MARCH 30, 1977

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 11, 1978

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, authorizing the use of the initiative and
3 referendum as Commonwealth and local government processes
4 under certain circumstances.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby resolves as follows:

7 Section 1. The following amendment to the Constitution of
8 the Commonwealth of Pennsylvania is proposed in accordance with
9 the provisions of Article XI thereof:

10 That Article III be amended by adding sections to read:

11 § 33. Initiative.

12 (a) The initiative is the power of the electors to propose
13 statutes and amendments to the Constitution and to adopt or
14 reject them.

15 (b) An initiative measure may be proposed by presenting to
16 the Secretary of State a petition that sets forth the text of
17 the proposed statute or amendment to the Constitution and is
18 certified to have been signed by electors equal in number to 5% <—

1 8% in the case of a statute, and ~~8%~~ 10% in the case of an <—
2 amendment to the Constitution, of the votes CAST for all <—
3 candidates for Governor at the last gubernatorial election. THE <—
4 PETITION SHALL INCLUDE THE SIGNATURES OF AT LEAST 500 ELECTORS
5 FROM EACH OF AT LEAST 15 DIFFERENT COUNTIES. The petition shall
6 include THE SIGNATURES OF AT LEAST 500 electors FROM EACH of at <—
7 ~~lease ten~~ LEAST 15 different counties. <—

8 (c) The Secretary of State shall then submit the measure at
9 the next ~~general election~~ ELECTION EXCLUDING ANY SPECIAL <—
10 ELECTION held at least 131 days after it qualifies. ~~or at any~~ <—
11 ~~special statewide election held prior to that general election.~~
12 The Governor may call a special statewide election for the
13 measure.

14 (d) An initiative measure embracing more than one subject
15 may not be submitted to the electors or have any effect.
16 § 34. Referendum.

17 (a) The referendum is the power of the electors to approve
18 or reject statutes or parts of statutes. ~~except urgency~~ <—
19 ~~statutes, statutes calling elections, and statutes providing for~~
20 ~~tax levies or appropriations for usual current expenses of the~~
21 ~~Commonwealth.~~

22 (b) A referendum measure may be proposed by presenting to
23 the Secretary of State, within 90 days after the enactment date
24 of the statute, a petition certified to have been signed by
25 electors equal in number to ~~5%~~ 8% of the votes CAST for all <—
26 candidates for Governor at the last gubernatorial election,
27 asking that the statute or part of it be submitted to the
28 electors. THE PETITION SHALL INCLUDE THE SIGNATURES OF AT LEAST <—
29 500 ELECTORS FROM EACH OF AT LEAST 15 DIFFERENT COUNTIES.

30 (c) The Secretary of State shall then submit the measure at

1 ~~the next general election~~ ELECTION EXCLUDING ANY SPECIAL <—
2 ELECTION held at least 31 131 days after it qualifies. ~~or at a~~ <—
3 ~~special statewide election held prior to that general election.~~
4 ~~The Governor may call a special statewide election for the~~
5 ~~measure.~~

6 § 35. Initiative and referendum.

7 (a) An initiative statute or referendum approved by a
8 majority of votes thereon takes effect the day after the
9 election unless the measure provides otherwise. If a referendum
10 petition is filed against a part of a statute the remainder
11 shall not be delayed from going into effect.

12 (b) If provisions of two or more measures approved at the
13 same election conflict, those of the measure receiving the
14 highest affirmative vote shall prevail.

15 (c) The General Assembly may amend or repeal referendum
16 statutes. It may amend or repeal an initiative statute by
17 another statute that becomes effective only when approved by the
18 electors unless the initiative statute permits amendment or
19 repeal without their approval.

20 (d) Prior to circulation of an initiative or referendum
21 petition for signatures, a copy shall be submitted to the
22 Legislative Reference Bureau which shall prepare a title and
23 summary of the measure as provided by law.

24 (e) The General Assembly shall provide the manner in which
25 petitions shall be circulated, presented, and certified, and
26 measures submitted to the electors.

27 § 36. Local initiative and referendum.

28 Initiative and referendum powers may be exercised by the
29 electors of each ~~city or county~~ POLITICAL SUBDIVISION under <—
30 procedures that the General Assembly shall provide. ~~This section~~ <—

1 ~~shall not affect a city having an optional charter.~~

2 § 37. Prohibition against naming private corporation or

3 individual to office.

4 No amendment to the Constitution, and no statute proposed to

5 the electors by the General Assembly or by initiative, that

6 names an individual to hold an office, or names or identifies a

7 private corporation to perform a function or to have a power or

8 duty, may be submitted to the electors or have any effect.