

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 136

Session of
1983

INTRODUCED BY LASHINGER, GREENWOOD, J. L. WRIGHT, HALUSKA,
KUKOVICH, GRUPPO, McVERRY, WOZNIAK, PRATT, MRKONIC AND
LETTERMAN, FEBRUARY 8, 1983

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 1983

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, authorizing initiative and referendum.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby resolves as follows:

5 Section 1. The following amendment to the Constitution of
6 Pennsylvania is proposed in accordance with Article XI:

7 That Article III be amended by adding a subarticle to read:

8 ARTICLE III

9 LEGISLATION

10 * * *

11 F. INITIATIVE AND REFERENDUM

12 § 33. Initiative.

13 (a) The legislative power of this Commonwealth shall be
14 vested in the Senate and House of Representatives but the people
15 reserve to themselves the power to propose laws and amendments
16 to the Constitution, and to adopt or reject the same at the
17 polls, independent of the General Assembly, and also reserve the

1 power, at their own option, to so adopt or reject any act, or
2 section or part of any act, passed by the General Assembly.

3 (b) The initiative is the power of the electors to propose
4 statutes and amendments to the Constitution and to adopt or
5 reject them.

6 (c) An initiative measure may be proposed by presenting to
7 the Secretary of the Commonwealth a petition that sets forth the
8 text of the proposed statute or amendment to the Constitution
9 and is certified to have been signed by electors equal in number
10 to 7% in the case of a statute and 10% in the case of an
11 amendment to the Constitution of the votes for all candidates
12 for Governor at the last gubernatorial election.

13 (d) The Secretary of the Commonwealth shall submit the
14 measure at the next general election held at least 131 days
15 after it qualifies or at any special Statewide election held
16 prior to that general election. The Governor may call a special
17 Statewide election for the measure.

18 (e) An initiative measure embracing more than one subject
19 may not be submitted to the electors or have any effect.

20 § 34. Referendum.

21 (a) A referendum is the power of the electors to approve or
22 reject statutes or parts of statutes, except emergency statutes,
23 statutes calling elections and statutes providing for tax levies
24 or appropriations for usual current expenses of the
25 Commonwealth.

26 (b) A referendum measure may be proposed by presenting to
27 the Secretary of the Commonwealth, within 60 days after
28 adjournment of the regular session at which the statute was
29 passed or within 90 days after adjournment of the special
30 session at which the statute was passed, a petition certified to

1 have been signed by electors equal in number to 7% of the votes
2 for all candidates for Governor at the last gubernatorial
3 election, asking that the statute or part of it be submitted to
4 the electors.

5 (c) The Secretary of the Commonwealth shall then submit the
6 measure at the next general election held at least 31 days after
7 it qualifies or at a special Statewide election held prior to
8 that general election. The Governor may call a special Statewide
9 election for the measure.

10 § 35. Initiative and referendum.

11 (a) An initiative statute or referendum approved by a
12 majority of votes thereon takes effect five days after the date
13 of the official certification of the vote by the Secretary of
14 the Commonwealth unless the measure provides otherwise. If a
15 referendum petition is filed against a part of a statute, the
16 remainder of the statute shall not be delayed from going into
17 effect.

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

21 (c) Except as provided herein, the General Assembly may
22 amend or repeal referendum statutes. It may amend or repeal an
23 initiative statute by another statute that becomes effective
24 only when approved by the electors unless the initiative statute
25 permits amendment or repeal without their approval. An
26 initiative statute or referendum shall not be amended or
27 repealed when it was adopted by a vote of a number of electors
28 equal to a majority of the electors registered to vote at the
29 preceding gubernatorial election nor shall any other initiative
30 statute or referendum be amended or repealed within two years of

1 its approval except upon the approval of two-thirds of the
2 members elected to the Senate and the House of Representatives.

3 (d) The veto power of the Governor shall not extend to an
4 initiative or referendum statute approved by the electors.

5 (e) Prior to circulation of an initiative or referendum
6 petition for signatures, a copy shall be submitted to the
7 Attorney General which shall prepare a title and summary of the
8 measure.

9 (f) The General Assembly shall provide the manner in which
10 petitions shall be circulated, presented and certified, and
11 measures submitted to the electors.

12 § 36. Local initiative and referendum.

13 Initiative and referendum powers may be exercised by the
14 electors of each municipality under procedures that the General
15 Assembly shall provide.

16 § 37. Prohibition against naming private corporation or
17 individual to office.

18 No amendment to the Constitution, and no statute proposed to
19 the electors by the General Assembly or by initiative, that
20 names an individual to hold an office, or names or identifies a
21 private corporation to perform a function or to have a power or
22 duty, may be submitted to the electors or have any effect.