

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 296 Session of  
1995

INTRODUCED BY FICHTER, HENNESSEY, STABACK, LYNCH, MELIO, HERMAN,  
PETRONE, FAIRCHILD, KREBS, RAYMOND, BUNT, WOGAN, MASLAND,  
ROHRER, DeLUCA, KING, MAYERNIK, PETTIT, ROBERTS, TANGRETTI,  
HUTCHINSON, ARMSTRONG AND STEIL, JANUARY 25, 1995

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 25, 1995

## 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 powers reserved for the people.

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

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

8 That Article III be amended by adding a section to read:

9 § 33. Powers reserved for the people.

10 (a) (1) The legislative power of this Commonwealth shall be  
11 vested in the Senate and the House of Representatives, but the  
12 people reserve to themselves the power to propose statutes and  
13 amendments to the Constitution and to adopt them or reject them  
14 at the polls, independent of the General Assembly.

15 (2) The initiative is the power of the electors to propose  
16 statutes and amendments to the Constitution and to adopt or  
17 reject them.

1     (3) An initiative measure may be proposed by presenting to  
2 the Secretary of the Commonwealth a petition that sets forth the  
3 text of the proposed statute or amendment to the Constitution  
4 and is certified by the Secretary of the Commonwealth to have  
5 been signed by registered electors equal in number to 5%, in the  
6 case of the statute, or 8% in the case of an amendment to the  
7 Constitution, of the votes for all candidates for Governor at  
8 the last gubernatorial election.

9     (4) Signatures on initiative petitions must be obtained from  
10 registered electors equal in number to at least 5% of the votes  
11 for all candidates for Governor at the last gubernatorial  
12 election in each of 23 counties in this Commonwealth.

13     (5) The Secretary of the Commonwealth shall submit the  
14 measure at the next general election held at least 131 days  
15 after the measure qualifies or at a special statewide election  
16 held prior to the general election. A special statewide election  
17 for the measure will be held if called for in the text of the  
18 petition for the proposed statute or amendment to the  
19 Constitution, or if the Governor calls for a special statewide  
20 election for the measure. In no case will a special election be  
21 held less than 131 days before a general election.

22     (6) The Secretary of the Commonwealth shall only certify a  
23 measure wherein all signatures on petitions are obtained and  
24 affixed to the petitions for the measure during the same regular  
25 session of the General Assembly.

26     (7) An initiative measure may not be used to amend or modify  
27 in any way the Declaration of Rights stated in Article I of the  
28 Constitution of Pennsylvania.

29     (8) An initiative measure embracing more than one subject  
30 may not be submitted to the electors or have any effect.

1     (9) No measure that relates to naming an individual to hold  
2     office or to naming or identifying a private corporation to  
3     perform a function or have a power or duty shall be proposed by  
4     an initiative petition.

5     (10) An initiative amendment to the Constitution approved by  
6     the electors which requires enabling legislation shall  
7     constitute a mandate to the General Assembly to enact the  
8     appropriate legislation by the conclusion of the next  
9     legislative session.

10    (b) (1) The legislative power of this Commonwealth shall be  
11    vested in the Senate and the House of Representatives, but the  
12    people reserve to themselves the power, at their own option, to  
13    approve or reject statutes or parts of statutes passed by the  
14    General Assembly.

15    (2) The referendum is the power of the electors to approve  
16    or reject statutes or parts of statutes except urgency statutes  
17    or statutes calling elections.

18    (3) A referendum may be proposed by presenting to the  
19    Secretary of the Commonwealth a petition, certified to have been  
20    signed by registered electors equal in number to at least 5% of  
21    the votes for all candidates for Governor at the last  
22    gubernatorial election, asking that the statute or part of it be  
23    submitted to the electors.

24    (4) Signatures on referendum petitions must be obtained from  
25    registered electors equal in number to at least 5% of the votes  
26    for all candidates for Governor at the last gubernatorial  
27    election in each of the 23 counties in this Commonwealth.

28    (5) The Secretary of the Commonwealth shall submit the  
29    measure at the next statewide general, municipal, primary or  
30    special election held at least 75 days after it qualifies.

1       (c) (1) The General Assembly shall provide the manner in  
2 which petitions may be circulated, presented and certified and  
3 shall require by law measures to insure full disclosure of  
4 disbursements made and receipts obtained by parties who have an  
5 interest in initiative and referendum measures and who have  
6 exceeded a statutory threshold for such disbursements and  
7 receipts for any one initiative or referendum measure in each  
8 election. The General Assembly shall also require by law full  
9 disclosure of any disbursements made by a person or corporation  
10 from another state to advocate the passage or defeat of an  
11 initiative or referendum measure.

12       (2) An initiative or referendum petition, in order to be  
13 eligible for certification by the Secretary of the Commonwealth,  
14 shall first be signed by a committee of initial petitioners  
15 equal in number to that required by law for the filing of  
16 nomination petitions by candidates for public office to be  
17 filled by the electors of the State at large, and who shall be  
18 registered electors of the Commonwealth. That committee shall  
19 pay an administrative fee not exceeding the fee required by law  
20 for the filing of nomination petitions by candidates for public  
21 office to be filled by the electors of the State at large. If  
22 the Secretary of the Commonwealth shall certify that the  
23 petition contains the entire text of the measure, that the  
24 measure is not either affirmatively or negatively substantially  
25 the same as any measure which has been submitted to the electors  
26 in the previous two years and that it contains only one subject  
27 which is not excluded from consideration under this section, the  
28 Secretary of the Commonwealth shall provide petition forms for  
29 the use of subsequent signers and shall print at the top of each  
30 petition a fair, concise summary, as determined by the

Legislative Reference Bureau, of the proposed measure as such  
summary will appear on the ballot. The Secretary of the  
Commonwealth shall have 30 days to certify the signatures on an  
initiative and referendum petition. If the Secretary of the  
Commonwealth shall fail to do so, the signatures shall be  
considered certified. After the signatures on a petition have  
been certified, an initiative shall proceed to the electorate  
pursuant to subsection (a)(5), or the referendum shall proceed  
to the electorate pursuant to subsection (b)(5).

(3) The Legislative Reference Bureau shall, within 30 days  
of the certification of an initiative or referendum petition  
upon which the required number of signatures have been affixed,  
prepare an explanation or argument, or both, for and also an  
explanation or argument, or both, against the same. In  
preparation of these arguments, a reasonable effort shall be  
made to solicit and incorporate the arguments of parties who  
have an interest in the initiative or referendum measures.  
Within seven days of completion of explanations or arguments,  
the Secretary of the Commonwealth shall publish the summary and  
explanations of arguments, together with the entire text of the  
measure, in the newspaper of largest circulation in each county  
and in as many newspapers of general circulation as deemed by  
the Secretary of the Commonwealth to be sufficient to give  
notice throughout this Commonwealth. This information shall also  
be provided to the registered electors in printed form no less  
than 21 days prior to the election in which the measure will be  
placed before the electors.

(4) If conflicting initiatives pass in the same election,  
the one receiving the most votes shall prevail.

(5) An initiative statute or amendment to the Constitution

1 or a referendum approved by a majority of votes thereon takes  
2 effect the day after the election results are certified unless  
3 the measure provides otherwise.

4 (6) A measure may not appear on the ballot in an election  
5 more than once in two years.

6 (7) The General Assembly may not amend or repeal an  
7 initiative or referendum statute until at least one legislative  
8 session has intervened, and then only upon a vote of two-thirds  
9 of the members elected to the Senate and two-thirds of the  
10 members elected to the House of Representatives.

11 (8) The veto power of the Governor shall not extend to an  
12 initiative or referendum statute approved by the electors.

13 (d) Initiative and referendum powers may be exercised by the  
14 electors of each municipality, school district or other unit of  
15 local government in a manner that the General Assembly shall  
16 provide or that the electorate shall define through the power of  
17 initiative pursuant to subsections (a)(1) through (10).