

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1387

Session of  
1995

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INTRODUCED BY BUNT, RAYMOND, LEVDANSKY, MILLER, BOSCOLA, RUBLEY,  
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FLEAGLE, DENT, ARGALL, FICHTER, DRUCE, ROBERTS, ARMSTRONG,  
HUTCHINSON, WOGAN, D. W. SNYDER, PLATTS, TIGUE AND HANNA,  
APRIL 20, 1995

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 20, 1995

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## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, authorizing the use of an initiative process  
3 to amend the Constitution as a power reserved to 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 XI be amended by adding a section to read:

9 § 2. Proposal of amendments by the electorate and their  
10 adoption.

11 (a) The electors of this Commonwealth reserve unto  
12 themselves the power to amend the Constitution through the  
13 initiative.

14 (b) An amendment may be proposed through the initiative by  
15 presenting to the Secretary of the Commonwealth a petition that  
16 sets forth the text of the proposed amendment to the

Constitution and is certified to have been signed by registered electors equal in number to 8% of the total votes cast statewide for all candidates for Governor at the last gubernatorial election, subject to the restrictions in subsection (c).

(c) Signatures of electors on an initiative petition must be obtained from at least 23 counties in numbers equal to 8% of the total votes cast for all candidates for Governor at the last gubernatorial election in each of the 23 respective counties.

(d) Upon receiving a petition for an initiative proposal, the Secretary of the Commonwealth shall have up to 45 calendar days to certify that the petition contains a sufficient number of valid signatures to qualify the proposal for the ballot. Certification shall not be made until at least 21 calendar days after the Secretary of the Commonwealth receives an initiative petition. Objections to the signatures contained on the petition must be filed within 21 calendar days of its receipt by the Secretary of the Commonwealth. Unless the initiative proposal fails to obtain the required number of valid signatures, the Secretary of the Commonwealth shall submit the proposal to the General Assembly on or before the final calendar day of the certification period.

(e) The General Assembly shall have 120 calendar days after receiving the initiative proposal from the Secretary of the Commonwealth in which to endorse or amend the proposal. If the General Assembly endorses the proposal without amendments or fails to act within 120 calendar days, the Secretary of the Commonwealth shall submit the proposal to the electors at the next statewide general, municipal, primary or special election held at least 75 calendar days after the General Assembly acts or the 120 calendar-day time period for legislative action

1 expires, whichever occurs first. If the General Assembly amends  
2 the proposal, the Secretary of the Commonwealth shall submit  
3 both the original proposal and the amended proposal to the  
4 electors at the next statewide general, municipal, primary or  
5 special election held at least 75 calendar days after the  
6 General Assembly approves the amended proposal. If fewer than  
7 120 calendar days remain in the legislative session, the  
8 Secretary of the Commonwealth shall hold the initiative proposal  
9 until the succeeding session convenes. The General Assembly  
10 shall have no authority to defeat a proposal to prevent it from  
11 appearing on the ballot.

12 (f) Proposals placed before the electors by the people  
13 through the initiative shall begin with the following words: "Be  
14 it resolved by the People of the Commonwealth of Pennsylvania."  
15 Proposals placed before the electors by legislative action shall  
16 begin with the following words: "Be it resolved by the General  
17 Assembly of the Commonwealth of Pennsylvania."

18 (g) An initiative measure embracing more than one subject  
19 may not be submitted to the electors or have any effect.  
20 However, a proposed amendment may amend one or more articles and  
21 related subject matter in other articles as necessary to  
22 accomplish the objectives of the proposal.

23 (h) No measure shall reappear on the ballot in an election  
24 more often than once in five years.

25 (i) In order for an initiative petition to be certified by  
26 the Secretary of the Commonwealth for circulation to electors,  
27 it shall first be signed by 200 registered electors of  
28 Pennsylvania, who shall be known as the originating signers and  
29 be submitted to the Secretary of the Commonwealth. The group of  
30 originating signers shall pay to the Secretary of the

1 Commonwealth an administrative fee not exceeding that fee  
2 required by law for the filing of nomination petitions by  
3 candidates for public office to be filled by the electors of the  
4 Commonwealth at large. If the Secretary of the Commonwealth  
5 certifies that the petition of the originating signers contains  
6 the entire text of the initiative measure; that the measure is  
7 not, either affirmatively or negatively, substantially the same  
8 as any measure which has been submitted to the electors during  
9 the previous five years; and that the measure contains only one  
10 subject; then the Secretary of the Commonwealth shall provide  
11 petition blanks for the use of subsequent signers, and shall  
12 print at the top of each blank a fair and concise summary of the  
13 proposed measure as it will appear on the ballot. Text of the  
14 summary shall be determined by the Legislative Reference Bureau  
15 in consultation with the chairperson of the originating signers.

16 (j) The Secretary of the Commonwealth shall give notice of  
17 the initiative measure to the electors of the Commonwealth by  
18 publishing the summary of the measure as it will appear on the  
19 ballot, together with the entire text of the initiative measure,  
20 in the largest newspaper of circulation in each county and any  
21 additional newspapers deemed by the Secretary of the  
22 Commonwealth to be necessary to give appropriate notice to  
23 electors throughout the Commonwealth. The notice shall be  
24 published at least 20 calendar days before, but not more than 75  
25 calendar days before the election in which the measure is to be  
26 presented to the electors. This information also shall be made  
27 available to the general public in printed form.

28 (k) An initiative amendment to the Constitution approved by  
29 a majority of votes thereon takes effect the day after the  
30 election results are certified, unless the proposal provides

1 otherwise. If the electors pass initiative proposals in the same  
2 election which have conflicting provisions as determined by  
3 Commonwealth Court, the conflicting provisions from the proposal  
4 receiving the greater number of votes shall prevail. All  
5 provisions not in conflict shall be deemed approved.

6 (l) No amendment of the Constitution submitted to the  
7 electors by the initiative and supplementary petitions and  
8 receiving an affirmative majority of the votes cast thereon  
9 shall be held unconstitutional or void on account of the  
10 insufficiency of the petitions by which the submission of the  
11 same was procured.

12 (m) Except as otherwise provided in this section, the  
13 provisions of this section shall be self-executing. An  
14 initiative amendment to the Constitution approved by the  
15 electors which requires enabling legislation shall constitute a  
16 mandate to the General Assembly to enact appropriate legislation  
17 within 120 calendar days. If the General Assembly fails to enact  
18 enabling legislation during the 120 calendar-day period, then  
19 the electorate shall have the limited right to enact enabling  
20 legislation in the same manner as an amendment to the  
21 Constitution under this section. Statutes may be passed to  
22 facilitate the operation of the initiative process, but in no  
23 way limiting or restricting either the initiative provisions or  
24 the powers reserved in this section.

25 Section 2. (a) Upon the first passage by the General  
26 Assembly of this proposed constitutional amendment, the  
27 Secretary of the Commonwealth shall proceed immediately to  
28 comply with the advertising requirements of section 1 of Article  
29 XI of the Constitution of Pennsylvania and shall transmit the  
30 required advertisements to two newspapers in every county in

1 which such newspapers are published in sufficient time after  
2 passage of this proposed constitutional amendment.

3 (b) Upon the second passage by the General Assembly of this  
4 proposed constitutional amendment, the Secretary of the  
5 Commonwealth shall proceed immediately to comply with the  
6 advertising requirements of section 1 of Article XI of the  
7 Constitution of Pennsylvania and shall transmit the required  
8 advertisements to two newspapers in every county in which such  
9 newspapers are published in sufficient time after passage of  
10 this proposed constitutional amendment. The Secretary of the  
11 Commonwealth shall submit this proposed constitutional amendment  
12 to the qualified electors of this Commonwealth at the first  
13 primary, general or municipal election occurring at least three  
14 months after the proposed constitutional amendment is passed by  
15 the General Assembly which meets the requirements of and is in  
16 conformance with section 1 of Article XI of the Constitution of  
17 Pennsylvania.