

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1284

Session of
1997

INTRODUCED BY KREBS, GRUPPO, MASLAND, CALTAGIRONE, LYNCH,
RUBLEY, READSHAW, CAWLEY, DALEY, BARRAR, EGOLF, STEELMAN,
DeLUCA, CARONE, KENNEY, BOSCOLA, ROBERTS, MELIO, SHANER,
NICKOL AND GEORGE, APRIL 10, 1997

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 1997

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, authorizing the use of the indirect
3 initiative and referendum as powers 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 III be amended by adding a section to read:

9 § 33. Powers reserved to 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 laws and
13 amendments to the Constitution at the polls.

14 (2) The indirect initiative is the power of the electors to
15 propose statutes and amendments to the Constitution and to cause
16 the General Assembly to take a vote in each House on the
17 approved proposal in the current legislative session or, if the

proposal is approved at a general election, no later than the next legislative session.

(3) An indirect initiative measure may be proposed by presenting to the Secretary of the Commonwealth a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified by the Secretary of the Commonwealth to have been signed by registered electors equal in number to 5% of the votes for all candidates for Governor at the last gubernatorial election in each of 45 counties in this Commonwealth.

(4) The Secretary of the Commonwealth shall only certify a measure on which all signatures on petitions are obtained and affixed to the petitions for the measure during the same regular session of the General Assembly and which is submitted by 5:00 p.m. on Friday after the second Thursday of February in the second year of that session.

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

(6) No measure that relates to religion, religious practices and institutions; the appointment, qualification, tenure, removal, recall or compensation of judges; the reversal of a judicial decision; the powers, creation or abolition of courts; the making of a specific appropriation of money from the treasury; and the naming of a private corporation to perform a function or to have a power or duty shall be proposed by an indirect initiative petition.

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

(8) The Secretary of the Commonwealth shall then submit the

1 measure to the clerk of the Senate within ten Senate session
2 days of its receipt and to clerk of the House of Representatives
3 within ten House session days of its receipt.

4 (9) The measure shall be referred to the appropriate
5 committee of the Senate and the House of Representatives, and
6 the committees shall report out their respective measures for
7 consideration by the full Senate and the House of
8 Representatives, respectively. The General Assembly shall not
9 finally adjourn a legislative session without a vote being taken
10 by the Senate and the House of Representatives on an indirect
11 initiative measure that is properly before the General Assembly.

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

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

20 (3) A referendum measure may be proposed by presenting to
21 the Secretary of the Commonwealth, within 90 days after the
22 enactment date of the statute, a petition certified to have been
23 signed by registered electors equal in number to 5% of the votes
24 for all candidates for Governor at the last gubernatorial
25 election in each of the 45 counties in this Commonwealth asking
26 that the statute or part of it be submitted to the electors.

27 (4) If a petition is certified to have been signed by
28 registered electors equal to 10% of the votes for all candidates
29 for Governor at the last gubernatorial election in each of 45
30 counties in this Commonwealth, the effective date of the enacted

1 legislation is suspended until the next election at which time
2 the measure shall be submitted to the electors.

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

6 (c) (1) The General Assembly shall provide the manner in
7 which petitions shall be circulated, presented and certified and
8 require by law measures to insure full disclosure of
9 disbursements made and receipts obtained by parties who have an
10 interest in indirect initiative and referendum measures and who
11 have exceeded a statutory threshold for these disbursements and
12 receipts for any one indirect initiative or referendum measure
13 in each election. The General Assembly shall also require by law
14 reasonable limits on contributions made to parties who have an
15 interest in the passage or defeat of an indirect initiative or
16 referendum measure for each measure and in each election. The
17 General Assembly shall also require by law the full disclosure
18 of any disbursements made by a person or corporation from
19 another state to advocate the passage or defeat of an indirect
20 initiative or referendum measure. The General Assembly shall,
21 within 90 days following approval of this section, enact the
22 legislation outlined in this paragraph.

23 (2) An indirect initiative or referendum petition, in order
24 to be eligible for certification by the Secretary of the
25 Commonwealth, shall first be signed by 100 registered electors
26 of the Commonwealth, the originators, who shall pay an
27 administrative fee not exceeding the fee required by law for the
28 filing of nomination petitions by candidates for public office
29 to be filled by the electors of the State-at-large. If the
30 Secretary of the Commonwealth shall certify that the petition

1 contains the entire text of the measure, that the measure is
2 not, either affirmatively or negatively, substantially the same
3 as any measure which has been previously submitted to the
4 electors during the same session of the General Assembly and
5 that it contains only one subject which is not excluded from
6 consideration under this section, then the Secretary of the
7 Commonwealth shall provide blanks for the use of subsequent
8 signers and shall print at the top of each blank the names of
9 the first ten originators and a fair, concise summary, as
10 determined by the Secretary of the Commonwealth, of the proposed
11 measure as the summary will appear on the ballot.

12 (3) The Department of State shall, within ten days of the
13 certification of an indirect initiative or referendum petition
14 upon which the required number of signatures have been affixed,
15 prepare an explanation or argument, or both, for and also an
16 explanation or argument, or both, against the same. The
17 Secretary of the Commonwealth shall then publish the summary and
18 explanations and arguments, together with the entire text of the
19 measure, in as many newspapers of general circulation as deemed
20 by the Secretary of the Commonwealth to be sufficient to give
21 notice throughout the Commonwealth at least 20 days before the
22 election in which the measure is presented to the electors. This
23 information shall also be made available to the general public
24 in printed form.

25 (4) The Secretary of the Commonwealth shall certify no more
26 than two indirect initiative or two referendum measures in an
27 election. Each measure shall be limited to only one subject. If
28 more than two measures are submitted to the Secretary of the
29 Commonwealth, the two measures with the largest numbers of
30 signatures shall be certified. If two or more measures are

1 substantially similar in subject matter, whether or not they
2 conflict, only the measure with the largest number of signatures
3 shall be certified.

4 (5) No more than three indirect initiative and referendum
5 measures shall be certified by the Secretary of the Commonwealth
6 in any two-year period.

7 (6) No measure shall appear on the ballot in an election
8 more often than once during a legislative session.

9 (7) The General Assembly shall not finally adjourn a
10 legislative session without a vote being taken by the Senate and
11 the House of Representatives on a referendum statute that is
12 properly before the General Assembly. The General Assembly may
13 override a referendum statute only upon a vote of two-thirds of
14 the members elected to the Senate and the House of
15 Representatives.

16 Section 2. (a) Upon the first passage by the General
17 Assembly of this proposed constitutional amendment, the
18 Secretary of the Commonwealth shall proceed immediately to
19 comply with the advertising requirements of section 1 of Article
20 XI of the Constitution of Pennsylvania and shall transmit the
21 required advertisements to two newspapers in every county in
22 which such newspapers are published in sufficient time after
23 passage of this proposed constitutional amendment.

24 (b) Upon the second passage by the General Assembly of this
25 proposed constitutional amendment, the Secretary of the
26 Commonwealth shall proceed immediately to comply with the
27 advertising requirements of section 1 of Article XI of the
28 Constitution of Pennsylvania and shall transmit the required
29 advertisements to two newspapers in every county in which such
30 newspapers are published in sufficient time after passage of

1 this proposed constitutional amendment. The Secretary of the
2 Commonwealth shall submit this proposed constitutional amendment
3 to the qualified electors of this Commonwealth at the first
4 primary, general or municipal election occurring at least three
5 months after the proposed constitutional amendment is passed by
6 the General Assembly which meets the requirements of and is in
7 conformance with section 1 of Article XI of the Constitution of
8 Pennsylvania.