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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 137 Session of  
2007

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INTRODUCED BY RHOADES, BROWNE, WONDERLING, BOSCOLA, RAFFERTY,  
FOLMER, WOZNIAK AND REGOLA, MARCH 5, 2007

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REFERRED TO STATE GOVERNMENT, MARCH 5, 2007

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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 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) Powers relating to initiative shall be as follows:

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

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

1 reject them.

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

10 (4) Signatures on initiative petitions must be obtained from  
11 at least 5% of the registered electors as of the date of the  
12 last gubernatorial election in each of 36 counties in this  
13 Commonwealth.

14 (5) The Secretary of the Commonwealth shall then submit the  
15 measure at the next general, municipal, primary or special  
16 statewide election held at least 75 days after it qualifies. The  
17 Secretary of the Commonwealth shall only certify a measure  
18 wherein all signatures on petitions are obtained and affixed to  
19 the petitions for the measure during the same regular session of  
20 the General Assembly.

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

23 (7) No measure that relates to religion, religious practices  
24 or religious institutions; or to naming an individual to hold  
25 office; or naming or identifying a private corporation to  
26 perform a function or to have a power or duty shall be proposed  
27 by an initiative petition.

28 (8) An initiative amendment to the Constitution approved by  
29 the electors which requires enabling legislation shall  
30 constitute a mandate to the General Assembly to promptly enact

1 the appropriate legislation.

2 (b) Powers relating to referendum shall be as follows:

3 (1) The legislative power of this Commonwealth shall be  
4 vested in the Senate and the House of Representatives, but the  
5 people reserve to themselves the power, at their own option, to  
6 approve or reject statutes or parts of statutes passed by the  
7 General Assembly.

8 (2) The referendum is the power of the electors to approve  
9 or reject statutes or parts of statutes except urgency statutes  
10 or statutes calling elections.

11 (3) A referendum measure may be proposed by presenting to  
12 the Secretary of the Commonwealth, within 120 days after the  
13 enactment date of the statute, a petition certified to have been  
14 signed by registered electors equal in number to 8% of the votes  
15 for all candidates for Governor at the last gubernatorial  
16 election asking that the statute or part of it be submitted to  
17 the electors.

18 (4) Signatures on referendum petitions must be obtained from  
19 at least 5% of the registered electors as of the date of the  
20 last gubernatorial election in each of 36 counties in this  
21 Commonwealth.

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

25 (c) Provisions governing both initiative and referendum  
26 shall be as follows:

27 (1) The General Assembly shall provide the manner in which  
28 petitions shall be circulated, presented and certified, and  
29 require by law measures to ensure full disclosure of  
30 disbursements made and receipts obtained by parties who have an

1 interest in initiative and referendum measures and who have  
2 exceeded a statutory threshold for such disbursements and  
3 receipts for any one initiative or referendum measure in each  
4 election. The General Assembly shall also require by law  
5 reasonable limits on contributions made to parties who have an  
6 interest in the passage or defeat of an initiative or referendum  
7 measure for each measure and in each election. The General  
8 Assembly shall also require by law the full disclosure of any  
9 disbursements made by a person or corporation from another state  
10 to advocate the passage or defeat of an initiative or referendum  
11 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 200 registered electors of this  
15 Commonwealth, who shall pay an administrative fee not exceeding  
16 the fee required by law for the filing of nomination petitions  
17 by candidates for public office to be filled by the electors of  
18 the State-at-large. If the Secretary of the Commonwealth shall  
19 certify that the petition contains the entire text of the  
20 measure; that the measure is not, either affirmatively or  
21 negatively, substantially the same as any measure which has been  
22 submitted to the electors in the previous five years; and that  
23 it contains only one subject which is not excluded from  
24 consideration under this section, then the Secretary of the  
25 Commonwealth shall provide blanks for the use of subsequent  
26 signers, and shall print at the top of each blank a fair,  
27 concise summary, as determined by the Legislative Reference  
28 Bureau, of the proposed measure as such summary will appear on  
29 the ballot.

30 (3) The Legislative Reference Bureau shall, within ten days

1 of the certification of an initiative or referendum petition  
2 upon which the required number of signatures have been affixed,  
3 prepare an explanation or argument, or both, for, and also an  
4 explanation or argument, or both, against, the same. The  
5 Secretary of the Commonwealth shall then publish the summary and  
6 explanations and arguments, together with the entire text of the  
7 measure, in as many newspapers of general circulation as deemed  
8 by the Secretary of the Commonwealth to be sufficient to give  
9 notice throughout this Commonwealth at least 20 days before the  
10 election in which the measure is presented to the electors. This  
11 information shall also be made available to the general public  
12 in printed form.

13 (4) The Secretary of the Commonwealth shall certify no more  
14 than four initiative or referendum measures in an election. Each  
15 measure shall be limited to only one subject. If more than four  
16 measures are submitted to the Secretary of the Commonwealth in  
17 one election, the four measures with the largest numbers of  
18 signatures shall be certified. If two or more measures are  
19 substantially similar in subject matter, whether or not they  
20 conflict, only the measure with the largest number of signatures  
21 shall be certified.

22 (5) An initiative statute or amendment to the Constitution  
23 or a referendum approved by a majority of votes thereon takes  
24 effect the date after the election unless the measure provides  
25 otherwise.

26 (6) No measure shall appear on the ballot in an election  
27 more often than once in five years.

28 (7) The General Assembly may amend or repeal an initiative  
29 or referendum statute only upon a vote of two-thirds of the  
30 members elected to the Senate and the House of Representatives.

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

3     Section 2. (a) Upon the first passage by the General  
4     Assembly of this proposed constitutional amendment, the  
5     Secretary of the Commonwealth shall proceed immediately to  
6     comply with the advertising requirements of section 1 of Article  
7     XI of the Constitution of Pennsylvania and shall transmit the  
8     required advertisements to two newspapers in every county in  
9     which such newspapers are published in sufficient time after  
10    passage of this proposed constitutional amendment.

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