

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 937 Session of
2011

INTRODUCED BY FOLMER, SOLOBAY, RAFFERTY, EICHELBERGER, ERICKSON
AND BREWSTER, APRIL 8, 2011

REFERRED TO STATE GOVERNMENT, APRIL 8, 2011

AN ACT

1 Providing for a citizens' constitutional convention, for a
2 referendum on the question, for the nomination and election
3 of delegates, defining the powers and duties of the
4 convention, providing for operation of the convention,
5 conferring powers and imposing duties on the Governor, the
6 Lieutenant Governor, the Secretary of the Commonwealth, the
7 Chief Justice of the Supreme Court, certain judges of the
8 Commonwealth Court, the State Treasurer, the Auditor General,
9 the Attorney General, officers of the General Assembly, the
10 Pennsylvania Historical and Museum Commission and county
11 election boards, providing for a referendum on the
12 convention's report; imposing penalties for violations of the
13 act; and making an appropriation.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

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14 Section 1. Short title.

15 This act shall be known and may be cited as the Citizens'
16 Constitutional Convention Act of 2011.

17 Section 2. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Candidate." An individual seeking to become an elected
22 delegate to the convention.

23 "Commission." The Convention Communications Commission.

24 "Convention." The citizens' constitutional convention.

25 "County board." A county board of elections.

26 "Delegate." An elected or alternate delegate to the
27 convention.

28 "Elected delegate." A delegate elected to the convention
29 under section 4(a) or a person filling a vacancy under section
30 7(b).

1 "Lobbying firm." As defined under 65 Pa.C.S. § 13A03

2 (relating to definitions.)

3 "Lobbyist." A lobbyist required to register under 65 Pa.C.S.

4 § 13A04 (relating to registration.)

5 "Public official." Any person elected by the public, elected

6 or appointed by a governmental body or an appointed official in

7 the executive, legislative or judicial branch of the

8 Commonwealth or any of its political subdivisions. The term

9 shall not include members of advisory boards that have no

10 authority to do any of the following:

11 (1) Expend public funds, other than reimbursement for
12 personal expenses.

13 (2) Otherwise exercise the power of the Commonwealth or
14 any of its political subdivisions.

15 "Secretary." The Secretary of the Commonwealth of

16 Pennsylvania.

17 Section 3. Referendum.

18 (a) Question.--At the municipal election on November 8,
19 2011, the following question shall be submitted to the
20 electorate of this Commonwealth to determine its will regarding
21 the creation of the convention:

22 Shall a constitutional convention be called in accordance
23 with and subject to the limitations and requirements
24 contained in the Citizens' Constitutional Convention Act of
25 2011, to prepare for submission to the electorate proposals
26 for the revision of all Articles of the Constitution of the
27 Commonwealth of Pennsylvania except Article I, pertaining to
28 the Declaration of Rights?

29 (b) Election.--The secretary shall certify the question to
30 the county board in each county within this Commonwealth. The

1 election shall be conducted in accordance with the act of June
2 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election
3 Code.

4 (c) Secretary.--The secretary shall certify the results of
5 the election and, if a majority of the electors casting votes on
6 the question under subsection (a) vote in the affirmative, shall
7 transmit notice of the vote to the Legislative Reference Bureau
8 for publication as a notice in the Pennsylvania Bulletin, by
9 November 22, 2011.

10 (d) Call.--If a majority of the electors voting upon the
11 question under subsection (a) vote in the affirmative, the
12 convention shall be called by the Governor.

13 Section 4. Membership.

14 (a) Delegates.--Three delegates shall be elected from each
15 senatorial district. Each elector in each senatorial district
16 may vote for not more than two candidates. The three candidates
17 receiving the highest number of votes shall be elected
18 delegates. The candidate receiving the fourth-highest number of
19 votes shall be the first alternate delegate, the candidate
20 receiving the fifth-highest number of votes shall be the second
21 alternate delegate and the candidate receiving the sixth-highest
22 number of votes shall be the third alternate delegate.

23 (b) Qualifications.--A delegate must meet the following
24 qualifications:

25 (1) Be 25 years of age or older prior to November 8,
26 2011.

27 (2) Have been a citizen and resident of this
28 Commonwealth for at least four years before election.

29 (3) Have resided in and been a registered elector of the
30 elected delegate's senatorial district for at least one year

preceding election.

(4) Reside in the elected delegate's senatorial district during the delegate's term of service.

(5) Not be a public official on the effective date of this section nor during the delegate's term of service.

(6) Not be a lobbyist on the effective date of this section nor during the delegate's term of service.

(c) Salary.--Elected delegates shall be entitled to a salary equal to the base salary of a member of the General Assembly during the delegate's term of service, calculated on a pro rata basis and payable monthly.

(d) Expenses.--Elected delegates shall be entitled to reimbursement for the following expenses:

(1) Actual mileage traveled in a personal vehicle in the performance of the delegate's duties during the delegate's term of service, documented, reported and payable monthly at the applicable Federal rate, including commuting mileage.

(2) Sums expended on other modes of ground transportation in the performance of the delegate's duties during the delegate's term of service, documented, reported and payable monthly, including commuting expenses.

(3) Sums paid for overnight lodging required for the convenience of delegates traveling more than 50 miles from the delegate's residence in the performance of the delegate's duties during the delegate's term of service, documented, reported and payable monthly.

(e) Terms of service.--Terms of service for delegates shall commence on the date of their oath of office. Terms shall expire on September 30, 2012, with the following exceptions:

(1) The terms of delegate members of the preparatory

1 committee who are not members of the preparatory committee's
2 communications subcommittee shall expire on October 31, 2012.

3 (2) The terms of delegate members of the preparatory
4 committee who are members of the preparatory committee's
5 communications subcommittee shall expire on December 31,
6 2012.

7 (f) Immunity.--Except as provided under section 17, the
8 following shall apply:

9 (1) A delegate shall, except for treason, felony,
10 violation of oath of office and breach of the peace, be
11 privileged from arrest during attendance and travel to and
12 from the convention.

13 (2) A delegate shall not be questioned in any other
14 place for any speech or debate in the convention.

15 (g) Exclusions.--The following shall apply:

16 (1) No elected delegate shall, during his term of
17 service, be appointed to or hold any civil or other office
18 under this Commonwealth to which a salary, fee or perquisite
19 is attached.

20 (2) No member of Congress or other person holding an
21 office under the United States or the Commonwealth to which a
22 salary, fee or perquisite is attached shall be a delegate
23 during his continuance in office. This paragraph does not
24 apply to an attorney at law or a member of the National Guard
25 or a reserve component of the armed forces of the United
26 States.

27 (3) An elected delegate shall be prohibited from serving
28 as a public official for a period of two years after his term
29 of service expires.

30 (4) An elected delegate shall be prohibited from

1 registering as a lobbyist for any purpose within this
2 Commonwealth and shall be prohibited from serving as an
3 officer or principal of any lobbying firm registered within
4 this Commonwealth for a period of two years after his term of
5 service expires.

6 Section 5. Nomination of elected delegates and withdrawals.

7 (a) Nomination.--Candidates for delegate to the convention
8 shall be nominated by petition in accordance with all of the
9 following:

10 (1) The secretary shall prescribe the form of the
11 petition, which shall not include any reference to political
12 affiliation of the candidate.

13 (2) A petition must be signed by at least 100 qualified
14 electors of the candidate's senatorial district in accordance
15 with all of the following:

16 (i) An elector may not sign more than two nomination
17 petitions.

18 (ii) A signer must state his city, borough or
19 township of residence, as applicable, along with street
20 and number, and that he is a qualified elector of the
21 senatorial district. The signature must be dated.

22 (iii) A petition shall not be circulated prior to
23 August 16, 2011. A signature shall not be counted unless
24 it bears a date later than August 15, 2011.

25 (iv) A petition may be on one or more sheets.
26 Different sheets must be used for signers residing in
27 different counties. If more than one sheet is used, the
28 sheets must be bound together when offered for filing if
29 they are intended to constitute one petition, and each
30 sheet must be numbered consecutively at the foot of each

1 page, beginning with number one. Each sheet must have
2 appended to it an affidavit for the individual who
3 circulated it setting forth all of the following:

4 (A) That the individual is a qualified elector
5 of the senatorial district named in the petition.

6 (B) The individual's residence, giving the city,
7 borough or township, as applicable, along with street
8 and number.

9 (C) That the signers to the petition signed with
10 knowledge of the content of the petition.

11 (D) That the residences of the signers are
12 correctly stated.

13 (E) That each signer resides in the senatorial
14 district named in the affidavit.

15 (F) That each signer signed on the date set
16 forth.

17 (G) That, to the best of the affiant's knowledge
18 and belief, the signers are qualified electors of the
19 senatorial district.

20 (3) A petition must be filed in the office of the
21 secretary by 5 p.m. on September 6, 2011. The candidate must
22 pay a filing fee of \$100 by certified check or money order.

23 (b) Affidavit.--A candidate must file with the office of the
24 secretary, by 5 p.m. on September 6, 2011, an affidavit stating
25 all of the following:

26 (1) The candidate's residence with street and number and
27 post office address.

28 (2) That the candidate is eligible for the office of
29 elected delegate to the convention.

30 (3) That, if elected, the candidate will faithfully

1 observe the limitations and requirements imposed upon the
2 convention by this act.

3 (4) That the candidate meets the qualifications under
4 section 4(b).

5 (c) Statement of financial interests.--A candidate must file
6 copies of a statement of financial interests with the office of
7 the secretary and the State Ethics Commission by 5 p.m. on
8 September 6, 2011.

9 (d) Withdrawal.--A candidate may withdraw as a candidate as
10 follows:

11 (1) Make a request in writing, signed by the candidate
12 and acknowledged before an officer empowered to administer
13 oaths.

14 (2) File the request in the office of the secretary by 5
15 p.m. on September 13, 2011.

16 (e) Certification.--The secretary shall certify the names of
17 the nominees to each county board as provided by law no later
18 than September 20, 2011.

19 (f) Secretary.--The secretary shall provide all forms and
20 instructions for candidates in a timely and convenient manner
21 consistent with that used for legislative elections.

22 Section 6. Delegates.

23 Elections for delegates shall be held at the municipal
24 election on November 8, 2011. The ballot shall not indicate the
25 political party, if any, of a candidate. The secretary shall
26 forward to each county election board the names of the
27 candidates. Candidates' names shall be grouped together on the
28 ballot without reference to party affiliation, separate from the
29 names of candidates for any other office, and subsequent to the
30 question under section 3(a). Each elector voting at the

1 municipal election shall be entitled to vote for two candidates
2 from the elector's senatorial district. If the question in
3 section 3(a) is approved by a majority of the electors casting
4 votes:

5 (1) The three candidates receiving the highest number of
6 votes shall be the elected delegates of that senatorial
7 district.

8 (2) The candidate receiving the fourth-highest number of
9 votes shall be the first alternate delegate; the candidate
10 receiving the fifth-highest number of votes shall be the
11 second alternate delegate; and the candidate receiving the
12 sixth-highest number of votes shall be the third alternate
13 delegate.

14 (3) In the case of a tie vote, the election shall be
15 determined in accordance with the provisions of section 1418
16 of the Act of June 3, 1937 (P.L.1333, No.320), known as the
17 Pennsylvania Election Code.

18 (4) Each county board shall, by November 22, 2011,
19 certify the return of the election for all delegates to the
20 secretary.

21 (5) The secretary shall, by November 29, 2011, certify
22 to the Governor the names of elected and alternate delegates.

23 Section 7. Vacancies.

24 (a) Candidate.--In the event of the death of a candidate
25 prior to September 20, 2011, that candidate's name shall be
26 removed from the ballot. In the event of the death of a
27 candidate on or after September 20, 2011, votes received by that
28 candidate in the municipal election shall be counted and
29 recorded, but void, and a vacancy shall exist.

30 (b) Elected delegate.--In the event of a vacancy in the

1 office of elected delegate, the first alternate delegate from
2 the same senatorial district shall become the elected delegate;
3 if the first alternate delegate is unable to serve, the second
4 alternate delegate shall become the elected delegate; if the
5 second alternate delegate is unable to serve, the third
6 alternate delegate shall become the elected delegate. If no such
7 alternate delegate is available to fill a vacancy, the remaining
8 elected delegates from the same senatorial district, together
9 with the Senator from that district, shall collectively nominate
10 a single candidate to be confirmed by a majority of the
11 convention as soon as practicable to fill the vacancy.

12 Section 8. Delegate candidate campaign finance.

13 (a) Reporting.--Candidates for delegate to the convention
14 may comply with the Commonwealth's existing campaign finance
15 reporting law either as an individual or with the assistance of
16 an authorized candidate's campaign committee, but not both.

17 (b) Isolated committees.--No existing political committee
18 shall be converted to a candidate's campaign committee, nor
19 shall any authorized candidate's campaign committee or funds be
20 used for any purpose other than influencing the election for
21 delegates to the convention, or influencing the outcome of the
22 referendum question in section 3(a).

23 (c) Contributions and loans.--No candidate for delegate to
24 the convention, or delegate candidate's campaign committee,
25 shall accept financial or in-kind contributions or loans from
26 any entity other than an individual residing within the
27 senatorial district for which the candidate is vying to
28 represent at the convention.

29 (d) Limits.--No candidate for delegate to the convention, or
30 delegate candidate's campaign committee, shall accept financial

1 or in-kind contributions or loans totaling more than \$1,000 in
2 aggregate from any individual, including the delegate candidate.

3 (e) Expenditures.--A delegate candidate's campaign committee
4 shall not make any contributions, financial or in-kind, to any
5 other delegate candidate, delegate candidate's campaign
6 committee or other political candidate or committee.

7 (f) Cost sharing.--Delegate candidates or their campaign
8 committees may pool or share expenses with other delegate
9 candidates or their campaign committees, provided that such
10 expenses shall be divided equitably and duly reported by all
11 involved entities.

12 (g) Residual funds.--Delegate candidates or their campaign
13 committees in possession of residual campaign funds as of
14 December 31, 2011, shall:

15 (1) Transmit such funds to the convention on or before
16 January 31, 2012, if the electorate approves the question in
17 section 3(a).

18 (2) Distribute such funds to a charity registered with
19 the Bureau of Charitable Organizations or return them, pro
20 rata, to the contributors on or before January 31, 2012, if
21 the electorate does not approve the question in section 3(a).

22 Section 9. Convention Communications Commission.

23 (a) Formation.--If a majority of the electors voting upon
24 the question under section 3(a) vote in the affirmative, the
25 Governor shall form a Convention Communications Commission upon
26 publication of the notice under section 3(c).

27 (b) Duties.--The following shall apply:

28 (1) The commission shall establish a system of recording
29 and documenting all activities of the convention, its
30 committees and delegates during the performance of the

1 delegates' official duties, to include:

2 (i) stenography or transcription, or both, posted on
3 the Internet as soon as practicable;

4 (ii) live television, radio and Internet broadcast
5 of all committee meetings and votes of any kind of the
6 convention; and

7 (iii) live or recorded television, radio and
8 Internet broadcast of committee meetings.

9 (2) The commission shall develop and establish a fully
10 searchable database for collection and storage of all
11 testimony and transcripts of preconvention public hearings
12 conducted by the delegates, and provide direction to
13 delegates regarding the transmission of such materials and
14 delegate summaries to the commission.

15 (3) The commission shall develop and establish a fully
16 searchable unified online presence for the convention, its
17 committees and delegates, to include:

18 (i) Public access to all video, audio and
19 transcriptions of convention sessions and committee
20 meetings.

21 (ii) Public access to timely updates of the journals
22 of the convention, hyperlinked to all relevant video,
23 audio, debate transcriptions and committee reports.

24 (iii) Public access to all committee reports, hyper-
25 linked to all relevant video, audio, testimony and
26 committee meeting transcripts.

27 (iv) Public access to all preconvention materials
28 provided to the delegates by the convention's preparatory
29 committee.

30 (v) Public access to the database created for the

1 purpose of collection and storage of all pre-convention
2 public hearings conducted by the delegates.

3 (vi) Public access to a directory of all delegates,
4 including biographical information.

5 (vii) Public access to a directory of all personnel
6 hired or contracted by the commission and the convention.

7 (viii) Public access to any documents required by
8 law to be made public when treating the convention as an
9 agency of the Commonwealth.

10 (ix) Dedicated e-mail addresses for all delegates,
11 employees and contractors.

12 (x) A publicly viewable forum for each senatorial
13 district, where residents within that senatorial district
14 may register and login in a secure manner in order to
15 post their views and opinions regarding the convention's
16 proceedings and publicly communicate with their
17 delegates.

18 (4) The commission shall consult with the Pennsylvania
19 Historical and Museum Commission with respect to best
20 practices regarding the creation, maintenance and
21 preservation of permanent archives of all convention
22 activities, documents and records.

23 (c) Oversight.--The Governor shall oversee the commission
24 until such time as the convention assumes oversight in
25 accordance with section 10(c)(2).

26 (d) Funding.--The commission shall be funded from the
27 appropriation under section 18(1), subject to oversight by the
28 State Treasurer until the convention assumes oversight in
29 accordance with section 18(2).

30 (e) Termination.--The commission shall terminate and cease

1 active operations no later than December 31, 2012.

2 (f) Post-termination.--All materials pertaining to the
3 convention shall be transferred to the Pennsylvania Historical
4 and Museum Commission for preservation on or before December 31,
5 2012. The Pennsylvania Historical and Museum Commission shall
6 maintain all records relating to the convention for a period of
7 no less than 50 years.

8 Section 10. Organization of convention and sessions.

9 (a) Convening.--The following shall apply:

10 (1) The convention's elected delegates shall convene in
11 the hall of the House of Representatives on December 6, 2011,
12 at 12 p.m.

13 (2) The Governor shall call the convention to order.

14 (3) The secretary shall certify the returns of the
15 elections for elected and alternate delegates and issue
16 certificates of election.

17 (4) The Chief Justice of the Supreme Court shall
18 administer the oath of office in the following form:

19 I do solemnly swear or affirm that I will support, obey
20 and defend the Constitution of the United States and the
21 Constitution of the Commonwealth of Pennsylvania, that I
22 will abide by the limitations and requirements of the
23 Citizens' Constitutional Convention Act of 2011, that I
24 will neither make nor attempt to make changes to Article
25 I of the Pennsylvania Constitution and that I will
26 discharge my duties with fidelity.

27 (5) Each elected delegate shall sign and swear a written
28 version of the oath of office, provided by the secretary, to
29 be preserved with the official journals of the convention,
30 and other copies as needed by the secretary.

1 (b) Organization.--The following shall apply:

2 (1) The convention shall be the final judge of the
3 qualifications of its own delegates.

4 (2) The convention shall elect from among its elected
5 delegates a president, first vice-president, second vice-
6 president and a secretary.

7 (3) The convention shall elect from among its elected
8 delegates 15 members to serve on a preparatory committee with
9 the elected officers of the convention. The preparatory
10 committee shall also include the Majority Leader of the
11 Senate, the Minority Leader of the Senate, the Majority
12 Leader of the House of Representatives, the Minority Leader
13 of the House of Representatives, the State Treasurer and the
14 Auditor General.

15 (4) The convention shall elect from among its elected
16 delegates 12 members to serve on a judicial committee. The
17 judicial committee shall also include the Lieutenant Governor
18 and three judges of the Commonwealth Court, appointed by the
19 Chief Justice of the Supreme Court.

20 (5) No elected delegate shall serve on both the
21 preparatory committee and the judicial committee.

22 (6) The convention shall organize ten committees to
23 separately address each Article of the Constitution of the
24 Commonwealth of Pennsylvania subject to the scope of the
25 convention.

26 (7) The convention shall organize a committee on
27 arrangement, submission and address to the people.

28 (c) Duties of the preparatory committee.--The preparatory
29 committee shall:

30 (1) Recommend procedural rules for the convention,

1 subject to adoption by a majority of the elected delegates at
2 the commencement of working sessions.

3 (2) Establish a communications subcommittee, consisting
4 of the elected officers of the convention and three other
5 delegate members of the preparatory committee, to assume
6 oversight of the Commission until termination.

7 (3) Establish guidelines to direct the elected delegates
8 in scheduling and conducting preconvention public hearings.

9 (4) Assemble documents, manuals and reference materials
10 it deems useful in preparing the delegates for a convention
11 and disseminate a uniform collection of such items in printed
12 form to each delegate and in a form useful to the commission
13 as soon as practicable.

14 (5) Be authorized to do all of the following, when
15 required for the conduct of the convention's business:

16 (i) Lease or otherwise obtain suitable meeting and
17 office space and to purchase or lease supplies,
18 equipment, publications and other material necessary for
19 the work of the convention.

20 (ii) Hire or engage staff necessary for the work of
21 the convention.

22 (iii) Initiate relevant studies through its
23 personnel or in cooperation with any public or private
24 agencies.

25 (iv) Hold public hearings.

26 (v) Enter into contracts.

27 (vi) Receive from Commonwealth agencies and
28 political subdivisions and local agencies assistance
29 necessary or desirable to carry out properly the powers
30 and duties under this subsection.

1 (vii) Summit a budget and additional reports to the
2 General Assembly in sufficient time for the General
3 Assembly to pass any necessary appropriation acts
4 required by section 18(3), as needed.

5 (d) Duties of the judicial committee.--The judicial
6 committee shall recommend:

7 (1) Rules regarding the conduct of delegates, including
8 censure, suspension or removal, subject to adoption by a
9 majority of the elected delegates at the commencement of
10 working sessions.

11 (2) A system to review and hear complaints from
12 delegates and citizens regarding violations of this act and,
13 when deemed necessary, for referral of such complaints to the
14 Attorney General for further investigation, subject to
15 adoption by a majority of the elected delegates at the
16 commencement of working sessions.

17 (e) Sessions.--The following shall apply:

18 (1) The organizational session shall be adjourned no
19 later than 5 p.m. on December 8, 2011.

20 (2) Elected delegates shall schedule and hold public
21 hearings during the month of January 2012 to hear and collect
22 testimony from citizens and experts regarding the upcoming
23 convention and its proceedings. In conducting such hearings,
24 the following shall apply:

25 (i) No fewer than four hearings shall be held in
26 each senatorial district.

27 (ii) The three elected delegates from each
28 senatorial district shall rotate chairmanship of the
29 hearings in their district.

30 (iii) Testimony shall be accepted in written or

1 verbal form. Written testimony shall also be submitted in
2 electronic form when possible.

3 (iv) Transcriptions and testimony provided at the
4 hearings shall be transmitted to the commission for
5 publication as soon as practicable.

6 (v) Elected delegates shall provide a unified
7 aggregate summary of their public hearings for
8 transmission to the commission as soon as practicable,
9 but no later than February 1, 2012, upon conclusion of
10 the public hearings in their senatorial district.

11 (3) Working sessions of the convention shall commence on
12 February 6, 2012.

13 (f) Sine die adjournment.--The convention shall adjourn sine
14 die no later than September 11, 2012.

15 Section 11. Function.

16 (a) Scope.--The convention has the power, by a vote of two-
17 thirds majority of elected delegates present on final passage,
18 to make recommendations to the electorate on all subjects
19 contained within the Constitution of the Commonwealth of
20 Pennsylvania except for those contained within Article I,
21 pertaining to the Declaration of Rights.

22 (b) Reorganization.--In dealing with the subject matter
23 under subsection (a), the convention may recommend amendment,
24 addition, deletion, division, transfer, continuation without
25 change and implementation schedules.

26 Section 12. Manner of submitting proposals to electorate.

27 (a) Convention.--The following shall apply:

28 (1) The recommendations of the convention shall be
29 submitted to the electorate as determined by the convention.

30 (2) The convention shall frame the ballot question or

1 questions with drafting assistance from the Legislative
2 Reference Bureau.

3 (b) Certification.--The president and secretary of the
4 convention shall certify the constitutional changes proposed and
5 the ballot question or questions to the secretary by September
6 25, 2012.

7 Section 13. Submission to electorate.

8 (a) Secretary.--The following shall apply:

9 (1) The secretary shall publish the Constitution of the
10 Commonwealth of Pennsylvania showing the changes proposed by
11 the convention and any address to the people by the
12 convention, in convenient printed form and in convenient
13 digital form at the earliest time practicable after
14 certification.

15 (2) The secretary shall advertise the proposals and
16 address of the convention in no fewer than one newspaper of
17 general circulation in each county once during the second
18 week of October 2012 and once during the fourth week of
19 October 2012.

20 (3) The secretary shall send a sufficient amount of
21 copies of the printed publication under paragraph (1) to each
22 county board to satisfy the requirements of subsection (b).

23 (4) Upon request of an elector, the secretary shall send
24 a copy of the publication under paragraph (1).

25 (b) County board.--Each county board shall make the
26 publication under subsection (a)(1) available at each polling
27 place in a quantity equal to the number of voting booths,
28 terminals or stations at that polling place.

29 (c) Election.--The following shall apply:

30 (1) The recommendations of the convention shall be

submitted to the electors for their approval or rejection at the general election on November 6, 2012.

(2) A majority affirmative vote of the electors casting votes on the ballot question or questions certified under section 12(b) in the election is necessary for the adoption of the recommendations of the convention.

(d) Certification.--The secretary shall certify the results of the election by November 27, 2012.

Section 14. Lobbying.

(a) Delegates.--The following shall apply:

(1) Direct lobbying of delegates by entities or persons registered as paid lobbyists within the Commonwealth on the effective date of this act or during the duration of the convention, other than meetings between individual electors of a senatorial district and the delegate or delegates representing the same district, shall be prohibited.

(2) No delegate shall accept any gift, meal, service or other benefit, or any promise of such in the future, offered by any party in an effort to influence the outcome of the convention.

(b) Convention.--The following shall apply:

(1) Entities and persons prohibited from lobbying delegates in subsection (a)(1) shall be permitted to lobby the convention as a whole only by the following methods:

(i) Providing printed and electronic reference materials in quantities sufficient for distribution to all elected delegates and the commission, subject to any pertinent policies adopted by the convention.

(ii) Providing printed and electronic or oral testimony, or both, at a hearing before any committee or

subcommittee of the convention, subject to any pertinent policies adopted by the convention.

(iii) Providing printed and electronic reference materials to committees or subcommittees of the convention in quantities sufficient for distribution to all elected delegates and the commission, subject to any pertinent policies adopted by the convention.

(2) The convention shall not accept, on behalf of its delegates, any gift, meal, service or other benefit, or any promise of such in the future, offered by any party in an effort to influence the outcome of the convention.

(c) Definitions.--As used in this section, the definitions of 65 Pa.C.S. § 1102 (relating to definitions) and 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure) shall apply unless the context clearly indicates otherwise.

Section 15. Convention open to public.

Sessions of the convention as a whole and all meetings of its committees and subcommittees shall be open to the public.

Section 16. Immunity from judicial review.

Provided no portion of the resultant Constitution of the Commonwealth of Pennsylvania, duly proposed by the convention and adopted by the electorate according to the provisions of this act, is found to be in violation of the Constitution of the United States, no Court of this Commonwealth shall have the authority to overturn its provisions.

Section 17. Penalties.

(a) Jurisdiction.--The Attorney General shall have original jurisdiction over matters pertaining to this act and shall develop a system for timely response to complaints and inquiries from citizens, the convention's judicial committee and other

1 entities.

2 (b) Delegate candidates.--Any person, who while a candidate
3 for delegate or while an elected or alternate delegate, or whose
4 delegate candidate's campaign committee shall be guilty of
5 bribery, fraud or willful violation of any provision of section
6 8 of this act, shall forever be disqualified from holding the
7 office of delegate to the convention and from any other public
8 office, and shall forever be prohibited from registering as a
9 lobbyist within this Commonwealth for any purpose.

10 (c) Delegate oath.--Any person who, while an elected
11 delegate, proposes changes to Article I of the Constitution of
12 the Commonwealth of Pennsylvania to the convention, shall be
13 fined not less than \$25,000, shall be subject to imprisonment
14 for a term of not less than one year, shall forever be
15 disqualified from holding the office of delegate to the
16 convention and from any other public office, and shall forever
17 be prohibited from registering as a lobbyist within this
18 Commonwealth for any purpose.

19 (d) Lobbyists.--The following shall apply:

20 (1) Any lobbying entity, registered within this
21 Commonwealth on the effective date of this act or during the
22 duration of the convention, which shall be guilty of bribery,
23 fraud or willful violation of any provision of section 14(a),
24 shall be fined not less than \$100,000, shall forfeit all
25 assets to the Commonwealth and shall forever be prohibited
26 from registering as a lobbying entity within this
27 Commonwealth for any purpose. All individuals of any such
28 organization who are convicted shall be fined not less than
29 \$25,000, shall be subject to imprisonment for a term of not
30 less than one year, shall forever be prohibited from

1 registering as a lobbyist within this Commonwealth for any
2 purpose and shall forever be disqualified from holding any
3 public office.

4 (2) Any person, registered as a lobbyist within this
5 Commonwealth on the effective date of this section or during
6 the duration of the convention, who shall be guilty of
7 bribery, fraud or willful violation of section 14(a), shall
8 be fined not less than \$25,000, shall be subject to
9 imprisonment for a term of not less than one year, shall
10 forever be prohibited from registering as a lobbyist within
11 this Commonwealth for any purpose and shall forever be
12 disqualified from holding any public office.

13 (e) Public Officials.--The following shall apply:

14 (1) A public official assigned duties by this act, who
15 shall be guilty of willful failure to perform such duties,
16 shall be fined not less than \$25,000, shall be subject to
17 imprisonment for a term of not less than one year, shall
18 forever be disqualified from holding any public office and
19 shall forfeit all pension benefits funded by public moneys.

20 (2) A public official, not assigned duties by this act,
21 who shall be guilty of bribery, fraud or willful violation of
22 any provision of this act, shall be fined not less than
23 \$10,000, shall be subject to imprisonment for a term of not
24 less than one year, shall forever be disqualified from
25 holding any public office and shall forfeit all pension
26 benefits funded by public moneys.

27 (f) Other persons.--Any person who shall be guilty of
28 bribery, fraud or willful violation of section 14(b)(2) shall be
29 fined not less than \$10,000, shall be subject to imprisonment
30 for a term of not less than six months, shall forever be

1 prohibited from registering as a lobbyist within this
2 Commonwealth for any purpose and shall forever be disqualified
3 from holding any public office.

4 Section 18. Appropriation.

5 The following shall apply:

6 (1) If the electorate approves the question in section
7 3(a), the sum of \$25,000,000 shall be transferred from the
8 nonlapsing leadership accounts of the General Assembly, in
9 four equal contributions by the majority and minority
10 caucuses of the Senate and the House of Representatives, to
11 the control of the State Treasurer for the purpose of
12 initially funding the requirements of this act.

13 (2) The convention's preparatory committee shall assume
14 control of the initial appropriation when it deems
15 appropriate.

16 (3) Further sums required by the convention to perform
17 its duties, contributed in similar fashion, shall be provided
18 upon request by the convention in accordance with section
19 10(c)(5)(vii).

20 Section 19. Severability.

21 The following shall apply:

22 (1) If the limitation in section 11(a), excluding
23 Article I of the Constitution of the Commonwealth of
24 Pennsylvania from the scope of the convention, is held
25 invalid, the entire act shall be invalid.

26 (2) If any other provision of this act or the
27 application thereof to any person or circumstance is held
28 invalid, the validity of the remainder of this act and the
29 application of such provisions to other persons and
30 circumstances shall not be affected thereby.

1 Section 30. Effective date.

2 This act shall take effect as follows:

3 (1) Section 18 shall take effect upon publication of the
4 notice under section 3(c).

5 (2) The remainder of this act shall take effect
6 immediately.