

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 933

Session of
1979

INTRODUCED BY FISCHER, MARCH 28, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 28, 1979

A JOINT RESOLUTION

1 Amending the Constitution of the Commonwealth of Pennsylvania,
2 providing for the people's power of initiative generally to
3 propose laws and constitutional amendments and providing for
4 the recall of elected public officers.

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

7 Section 1. The following amendments to the Constitution of
8 the Commonwealth of Pennsylvania are proposed in accordance with
9 the provisions of Article XI thereof:

10 (1) That a section be added to Article I to read:

11 ARTICLE I

12 DECLARATION OF RIGHTS

13 § 29. People's power of initiative.

14 (a) Upon the presentation to the Secretary of State of a
15 petition certified as herein provided to have been signed by
16 qualified electors, equal in number to 10% of all votes cast for
17 all candidates for Governor at the last preceding general
18 election, at which a Governor was elected, proposing a law or
19 amendment to this Constitution, set forth in full in said

petition, the Secretary of State shall submit the said proposed law or amendment to this Constitution to the electors at the next succeeding general or municipal election occurring subsequent to 130 days after the presentation aforesaid of said petition. All such initiative petitions shall have printed across the top thereof in 12 point black face type the following: "Initiative Measure to be Submitted Directly to the Electors."

(b) The procedure relating to the form of such petition, notice to the electorate and election officials and other such matters shall be as shall be prescribed by the General Assembly.

(c) No act, law or amendment to this Constitution, initiated or adopted by the people, shall be subject to the veto power of the Governor, and no act, law or amendment to this Constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure.

(d) If any provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail.

(e) Any act, law or amendment to this Constitution submitted to the people by initiative petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote is proclaimed by the Governor.

(2) That section 1 of Article II and section 1 of Article III be amended to read:

ARTICLE II

1 THE LEGISLATURE

2 § 1. Legislative power.

3 The legislative power of this Commonwealth shall be vested in
4 a General Assembly, which shall consist of a Senate and a House
5 of Representatives; but the people reserve to themselves the
6 power to propose laws, and to adopt or reject the same, at the
7 polls independent of the General Assembly.

8 ARTICLE III

9 LEGISLATION

10 A. PROCEDURE

11 § 1. Passage of laws.

12 No law shall be passed except by bill, or except through the
13 procedure for the exercise of the people's power of initiative
14 and no bill shall be so altered or amended, on its passage
15 through either House, or as to a law proposed by the people's
16 initiative, in the course of being placed on the ballot, as to
17 change its original purpose.

18 (3) That Article VI be amended by adding a section to read:

19 ARTICLE VI

20 PUBLIC OFFICERS

21 § 8. Recall.

22 (a) All public officers shall be subject to recall by the
23 qualified electors of this Commonwealth or of the district or
24 political subdivision (or part thereof) from which they were
25 elected.

26 (b) The General Assembly shall enact legislation to carry
27 this provision into effect but any home rule charter having a
28 recall provision contained therein upon the adoption of this
29 section by the voters shall remain in full force and effect.

30 (4) That section 1 of Article XI be amended to read:

1 ARTICLE XI

2 AMENDMENTS

3 § 1. Proposal of amendments [by the General Assembly]
4 and their adoption.

5 (a) Amendments to this Constitution may be proposed in the
6 Senate or House of Representatives; and if the same shall be
7 agreed to by a majority of the members elected to each House,
8 such proposed amendment or amendments shall be entered on their
9 journals with the yeas and nays taken thereon, and the Secretary
10 of the Commonwealth shall cause the same to be published three
11 months before the next general election, in at least two
12 newspapers in every county in which such newspapers shall be
13 published; and if, in the General Assembly next afterwards
14 chosen, such proposed amendment or amendments shall be agreed to
15 by a majority of the members elected to each House, the
16 Secretary of the Commonwealth shall cause the same again to be
17 published in the manner aforesaid; and such proposed amendment
18 or amendments shall be submitted to the qualified electors of
19 the State in such manner, and at such time at least three months
20 after being so agreed to by the two Houses, as the General
21 Assembly shall prescribe; and, if such amendment or amendments
22 shall be approved by a majority of those voting thereon, such
23 amendment or amendments shall become a part of [the] this
24 Constitution; but no amendment or amendments shall be submitted
25 oftener than once in five years. When two or more amendments
26 shall be submitted they shall be voted upon separately.

27 [(a)] (b) In the event a major emergency threatens or is
28 about to threaten the Commonwealth and if the safety or welfare
29 of the Commonwealth requires prompt amendment of this
30 Constitution, such amendments to this Constitution may be

1 proposed in the Senate or House of Representatives at any
2 regular or special session of the General Assembly, and if
3 agreed to by at least two-thirds of the members elected to each
4 House, a proposed amendment shall be entered on the journal of
5 each House with the yeas and nays taken thereon and the official
6 in charge of statewide elections shall promptly publish such
7 proposed amendment in at least two newspapers in every county in
8 which such newspapers are published. Such amendment shall then
9 be submitted to the qualified electors of the Commonwealth in
10 such manner, and at such time, at least one month after being
11 agreed to by both Houses as the General Assembly prescribes.

12 [(b)] If an emergency amendment is approved by a majority of
13 the qualified electors voting thereon, it shall become part of
14 this Constitution. When two or more emergency amendments are
15 submitted they shall be voted on separately.

16 (c) The people may propose amendments to this Constitution
17 through the exercise of the initiative power reserved to
18 themselves, the procedure for which shall be prescribed by the
19 General Assembly.