

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 409

Session of
1981

INTRODUCED BY LASHINGER, SIEMINSKI, BROWN, PRATT, KUKOVICH,
PERZEL, CLARK, HALUSKA, HOFFEL, SPITZ, PITTS, ALDEN, TELEK
AND FREIND, FEBRUARY 3, 1981

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 1981

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, authorizing initiative and referendum.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby resolves as follows:

5 Section 1. The following amendment to the Constitution of
6 the Commonwealth of Pennsylvania is proposed in accordance with
7 the provisions of Article XI thereof:

8 That Article III be amended by adding a subarticle to read:

9 F. INITIATIVE AND REFERENDUM

10 § 33. Initiative.

11 (a) The legislative power of this Commonwealth shall be
12 vested in the Senate and House of Representatives but the people
13 reserve to themselves the power to propose laws and amendments
14 to the Constitution, and to adopt or reject the same, at the
15 polls independent of the Legislature, and also reserve the
16 power, at their own option, to so adopt or reject any act, or
17 section or part of any act, passed by the General Assembly.

1 (b) The initiative is the power of the electors to propose
2 statutes and amendments to the Constitution and to adopt or
3 reject them.

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

11 (d) The Secretary of State shall submit the measure at the
12 next general election held at least 131 days after it qualifies
13 or at any special statewide election held prior to that general
14 election. The Governor may call a special statewide election for
15 the measure.

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

18 § 34. Referendum.

19 (a) A referendum is the power of the electors to approve or
20 reject statutes or parts of statutes except emergency statutes,
21 statutes calling elections, and statutes providing for tax
22 levies or appropriations for usual current expenses of the
23 Commonwealth.

24 (b) A referendum measure may be proposed by presenting to
25 the Secretary of State, within 60 days after adjournment of the
26 regular session at which the statute was passed or within 90
27 days after adjournment of the special session at which the
28 statute was passed, a petition certified to have been signed by
29 electors equal in number to 7% of the votes for all candidates
30 for Governor at the last gubernatorial election, asking that the

1 statute or part of it be submitted to the electors.

2 (c) The Secretary of State shall then submit the measure at
3 the next general election held at least 31 days after it
4 qualifies or at a special statewide election held prior to that
5 general election. The Governor may call a special statewide
6 election for the measure.

7 § 35. Initiative and referendum.

8 (a) An initiative statute or referendum approved by a
9 majority of votes thereon takes effect five days after the date
10 of the official certification of the vote by the Secretary of
11 State unless the measure provides otherwise. If a referendum
12 petition is filed against a part of a statute, the remainder of
13 the statute shall not be delayed from going into effect.

14 (b) If provisions of two or more measures approved at the
15 same election conflict, those of the measure receiving the
16 highest affirmative vote shall prevail.

17 (c) Except as provided herein, the General Assembly may
18 amend or repeal referendum statutes. It may amend or repeal an
19 initiative statute by another statute that becomes effective
20 only when approved by the electors unless the initiative statute
21 permits amendment or repeal without their approval. An
22 initiative statute or referendum shall not be amended or
23 repealed when it was adopted by a vote of a number of electors
24 equal to a majority of the electors registered to vote at the
25 preceding gubernatorial election nor shall any other initiative
26 statute or referendum be amended or repealed within two years of
27 its approval except upon the approval of two-thirds of the
28 members elected to the Senate and the House of Representatives.

29 (d) The veto power of the Governor shall not extend to an
30 initiative or referendum statute approved by the electors.

1 (e) Prior to circulation of an initiative or referendum
2 petition for signatures, a copy shall be submitted to the
3 Attorney General which shall prepare a title and summary of the
4 measure.

5 (f) The General Assembly shall provide the manner in which
6 petitions shall be circulated, presented and certified, and
7 measures submitted to the electors.

8 § 36. Local initiative and referendum.

9 Initiative and referendum powers may be exercised by the
10 electors of each municipality under procedures that the General
11 Assembly shall provide.

12 § 37. Prohibition against naming private corporation or
13 individual to office.

14 No amendment to the Constitution, and no statute proposed to
15 the electors by the General Assembly or by initiative, that
16 names an individual to hold an office, or names or identifies a
17 private corporation to perform a function or to have a power or
18 duty, may be submitted to the electors or have any effect.