

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 291 Session of  
2007INTRODUCED BY FERLO, FONTANA, RAFFERTY, GREENLEAF, O'PAKE,  
PIPPY, EARLL, BROWNE, BOSCOLA AND BRUBAKER, MARCH 9, 2007SENATOR PICCOLA, STATE GOVERNMENT, AS AMENDED,  
SEPTEMBER 17, 2008

## AN ACT

1 Providing for a constitutional convention with limited powers;  
2 providing for a referendum on the question; providing for the  
3 selection, nomination and election of delegates; defining the  
4 powers and duties of the convention; providing for its  
5 operation; conferring powers and imposing duties on the  
6 Governor, the Secretary of the Commonwealth, officers of the  
7 General Assembly and county election boards; providing for a  
8 referendum on the convention's report; and making an  
9 appropriation.

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7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the  
11 Constitutional Convention Act of ~~2007~~ 2008.

<—

12 Section 2. Definitions.

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

16 "Candidate." An individual seeking to become an elected  
17 delegate.

18 "Committee." The Preparatory Committee established in  
19 section 8.

20 "Convention." The Constitutional Convention authorized by  
21 this act.

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

23 "Delegate." A delegate to the convention. The term includes  
24 an elected delegate and an ex officio delegate.

25 "Elected delegate." A delegate who is elected to the  
26 convention under section 4(b)(1).

27 "Ex officio delegate." A delegate to the convention under  
28 section 4(b)(2).

29 "Secretary." The Secretary of the Commonwealth.

30 Section 3. Referendum.

1 (a) Question.--At the primary election in ~~April 2007~~ MAY <—  
2 2009, the following question shall be submitted to the  
3 electorate of this Commonwealth to determine its will regarding  
4 a constitutional convention with limited powers:

5 Shall a constitutional convention be called in accordance  
6 with and subject to the limitations and requirements  
7 contained in the Constitutional Convention Act of ~~2007~~ <—  
8 2008, to prepare for submission to the electorate <—  
9 proposals for the revision of the following provisions of  
10 the Constitution of Pennsylvania as provided in section  
11 10 of the Constitutional Convention Act of ~~2007~~ 2008: <—

12 sections 4, 8 and 16 of Article II;

13 sections 4, 13 and 26 of Article III;

14 section 16 of Article V?

15 (b) Election.--The secretary shall certify questions to the  
16 county boards of elections. The election shall be conducted in  
17 accordance with the act of June 3, 1937 (P.L.1333, No.320),  
18 known as the Pennsylvania Election Code.

19 (c) Secretary.--If a majority of the electors voting on the  
20 question under subsection (a) vote in the affirmative, the  
21 secretary shall transmit notice of the vote to the Legislative  
22 Reference Bureau for publication as a notice in the Pennsylvania  
23 Bulletin.

24 Section 4. Convention; membership; qualifications; vacancies.

25 (a) Call.--If a majority of the electors voting upon the  
26 question under section 3(a) vote in the affirmative, a  
27 convention shall be called by the Governor.

28 (b) Delegates.--The convention shall consist of the  
29 following delegates:

30 (1) Three delegates shall be elected from each

1 senatorial district. Each elector in each senatorial district  
2 may vote for not more than two candidates. The three  
3 candidates receiving the highest number of votes shall be  
4 elected delegates.

5 (2) The following shall be ex officio delegates and  
6 shall have the powers of elected delegates:

7 (i) The Lieutenant Governor.

8 (ii) The President pro tempore of the Senate.

9 (iii) The Majority Leader of the Senate.

10 (iv) The Majority Whip of the Senate.

11 (v) The Minority Leader of the Senate.

12 (vi) The Minority Whip of the Senate.

13 (vii) The Minority Caucus Chairman of the Senate.

14 (viii) The Speaker of the House of Representatives.

15 (ix) The Majority Leader of the House of  
16 Representatives.

17 (x) The Majority Whip of the House of  
18 Representatives.

19 (xi) The Minority Leader of the House of  
20 Representatives.

21 (xii) The Minority Whip of the House of  
22 Representatives.

23 (xiii) The Minority Caucus Chairman of the House of  
24 Representatives.

25 (c) Qualifications.--An elected delegate must meet the  
26 following qualifications:

27 (1) Be at least 18 years of age.

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

30 (3) Have resided in and been a registered elector of the

1 elected delegate's senatorial district for at least one year  
2 preceding election.

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

5 (d) Expenses.--Elected delegates shall be entitled to  
6 reimbursement for reasonable expenses incurred in the  
7 performance of their duties.

8 Section 5. Nomination of elected delegates; withdrawals.

9 (a) Political parties.--The county committee of each  
10 political party in each senatorial district shall collectively  
11 nominate two candidates in accordance with party rules and the  
12 names of the nominees submitted to the secretary. The secretary  
13 shall certify the names of the nominees to the county board as  
14 provided by law not later than September ~~29, 2007~~ 22, 2009. <—

15 (b) Political bodies.--Subject to the limitations upon the  
16 number in this act applicable to political parties, candidates  
17 may also be nominated by political bodies by petition in  
18 accordance with the following:

19 (1) The secretary shall prescribe the form of the  
20 petition.

21 (2) A petition must be signed by at least 500 qualified  
22 electors of the senatorial district in accordance with the  
23 following:

24 (i) An elector may not sign more than two nomination  
25 petitions.

26 (ii) A signer must state occupation and residence,  
27 giving city, borough or township, with street and number,  
28 and that the signer is a qualified elector of the  
29 district. The signature must be dated.

30 (iii) A petition may not be circulated prior to

1 August ~~25, 2007~~ 18, 2009. A signature shall not be <—  
2 counted unless it bears a date later than August ~~24, 2007~~ <—  
3 17, 2009. <—

4 (iv) A petition may be on one or more sheets.  
5 Different sheets must be used for signers resident in  
6 different counties. If more than one sheet is used, the  
7 sheets must be bound together when offered for filing if  
8 they are intended to constitute one petition, and each  
9 sheet must be numbered consecutively at the foot of each  
10 page, beginning with number one. Each sheet must have  
11 appended to it the affidavit of the individual who  
12 circulated it setting forth:

13 (A) that the individual is a qualified elector  
14 of the senatorial district named in the petition;

15 (B) the individual's residence, giving city,  
16 borough or township, with street and number;

17 (C) that the signers to the petition signed with  
18 knowledge of the contents of the petition;

19 (D) that the residences of the signers are  
20 correctly stated;

21 (E) that each signer resides in the district  
22 named in the affidavit;

23 (F) that each signer signed on the date set  
24 forth; and

25 (G) that, to the best of the affiant's knowledge  
26 and belief, the signers are qualified electors of the  
27 district.

28 (3) A petition must be filed in the office of the  
29 secretary by September ~~15, 2007~~ 8, 2009. A filing fee of \$100 <—  
30 must be paid by the candidate by certified check or money

1 order.

2 (c) Candidate's affidavit.--A candidate must file with the  
3 secretary an affidavit stating all of the following:

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

6 (2) That the candidate is eligible for the office of  
7 elected delegate to the constitutional convention.

8 (3) That, if elected, the candidate will faithfully  
9 observe the limitations and requirements imposed upon the  
10 convention by this act.

11 (4) That the candidate meets the qualifications under  
12 section 4(c).

13 (d) Withdrawal.--A candidate may withdraw as a candidate as  
14 follows:

15 (1) Make a request in writing. The request must be  
16 signed by the candidate and acknowledged before an officer  
17 empowered to administer oaths.

18 (2) File the request in the office of the secretary by 5  
19 p.m. on September ~~22, 2007~~ 15, 2009. <—

20 Section 6. Elected delegates.

21 Elections for elected delegates shall be held at the  
22 municipal election in November ~~2007~~ 2009. The secretary shall <—  
23 forward to each county board the names of the candidates. Each  
24 elector voting at the municipal election shall be entitled to  
25 vote for two candidates from the elector's senatorial district.  
26 The three candidates receiving the highest number of votes in  
27 each district shall be the elected delegates of that district.  
28 In the case of a tie vote, the election shall be determined in  
29 accordance with the provisions of section 1418 of the act of  
30 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania

1 Election Code. The county board shall, by November ~~15, 2007~~ 17, <—  
2 2009, certify the return to the secretary. The secretary shall,  
3 by November ~~22, 2007~~ 24, 2009, certify to the Governor the names <—  
4 of the elected delegates.

5 Section 7. Vacancies.

6 (a) Candidate.--In the event of the death or withdrawal of a  
7 candidate occurring prior to September ~~29, 2007~~ 22, 2009, a <—  
8 substitute nomination shall be made under section 5.

9 (b) Elected delegate.--In the event of a vacancy in the  
10 office of the elected delegate, a successor shall be elected as  
11 follows:

12 (1) If the elected delegate was nominated under section  
13 5(a), the remaining delegates of that political party shall  
14 elect a successor who meets the qualifications under section  
15 4(c). The secretary shall prescribe appropriate time  
16 limitations.

17 (2) If the elected delegate member was nominated under  
18 section 5(b), all of the remaining delegates shall elect a  
19 successor meeting the qualifications under section 4(c).

20 Section 8. Preparatory Committee.

21 (a) Membership.--Ex officio delegates shall constitute the  
22 Preparatory Committee to make arrangements for the convention.

23 (b) Meeting organization.--Upon certification by the  
24 secretary of the results of the referendum election under  
25 section 3, the committee shall have the following powers and  
26 duties:

27 (1) To lease or otherwise obtain suitable meeting and  
28 office space and to purchase or lease supplies, equipment,  
29 publications and other materials necessary for the work of  
30 the convention.



1           (2) To hire or engage staff necessary for the  
2 preparatory work of the convention.

3           (3) To initiate relevant studies through its own  
4 personnel or in cooperation with any public or private  
5 agencies.

6           (4) To hold public hearings.

7           (5) To enter into contracts.

8           (6) To receive from Commonwealth agencies and political  
9 subdivisions and local agencies assistance necessary or  
10 desirable to carry out properly the powers and duties under  
11 this subsection.

12          (7) To submit a budget for the convention to the General  
13 Assembly in sufficient time for the General Assembly to pass  
14 the necessary appropriation acts.

15          (8) To do other acts necessary to carry out the powers  
16 and duties under this subsection.

17 Section 9. Organization of convention.

18       (a) Convening.--

19          (1) The convention shall convene in the hall of the  
20 House of Representatives on December 1, ~~2007~~ 2009, at 12       <—  
21 noon.

22          (2) The convention shall be called to order by the  
23 Governor.

24          (3) The secretary shall certify the returns of the  
25 elections for elected delegates and issue certificates of  
26 election.

27          (4) The Chief Justice of the Supreme Court or a designee  
28 of the Chief Justice shall then administer the oath of office  
29 in the following form:

30           I do solemnly swear (or affirm) that I will support, obey

1 and defend the Constitution of the United States and the  
2 Constitution of Pennsylvania, and that I will discharge  
3 the duties of my office with fidelity.

4 (b) Organization.--

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

7 (2) The convention shall organize by electing from among  
8 its delegates a president, secretary and other officers.

9 (3) The convention shall prescribe rules for:

10 (i) procedure; and

11 (ii) conduct of its delegates, including censure,  
12 suspension or removal.

13 (c) Immunity.--

14 (1) A delegate shall in all cases, except treason,  
15 felony, violation of oath of office and breach of the peace,  
16 be privileged from arrest during attendance and travel to and  
17 from the convention.

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

20 (d) Sine die adjournment.--The convention shall adjourn sine  
21 die on February 28, ~~2008~~ 2010. <—

22 Section 10. Function.

23 (a) Scope.--The convention has the power, by a vote of a  
24 majority of delegates, to make recommendations to the electorate  
25 on the following subjects only:

26 (1) Section 4 of Article II of the Constitution of  
27 Pennsylvania, pertaining to sessions and special sessions of  
28 each elected legislature.

29 (2) Section 8 of Article II of the Constitution of  
30 Pennsylvania, pertaining to compensation of members of the

1 General Assembly.

2 (3) Section 16 of Article II of the Constitution of  
3 Pennsylvania, pertaining to number of legislative districts.

4 (4) Section 4 of Article III of the Constitution of  
5 Pennsylvania, pertaining to legislative consideration of  
6 bills.

7 (5) Section 13 of Article III of the Constitution of  
8 Pennsylvania, pertaining to limitations on members with a  
9 personal interest from voting on certain bills.

10 (6) Section 26 of Article III of the Constitution of  
11 Pennsylvania, pertaining to compensation of public officers.

12 (7) Section 16 of Article V of the Constitution of  
13 Pennsylvania, pertaining to the compensation and retirement  
14 of justices, judges and justices of the peace, also known as  
15 district judges.

16 (b) Limitations.--The convention shall not consider or  
17 include in its recommendations any of the following:

18 (1) A proposal which clearly permits or prohibits the  
19 imposition of a graduated income tax by the Commonwealth or  
20 any of its political subdivisions. Section 1 of Article VIII  
21 of the Constitution of Pennsylvania providing that: "All  
22 taxes shall be uniform, upon the same class of subjects,  
23 within the territorial limits of the authority levying the  
24 tax, and shall be levied and collected under general laws."  
25 shall not be modified, altered or changed in any respect  
26 whatsoever.

27 (2) Section 11 of Article VIII of the Constitution of  
28 Pennsylvania as it pertains to the Motor License Fund.

29 (c) Reorganization.--In dealing with the subject matter  
30 under subsection (a), the convention may recommend amendment,

1 deletion, transfer or continuation without change.

2 Section 11. Manner of submitting proposals to electorate.

3 (a) Convention.--

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

6 (2) The convention shall frame the ballot questions.

7 (b) Certification.--The changes proposed and the ballot  
8 questions shall be certified by the president and secretary of  
9 the convention to the secretary by February 28, ~~2008~~ 2010. <—

10 Section 12. Submission to electorate.

11 (a) Secretary.--

12 (1) The secretary shall advertise the proposals of the  
13 convention in at least two newspapers of general circulation  
14 in every county once during the last week in March ~~2008~~ 2010. <—

15 (2) The secretary shall publish the Constitution of  
16 Pennsylvania showing the changes proposed by the convention  
17 in convenient form.

18 (3) The secretary shall send ten copies of the  
19 publication under paragraph (2) to each county board.

20 (4) Upon request of an elector, the secretary shall send  
21 a copy of the publication under paragraph (2).

22 (b) County boards.--A county board shall make the  
23 publication under subsection (a)(4) available at each polling  
24 place.

25 (c) Election.--

26 (1) The recommendations of the convention shall be  
27 submitted to the electors for their approval or rejection at  
28 the primary election of ~~2008~~ 2010. <—

29 (2) A majority vote of the electors voting in the  
30 election is necessary for the adoption of the recommendations

1 of the convention.

2 (d) Certification.--The secretary shall certify the results  
3 of the election.

4 Section 13. Lobbying.

5 The provisions of 65 Pa.C.S. Ch. ~~13 (relating to lobby~~ <—  
6 ~~regulation and disclosure)~~ 13A (RELATING TO LOBBYING DISCLOSURE) <—  
7 apply to the convention.

8 Section 14. Convention open to public.

9 Sessions of the convention as a whole shall be open to the  
10 public.

11 Section 15. Appropriation.

12 The sum of \$1,000,000, or as much thereof as may be  
13 necessary, is hereby appropriated to the Preparatory Committee  
14 for the fiscal year July 1, ~~2007~~ 2009, to June 30, ~~2008~~ 2010, to <—  
15 carry out the provisions of this act.

16 Section 16. Effective date.

17 This act shall take effect as follows:

18 (1) Section 15 shall take effect upon publication of the  
19 notice under section 3(c).

20 (2) The remainder of this act shall take effect  
21 immediately.