

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 192 Session of 2009

INTRODUCED BY PICCOLA, FOLMER, BROWNE, RAFFERTY AND WAUGH,  
FEBRUARY 2, 2009

REFERRED TO STATE GOVERNMENT, FEBRUARY 2, 2009

A JOINT RESOLUTION

1 Proposing integrated and distinct amendments to the Constitution  
2 of the Commonwealth of Pennsylvania, authorizing the use of  
3 the direct initiative, the indirect initiative and referendum  
4 as legislative powers reserved to the people.

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

7 Section 1. The following integrated and distinct amendments  
8 to the Constitution of Pennsylvania are proposed in accordance  
9 with Article XI:

10 (1) That section 1 of Article II be amended to read:

11 § 1. Legislative power.

12 (a) The legislative power of this Commonwealth shall be  
13 vested in a General Assembly, which shall consist of a Senate  
14 and a House of Representatives.

15 (b) Notwithstanding subsection (a), the people reserve to  
16 themselves the power of the direct initiative to propose  
17 statutes and amendments to this Constitution, and to adopt or  
18 reject the same at the polls, independent of the General  
19 Assembly.

1     (c) Notwithstanding subsection (a), the people reserve to  
2 themselves the power of the indirect initiative to propose  
3 statutes and amendments to this Constitution and to cause the  
4 General Assembly to take a final vote in the Senate and the  
5 House of Representatives on any approved proposal in the current  
6 legislative session or, if the proposal is approved at a general  
7 election, no later than the next legislative session.

8     (d) Notwithstanding subsection (a), the people reserve to  
9 themselves the power of the referendum to approve or reject  
10 statutes or parts of statutes passed by the General Assembly and  
11 approved by the Governor or which become law without the  
12 approval of the Governor.

13     (2) That Article III be amended by adding a section to read:  
14 § 33. Powers reserved to the people.

15     (a) Powers relating to the direct initiative shall be as  
16 follows:

17     (1) The people reserve to themselves the power of the direct  
18 initiative to propose statutes and amendments to this  
19 Constitution, and to adopt or reject the same at the polls,  
20 independent of the General Assembly.

21     (2) The direct initiative is the power of the electors to  
22 propose statutes and amendments to this Constitution and to  
23 adopt or reject them.

24     (3) A direct initiative measure may be proposed by  
25 presenting to the Secretary of the Commonwealth a petition that  
26 sets forth the text of the proposed statute or amendment to this  
27 Constitution and is certified by the Secretary of the  
28 Commonwealth to have been signed by registered electors equal in  
29 number to 8% in the case of the statute, or 10% in the case of  
30 an amendment to this Constitution, of the votes for all

1 candidates for Governor at the last gubernatorial election.

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

6 (5) The Secretary of the Commonwealth shall submit the  
7 measure at the next general, municipal, primary or special  
8 statewide election held at least 75 days after certification.  
9 The Secretary of the Commonwealth shall only certify a measure  
10 wherein all signatures on petitions are obtained and affixed to  
11 the petitions for the measure during the same regular session of  
12 the General Assembly.

13 (6) A direct initiative measure embracing more than one  
14 subject may not be submitted to the electors or have any effect.

15 (7) A direct initiative amendment to the Constitution  
16 approved by the electors which requires enabling legislation  
17 shall constitute a mandate to the General Assembly to enact the  
18 appropriate legislation within 180 days of passage of the  
19 initiative.

20 (8) The General Assembly:

21 (i) Shall provide the manner in which petitions shall be  
22 circulated, presented and certified and the qualifications for  
23 individuals circulating petitions.

24 (ii) Shall require by law measures to ensure full disclosure  
25 of disbursements made and receipts obtained by parties who have  
26 an interest in initiative measures and who have exceeded a  
27 statutory threshold for such disbursements and receipts for any  
28 one initiative measure in each election.

29 (iii) May require by law reasonable limits on contributions  
30 made to parties who have an interest in the passage or defeat of

1 an initiative measure for each measure and in each election.

2 (iv) Shall require by law the full disclosure of any  
3 disbursements made by a person or corporation from another state  
4 to advocate the passage or defeat of an initiative measure.

5 (9) An initiative petition, in order to be eligible for  
6 certification by the Secretary of the Commonwealth, shall first  
7 be signed by 200 registered electors of this Commonwealth, who  
8 shall pay an administrative fee not exceeding the fee required  
9 by law for the filing of nomination petitions by candidates for  
10 public office to be filled by the electors of the State-at-  
11 large. If the Secretary of the Commonwealth shall certify that  
12 the petition contains the entire text of the measure; that the  
13 measure is not, either affirmatively or negatively,  
14 substantially the same as any measure which has been submitted  
15 to the electors in the previous five years; and that it contains  
16 only one subject which is not excluded from consideration under  
17 this section, then the Secretary of the Commonwealth shall  
18 provide blanks for the use of subsequent signers, and shall  
19 print at the top of each blank a fair, concise summary, as  
20 determined by the Legislative Reference Bureau, of the proposed  
21 measure as such summary will appear on the ballot. The summary  
22 shall be written in clear and simple English.

23 (10) The Legislative Reference Bureau shall, within ten days  
24 of the certification of an initiative petition upon which the  
25 required number of signatures have been affixed, prepare an  
26 explanation or argument, or both, for, and also an explanation  
27 or argument, or both, against, the same. The Secretary of the  
28 Commonwealth shall then publish the summary and explanations and  
29 arguments, together with the entire text of the measure, in as  
30 many newspapers of general circulation as deemed by the

Secretary of the Commonwealth to be sufficient to give notice  
throughout this Commonwealth at least 20 days before the  
election in which the measure is presented to the electors. This  
information shall also be made available to the general public  
in printed form.

(11) The Secretary of the Commonwealth shall certify no more  
than six initiative measures in an election. Each measure shall  
be limited to only one subject. If more than six measures are  
submitted to the Secretary of the Commonwealth in one election,  
the six measures with the largest numbers of signatures shall be  
certified. If two or more measures are substantially similar  
questions, whether or not they conflict, only the measure with  
the largest number of signatures shall be certified.

(12) An initiative statute or amendment to the Constitution  
approved by a majority of votes thereon takes effect the date  
after the election unless the measure provides otherwise.

(13) No direct initiative measure shall appear on the ballot  
in an election more often than once in five years as a direct  
initiative measure.

(14) In addition to the duties imposed on the Legislative  
Reference Bureau under paragraphs (9) and (10), the Legislative  
Reference Bureau shall:

(i) Prepare a fiscal impact statement on any proposed  
initiative measure.

(ii) Assist the general public at the Bureau's business  
office in the drafting of any initiative proposal.

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

(16) The veto power of the Governor shall not extend to an

1 initiative statute approved by the electors.

2 (17) If two or more ballot questions that have conflicting  
3 provisions are approved by the voters at the same election,  
4 those provisions of the ballot question receiving the most votes  
5 shall prevail and be enacted into law. All other provisions of  
6 the ballot questions that are not in conflict shall be enacted  
7 into law.

8 (b) (1) The people reserve to themselves the power of the  
9 indirect initiative to propose statutes and amendments to this  
10 Constitution at the polls.

11 (2) The indirect initiative is the power of the electors to  
12 propose statutes and amendments to this Constitution and to  
13 cause the General Assembly to take a vote in the Senate and the  
14 House of Representatives on the approved proposal in the current  
15 legislative session or, if the proposal is approved at a general  
16 election, no later than the next legislative session.

17 (3) An indirect initiative measure may be proposed by  
18 presenting to the Secretary of the Commonwealth a petition that  
19 sets forth the text of the proposed statute or amendment to this  
20 Constitution and is certified by the Secretary of the  
21 Commonwealth to have been signed by registered electors equal in  
22 number to 5% in the case of a statute, or 10% in the case of an  
23 amendment to the Constitution, of the votes for all candidates  
24 for Governor at the last gubernatorial election.

25 (4) Signatures on indirect initiative petitions must be  
26 obtained from at least 5% of the registered electors as of the  
27 date of the last gubernatorial election in each of 36 counties  
28 in this Commonwealth.

29 (5) The Secretary of the Commonwealth shall only certify a  
30 measure on which all signatures on petitions are obtained and

1 affixed to the petitions for the measure during the same regular  
2 session of the General Assembly and which is submitted by 5 p.m.  
3 on Friday after the second Thursday of February in the second  
4 year of that session.

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

7 (7) The Secretary of the Commonwealth shall submit the  
8 measure at the next general, municipal, primary or special  
9 statewide election held at least 75 days after certification.

10 (8) The Secretary of the Commonwealth shall submit the  
11 approved indirect initiative to the clerk of the Senate within  
12 ten Senate session days of its approval and to the clerk of the  
13 House of Representatives within ten House session days of its  
14 approval.

15 (9) The measure shall be referred to the appropriate  
16 committee of the Senate and the House of Representatives, and  
17 the committees shall report out their respective measures with  
18 or without amendment for consideration by the full Senate and  
19 the House of Representatives, respectively. The General Assembly  
20 shall not finally adjourn a legislative session without a vote  
21 being taken by the Senate and the House of Representatives on an  
22 indirect initiative measure that is properly before the General  
23 Assembly.

24 (10) Once an indirect initiative measure is enacted by the  
25 General Assembly, the Secretary of the Commonwealth shall submit  
26 the measure to the people for approval or rejection at the next  
27 scheduled statewide election held at least 75 days after the  
28 enactment.

29 (11) If no action is taken by the General Assembly on an  
30 indirect initiative measure before the end of the regular

session of the General Assembly, the Secretary of the  
Commonwealth shall submit the measure to the people for approval  
or rejection at the next scheduled statewide election held at  
least 75 days after the end of the regular session.

(12) The General Assembly:

(i) Shall provide the manner in which petitions shall be  
circulated, presented and certified and the qualifications for  
individuals circulating petitions.

(ii) Shall require by law measures to ensure full disclosure  
of disbursements made and receipts obtained by parties who have  
an interest in indirect initiative measures and who have  
exceeded a statutory threshold for such disbursements and  
receipts for any one indirect initiative measure in each  
election.

(iii) May require by law reasonable limits on contributions  
made to parties who have an interest in the passage or defeat of  
an indirect initiative measure for each measure and in each  
election.

(iv) Shall require by law the full disclosure of any  
disbursements made by a person or corporation from another state  
to advocate the passage or defeat of an indirect initiative  
measure.

(13) An indirect initiative petition, in order to be  
eligible for certification by the Secretary of the Commonwealth,  
shall first be signed by 200 registered electors of this  
Commonwealth, who shall pay an administrative fee not exceeding  
the fee required by law for the filing of nomination petitions  
by candidates for public office to be filled by the electors of  
the State-at-large. If the Secretary of the Commonwealth shall  
certify that the petition contains the entire text of the



1 measure; that the measure is not, either affirmatively or  
2 negatively, substantially the same as any measure which has been  
3 submitted to the electors in the previous five years; and that  
4 it contains only one subject which is not excluded from  
5 consideration under this section, then the Secretary of the  
6 Commonwealth shall provide blanks for the use of subsequent  
7 signers, and shall print at the top of each blank a fair,  
8 concise summary, as determined by the Legislative Reference  
9 Bureau, of the proposed measure as such summary will appear on  
10 the ballot. The summary shall be written in clear and simple  
11 English.

12 (14) The Legislative Reference Bureau shall, within ten days  
13 of the certification of an indirect initiative petition upon  
14 which the required number of signatures have been affixed,  
15 prepare an explanation or argument, or both, for, and also an  
16 explanation or argument, or both, against, the same. The  
17 Secretary of the Commonwealth shall then publish the summary and  
18 explanations and arguments, including a discussion of any  
19 changes made by the General Assembly, together with the entire  
20 text of the measure, in as many newspapers of general  
21 circulation as deemed by the Secretary of the Commonwealth to be  
22 sufficient to give notice throughout this Commonwealth at least  
23 20 days before the election in which the measure is presented to  
24 the electors. This information shall also be made available to  
25 the general public in printed form.

26 (15) The Secretary of the Commonwealth shall certify no more  
27 than six indirect initiative measures in an election. Each  
28 measure shall be limited to only one subject. If more than six  
29 measures are submitted to the Secretary of the Commonwealth in  
30 one election, the six measures with the largest numbers of

signatures shall be certified. If two or more measures are  
substantially similar questions, whether or not they conflict,  
only the measure with the largest number of signatures shall be  
certified.

(16) An indirect initiative statute or amendment to the  
Constitution approved by a majority of votes thereon takes  
effect the date after the election unless the measure provides  
otherwise.

(17) No indirect initiative measure shall appear on the  
ballot in an election more often than once in five years as an  
indirect initiative measure.

(18) In addition to the duties imposed on the Legislative  
Reference Bureau under paragraphs (12) and (13), the Legislative  
Reference Bureau shall:

(i) Prepare a fiscal impact statement on any proposed  
initiative measure.

(ii) Assist the general public at the Bureau's business  
office in the drafting of any initiative proposal.

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

(20) The veto power of the Governor shall not extend to an  
initiative statute approved by the electors.

(21) If two or more ballot questions that have conflicting  
provisions are approved by the voters at the same election,  
those provisions of the ballot question receiving the most votes  
shall prevail and be enacted into law. All other provisions of  
the ballot questions that are not in conflict shall be enacted  
into law.

(c) Powers relating to referendum shall be as follows:

1     (1) The people reserve to themselves the power of the  
2 referendum to approve or reject statutes or parts of statutes  
3 passed by the General Assembly.

4     (2) The referendum is the power of the electors to approve  
5 or reject statutes or parts of statutes except emergency  
6 statutes or statutes calling elections.

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

14     (4) Signatures on referendum petitions must be obtained from  
15 at least 5% of the registered electors as of the date of the  
16 last gubernatorial election in each of 36 counties in this  
17 Commonwealth.

18     (5) If a petition is certified to have been signed by  
19 registered electors equal to 10% of the votes for all candidates  
20 for Governor at the last gubernatorial election in each of 36  
21 counties in this Commonwealth, the effective date of the enacted  
22 legislation is suspended until the next election at which time  
23 the measure shall be submitted to the electors.

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

27     (7) The General Assembly:

28     (i) Shall provide the manner in which petitions shall be  
29 circulated, presented and certified and the qualifications for  
30 individuals circulating petitions.

1     (ii) Shall require by law measures to ensure full disclosure  
2 of disbursements made and receipts obtained by parties who have  
3 an interest in referendum measures and who have exceeded a  
4 statutory threshold for such disbursements and receipts for any  
5 one referendum measure in each election.

6     (iii) May require by law reasonable limits on contributions  
7 made to parties who have an interest in the passage or defeat of  
8 a referendum measure for each measure and in each election.

9     (iv) Shall require by law the full disclosure of any  
10 disbursements made by a person or corporation from another state  
11 to advocate the passage or defeat of a referendum measure.

12     (8) A referendum petition, in order to be eligible for  
13 certification by the Secretary of the Commonwealth, shall first  
14 be signed by 200 registered electors of this Commonwealth, who  
15 shall pay an administrative fee not exceeding the fee required  
16 by law for the filing of nomination petitions by candidates for  
17 public office to be filled by the electors of the State-at-  
18 large. If the Secretary of the Commonwealth shall certify that  
19 the petition contains the entire text of the measure; that the  
20 measure is not, either affirmatively or negatively,  
21 substantially the same as any measure which has been submitted  
22 to the electors in the previous five years; and that it contains  
23 only one subject which is not excluded from consideration under  
24 this section, then the Secretary of the Commonwealth shall  
25 provide blanks for the use of subsequent signers, and shall  
26 print at the top of each blank a fair, concise summary, as  
27 determined by the Legislative Reference Bureau, of the proposed  
28 measure as such summary will appear on the ballot.

29     (9) The Legislative Reference Bureau shall, within ten days  
30 of the certification of a referendum petition upon which the

required number of signatures have been affixed, prepare an  
explanation or argument, or both, for, and also an explanation  
or argument, or both, against, the same. The Secretary of the  
Commonwealth shall then publish the summary and explanations and  
arguments, together with the entire text of the measure, in as  
many newspapers of general circulation as deemed by the  
Secretary of the Commonwealth to be sufficient to give notice  
throughout this Commonwealth at least 20 days before the  
election in which the measure is presented to the electors. This  
information shall also be made available to the general public  
in printed form.

(10) The Secretary of the Commonwealth shall certify no more  
than six referendum measures in an election. Each measure shall  
be limited to only one subject. If more than six measures are  
submitted to the Secretary of the Commonwealth in one election,  
the six measures with the largest numbers of signatures shall be  
certified. If two or more measures are substantially similar  
questions, whether or not they conflict, only the measure with  
the largest number of signatures shall be certified.

(11) A referendum approved by a majority of votes thereon  
takes effect the date after the election unless the measure  
provides otherwise.

(12) No referendum measure shall appear on the ballot in an  
election more often than once in five years as a referendum  
measure.

(13) In addition to the duties imposed on the Legislative  
Reference Bureau under paragraphs (8) and (9), the Legislative  
Reference Bureau shall:

(i) Prepare a fiscal impact statement on any proposed  
referendum measure.

1 (ii) Assist the general public at the Bureau's business  
2 office in the drafting of any referendum proposal.

3 (14) The General Assembly may amend or repeal a referendum  
4 statute only upon a vote of two-thirds of the members elected to  
5 the Senate and the House of Representatives.

6 (15) The veto power of the Governor shall not extend to a  
7 referendum statute approved by the electors.

8 (16) If two or more ballot questions that have conflicting  
9 provisions are approved by the voters at the same election,  
10 those provisions of the ballot question receiving the most votes  
11 shall prevail and be enacted into law. All other provisions of  
12 the ballot questions that are not in conflict shall be enacted  
13 into law.

14 Section 2. (a) Upon the first passage by the General  
15 Assembly of these proposed constitutional amendments, the  
16 Secretary of the Commonwealth shall proceed immediately to  
17 comply with the advertising requirements of section 1 of Article  
18 XI of the Constitution of Pennsylvania and shall transmit the  
19 required advertisements to two newspapers in every county in  
20 which such newspapers are published in sufficient time after  
21 passage of these proposed constitutional amendments.

22 (b) Upon the second passage by the General Assembly of these  
23 proposed constitutional amendments, the Secretary of the  
24 Commonwealth shall proceed immediately to comply with the  
25 advertising requirements of section 1 of Article XI of the  
26 Constitution of Pennsylvania and shall transmit the required  
27 advertisements to two newspapers in every county in which such  
28 newspapers are published in sufficient time after passage of  
29 these proposed constitutional amendments. The Secretary of the  
30 Commonwealth shall:

1           (1) Submit the proposed constitutional amendments adding  
2 section 1(b) of Article II and section 33(a) of Article III  
3 of the Constitution of Pennsylvania to the qualified electors  
4 of this Commonwealth as a single separate ballot question at  
5 the first primary, general or municipal election which meets  
6 the requirements of and is in conformance with section 1 of  
7 Article XI of the Constitution of Pennsylvania and which  
8 occurs at least three months after the proposed  
9 constitutional amendments are passed by the General Assembly.

10          (2) Submit the proposed constitutional amendments adding  
11 section 1(c) of Article II and section 33(b) of Article III  
12 of the Constitution of Pennsylvania to the qualified electors  
13 of this Commonwealth as a single separate ballot question at  
14 the first primary, general or municipal election which meets  
15 the requirements of and is in conformance with section 1 of  
16 Article XI of the Constitution of Pennsylvania and which  
17 occurs at least three months after the proposed  
18 constitutional amendments are passed by the General Assembly.

19          (3) Submit the proposed constitutional amendments adding  
20 section 1(d) of Article II and section 33(c) of Article III  
21 of the Constitution of Pennsylvania to the qualified electors  
22 of this Commonwealth as a single separate ballot question at  
23 the first primary, general or municipal election which meets  
24 the requirements of and is in conformance with section 1 of  
25 Article XI of the Constitution of Pennsylvania and which  
26 occurs at least three months after the proposed  
27 constitutional amendments are passed by the General Assembly.