

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 249 Session of 2011

INTRODUCED BY PICCOLA, FOLMER, BROWNE, EICHELBERGER, WAUGH AND
RAFFERTY, JANUARY 26, 2011

REFERRED TO STATE GOVERNMENT, JANUARY 26, 2011

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

initiative statute approved by the electors.

(17) 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.

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

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

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

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

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

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

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

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

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

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

(10) Once an indirect initiative measure is enacted by 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 enactment.

(11) If no action is taken by the General Assembly on an 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.