A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, authorizing the use of the indirect
3 initiative and referendum as powers reserved to the people.
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5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby resolves as follows:
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8 Section 1. The following amendment to the Constitution of
9 Pennsylvania is proposed in accordance with Article XI:
10 That Article III be amended by adding a section to read:
11 § 33. Powers reserved to the people.
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13 (a) (1) The legislative power of this Commonwealth shall be
14 vested in the Senate and the House of Representatives, but the
15 people reserve to themselves the power to propose laws and
16 amendments to this Constitution at the polls.
17 (2) The indirect initiative is the power of the electors to
18 propose statutes and amendments to this Constitution and to
19 cause the General Assembly to take a vote in each House on the
20 approved proposal in the current legislative session or, if the
21 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% of the votes for all candidates for Governor at the last gubernatorial election in not less than 45 counties in this Commonwealth.

(4) 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.

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

(6) No measure that relates to religion, religious practices and institutions; the appointment, qualification, tenure, removal, recall or compensation of judges; the reversal of a judicial decision; the powers, creation or abolition of courts; the making of a specific appropriation of money from the treasury; and the naming of a private corporation to perform a function or to have a power or duty may be proposed by an indirect initiative petition.

(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 it qualifies.

(8) The Secretary of the Commonwealth shall then submit the measure to the clerk of the Senate within ten Senate session.
(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 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.

(b) (1) The legislative power of this Commonwealth shall be vested in the Senate and the House of Representatives, but the people reserve to themselves the power, at their own option, to reject statutes or parts of statutes passed by the General Assembly.

(2) The referendum is the power of the electors to reject statutes or parts of statutes except urgency statutes or statutes calling elections.

(3) A referendum measure may be proposed by presenting to the Secretary of the Commonwealth, within 90 days after the enactment date of the statute, a petition certified to have been signed by registered electors equal in number to 5% of the votes for all candidates for Governor at the last gubernatorial election in not less than 45 counties in this Commonwealth asking that the statute or part of it be submitted to the electors.

(4) If a petition is certified to have been signed by registered electors equal to 10% of the votes for all candidates for Governor at the last gubernatorial election in not less than 45 counties in this Commonwealth, the effective date of the
enacted legislation is suspended until the next election at which time the measure shall be submitted to the electors.

(5) 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 it qualifies.

c) (1) The General Assembly shall provide the manner in which petitions shall be circulated, presented and certified and require by law measures to insure full disclosure of disbursements made and receipts obtained by parties who have an interest in indirect initiative and referendum measures and who have exceeded a statutory threshold for these disbursements and receipts for any one indirect initiative or referendum measure in each election. The General Assembly shall also require by law reasonable limits on contributions made to parties who have an interest in the passage or defeat of an indirect initiative or referendum measure for each measure and in each election. The General Assembly shall also 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 or referendum measure. The General Assembly shall, within 90 days following approval of this section, enact the legislation outlined in this paragraph.

(2) An indirect initiative or referendum petition, in order to be eligible for certification by the Secretary of the Commonwealth, shall first be signed by 100 registered electors of the Commonwealth, the originators, 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 measure, that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been previously submitted to the electors during the same session of the General Assembly and that it contains only one subject which is not excluded from consideration under this section, then the Secretary of the Commonwealth shall provide blanks for the use of subsequent signers and shall print at the top of each blank the names of the first ten originators and a fair, concise summary, as determined by the Secretary of the Commonwealth, of the proposed measure as the summary will appear on the ballot.

(3) The Department of State shall, within ten days of the certification of an indirect initiative or 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.

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

(5) No more than three indirect initiative and referendum measures may be certified by the Secretary of the Commonwealth in any two-year period.

(6) No measure may appear on the ballot in an election more often than once during a legislative session.

(7) The General Assembly may not finally adjourn a legislative session without a vote being taken by the Senate and the House of Representatives on a referendum statute that is properly before the General Assembly. The General Assembly may override a referendum statute only upon a vote of two-thirds of the members elected to the Senate and the House of Representatives.

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

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of
this proposed constitutional amendment. The Secretary of the
Commonwealth shall submit this proposed constitutional amendment
to the qualified electors of this Commonwealth at the first
primary, general or municipal election which meets the
requirements of and is in conformance with section 1 of Article
XI of the Constitution of Pennsylvania and which occurs at least
three months after the proposed constitutional amendment is
passed by the General Assembly.