A JOINT RESOLUTION

1. Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of initiative and referendum as powers reserved to the people.

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

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That Article III be amended by adding a section to read:

§ 33. Powers reserved to the people.

(a) (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 to propose laws and amendments to this Constitution at the polls, independently of the General Assembly.

(2) The initiative is the power of the electors to propose statutes and amendments to this Constitution.

(3) An 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 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
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. The
measure shall be referred to a vote of the qualified electors
and shall become law when approved by a majority of the votes
cast on the measure and upon proclamation of the Governor.

(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. The measure shall be referred to a vote of the qualified electors and shall become law when approved by a majority of the votes cast on the measure and upon proclamation of the Governor.

(c) (1) The General Assembly shall provide the manner in which petitions shall be circulated, presented and certified and require by law measures to ensure full disclosure of disbursements made and receipts obtained by parties who have an interest in initiative and referendum measures and who have
exceeded a statutory threshold for these disbursements and
receipts for any one 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 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 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 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 10 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 10 days of the certification of an initiative or referendum petition upon which the required number of signatures has 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 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 initiative and three 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 veto power of the Governor shall not extend to an initiative measure approved by a majority of the votes cast on the measure or to a referendum measure decided by a majority of
the votes cast on the measure.

(8) The General Assembly may not repeal an initiative measure or a referendum measure, approved by a majority of the votes cast on the measure.

(9) The General Assembly may not amend an initiative measure approved by a majority of the votes cast on the measure, or amend a referendum measure decided by a majority of the votes cast on the measure, unless the amending legislation furthers the purposes of the measure and at least three-fourths of the members of the Senate and the House of Representatives vote to amend the measure.

(10) The General Assembly may not appropriate or divert funds created or allocated to a specific purpose by an initiative measure approved by a majority of the votes cast on the measure, or by a referendum measure decided by a majority of the votes cast on the measure, unless the appropriation or diversion of funds furthers the purposes of the measure and at least three-fourths of the members of the Senate and the House of Representatives vote to appropriate or divert the funds.

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.