

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1589 Session of 1989

INTRODUCED BY MRKONIC, DISTLER, HALUSKA, D. W. SNYDER, KUKOVICH,
LANGTRY, TRELLO, FREEMAN, TIGUE AND DeLUCA, MAY 31, 1989

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 31, 1989

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, authorizing initiative and referendum.

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

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

7 That Article III be amended by adding a subdivision to read:

8 ARTICLE III

9 LEGISLATION

10 * * *

11 F. INITIATIVE AND REFERENDUM

12 § 33. Initiative.

13 (a) The legislative power of this Commonwealth shall be
14 vested in the Senate and House of Representatives, but the
15 people reserve to themselves the power to propose laws and
16 amendments to the Constitution, and to adopt or reject the same
17 at the polls, independent of the General Assembly, and also

1 reserve the power, at their own option, to so adopt or reject
2 any act, or section or part of any act, passed by the General
3 Assembly.

4 (b) The initiative is the power of the electors to propose
5 statutes and amendments to the Constitution and to adopt or
6 reject them.

7 (c) An initiative measure may be proposed by presenting to
8 the Secretary of the Commonwealth a petition that sets forth the
9 text of the proposed statute or amendment to the Constitution
10 and is certified to have been signed by electors equal in number
11 to 7% in the case of a statute and 10% in the case of an
12 amendment to the Constitution of the votes for all candidates
13 for Governor at the last gubernatorial election.

14 (d) The Secretary of the Commonwealth shall submit the
15 measure at the next general election held at least 131 days
16 after it qualifies or at any special statewide election held
17 prior to that general election. The Governor may call a special
18 statewide election for the measure.

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

21 § 34. Referendum.

22 (a) A referendum is the power of the electors to approve or
23 reject statutes or parts of statutes, except emergency statutes,
24 statutes calling elections and statutes providing for tax levies
25 or appropriations for usual current expenses of the
26 Commonwealth.

27 (b) A referendum measure may be proposed by presenting to
28 the Secretary of the Commonwealth, within 60 days after
29 adjournment of the regular session at which the statute was
30 passed or within 90 days after adjournment of the special

1 session at which the statute was passed, a petition certified to
2 have been signed by electors equal in number to 7% of the votes
3 for all candidates for Governor at the last gubernatorial
4 election, asking that the statute or part of it be submitted to
5 the electors.

6 (c) The Secretary of the Commonwealth shall then submit the
7 measure at the next general election held at least 31 days after
8 it qualifies or at a special statewide election held prior to
9 that general election. The Governor may call a special statewide
10 election for the measure.

11 § 35. Initiative and referendum.

12 (a) An initiative statute or referendum approved by a
13 majority of votes thereon takes effect five days after the date
14 of the official certification of the vote by the Secretary of
15 the Commonwealth unless the measure provides otherwise. If a
16 referendum petition is filed against a part of a statute, the
17 remainder of the statute shall not be delayed from going into
18 effect.

19 (b) If provisions of two or more measures approved at the
20 same election conflict, those of the measure receiving the
21 highest affirmative vote shall prevail.

22 (c) Except as provided in this section, the General Assembly
23 may amend or repeal referendum statutes. It may amend or repeal
24 an initiative statute by another statute that becomes effective
25 only when approved by the electors unless the initiative statute
26 permits amendment or repeal without their approval. An
27 initiative statute or referendum shall not be amended or
28 repealed when it was adopted by a vote of a number of electors
29 equal to a majority of the electors registered to vote at the
30 preceding gubernatorial election nor shall any other initiative

1 statute or referendum be amended or repealed within two years of
2 its approval except upon the approval of two-thirds of the
3 members elected to the Senate and the House of Representatives.

4 (d) The veto power of the Governor shall not extend to an
5 initiative or referendum statute approved by the electors.

6 (e) Prior to the circulation of an initiative or referendum
7 petition for signatures, a copy shall be submitted to the
8 Attorney General who shall prepare a title and summary of the
9 measure.

10 (f) The General Assembly shall provide the manner in which
11 petitions shall be circulated, presented and certified, and
12 measures shall be submitted to the electors.

13 § 36. Local initiative and referendum.

14 Initiative and referendum powers may be exercised by the
15 electors of each municipality under procedures that the General
16 Assembly shall provide.

17 § 37. Prohibition against naming private corporation or
18 individual to office.

19 No amendment to the Constitution, and no statute proposed to
20 the electors by the General Assembly or by initiative, that
21 names an individual to hold an office, or names or identifies a
22 private corporation to perform a function or to have a power or
23 duty, may be submitted to the electors or have any effect.