

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2600 Session of  
1992

INTRODUCED BY SAURMAN, KREBS, NICKOL, CARLSON, LaGROTTA, FARGO,  
KING, PERZEL, D. W. SNYDER, ARGALL, NAILOR, NYCE, CORRIGAN,  
PHILLIPS, SERAFINI, LEE, GRUPPO, GERLACH, ADOLPH AND MERRY,  
APRIL 6, 1992

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 6, 1992

## 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.

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

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

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

9 § 33. Powers reserved to the people.

10 (a) (1) The legislative power of this Commonwealth shall be  
11 vested in the Senate and the House of Representatives, but the  
12 people reserve to themselves the power to propose laws and  
13 amendments to the Constitution at the polls.

14 (2) The indirect initiative is the power of the electors to  
15 propose statutes and amendments to the Constitution and to cause  
16 the General Assembly to take a vote in each House on the  
17 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 the 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 each of the 34 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 5:00 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 shall 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 House of Representatives within ten House session days of its receipt and to the clerk of the Senate within ten Senate session days of its receipt.

(9) The measure shall be referred to the appropriate committee of the Senate and House of Representatives, and the committees shall report out their respective measures for consideration by the full Senate and House of Representatives respectively.

(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 each of the 34 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 each of the 34 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 such 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 the adoption 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

1 electors during the same session of the General Assembly, and  
2 that it contains only one subject which is not excluded from  
3 consideration under this section, then the Secretary of the  
4 Commonwealth shall provide blanks for the use of subsequent  
5 signers and shall print at the top of each blank the names of  
6 the first ten originators and a fair, concise summary, as  
7 determined by the Secretary of the Commonwealth, of the proposed  
8 measure as such summary will appear on the ballot.

9     (3) The Department of State shall, within ten days of the  
10 certification of an indirect initiative or referendum petition  
11 upon which the required number of signatures have been affixed,  
12 prepare an explanation or argument, or both, for, and also an  
13 explanation or argument, or both, against, the same. The  
14 Secretary of the Commonwealth shall then publish the summary and  
15 explanations and arguments, together with the entire text of the  
16 measure, in as many newspapers of general circulation as deemed  
17 by the Secretary of the Commonwealth to be sufficient to give  
18 notice throughout the Commonwealth at least 20 days before the  
19 election in which the measure is presented to the electors. This  
20 information shall also be made available to the general public  
21 in printed form.

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

1     (5) No measure shall appear on the ballot in an election  
2 more often than once during a legislative session.

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