

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 367 Session of  
2001INTRODUCED BY GERLACH, KUKOVICH, GREENLEAF, PUNT AND BOSCOLA,  
FEBRUARY 7, 2001

REFERRED TO STATE GOVERNMENT, FEBRUARY 7, 2001

## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, authorizing the use of an initiative process  
3 to amend the Constitution and a referendum process to repeal  
4 statutes, as powers reserved to the people.

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

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

9 That Article XI be amended by adding a section to read:

10 § 2. Proposal of amendments by the electorate and their  
11 adoption.

12 (a) (1) The electors of this Commonwealth reserve unto  
13 themselves the power to amend the Constitution through  
14 initiative.

15 (2) An amendment may be proposed through initiative by  
16 presenting to the Secretary of the Commonwealth a petition that  
17 sets forth the text of the proposed amendment to the  
18 Constitution and is certified to have been signed by registered

electors equal in number to 8% of the total votes cast statewide for all candidates for Governor at the last gubernatorial election, subject to the restrictions in subsection (c).

(3) Signatures of electors on an initiative petition must be obtained from at least 23 counties in numbers equal to 8% of the total votes cast for all candidates for Governor at the last gubernatorial election in each of the 23 respective counties.

(4) Upon receiving a petition for an initiative proposal, the Secretary of the Commonwealth shall have up to 45 calendar days to certify that the petition contains a sufficient number of valid signatures to qualify the proposal for the ballot. Certification shall not be made until at least 21 calendar days after the Secretary of the Commonwealth receives an initiative petition. Objections to the signatures contained on the petition must be filed within 21 calendar days of its receipt by the Secretary of the Commonwealth. Unless the initiative proposal fails to obtain the required number of valid signatures, the Secretary of the Commonwealth shall submit the proposal to the General Assembly on or before the final calendar day of the certification period.

(5) The General Assembly shall have 120 calendar days after receiving the initiative proposal from the Secretary of the Commonwealth in which to endorse or amend the proposal. If the General Assembly endorses the proposal without amendments or fails to act within 120 calendar days, the Secretary of the Commonwealth shall submit the proposal to the electors at the next statewide general, municipal, primary or special election held at least 75 calendar days after the General Assembly acts or the 120 calendar-day time period for legislative action expires, whichever occurs first. If the General Assembly amends

1 the proposal, the Secretary of the Commonwealth shall submit  
2 both the original proposal and the amended proposal to the  
3 electors at the next statewide general, municipal, primary or  
4 special election held at least 75 calendar days after the  
5 General Assembly approves the amended proposal. If fewer than  
6 120 calendar days remain in the legislative session, the  
7 Secretary of the Commonwealth shall hold the initiative proposal  
8 until the succeeding session convenes. The General Assembly  
9 shall have no authority to defeat a proposal to prevent it from  
10 appearing on the ballot.

11 (6) Proposals placed before the electors by the people  
12 through the initiative shall begin with the following words: "Be  
13 it resolved by the People of the Commonwealth of Pennsylvania."  
14 Proposals placed before the electors by legislative action shall  
15 begin with the following words: "Be it resolved by the General  
16 Assembly of the Commonwealth of Pennsylvania."

17 (7) An initiative measure embracing more than one subject  
18 may not be submitted to the electors or have any effect.  
19 However, a proposed amendment may amend one or more articles and  
20 related subject matter in other articles as necessary to  
21 accomplish the objectives of the proposal.

22 (8) No measure shall reappear on the ballot in an election  
23 more often than once in five years.

24 (9) In order for an initiative petition to be certified by  
25 the Secretary of the Commonwealth for circulation to electors,  
26 it shall first be signed by 200 registered electors of  
27 Pennsylvania, who shall be known as the originating signers and  
28 be submitted to the Secretary of the Commonwealth. The group of  
29 originating signers shall pay to the Secretary of the  
30 Commonwealth an administrative fee not exceeding that fee

1 required by law for the filing of nomination petitions by  
2 candidates for public office to be filled by the electors of the  
3 Commonwealth at large. If the Secretary of the Commonwealth  
4 certifies that the petition of the originating signers contains  
5 the entire text of the initiative measure, that the measure is  
6 not, either affirmatively or negatively, substantially the same  
7 as any measure which has been submitted to the electors during  
8 the previous five years and that the measure contains only one  
9 subject, then the Secretary of the Commonwealth shall provide  
10 petition blanks for the use of subsequent signers and shall  
11 print at the top of each blank a fair and concise summary of the  
12 proposed measure as it will appear on the ballot. Text of the  
13 summary shall be determined by the Legislative Reference Bureau  
14 in consultation with the chairperson of the originating signers.

15 (10) The Secretary of the Commonwealth shall give notice of  
16 the initiative measure to the electors of the Commonwealth by  
17 publishing the summary of the measure as it will appear on the  
18 ballot, together with the entire text of the initiative measure,  
19 in the largest newspaper of circulation in each county and any  
20 additional newspapers deemed by the Secretary of the  
21 Commonwealth to be necessary to give appropriate notice to  
22 electors throughout the Commonwealth. The notice shall be  
23 published at least 20 calendar days before, but not more than 75  
24 calendar days before, the election in which the measure is to be  
25 presented to the electors. This information also shall be made  
26 available to the general public in printed form.

27 (11) An initiative amendment to the Constitution approved by  
28 a majority of votes thereon takes effect the day after the  
29 election results are certified unless the proposal provides  
30 otherwise. If the electors pass initiative proposals in the same

election which have conflicting provisions as determined by Commonwealth Court, the conflicting provisions from the proposal receiving the greater number of votes shall prevail. All provisions not in conflict shall be deemed approved.

(12) No amendment of the Constitution submitted to the electors by the initiative and supplementary petitions and receiving an affirmative majority of the votes cast thereon shall be held unconstitutional or void on account of the insufficiency of the petitions by which the submission of the same was procured.

(13) Except as otherwise provided in this section, the provisions of this section shall be self-executing. An initiative amendment to the Constitution approved by the electors which requires enabling legislation shall constitute a mandate to the General Assembly to enact appropriate legislation within 120 calendar days. If the General Assembly fails to enact enabling legislation during the 120 calendar-day period, then the electorate shall have the limited right to enact enabling legislation in the same manner as an amendment to the Constitution under this section. Statutes may be passed to facilitate the operation of the initiative process, but in no way limiting or restricting either the initiative provisions or the powers reserved in this section.

(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

1 statutes calling elections.

2 (3) A referendum measure may be proposed by presenting to  
3 the Secretary of the Commonwealth, within 90 days after the  
4 enactment date of the statute, a petition certified to have been  
5 signed by registered electors equal in number to 5% of the votes  
6 for all candidates for Governor at the last gubernatorial  
7 election in each of the 67 counties in this Commonwealth asking  
8 that the statute or part of it be submitted to the electors.

9 (4) If a petition is certified to have been signed by  
10 registered electors equal to 10% of the votes for all candidates  
11 for Governor at the last gubernatorial election in each of 67  
12 counties in this Commonwealth, the effective date of the enacted  
13 legislation is suspended until the next election at which time  
14 the measure shall be submitted to the electors.

15 (5) The Secretary of the Commonwealth shall submit the  
16 measure at the next general, municipal, primary or special  
17 statewide election held at least 75 days after it qualifies.

18 (6) The General Assembly shall provide the manner in which  
19 petitions shall be circulated, presented and certified and  
20 require by law measures to insure full disclosure of  
21 disbursements made and receipts obtained by parties who have an  
22 interest in referendum measures and who have exceeded a  
23 statutory threshold for these disbursements and receipts for any  
24 one indirect initiative or referendum measure in each election.  
25 The General Assembly shall also require by law reasonable limits  
26 on contributions made to parties who have an interest in the  
27 passage or defeat of a referendum measure for each measure and  
28 in each election. The General Assembly shall also require by law  
29 the full disclosure of any disbursements made by a person or  
30 corporation from another state to advocate the passage or defeat

1 of a referendum measure. The General Assembly shall, within 90  
2 days following approval of this section, enact the legislation  
3 outlined in this paragraph.

4 (7) A referendum petition, in order to be eligible for  
5 certification by the Secretary of the Commonwealth, shall first  
6 be signed by 100 registered electors of the Commonwealth, the  
7 originators, who shall pay an administrative fee not exceeding  
8 the fee required by law for the filing of nomination petitions  
9 by candidates for public office to be filled by the electors of  
10 the State-at-large. If the Secretary of the Commonwealth shall  
11 certify that the petition contains the entire text of the  
12 measure, that the measure is not, either affirmatively or  
13 negatively, substantially the same as any measure which has been  
14 previously submitted to the electors during the same session of  
15 the General Assembly and that it contains only one subject which  
16 is not excluded from consideration under this section, then the  
17 Secretary of the Commonwealth shall provide blanks for the use  
18 of subsequent signers and shall print at the top of each blank  
19 the names of the first ten originators and a fair, concise  
20 summary, as determined by the Secretary of the Commonwealth, of  
21 the proposed measure as the summary will appear on the ballot.

22 (8) The Department of State shall, within ten days of the  
23 certification of a referendum petition upon which the required  
24 number of signatures have been affixed, prepare an explanation  
25 or argument, or both, for and also an explanation or argument,  
26 or both, against the same. The Secretary of the Commonwealth  
27 shall then publish the summary and explanations and arguments,  
28 together with the entire text of the measure, in as many  
29 newspapers of general circulation as deemed by the Secretary of  
30 the Commonwealth to be sufficient to give notice throughout the

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.

(9) The Secretary of the Commonwealth shall certify no more than 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.

(10) No more than three referendum measures shall be certified by the Secretary of the Commonwealth in any two-year period.

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

(12) The General Assembly shall 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



1 passage of this proposed constitutional amendment.

2 (b) Upon the second passage by the General Assembly of this  
3 proposed constitutional amendment, the Secretary of the  
4 Commonwealth shall proceed immediately to comply with the  
5 advertising requirements of section 1 of Article XI of the  
6 Constitution of Pennsylvania and shall transmit the required  
7 advertisements to two newspapers in every county in which such  
8 newspapers are published in sufficient time after passage of  
9 this proposed constitutional amendment. The Secretary of the  
10 Commonwealth shall submit this proposed constitutional amendment  
11 to the qualified electors of this Commonwealth at the first  
12 primary, general or municipal election occurring at least three  
13 months after the proposed constitutional amendment is passed by  
14 the General Assembly which meets the requirements of and is in  
15 conformance with section 1 of Article XI of the Constitution of  
16 Pennsylvania.