

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 365 Session of  
2013

INTRODUCED BY BOSCOLA, BROWNE, TEPLITZ, WOZNIAK AND RAFFERTY,  
JANUARY 31, 2013

REFERRED TO STATE GOVERNMENT, JANUARY 31, 2013

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 this Constitution at the polls.

14 (2) The indirect initiative is the power of the electors to  
15 propose statutes and amendments to this Constitution and to  
16 cause the General Assembly to take a vote in each House on the  
17 approved proposal in the current legislative session or, if the  
18 proposal is approved at a general election, no later than the

1 next legislative session.

2 (3) An indirect initiative measure may be proposed by  
3 presenting to the Secretary of the Commonwealth a petition that  
4 sets forth the text of the proposed statute or amendment to this  
5 Constitution and is certified by the Secretary of the  
6 Commonwealth to have been signed by registered electors equal in  
7 number to 5% of the votes for all candidates for Governor at the  
8 last gubernatorial election in each of the 45 counties in this  
9 Commonwealth.

10 (4) The Secretary of the Commonwealth shall only certify a  
11 measure on which all signatures on petitions are obtained and  
12 affixed to the petitions for the measure during the same regular  
13 session of the General Assembly and which is submitted by 5 p.m.  
14 on Friday after the second Thursday of February in the second  
15 year of that session.

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

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

26 (7) The Secretary of the Commonwealth shall submit the  
27 measure at the next general, municipal, primary or special  
28 statewide election held at least 75 days after it qualifies.

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

days of its receipt and to the clerk of the House of  
Representatives within ten House session days of its receipt.

(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 each of the 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 each of the  
45 counties in this Commonwealth, the effective date of the  
enacted legislation is suspended until the next election at

1 which time the measure shall be submitted to the electors.

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

5 (c) (1) The General Assembly shall provide the manner in  
6 which petitions shall be circulated, presented and certified and  
7 require by law measures to insure full disclosure of  
8 disbursements made and receipts obtained by parties who have an  
9 interest in indirect initiative and referendum measures and who  
10 have exceeded a statutory threshold for these disbursements and  
11 receipts for any one indirect initiative or referendum measure  
12 in each election. The General Assembly shall also require by law  
13 reasonable limits on contributions made to parties who have an  
14 interest in the passage or defeat of an indirect initiative or  
15 referendum measure for each measure and in each election. The  
16 General Assembly shall also require by law the full disclosure  
17 of any disbursements made by a person or corporation from  
18 another state to advocate the passage or defeat of an indirect  
19 initiative or referendum measure. The General Assembly shall,  
20 within 90 days following approval of this section, enact the  
21 legislation outlined in this paragraph.

22 (2) An indirect initiative or referendum petition, in order  
23 to be eligible for certification by the Secretary of the  
24 Commonwealth, shall first be signed by 100 registered electors  
25 of the Commonwealth, the originators, who shall pay an  
26 administrative fee not exceeding the fee required by law for the  
27 filing of nomination petitions by candidates for public office  
28 to be filled by the electors of the State-at-large. If the  
29 Secretary of the Commonwealth shall certify that the petition  
30 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

1 conflict, only the measure with the largest number of signatures  
2 shall be certified.

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

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

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

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

23 (b) Upon the second passage by the General Assembly of this  
24 proposed constitutional amendment, the Secretary of the  
25 Commonwealth shall proceed immediately to comply with the  
26 advertising requirements of section 1 of Article XI of the  
27 Constitution of Pennsylvania and shall transmit the required  
28 advertisements to two newspapers in every county in which such  
29 newspapers are published in sufficient time after passage of  
30 this proposed constitutional amendment. The Secretary of the

1 Commonwealth shall submit this proposed constitutional amendment  
2 to the qualified electors of this Commonwealth at the first  
3 primary, general or municipal election which meets the  
4 requirements of and is in conformance with section 1 of Article  
5 XI of the Constitution of Pennsylvania and which occurs at least  
6 three months after the proposed constitutional amendment is  
7 passed by the General Assembly.