
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 867 Session of
2017

INTRODUCED BY EICHELBERGER, WHITE, YUDICHAK, DiSANTO, FOLMER,
STEFANO, RAFFERTY, BARTOLOTTA, REGAN, WAGNER AND BREWSTER,
OCTOBER 17, 2017

REFERRED TO STATE GOVERNMENT, OCTOBER 17, 2017

AN ACT

1 Providing for a Constitutional Convention with limited powers,
2 for a referendum on the question and for the selection,
3 nomination and election of delegates; defining the powers,
4 duties and operation of the Constitutional Convention;
5 conferring powers and imposing duties on the Governor, the
6 Secretary of the Commonwealth, officers of the General
7 Assembly and county boards of elections; providing for a
8 referendum on the Constitutional Convention's report; and
9 making an appropriation.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Short title.

13 This act shall be known and may be cited as the Limited
14 Constitutional Convention Act.

15 Section 2. Referendum.

16 (a) General rule.--At the next primary or general election
17 occurring at least 90 days after the effective date of this act
18 the following question shall be submitted to the electorate of
19 the Commonwealth to determine the electorate's will regarding a
20 Constitutional Convention with limited powers:

21 Shall a Constitutional Convention be called in accordance

1 with, and subject to, the limitations and requirements
2 contained in Act Number of the Session of the
3 General Assembly, to prepare for submission to the
4 electorate proposals for the revision of Articles II,
5 III, IV and V of the Constitution of Pennsylvania, as
6 provided in section 8 of this act?

7 (b) Duties of county boards of elections.--

8 (1) The county board of elections in each county shall
9 print in bound form separate official ballots in sufficient
10 numbers to furnish to the election officers in each election
11 district of the county, one ballot to be supplied to each
12 elector at the primary election and also specimen ballots
13 equal in number to one-fifth of the official ballots.

14 (2) In districts where voting machines are used, the
15 question may appear on the face of the machine where the
16 machine is properly equipped for that purpose; otherwise, a
17 separate printed ballot shall be used.

18 (3) The results of the election shall be tabulated by
19 the proper election officers of each county and duly
20 certified to the Secretary of the Commonwealth.

21 Section 3. Convention, membership, qualifications and
22 vacancies.

23 (a) Convention.--

24 (1) If a majority of the electors voting upon the
25 question shall favor the holding of a Constitutional
26 Convention with limited powers, a Constitutional Convention
27 shall be called by the Governor. It shall consist of 163
28 members.

29 (2) Three district delegates shall be elected from each
30 senatorial district, as provided in this act. Each elector

1 may vote for not more than two candidates for the office of
2 delegate. The three candidates receiving the highest number
3 of votes shall be elected to the office of delegate.

4 (3) The Lieutenant Governor, the President pro tempore
5 of the Senate, the Majority Leader of the Senate, the
6 Majority Whip of the Senate, the Minority Leader of the
7 Senate, the Minority Whip of the Senate, the Minority Caucus
8 Chairperson of the Senate, the Speaker of the House of
9 Representatives, the Majority Leader of the House of
10 Representatives, the Majority Whip of the House of
11 Representatives, the Minority Leader of the House of
12 Representatives, the Minority Whip of the House of
13 Representatives and the Minority Caucus Chairperson of the
14 House of Representatives shall be members ex officio of the
15 Constitutional Convention and shall have the powers of
16 elected delegates.

17 (b) Qualifications of delegate.--To serve as a delegate to
18 the Constitutional Convention, an individual must:

19 (1) Be at least 21 years of age.

20 (2) Have been a citizen and resident of this
21 Commonwealth for at least four years.

22 (3) Have resided in and been a registered elector of the
23 individual's respective senatorial district at least one year
24 prior to election as delegate.

25 (4) Reside in the delegate's respective senatorial
26 district during the delegate's term of service.

27 (c) Vacancies.--In case of a vacancy in the office of
28 delegate occurring after the election, if:

29 (1) The member is an ex officio member, the vacancy
30 shall be filled by the individual assuming the office.

1 (2) The member was nominated in accordance with section
2 4, all the remaining delegates shall elect a successor
3 meeting the qualification prescribed herein.

4 Section 4. Nomination of delegates and withdrawals.

5 (a) Nomination.--Candidates for delegates to the convention
6 shall be nominated by petition in accordance with this section.
7 A petition must be signed by at least 100 qualified electors of
8 the candidate's senatorial district, and petitions shall not
9 include any reference to the political affiliation of the
10 candidate.

11 (b) Petitions.--The Secretary of the Commonwealth shall
12 prescribe the form of the petition in accordance with this
13 section. The Secretary of the Commonwealth shall certify the
14 names of the nominees to the county boards as provided by law no
15 later than 60 days prior to the next upcoming primary or general
16 election occurring after passage of the referendum.

17 (c) Prohibition.--Except as provided in section 3(a)(3), the
18 following may not serve as a delegate:

19 (1) The Governor, a current member of the General
20 Assembly or other official elected Statewide.

21 (2) A current member of the Congress of the United
22 States.

23 (3) A sitting judge of a court.

24 (d) Filing of petitions.--

25 (1) The petitions shall be filed in the office of the
26 Secretary of the Commonwealth not later than 75 days prior to
27 the next upcoming primary or general election occurring after
28 passage of the referendum. A filing fee of \$25 shall be paid
29 by each candidate to the Secretary of the Commonwealth by
30 certified check or money order.

1 (2) The following shall apply:

2 (i) An elector may sign not more than two nomination
3 petitions for a delegate to represent the elector's
4 district.

5 (ii) Every signer of a nomination petition shall:

6 (A) provide the signer's occupation and
7 residence, giving city, borough or township, with
8 street and number, if any;

9 (B) state that the signer is a qualified elector
10 of the district named; and

11 (C) add the date of signing, expressed in words
12 or numbers.

13 (iii) A nomination petition may not be circulated
14 prior to 20 days before the last day on which the
15 petition may be filed.

16 (iv) A signature may not be counted unless it bears
17 date within 20 days of the last day of filing.

18 (3) Nomination petitions may be on one or more sheets,
19 and different sheets must be used for signers resident in
20 different counties. If more than one sheet is used, they
21 shall be bound together when offered for filing, if they are
22 intended to constitute one petition, and each sheet shall be
23 numbered consecutively at the foot of each page, beginning
24 with number one.

25 (4) Each sheet shall include an affidavit of the person
26 who circulated it stating:

27 (i) that the person is a qualified elector of the
28 senatorial district named in the petition;

29 (ii) the person's residence, giving city, borough or
30 township, with street and number, if any;

1 (iii) that the signers of the petition were aware of
2 the contents of the petition;

3 (iv) that the signers' respective residences are
4 correctly stated in the petition;

5 (v) that each signer resides in the district named
6 in the affidavit;

7 (vi) that each person signed on the date set
8 opposite the person's name; and

9 (vii) that, to the best of affiant's knowledge and
10 belief, the signers are qualified electors of the
11 district.

12 (e) Affidavits.--Each candidate for delegate shall file with
13 the Secretary of the Commonwealth an affidavit stating:

14 (1) the candidate's residence, with street and number,
15 if any, and the candidate's post office address;

16 (2) that the candidate is eligible for the office of
17 delegate to the Constitutional Convention;

18 (3) that, if elected, the candidate will faithfully
19 observe the limitations and requirements imposed upon the
20 Constitutional Convention by this act; and

21 (4) that the candidate has been a citizen and resident
22 of this Commonwealth for at least four years and has been a
23 registered elector for at least one year in the district
24 which the candidate seeks to represent.

25 (f) Withdrawal.--

26 (1) A candidate for election as a delegate to the
27 Constitutional Convention may withdraw the candidate's name
28 by a request in writing, signed by the candidate and
29 acknowledged before an officer empowered to administer oaths,
30 filed in the office of the Secretary of the Commonwealth not

1 later than 5 p.m. on the fifth day next succeeding the last
2 day for filing nomination petitions.

3 (2) In the event of the death or withdrawal of a
4 candidate occurring prior to the time prescribed by this
5 subsection, substitute nominations shall be made in
6 accordance with the provisions of this section.

7 Section 5. Election of delegates.

8 (a) Procedure.--

9 (1) If approved by the electorate, elections for
10 delegates to the Constitutional Convention shall be held at
11 the next upcoming primary or general election.

12 (2) The Secretary of the Commonwealth shall forward to
13 the county board of elections of each county the names of the
14 candidates for the office of delegate.

15 (3) Each elector voting at the election shall be
16 entitled to vote for two candidates for the office of
17 delegate from the elector's district.

18 (4) The three candidates receiving the highest number of
19 votes in each district shall be the elected delegates of that
20 district.

21 (5) Within 15 days, the county boards of elections shall
22 make to the Secretary of the Commonwealth the proper
23 certification of returns of votes cast for the candidates for
24 election for the office of delegate.

25 (b) Certification of results to Governor.--At the same time
26 as certification of the other election results, the Secretary of
27 the Commonwealth shall certify to the Governor the names of the
28 delegates elected to the Constitutional Convention.

29 (c) Tie vote.--In the case of a tie vote, the election shall
30 be determined in accordance with the provisions of section 1418

1 of the act of June 3, 1937 (P.L.1333, No.320), known as the
2 Pennsylvania Election Code.

3 Section 6. Preparatory Committee and appropriation.

4 (a) Establishment.--The Lieutenant Governor, the President
5 pro tempore of the Senate, the Majority Leader of the Senate,
6 the Majority Whip of the Senate, the Minority Leader of the
7 Senate, the Minority Whip of the Senate, the Minority Caucus
8 Chairperson of the Senate, the Speaker of the House of
9 Representatives, the Majority Leader of the House of
10 Representatives, the Majority Whip of the House of
11 Representatives, the Minority Leader of the House of
12 Representatives, the Minority Whip of the House of
13 Representatives and the Minority Caucus Chairperson of the House
14 of Representatives shall constitute a Preparatory Committee to
15 make arrangements for the Constitutional Convention.

16 (b) Authority.--

17 (1) The committee shall have authority immediately
18 following an affirmative vote by the electorate on the
19 question of holding a Constitutional Convention to lease or
20 otherwise obtain suitable meeting and office space, to
21 purchase or lease office supplies, equipment, books and other
22 publications and other materials necessary for the work of
23 the Constitutional Convention and to hire or engage
24 secretaries, technical assistants, printers and other
25 employes or consultants as may be deemed necessary for the
26 preparatory work of the Constitutional Convention.

27 (2) The committee shall initiate studies, inquiries,
28 surveys or analyses the committee may deem relevant through
29 the committee's own personnel or in cooperation with public
30 or private agencies, including institutes, universities,

1 foundations or research organizations. In so doing, the
2 committee may hold public or private hearings.

3 (3) The committee may issue subpoenas under the hand and
4 seal of the chairperson commanding any person to appear
5 before it and to answer questions touching matters properly
6 being inquired into by the committee and to produce books,
7 papers, records and documents that the committee deems
8 necessary. The subpoenas may be served upon any person and
9 shall have the force and effect of subpoenas issued out of
10 the courts of this Commonwealth.

11 (4) A person who willfully neglects or refuses to
12 testify before the committee or to produce any book, paper,
13 record or document shall be subject to the penalties provided
14 by the laws of this Commonwealth in the case.

15 (5) Each member of the committee shall have power to
16 administer oaths and affirmations to witnesses appearing
17 before the committee.

18 (6) The committee may request and shall receive from any
19 department, division, board, bureau, commission or agency of
20 the Commonwealth or a political subdivision thereof
21 facilities, assistance and data as it deems necessary or
22 desirable to carry out properly the committee's powers and
23 duties.

24 (7) The committee may enter into agreements and perform
25 acts that may be necessary, desirable or proper to carry out
26 the provisions of this act.

27 (8) The committee shall prepare budgets for the holding
28 of the Constitutional Convention. The recommended budgets
29 shall be submitted to the General Assembly in sufficient time
30 for the General Assembly to pass the necessary appropriation

1 acts.

2 (9) The members of the committee shall receive no
3 compensation for service but shall be allowed their actual
4 and necessary expenses incurred in the performance of their
5 duties.

6 (10) The authority of the Preparatory Committee shall
7 expire upon election of convention officers, except to sign
8 documents necessary to obtain payments from the State
9 Treasury for any commitments made under the authority of this
10 section prior thereto and to submit any report to the
11 Constitutional Convention.

12 (c) Appropriation.--

13 (1) The sum of \$200,000 is appropriated to the
14 Preparatory Committee for the purposes specified in this
15 section.

16 (2) A fund shall be established in the State Treasury
17 for the purpose of accepting the sum under paragraph (1) and
18 future appropriations for the expenses of the convention, as
19 well as donations from the public.

20 Section 7. Organization of convention.

21 (a) Convening.--

22 (1) The Constitutional Convention shall convene in the
23 Hall of the House of Representatives in Harrisburg, Dauphin
24 County, Pennsylvania, on July 1 at 12 o'clock noon. The
25 Constitutional Convention shall be called to order by the
26 Governor.

27 (2) The Secretary of the Commonwealth shall certify the
28 returns of the elections for delegates to the Constitutional
29 Convention and issue certificates of election to those
30 elected.

1 (3) The Chief Justice of the Supreme Court of
2 Pennsylvania or the Chief Justice's appointee shall then
3 administer the oath of office in the following form: "I do
4 solemnly swear (or affirm) that I will support, obey and
5 defend the Constitution of the United States and the
6 Constitution of this Commonwealth and that I will discharge
7 the duties of my office with fidelity."

8 (b) Procedure.--

9 (1) The Constitutional Convention shall organize by
10 electing from among its delegates a president, secretary and
11 other officers necessary for the transaction of its business.

12 (2) No member of the General Assembly may be an officer
13 of the Constitutional Convention.

14 (3) The Constitutional Convention shall determine the
15 rules of its own proceedings and shall be the final judge of
16 the qualifications of its own delegates. The Constitutional
17 Convention shall determine rules for the conduct of its
18 delegates and provide for the censure, suspension or removal
19 of a delegate, if necessary.

20 (c) Privilege.--The delegates to the Constitutional
21 Convention shall in all cases, except treason, felony, violation
22 of their oath of office and breach or surety of the peace, be
23 privileged from arrest during their attendance at the session of
24 the Constitutional Convention and in going to and returning from
25 the Constitutional Convention and, for any speech or debate in
26 the Constitutional Convention, they shall not be questioned in
27 any other place.

28 (d) Authority.--In addition to any powers provided in this
29 section, the Constitutional Convention shall have all of the
30 powers given to the Preparatory Committee under section 6.

1 (e) Adjournment.--The Constitutional Convention shall have
2 the power to adjourn from time to time and to meet at
3 appropriate places in the City of Harrisburg as it shall
4 determine.

5 (f) Sine die.--The Constitutional Convention shall conclude
6 its session sine die not later than November 1.

7 Section 8. Substantive powers of convention, limitations and
8 mandatory duties of convention.

9 (a) General rule.--Except as provided in subsection (b), the
10 Constitutional Convention shall have the power by a vote of a
11 majority of the 163 delegates to make recommendations to the
12 electorate on the following subjects only:

13 (1) The following sections of Article II of the
14 Constitution of Pennsylvania:

15 (i) Section 3, as it relates to limits or changes in
16 the length of terms for members of the General Assembly.

17 (ii) Section 4, as it relates to the full-time or
18 part-time nature of the General Assembly.

19 (iii) Section 8, as it relates to compensation of
20 the members of the General Assembly.

21 (iv) Section 16, as it relates to the number of
22 seats in the General Assembly and the allocation of
23 Senatorial seats.

24 (2) The following sections of Article III of the
25 Constitution of Pennsylvania:

26 (i) Subarticle A, as it relates to amendments of
27 legislation on third consideration.

28 (ii) Section 13, as it relates to prohibitions on
29 voting.

30 (iii) Section 22, as it relates to no-bid contracts.

1 (iv) Section 24, as it relates to spending without
2 an enacted budget in place.

3 (v) Section 26, as it relates to pensions and cost-
4 of-living increases.

5 (3) The following sections of Article IV of the
6 Constitution of Pennsylvania:

7 (i) Section 4, as it relates to eliminating the
8 office of Lieutenant Governor.

9 (ii) Section 14, as it relates to simultaneously
10 serving as Lieutenant Governor and a member of the
11 Senate.

12 (4) The following sections of Article V of the
13 Constitution of Pennsylvania:

14 (i) Section 10, as it relates to independent review.

15 (ii) Section 17, as it relates to work outside of
16 court service.

17 (iii) Section 18, as it relates to Supreme Court
18 involvement, special tribunals and the selection of non-
19 bar members for disciplinary board.

20 (b) Limitations.--

21 (1) A delegate may not support a proposal that goes
22 beyond the subject matter specified under subsection (a).
23 This prohibition specifically includes consideration at any
24 stage of the Constitutional Convention of an amendment which
25 in any way seeks to amend, modify or repeal a provision
26 regarding any of the following:

27 (i) The Declaration of Rights of the Constitution of
28 Pennsylvania.

29 (ii) The imposition of a graduated income tax by the
30 Commonwealth or any of its political subdivisions.

1 (iii) Article VIII, Section 1 of the Constitution of
2 Pennsylvania.

3 (2) A delegate who receives and accepts an item of
4 value, excluding education materials, from a person in
5 connection with service as a delegate shall be immediately
6 disqualified and immediately replaced by an alternate.

7 (c) Format.--In dealing with the subject matter as
8 prescribed by this section, the Constitutional Convention may
9 recommend that a provision be transferred to another article,
10 modified, deleted, repealed, substituted by an entirely new
11 provision or continued without change.

12 (d) Recommendations.--The Constitutional Convention shall
13 make its recommendations regarding legislative apportionment as
14 a replacement for the existing Article II, section 16 of the
15 Constitution of Pennsylvania and shall arrange its
16 recommendations on the other subjects assigned to it in separate
17 articles.

18 (e) Numbering.--The Constitutional Convention's
19 recommendations on an article shall not be numbered. If approved
20 by the electors, the articles shall be numbered by the Governor
21 as provided by law.

22 Section 9. Manner of submitting proposals to electorate.

23 (a) Procedure.--

24 (1) The recommendations of the Constitutional Convention
25 shall be submitted to the electorate separately as determined
26 by the Constitutional Convention. The recommendations may be
27 in any number of sections which the Constitutional Convention
28 deems suitable.

29 (2) The Constitutional Convention shall frame the ballot
30 questions that bring the recommendations to the electorate.

1 (3) There shall be no fewer than one separate question
2 for each of the articles to be recommended by the
3 Constitutional Convention and another question for the
4 amendment on legislative apportionment.

5 (b) Certification.--

6 (1) The changes proposed, together with the questions
7 framed by the Constitutional Convention, shall be certified
8 by the president and secretary of the Constitutional
9 Convention to the Secretary of the Commonwealth not later
10 than March 7 of the year following adjournment.

11 (2) The Secretary of the Commonwealth shall then
12 advertise the proposals of the Constitutional Convention in a
13 newspaper of general circulation, if any, in every county of
14 this Commonwealth once during the first week in April.

15 (3) The Secretary of the Commonwealth shall:

16 (i) publish on the Department of State's publicly
17 accessible Internet website the changes to the
18 Constitution of Pennsylvania as proposed by the
19 Constitutional Convention in convenient form;

20 (ii) send a copy to each elector requesting a copy;
21 and

22 (iii) send 10 copies through the county boards of
23 elections to each polling place for the use of the voters
24 during the election.

25 Section 10. Submission of proposals to electorate and
26 proclamation by Governor of results.

27 The recommendations of the Constitutional Convention shall be
28 submitted to the electorate for approval or rejection on a
29 separate ballot at the next primary election. In districts where
30 voting machines are used, the question may appear on the face of

1 the machine if the machine is properly equipped for that
2 purpose; otherwise, a separate printed ballot shall be used. A
3 majority vote of the electors voting on a recommendation shall
4 be necessary for the adoption of the recommendations of the
5 Constitutional Convention. If adopted, a recommendation shall
6 become effective as provided in the recommendation or by the
7 schedule attached to the recommendation. The Governor, upon
8 receipt from the Secretary of the Commonwealth of a certificate
9 of the results of the election, shall immediately make
10 proclamation of the results.

11 Section 11. Expenses of members of convention.

12 (a) General rule.--Members of the Constitutional Convention
13 shall receive an allowance for traveling expenses at the same
14 rate and computed on the same basis as traveling expenses for
15 State Senators, payable monthly.

16 (b) Exception.--The members of the General Assembly and
17 officers and employees of the Commonwealth shall be reimbursed
18 for the expenses under this section only if not otherwise paid
19 by the Commonwealth.

20 Section 12. Registration of lobbyists.

21 (a) Duty to register.--

22 (1) An individual who is employed or engaged for
23 compensation, by any other person or a partnership,
24 committee, association, corporation or other organization, to
25 advocate passage or defeat of proposals of the Constitutional
26 Convention or proposals of any of the Constitutional
27 Convention's delegates shall, before beginning those
28 activities, submit to the secretary of the Constitutional
29 Convention a registration statement made under oath or
30 affirmation before an officer authorized by law to administer

1 oaths stating:

2 (i) The name and business address of the lobbyist.

3 (ii) The name and address of the person,
4 partnership, committee, association, corporation or other
5 organization by whom the lobbyist is employed or engaged.

6 (iii) The name and address of the person,
7 partnership, committee, association, corporation or other
8 organization in whose interest the lobbyist will advocate
9 the passage or defeat of proposals of the Constitutional
10 Convention.

11 (iv) The duration of the lobbyist's employment.

12 (2) Whenever any of the facts under paragraph (1)
13 change, the lobbyist shall file a revised registration
14 statement.

15 (3) A registration statement under this subsection shall
16 be a public record.

17 (b) Penalty.--A person violating any of the provisions of
18 this section commits a misdemeanor and shall, upon conviction,
19 be sentenced to pay a fine of not more than \$500 or to
20 imprisonment for not more than one year, or both.

21 Section 13. Conventions open to public.

22 Sessions of the Constitutional Convention as a whole shall be
23 open to the public.

24 Section 14. Effective date.

25 This act shall take effect immediately.