

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 794 Session of  
2021

INTRODUCED BY RYAN, STAMBAUGH, COOK AND MOUL, MARCH 8, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 8, 2021

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  
22 with, and subject to, the limitations and requirements

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

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

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

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

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

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

22 (a) Convention.--

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

28 (2) Three district delegates shall be elected from each  
29 senatorial district, as provided in this act. Each elector  
30 may vote for not more than two candidates for the office of

1 delegate. The three candidates receiving the highest number  
2 of votes shall be elected to the office of delegate.

3 (3) All of the following individuals shall be members  
4 ex officio of the Constitutional Convention and shall have  
5 the powers of elected delegates:

6 (i) The Lieutenant Governor.

7 (ii) The President pro tempore of the Senate.

8 (iii) The Majority Leader of the Senate.

9 (iv) The Majority Whip of the Senate.

10 (v) The Minority Leader of the Senate.

11 (vi) The Minority Whip of the Senate.

12 (vii) The Minority Caucus Chairperson of the Senate.

13 (viii) The Speaker of the House of Representatives.

14 (ix) The Majority Leader of the House of  
15 Representatives.

16 (x) The Majority Whip of the House of  
17 Representatives.

18 (xi) The Minority Leader of the House of  
19 Representatives.

20 (xii) The Minority Whip of the House of  
21 Representatives.

22 (xiii) The Minority Caucus Chairperson of the House  
23 of Representatives.

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

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

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

29 (3) Have resided in and been a registered elector of the  
30 individual's respective senatorial district at least one year

1 prior to election as delegate.

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

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

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

8 (2) The member was nominated in accordance with section  
9 4, all the remaining delegates shall elect a successor  
10 meeting the qualification prescribed under subsection (b).

11 Section 4. Nomination of delegates and withdrawals.

12 (a) Nomination.--Candidates for delegates to the convention  
13 shall be nominated by petition in accordance with this section.  
14 A petition must be signed by at least 100 qualified electors of  
15 the candidate's senatorial district, and petitions may not  
16 include any reference to the political affiliation of the  
17 candidate.

18 (b) Petitions.--The Secretary of the Commonwealth shall  
19 prescribe the form of the petition in accordance with this  
20 section. The Secretary of the Commonwealth shall certify the  
21 names of the nominees to the county boards as provided by law no  
22 later than 60 days prior to the next upcoming primary or general  
23 election occurring after passage of the referendum.

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

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

28 (2) A current member of the Congress of the United  
29 States.

30 (3) A sitting judge of a court.

1 (d) Filing of petitions.--

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

8 (2) The following shall apply:

9 (i) An elector may sign not more than two nomination  
10 petitions for a delegate to represent the elector's  
11 district.

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

13 (A) provide the signer's occupation and  
14 residence, giving city, borough or township, with  
15 street and number, if any;

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

18 (C) add the date of signing, expressed in words  
19 or numbers.

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

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

25 (3) Nomination petitions may be on one or more sheets,  
26 and different sheets must be used for signers resident in  
27 different counties. If more than one sheet is used, they  
28 shall be bound together when offered for filing, if they are  
29 intended to constitute one petition, and each sheet shall be  
30 numbered consecutively at the foot of each page, beginning

1 with number one.

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

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

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

8 (iii) that the signers of the petition were aware of  
9 the contents of the petition;

10 (iv) that the signers' respective residences are  
11 correctly stated in the petition;

12 (v) that each signer resides in the district named  
13 in the affidavit;

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

16 (vii) that, to the best of affiant's knowledge and  
17 belief, the signers are qualified electors of the  
18 district.

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

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

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

25 (3) that, if elected, the candidate will faithfully  
26 observe the limitations and requirements imposed upon the  
27 Constitutional Convention by this act; and

28 (4) that the candidate has been a citizen and resident  
29 of this Commonwealth for at least four years and has been a  
30 registered elector for at least one year in the district

1 which the candidate seeks to represent.

2 (f) Withdrawal.--

3 (1) A candidate for election as a delegate to the  
4 Constitutional Convention may withdraw the candidate's name  
5 by a request in writing, signed by the candidate and  
6 acknowledged before an officer empowered to administer oaths,  
7 filed in the office of the Secretary of the Commonwealth not  
8 later than 5 p.m. on the fifth day next succeeding the last  
9 day for filing nomination petitions.

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

14 Section 5. Election of delegates.

15 (a) Procedure.--

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

19 (2) The Secretary of the Commonwealth shall forward to  
20 the county board of elections of each county the names of the  
21 candidates for the office of delegate.

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

25 (4) The three candidates receiving the highest number of  
26 votes in each district shall be the elected delegates of that  
27 district.

28 (5) Within 15 days, the county boards of elections shall  
29 make to the Secretary of the Commonwealth the proper  
30 certification of returns of votes cast for the candidates for

election for the office of delegate.

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

(c) Tie vote.--In the case of a tie vote, the election shall be determined in accordance with the provisions of section 1418 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

#### Section 6. Preparatory committee and appropriation.

(a) Establishment.--A preparatory committee to make arrangements for the Constitutional Convention shall include all of the following members:

(1) The Lieutenant Governor.

(2) The President pro tempore of the Senate.

(3) The Majority Leader of the Senate.

(4) The Majority Whip of the Senate.

(5) The Minority Leader of the Senate.

(6) The Minority Whip of the Senate.

(7) The Minority Caucus Chairperson of the Senate.

(8) The Speaker of the House of Representatives.

(9) The Majority Leader of the House of Representatives.

(10) The Majority Whip of the House of Representatives.

(11) The Minority Leader of the House of

Representatives.

(12) The Minority Whip of the House of Representatives.

(13) The Minority Caucus Chairperson of the House of

Representatives.

(b) Authority.--

(1) The committee shall have authority immediately



1 following an affirmative vote by the electorate on the  
2 question of holding a Constitutional Convention to lease or  
3 otherwise obtain suitable meeting and office space, to  
4 purchase or lease office supplies, equipment, books and other  
5 publications and other materials necessary for the work of  
6 the Constitutional Convention and to hire or engage  
7 secretaries, technical assistants, printers and other  
8 employees or consultants as may be deemed necessary for the  
9 preparatory work of the Constitutional Convention.

10 (2) The committee shall initiate studies, inquiries,  
11 surveys or analyses the committee may deem relevant through  
12 the committee's own personnel or in cooperation with public  
13 or private agencies, including institutes, universities,  
14 foundations or research organizations. In so doing, the  
15 committee may hold public or private hearings.

16 (3) The committee may issue subpoenas under the hand and  
17 seal of the chairperson commanding any person to appear  
18 before it and to answer questions touching matters properly  
19 being inquired into by the committee and to produce books,  
20 papers, records and documents that the committee deems  
21 necessary. The subpoenas may be served upon any person and  
22 shall have the force and effect of subpoenas issued out of  
23 the courts of this Commonwealth.

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

28 (5) Each member of the committee shall have power to  
29 administer oaths and affirmations to witnesses appearing  
30 before the committee.

1           (6) The committee may request and shall receive from any  
2 department, division, board, bureau, commission or agency of  
3 the Commonwealth or a political subdivision of the  
4 Commonwealth facilities, assistance and data as it deems  
5 necessary or desirable to carry out properly the committee's  
6 powers and duties.

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

10          (8) The committee shall prepare budgets for the holding  
11 of the Constitutional Convention. The recommended budgets  
12 shall be submitted to the General Assembly in sufficient time  
13 for the General Assembly to pass the necessary appropriation  
14 acts.

15          (9) The members of the committee shall receive no  
16 compensation for service but shall be allowed their actual  
17 and necessary expenses incurred in the performance of their  
18 duties.

19          (10) The authority of the preparatory committee shall  
20 expire upon election of convention officers, except to sign  
21 documents necessary to obtain payments from the State  
22 Treasury for any commitments made under the authority of this  
23 section prior thereto and to submit any report to the  
24 Constitutional Convention.

25       (c) Appropriation.--

26          (1) The sum of \$200,000 is appropriated to the  
27 preparatory committee for the purposes specified in this  
28 section.

29          (2) A fund shall be established in the State Treasury  
30 for the purpose of accepting the sum under paragraph (1) and

1 future appropriations for the expenses of the convention, as  
2 well as donations from the public.

3 Section 7. Organization of convention.

4 (a) Convening.--

5 (1) The Constitutional Convention shall convene in the  
6 Hall of the House of Representatives in Harrisburg, Dauphin  
7 County, Pennsylvania, on July 1 at 12 o'clock noon. The  
8 Constitutional Convention shall be called to order by the  
9 Governor.

10 (2) The Secretary of the Commonwealth shall certify the  
11 returns of the elections for delegates to the Constitutional  
12 Convention and issue certificates of election to those  
13 elected.

14 (3) The Chief Justice of the Supreme Court of  
15 Pennsylvania or the Chief Justice's appointee shall then  
16 administer the oath of office in the following form: "I do  
17 solemnly swear (or affirm) that I will support, obey and  
18 defend the Constitution of the United States and the  
19 Constitution of this Commonwealth and that I will discharge  
20 the duties of my office with fidelity."

21 (b) Procedure.--

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

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

27 (3) The Constitutional Convention shall determine the  
28 rules of its own proceedings and shall be the final judge of  
29 the qualifications of its own delegates. The Constitutional  
30 Convention shall determine rules for the conduct of its

delegates and provide for the censure, suspension or removal of a delegate, if necessary.

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

(d) Authority.--In addition to any powers provided in this section, the Constitutional Convention shall have all of the powers given to the preparatory committee under section 6.

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

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

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

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

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

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

(ii) Section 4, as it relates to the full-time or

1 part-time nature of the General Assembly.

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

4 (iv) Section 16, as it relates to the number of  
5 seats in the General Assembly and the allocation of  
6 Senatorial seats.

7 (2) The following sections of Article III of the  
8 Constitution of Pennsylvania:

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

11 (ii) Section 13, as it relates to prohibitions on  
12 voting.

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

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

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

18 (3) The following sections of Article IV of the  
19 Constitution of Pennsylvania:

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

22 (ii) Section 14, as it relates to simultaneously  
23 serving as Lieutenant Governor and a member of the  
24 Senate.

25 (4) The following sections of Article V of the  
26 Constitution of Pennsylvania:

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

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

30 (iii) Section 18, as it relates to Supreme Court

1 involvement, special tribunals and the selection of non-  
2 bar members for disciplinary board.

3 (b) Limitations.--

4 (1) A delegate may not support a proposal that goes  
5 beyond the subject matter specified under subsection (a).  
6 This prohibition specifically includes consideration at any  
7 stage of the Constitutional Convention of an amendment that  
8 in any way seeks to amend, modify or repeal a provision  
9 regarding any of the following:

10 (i) The Declaration of Rights of the Constitution of  
11 Pennsylvania.

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

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

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

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

25 (d) Recommendations.--The Constitutional Convention shall  
26 make its recommendations regarding legislative apportionment as  
27 a replacement for the existing Article II, section 16 of the  
28 Constitution of Pennsylvania and shall arrange its  
29 recommendations on the other subjects assigned to it in separate  
30 articles.

1 (e) Numbering.--The Constitutional Convention's  
2 recommendations on an article may not be numbered. If approved  
3 by the electors, the articles shall be numbered by the Governor  
4 as provided by law.

5 Section 9. Manner of submitting proposals to electorate.

6 (a) Procedure.--

7 (1) The recommendations of the Constitutional Convention  
8 shall be submitted to the electorate separately as determined  
9 by the Constitutional Convention. The recommendations may be  
10 in any number of sections which the Constitutional Convention  
11 deems suitable.

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

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

18 (b) Certification.--

19 (1) The changes proposed, together with the questions  
20 framed by the Constitutional Convention, shall be certified  
21 by the president and secretary of the Constitutional  
22 Convention to the Secretary of the Commonwealth not later  
23 than March 7 of the year following adjournment.

24 (2) The Secretary of the Commonwealth shall then  
25 advertise the proposals of the Constitutional Convention in a  
26 newspaper of general circulation, if any, in every county of  
27 this Commonwealth once during the first week in April.

28 (3) The Secretary of the Commonwealth shall:

29 (i) publish on the Department of State's publicly  
30 accessible Internet website the changes to the

1 Constitution of Pennsylvania as proposed by the  
2 Constitutional Convention in convenient form;

3 (ii) send a copy to each elector requesting a copy;  
4 and

5 (iii) send 10 copies through the county boards of  
6 elections to each polling place for the use of the voters  
7 during the election.

8 Section 10. Submission of proposals to electorate and  
9 proclamation by Governor of results.

10 The recommendations of the Constitutional Convention shall be  
11 submitted to the electorate for approval or rejection on a  
12 separate ballot at the next primary election. In districts where  
13 voting machines are used, the question may appear on the face of  
14 the machine if the machine is properly equipped for that  
15 purpose; otherwise, a separate printed ballot shall be used. A  
16 majority vote of the electors voting on a recommendation shall  
17 be necessary for the adoption of the recommendations of the  
18 Constitutional Convention. If adopted, a recommendation shall  
19 become effective as provided in the recommendation or by the  
20 schedule attached to the recommendation. The Governor, upon  
21 receipt from the Secretary of the Commonwealth of a certificate  
22 of the results of the election, shall immediately make  
23 proclamation of the results.

24 Section 11. Expenses of members of convention.

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

29 (b) Exception.--The members of the General Assembly and  
30 officers and employees of the Commonwealth shall be reimbursed



1 for the expenses under this section only if not otherwise paid  
2 by the Commonwealth.

3 Section 12. Registration of lobbyists.

4 (a) Duty to register.--

5 (1) An individual who is employed or engaged for  
6 compensation, by any other person or a partnership,  
7 committee, association, corporation or other organization, to  
8 advocate passage or defeat of proposals of the Constitutional  
9 Convention or proposals of any of the Constitutional  
10 Convention's delegates shall, before beginning those  
11 activities, submit to the secretary of the Constitutional  
12 Convention a registration statement made under oath or  
13 affirmation before an officer authorized by law to administer  
14 oaths stating:

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

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

19 (iii) The name and address of the person,  
20 partnership, committee, association, corporation or other  
21 organization in whose interest the lobbyist will advocate  
22 the passage or defeat of proposals of the Constitutional  
23 Convention.

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

25 (2) Whenever any of the facts under paragraph (1)  
26 change, the lobbyist shall file a revised registration  
27 statement.

28 (3) A registration statement under this subsection shall  
29 be a public record.

30 (b) Penalty.--A person violating any of the provisions of

1 this section commits a misdemeanor and shall, upon conviction,  
2 be sentenced to pay a fine of not more than \$500 or to  
3 imprisonment for not more than one year, or both.

4 Section 13. Conventions open to public.

5 Sessions of the Constitutional Convention as a whole shall be  
6 open to the public.

7 Section 14. Effective date.

8 This act shall take effect immediately.