

AN ACT

1 Providing for a Citizens Constitutional Convention, for a
2 referendum on the question and for the selection of
3 delegates; defining the powers and duties of the convention;
4 providing for operation of the convention; conferring powers
5 and imposing duties on the Governor, the Secretary of the
6 Commonwealth, and the Chief Justice of the Supreme Court;
7 providing for a referendum on the convention's report; and
8 making an appropriation.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Citizens
8 Constitutional Convention Act of 2013.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Committee." The preparatory committee established under
14 this act.

15 "Convention." The Citizens Constitutional Convention
16 authorized by this act.

17 "Delegate." A citizen of this Commonwealth who is selected
18 to serve at the convention or as an alternate to the convention.

19 "Independent entity." A corporation, partnership,
20 institution of higher learning, or other entity that does not
21 receive funds from the Commonwealth either directly or
22 indirectly and that does not seek to influence the passage of
23 legislation or regulations by the Commonwealth either directly
24 or indirectly.

25 "Public official." A person elected by the public, elected
26 or appointed by a governmental body or an appointed official in
27 the executive, legislative or judicial branch of this
28 Commonwealth or any of its political subdivisions. The term
29 shall not include members of advisory boards that have no
30 authority to do any of the following:

1 (1) Expend public funds, other than reimbursement for
2 personal expenses.

3 (2) Otherwise exercise the power of the Commonwealth or
4 any of its subdivisions.

5 "Secretary." The Secretary of the Commonwealth.

6 Section 3. Referendum.

7 (a) Question.--At the general election on November 5, 2013,
8 the following question shall be submitted to the electorate of
9 this Commonwealth to determine its will regarding a

10 Constitutional Convention:

11 Shall a Constitutional Convention be called in accordance
12 with and subject to the limitations and requirements
13 contained in the Citizens Constitutional Convention Act of
14 2013 to prepare for submission to the electorate proposals
15 for the revision of the Constitution of Pennsylvania?

16 (1) If a Constitutional Convention is authorized by this
17 referendum, shall the delegates be permitted to recommend
18 changes to Article I, the Declaration of Rights?

19 (2) If a Constitutional Convention is authorized by this
20 referendum, shall the delegates be permitted to recommend
21 changes to Article II, the Legislature?

22 (3) If a Constitutional Convention is authorized by this
23 referendum, shall the delegates be permitted to recommend
24 changes to Article III, Legislation?

25 (4) If a Constitutional Convention is authorized by this
26 referendum, shall the delegates be permitted to recommend
27 changes to Article IV, the Executive?

28 (5) If a Constitutional Convention is authorized by this
29 referendum, shall the delegates be permitted to recommend
30 changes to Article V, the Judiciary?

1 (6) If a Constitutional Convention is authorized by this
2 referendum, shall the delegates be permitted to recommend
3 changes to Article VI, Public Officers?

4 (7) If a Constitutional Convention is authorized by this
5 referendum, shall the delegates be permitted to recommend
6 changes to Article VII, Elections?

7 (8) If a Constitutional Convention is authorized by this
8 referendum, shall the delegates be permitted to recommend
9 changes to Article VIII, Taxation and Finance?

10 (9) If a Constitutional Convention is authorized by this
11 referendum, shall the delegates be permitted to recommend
12 changes to Article IX, Local Government?

13 (10) If a Constitutional Convention is authorized by
14 this referendum, shall the delegates be permitted to
15 recommend changes to Article X, Private Corporations?

16 (11) If a Constitutional Convention is authorized by
17 this referendum, shall the delegates be permitted to
18 recommend changes to Article XI, Amendments?

19 (b) Referendum.--The secretary shall certify questions to
20 the county boards. The election shall be conducted in accordance
21 with the act of June 3, 1937 (P.L.1333, No.320), known as the
22 Pennsylvania Election Code.

23 (c) Secretary.--If a majority of the electors casting votes
24 on the question under subsection (a) vote in the affirmative,
25 the secretary shall transmit notice of the vote, including any
26 prohibitions under subsection (a)(1) through (11), to the
27 Legislative Reference Bureau for publication as a notice in the
28 Pennsylvania Bulletin.

29 Section 4. Convention, membership, qualifications and
30 vacancies.

1 (a) Call.--If a majority of the electors voting upon the
2 question set forth in section 3(a) vote in the affirmative, a
3 convention shall be called by the Governor.

4 (b) Delegates.--Within seven days of the approval of the
5 question set forth in section 3(a), the secretary shall issue a
6 request for proposals from independent entities for the purposes
7 of:

8 (1) determining a system for selecting delegates to the
9 Constitutional Convention that will result in a body of no
10 fewer than 150 nor more than 200 delegates who, in the
11 aggregate, accurately represent the citizenry of this
12 Commonwealth geographically, demographically and
13 economically: and

14 (2) managing the Constitutional Convention as required
15 by section 5(c), including the operation of the convention,
16 communications with the public, and creating the official
17 record of the convention beginning with introduction of this
18 act and ending within six months of the referendum where
19 citizens accept or reject the convention's recommendations.
20 Within 30 days of the approval of the question set forth in
21 section 3(a), the secretary shall award a contract to an
22 independent entity for the purpose of delegate selection and
23 convention management. Any subcontractors the independent entity
24 will employ must be disclosed in its proposal to the secretary
25 and must be subject to the same criteria as those applied to the
26 independent entity defined in section 2. Within 120 days of the
27 approval of the question set forth in section 3(a), the
28 independent entity shall select delegates and alternate
29 delegates in accordance with the proposal submitted to the
30 secretary and shall publish for the delegates and the public

1 proposed rules of procedure for the convention.

2 (c) Qualifications.--A delegate must meet the following
3 qualifications:

4 (1) Be at least 18 years of age prior to November 5,
5 2013.

6 (2) Have been a citizen and resident of this
7 Commonwealth for at least four years before the election.

8 (3) Reside in the geographic area the delegate
9 represents during the delegate's term of service.

10 (d) Salary.--Delegates shall be entitled to a salary equal
11 to the salary of a member of the General Assembly during their
12 term of service, payable monthly.

13 (e) Expenses.--Delegates shall be entitled to reimbursement
14 for the following expenses:

15 (1) Actual mileage traveled in a personal vehicle in the
16 performance of their duties during their term of service,
17 documented, reported and payable monthly at the applicable
18 Federal rate, including commuting mileage.

19 (2) Actual expenses for other modes of ground
20 transportation in the performance of their duties during
21 their term of service, documented, reported and payable
22 monthly, including commuting expenses.

23 (3) Actual expenses for overnight lodging required for
24 the convenience of delegates traveling more than 50 miles
25 from their residence in the performance of their duties
26 during their term of service, documented, reported and
27 payable monthly.

28 (4) All documentation used to reimburse delegates for
29 eligible expenses shall be public records. Access to, and
30 copies of, the records shall be without cost to the

1 requester.

2 (f) Terms of service.--Terms of service for delegates shall
3 commence on the date of their oath of office. Terms shall expire
4 30 days following publication of the recommendations authorized
5 by the delegates to the convention.

6 (g) Exclusions.--The following shall apply:

7 (1) No delegate shall, during his or her term of
8 service, be appointed to or hold any civil office under this
9 Commonwealth to which a salary, fee or perquisite is
10 attached.

11 (2) No member of Congress or other person holding any
12 office, except that of attorney-at-law or in the National
13 Guard or a reserve component of the armed forces of the
14 United States, under the United States or this Commonwealth
15 to which a salary, fee or perquisite is attached shall be a
16 delegate during their continuance in office.

17 (3) Delegates shall be prohibited from serving as a
18 public official as defined in section 2 for a period of two
19 years after their term of service expires.

20 Section 5. Organization of convention and sessions.

21 (a) Convening.--The following shall apply:

22 (1) The convention's delegates shall convene in the Hall
23 of the House of Representatives on March 31, 2014, at 12
24 noon.

25 (2) The convention shall be called to order by the
26 Governor.

27 (3) The Chief Justice of the Supreme Court shall
28 administer the oath of office in the following form:

29 I do solemnly swear (or affirm) that I will support, obey
30 and defend the Constitution of the United States and the

1 Constitution of Pennsylvania, that I will abide by the
2 limitations and requirements of the referendum conducted
3 pursuant to the Citizens Constitutional Convention Act of
4 2013, and that I will discharge my duties with fidelity.

5 (4) Each delegate shall sign and swear a written version
6 of the oath of office, provided by the secretary, to be
7 preserved with the official journals of the convention, and
8 other copies as needed by the secretary.

9 (b) Organization.--The following shall apply:

10 (1) The convention shall be the final judge of the
11 qualifications of its own delegates.

12 (2) The convention shall elect from among its delegates
13 a president, first vice-president, second vice-president and
14 a secretary.

15 (3) The convention shall organize one committee for each
16 article of the Constitution of Pennsylvania subject to the
17 scope of the convention.

18 (4) The convention shall organize a committee on
19 arrangement, submission and address to the people.

20 (c) Duties of independent entity.--The following shall
21 apply:

22 (1) The independent entity shall prescribe rules for all
23 of the following, subject to adoption by a majority of the
24 delegates at the commencement of working sessions:

25 (i) Procedure.

26 (ii) Conduct of delegates, including censure,
27 suspension or removal.

28 (2) The independent entity shall be authorized to do all
29 of the following, when required for the conduct of the
30 business of the convention:

1 (i) Lease or otherwise obtain suitable meeting and
2 office space and to purchase or lease supplies,
3 equipment, publications and other material necessary for
4 the work of the convention.

5 (ii) Initiate relevant studies through its own
6 personnel or in cooperation with any public or private
7 agencies.

8 (iii) Hold public hearings.

9 (iv) Enter into contracts.

10 (v) Receive from the Commonwealth agencies and
11 political subdivisions and local agencies assistance
12 necessary or desirable to carry out properly the powers
13 and duties under this subsection.

14 (vi) Submit a budget and additional reports to the
15 General Assembly in sufficient time for the General
16 Assembly to pass any necessary appropriation act required
17 by section 12, as needed.

18 (d) Sessions.--The following shall apply:

19 (1) The organizational session shall be adjourned no
20 later than 5 p.m. on April 2, 2014.

21 (2) Working sessions of the convention shall commence on
22 May 5, 2014.

23 (e) Sine die adjournment.--The convention shall adjourn sine
24 die no later than August 4, 2014.

25 Section 6. Function.

26 (a) Scope.--The convention has the power, by a vote of two-
27 thirds of its elected delegates on final passage, to make
28 recommendations to the electorate on all subjects contained
29 within the Constitution of Pennsylvania except for those
30 prohibited by the citizens through the referendum conducted

1 pursuant to section 3(a).

2 (b) Reorganization.--In dealing with the subject matter
3 under subsection (a), the convention may recommend amendment,
4 addition, deletion, division, transfer, continuation without
5 change and implementation schedules.

6 Section 7. Manner of submitting proposals to electorate.

7 (a) Convention.--The following shall apply:

8 (1) The recommendations of the convention shall be
9 submitted to the electorate as determined by the convention.

10 (2) The convention shall frame the ballot question or
11 questions.

12 (b) Certification.--The changes proposed and the ballot
13 question or questions shall be certified by the president and
14 secretary of the convention to the secretary by September 30,
15 2013.

16 Section 8. Submission to electorate.

17 (a) Secretary.--The following shall apply:

18 (1) The secretary shall publish the Constitution of
19 Pennsylvania showing the changes proposed by the convention
20 and any address to the people by the convention, in
21 convenient printed form and in convenient digital form at the
22 earliest time practicable after certification.

23 (2) The secretary shall advertise the proposals and
24 address of the convention in at least two newspapers of
25 general circulation in every county once during the second
26 week of October 2014 and once during the fourth week of
27 October 2014.

28 (3) The secretary shall send a sufficient number of
29 copies of the printed publication under paragraph (1) to each
30 county board to satisfy the requirements of subsection (b).

1 (4) Upon request of an elector, the secretary shall send
2 a copy of the publication under paragraph (1).

3 (b) County boards.--Each county board shall make the
4 publication under subsection (a)(1) available at each polling
5 place in a quantity equal to the number of voting booths,
6 terminals or stations at that polling place.

7 (c) Election.--The following shall apply:

8 (1) The recommendations of the convention shall be
9 submitted to the electors for their approval or rejection at
10 the municipal election on November 4, 2014.

11 (2) A majority affirmative vote of the electors casting
12 votes on the ballot question or questions certified under
13 section 7(b) in the election is necessary for the adoption of
14 the recommendations of the convention.

15 (d) Certification.--The secretary shall certify the results
16 of the election no later than November 28, 2014.

17 Section 9. Lobbying.

18 (a) Delegates.--The following shall apply:

19 (1) Direct lobbying of individual delegates by
20 organizations or individuals registered as lobbyists within
21 this Commonwealth on the effective date of this act and for
22 the duration of the convention, other than meetings between
23 individual electors of a geographic area and the delegate or
24 delegates representing the same geographic area, shall be
25 prohibited.

26 (2) No delegate shall accept any gift, meal, service or
27 other benefit, or any promise of such in the future, offered
28 by any party in an effort to influence the outcome of the
29 convention. Both the offer and acceptance of such a gift,
30 meal, service or other benefit shall constitute a felony of

1 the first class.

2 (b) Convention.--The following shall apply:

3 (1) Lobbyists prohibited from lobbying delegates in
4 subsection (a)(1) shall be permitted to lobby the convention
5 as a whole by the following methods, all of which shall be
6 public documents and shall be readily available on the
7 Internet site that documents the convention:

8 (i) Providing printed reference materials in
9 quantities sufficient for distribution to all delegates,
10 subject to any pertinent policies adopted by the
11 convention.

12 (ii) Providing printed and oral testimony at a
13 hearing before any committee or subcommittee of the
14 convention, subject to any pertinent policies adopted by
15 the convention.

16 (iii) Providing printed reference materials to
17 committees or subcommittees of the convention in
18 quantities sufficient for distribution to all delegates,
19 subject to any pertinent policies adopted by the
20 convention.

21 (2) The convention shall not accept, on behalf of its
22 delegates, any gift, meal, service or other benefit, or any
23 promise of such in the future, offered by any party in an
24 effort to influence the outcome of the convention. Both the
25 offer and acceptance of such a gift, meal, service or other
26 benefit shall constitute a felony of the first class.

27 Section 10. Convention open to public.

28 Sessions of the convention as a whole and all meetings of its
29 committees and subcommittees shall be open to the public, shall
30 be recorded in electronic form and shall be made available as

1 promptly as possible on the Internet at a site dedicated
2 exclusively to the work of the convention.

3 Section 11. Judicial immunity.

4 Provided no portion of the resultant Constitution of
5 Pennsylvania, duly proposed by the convention and adopted by the
6 electorate according to the provisions of this act, is found to
7 be in violation of the Constitution of the United States, no
8 court of this Commonwealth shall have the authority to overturn
9 its provisions.

10 Section 12. Appropriation.

11 If the question in section 3(a) is approved by the
12 electorate, the sum of \$20,000,000 shall be transferred from the
13 nonlapsing leadership accounts of the General Assembly, in four
14 equal contributions by the majority and minority caucuses of the
15 Senate and the House of Representatives, to carry out the
16 provisions of this act. Further sums required by the convention
17 to perform its duties, contributed in similar fashion, shall be
18 provided upon request by the convention in accordance with
19 section 5(c)(2)(vi).

20 Section 13. Effective date.

21 This act shall take effect as follows:

22 (1) Section 12 of this act shall take effect upon
23 publication of the notice provided for in section 3(c).

24 (2) The remainder of this act shall take effect
25 immediately.