

**PROVIDING FOR CONSTITUTIONAL CONVENTION, REFERENDUM QUESTION  
AND SELECTION, NOMINATION AND ELECTION OF DELEGATES AND DEFINING  
POWERS, DUTIES AND OPERATION OF CONVENTION**  
**Act of Mar. 15, 1967, P.L. 2, No. 2** **Cl. 83**

AN ACT

Providing for a constitutional convention with limited powers; providing for a referendum on the question; providing for the selection, nomination and election of delegates; defining the powers and duties of the convention; providing for its operation; conferring powers and imposing duties on the Governor, the Secretary of the Commonwealth, officers of the General Assembly and County Election Boards; providing for a referendum on the convention's report and making an appropriation.

**Compilers Note:** The electorate approved the referendum at the primary election held on May 16, 1967.

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

Section 1. Referendum.--At the primary election in May, 1967 the following question shall be submitted to the electorate of the Commonwealth to determine its will regarding a constitutional convention with limited powers:

Shall a constitutional convention be called in accordance with, and subject to, the limitations and requirements contained in Act Number 2 of the 1967 Session of the General Assembly, to prepare for submission to the electorate proposals for the revision of the subject matter of any amendment proposed, but not approved, at the May 1967 Primary and for the revision of Sections 16, 17 and 18 of Article II and of Articles V, XIII, XIV, XV and IX (excluding Section 18 and the Uniformity Clause of Section 1 of Article IX as provided in Section 7 (b) of this Act)?	YES	NO
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The county board of elections in each county shall print in bound form separate official ballots in sufficient numbers to furnish to the election officers in each election district of the county, one ballot to be supplied to each voter at the primary election and also specimen ballots equal in number to one-fifth of the official ballots. In districts where voting machines are used, the question may appear on the face of the machine where the machine is properly equipped for such purpose; otherwise a separate printed ballot shall be used. The results of such election shall be tabulated by the proper election officers of each county and duly certified to the Secretary of the Commonwealth.

Section 2. Convention: Membership; Qualifications; Vacancies.--(a) If a majority of the electors voting upon the question shall favor the holding of a constitutional convention with limited powers, a convention shall be called by the Governor. It shall consist of one hundred sixty-three members. Three district delegates shall be elected from each senatorial district, all as hereinafter provided. Each elector in each

such district may vote for not more than two candidates for the office of delegate. The three candidates receiving the highest number of votes shall be elected to the office of delegate. In addition, the Lieutenant Governor, the President Pro Tempore of the Senate, the Majority Leader of the Senate, the Majority Whip of the Senate, the Minority Leader of the Senate, the Minority Whip of the Senate, the Minority Caucus Chairman of the Senate, the Speaker of the House, the Majority Leader of the House, the Majority Whip of the House, the Minority Leader of the House, the Minority Whip of the House and the Minority Caucus Chairman of the House shall be members ex officio of the convention and shall have the powers of elected delegates.

(b) Delegates shall be at least twenty-one years of age and shall have been citizens and residents of the State for at least four years. Delegates shall have resided in and been a registered elector of their respective senatorial districts one year next before their election, and shall reside in their respective senatorial districts during their terms of service.

(c) In case of a vacancy in the office of delegate occurring after the municipal election, if the member is an ex officio member, the vacancy shall be filled by the person assuming such office; if the member was nominated in accordance with subsection (a) of section 3 of this act, the remaining delegates of that political party shall elect a successor meeting the qualification prescribed in subsection (b) of section 2 of this act, and if the member was nominated in accordance with subsection (b) of section 3 of this act, all the remaining delegates shall elect a successor meeting the qualification prescribed in subsection (b) of section 2 of this act.

Section 3. Nomination of Delegates; Withdrawals.--(a) The county committee or committees of each political party in each senatorial district shall collectively nominate two candidates for the office of delegates in accordance with party rules and the names of the nominees submitted to the Secretary of the Commonwealth who shall certify the names of the nominees to the County Board of Election as provided by law not later than sixty days preceding the municipal election in 1967.

(b) Subject to the limitations upon the number in this act applicable to political parties, candidates may also be nominated by political bodies by petition in the form prescribed by the Secretary of the Commonwealth and shall be signed by at least five hundred qualified electors of the senatorial district.

(c) Such petitions shall be filed in the office of the Secretary of the Commonwealth not later than the fifteenth day of September, 1967. A filing fee of twenty-five dollars (\$25) shall be paid by each candidate to the Secretary of the Commonwealth by certified check or money order.

Any elector may sign not more than two nomination petitions for delegate to represent his district. Every signer of a nomination petition shall state his occupation and residence, giving city, borough or township, with street and number, if any, and that he is a qualified elector of the district named, and shall add the date of signing, expressed in words or numbers. No nomination petition shall be circulated prior to twenty days before the last day on which said petition may be filed, and no signature shall be counted unless it bears date within twenty days of the last day of filing the same.

Nomination petitions may be on one or more sheets and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing, if they are intended to

constitute one petition, and each sheet shall be numbered consecutively at the foot of each page, beginning with number one.

Each sheet shall have appended thereto the affidavit of the person who circulated it setting forth: (i) that such person is a qualified elector of the senatorial district named in the petition; (ii) his or her residence giving city, borough or township, with street and number, if any; (iii) that the signers thereto signed with aforeknowledge of the contents of the petition; (iv) that their respective residences are correctly stated therein; (v) that each signer resides in the district named in the affidavit; (vi) that each signed on the date set opposite his name; and (vii) that to the best of affiant's knowledge and belief the signers are qualified electors of the district.

(d) Each candidate for delegate shall file with the Secretary of the Commonwealth an affidavit stating: (i) his residence with street and number, if any, and his post office address; (ii) that he is eligible for the office of delegate to the constitutional convention; (iii) that if elected he will faithfully observe the limitations and requirements imposed upon the convention by this act; and (iv) that he has been a citizen and resident of this Commonwealth for at least four years and has been a registered elector in the district which he seeks to represent for at least one year.

(e) Any candidate for election as a delegate to the convention may withdraw his name as a candidate by a request in writing, signed by him and acknowledged before an officer empowered to administer oaths, filed in the office of the Secretary of the Commonwealth not later than 5:00 P. M. on the fifth day next succeeding the last day for filing nomination petitions. In the event of the death or withdrawal of a candidate occurring prior to the time prescribed by this clause (e), substitute nominations shall be made in accordance with the provisions of section 3 of this act.

Section 4. Election of Delegates.--Elections for delegates to the limited constitutional convention, if approved by the electorate, shall be held at the municipal election in the year 1967. The Secretary of the Commonwealth shall forward to the County Board of Elections of each county the names of the candidates for delegate to the constitutional convention. Each elector voting at the municipal election shall be entitled to vote for two candidates for delegate from his district. The three candidates receiving the highest number of votes in each district shall be the elected delegates of that district. The County Board of Elections shall on or before November 17 make to the Secretary of the Commonwealth the proper certification of returns of votes cast for the candidates for election for the office of delegate to the constitutional convention. The Secretary of the Commonwealth shall not later than November 24 certify to the Governor the names of the delegates elected to the convention. In the case of a tie vote the election shall be determined in accordance with the provisions of section 1418 of the Pennsylvania Election Code.

Section 5. Preparatory Committee; Appropriation.--The Lieutenant Governor, the President Pro Tempore of the Senate, the Majority Leader of the Senate, the Majority Whip of the Senate, the Minority Leader of the Senate, the Minority Whip of the Senate, the Minority Caucus Chairman of the Senate, the Speaker of the House, the Majority Leader of the House, the Majority Whip of the House, the Minority Leader of the House, the Minority Whip of the House and the Minority Caucus Chairman

of the House shall constitute a Preparatory Committee to make arrangements for the convention.

The committee shall have authority immediately following an affirmative vote by the electorate on the question of holding a constitutional convention to lease or otherwise obtain suitable meeting and office space, to purchase or lease office supplies, equipment, books and other publications and other materials necessary for the work of the convention and to hire or engage such secretaries, technical assistants, printers and other employes or consultants as may be deemed necessary for the preparatory work of the convention. The committee shall initiate any studies, inquiries, surveys or analyses it may deem relevant through its own personnel or in cooperation with any public or private agencies, including institutes, universities, foundations or research organizations. In so doing, the committee may hold public or private hearings. It may issue subpoenas under the hand and seal of its chairman commanding any person to appear before it and to answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects or refuses to testify before the committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such case. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. The committee may request and shall receive from any department, division, board, bureau, commission or agency of the State or any political subdivision thereof such facilities, assistance and data as it deems necessary or desirable to carry out properly its powers and duties. The committee is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the provisions of this act. The committee shall also prepare budgets for the holding of the constitutional convention. Such recommended budgets shall be submitted to the General Assembly in sufficient time for the General Assembly to pass the necessary appropriation acts. The members of the committee shall receive no compensation for their service but shall be allowed their actual and necessary expenses incurred in the performance of their duties. The authority of the Preparatory Committee shall expire on December 1, 1967 at 12:00 noon, except to sign documents necessary to obtain payments from the State Treasury for any commitments made under the authority of this section prior to December 1, 1967 and to submit any report to the constitutional convention. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated to the Preparatory Committee for the purposes set forth in this section.

Section 6. Organization of Convention.--The convention shall convene in the Hall of the House of Representatives at Harrisburg, Dauphin County, Pennsylvania, on December 1, 1967, at 12:00 noon. The constitutional convention shall be called to order by the Governor. The Secretary of the Commonwealth shall certify the returns of the elections for delegates to the constitutional convention and issue certificates of election to those elected. The Chief Justice of the Supreme Court of Pennsylvania or his appointee shall then administer the oath of office in the following form: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution

of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity."

The convention shall then organize by electing from among its delegates a president, secretary and such other officers as shall be necessary for the transaction of its business. It shall determine the rules of its own proceedings and shall be the final judge of the qualifications of its own delegates. It shall also determine rules for the conduct of its delegates and provide for the censure, suspension or removal of a delegate, if necessary.

The delegate 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 convention and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

In addition to any powers provided in this section, the convention shall have all of the powers given to the Preparatory Committee in section 5 of this act.

The convention shall also have the power to adjourn from time to time and to meet at such appropriate places in the City of Harrisburg as it shall determine.

It shall conclude its session sine die not later than the twenty-ninth day of February, 1968.

Section 7. Substantive Powers of the Convention; Limitations; Mandatory Duties of the Convention.--(a) Except as hereinafter provided in subsection (b), the constitutional convention shall have the power by a vote of a majority of the one hundred sixty-three to make recommendations to the electorate on the following subjects only (i) Legislative Apportionment (now covered by sections 16, 17 and 18 of Article II of the Constitution), (ii) Judicial Administration, Organization, Selection and Tenure (now covered in part by Article V of the Constitution), (iii) Local Government (now covered by Articles XIII, XIV and XV, and part of Article IX of the Constitution), (iv) Taxation and State Finance (now covered by part of Article IX of the Constitution) and (v) any amendment proposed but not approved at the May 1967 primary.

(b) The convention shall not consider or include in its recommendations any proposal which clearly permits or prohibits the imposition of a graduated income tax by the Commonwealth or any of its political subdivisions nor shall that part of Article IX, Section 1 of the Constitution providing that: "All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general law . . ." be modified, altered or changed in any respect whatsoever, nor to Article IX, Section 18 relating to the Motor License Fund.

(c) In dealing with the subject matter as prescribed by this section, the convention may recommend the transfer to another article of any provision contained in those articles, or it may recommend its modification, deletion, repeal, the substitution of an entirely new provision or its continuation without change.

(d) The convention shall make its recommendations regarding legislative apportionment as a replacement for the existing sections 16, 17 and 18 of Article II of the Constitution, and shall arrange its recommendations on the other subjects assigned to it in separate articles.

(e) The convention's recommendations on any of the articles shall not be numbered. If approved by the electors these articles shall be numbered by the Governor as provided in Act No. 180 approved the 17th day of August 1965.

Section 8. Manner of Submitting Proposals to the Electorate.--(a) The recommendations of the constitutional convention shall be submitted to the electorate separately as determined by the convention. The replacements may be in any number of sections which the convention deems suitable. The convention shall also frame the ballot questions which shall bring before the electorate the recommendations of the convention. There shall be no less than one separate question for each of the articles to be recommended by the convention and another question for the amendment on legislative apportionment.

(b) The changes proposed, together with the questions framed by the convention, shall be certified by the president and secretary of the convention to the Secretary of the Commonwealth not later than the seventh day of March, 1968. The Secretary of the Commonwealth shall advertise the proposals of the convention in at least two newspapers of general circulation, if there are such, in every county of this Commonwealth once during the first week in April, 1968. He shall also publish the Constitution showing the changes proposed by the convention in convenient form and send a copy thereof to each elector requesting it, and ten copies thereof through the County Board of Elections to each polling place for the use of the voters during the election.

Section 9. Submission of Proposals to the Electorate; Proclamation by the Governor of the Results.--The recommendations of the constitutional convention shall be submitted to the electors for their approval or rejection on a separate ballot at the primary held in April, 1968. In districts where voting machines are used, the question may appear on the face of the machine where the machine is properly equipped for such purpose; otherwise a separate printed ballot shall be used. A majority vote of the electors voting thereon shall be necessary for the adoption of any of the recommendations of the convention. If adopted, any recommendation shall become effective as provided therein or by the schedule attached thereto. The Governor, upon receipt from the Secretary of the Commonwealth of a certificate of the results of the election, shall immediately make proclamation thereof.

Section 10. Expenses of Members of the Convention.--Except for members of the General Assembly, officers and employes of the Commonwealth, the members of the constitutional convention shall each receive the total sum of twenty-five hundred dollars (\$2500) for expenses in four equal installments, three of which shall be payable on December 15, 1967, January 15, February 15, 1968 and the fourth on the day when the convention adjourns finally. In addition, the members of the convention shall receive an allowance for travelling expenses of ten cents (10¢) per circular mile per week, computed on the same basis as travelling expenses for State Senators, payable monthly. The members of the General Assembly, officers and employes of the Commonwealth shall be reimbursed only for expenses actually incurred in attendance as delegates, unless the same are otherwise paid by the Commonwealth.

Section 11. Registration of Lobbyists.--Any natural person who is employed or engaged for compensation, by any other person or any partnership, committee, association, corporation or any other organization, to advocate passage or defeat of proposals

of the constitutional convention or of any of its delegates shall, before beginning such activities, submit to the secretary of the convention a registration statement made under oath or affirmation before an officer authorized by law to administer oaths setting forth the name and business address of the lobbyist, the name and address of the person, partnership, committee, association, corporation or other organization by whom he is employed or engaged, the name and address of the person, partnership, committee, association, corporation or other organization in whose interest he will advocate the passage or defeat of proposals of the convention and the duration of his employment. Whenever any of the facts required herein change, the lobbyist shall file a revised statement.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo imprisonment not exceeding one year, or both.

Section 12. Conventions Open to the Public.--Sessions of the convention as a whole shall be open to the public.

Section 13. Effective Date.--This act shall take effect immediately.