
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 291 Session of
2007

INTRODUCED BY FERLO, FONTANA, RAFFERTY, GREENLEAF, O'PAKE,
PIPPY, EARLL, BROWNE, BOSCOLA AND BRUBAKER, MARCH 9, 2007

REFERRED TO STATE GOVERNMENT, MARCH 9, 2007

AN ACT

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

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the
10 Constitutional Convention Act of 2007.

11 Section 2. Definitions.

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

15 "Candidate." An individual seeking to become an elected
16 delegate.

17 "Committee." The Preparatory Committee established in
18 section 8.

19 "Convention." The Constitutional Convention authorized by
20 this act.

21 "County board." A county board of elections.

22 "Delegate." A delegate to the convention. The term includes
23 an elected delegate and an ex officio delegate.

24 "Elected delegate." A delegate who is elected to the
25 convention under section 4(b)(1).

26 "Ex officio delegate." A delegate to the convention under
27 section 4(b)(2).

28 "Secretary." The Secretary of the Commonwealth.

29 Section 3. Referendum.

30 (a) Question.--At the primary election in April 2007, the

1 following question shall be submitted to the electorate of this
2 Commonwealth to determine its will regarding a constitutional
3 convention with limited powers:

4 Shall a constitutional convention be called in accordance
5 with and subject to the limitations and requirements
6 contained in the Constitutional Convention Act of 2007,
7 to prepare for submission to the electorate proposals for
8 the revision of the following provisions of the
9 Constitution of Pennsylvania as provided in section 10 of
10 the Constitutional Convention Act of 2007:

11 sections 4, 8 and 16 of Article II;

12 sections 4, 13 and 26 of Article III;

13 section 16 of Article V?

14 (b) Election.--The secretary shall certify questions to the
15 county boards of elections. The election shall be conducted in
16 accordance with the act of June 3, 1937 (P.L.1333, No.320),
17 known as the Pennsylvania Election Code.

18 (c) Secretary.--If a majority of the electors voting on the
19 question under subsection (a) vote in the affirmative, the
20 secretary shall transmit notice of the vote to the Legislative
21 Reference Bureau for publication as a notice in the Pennsylvania
22 Bulletin.

23 Section 4. Convention; membership; qualifications; vacancies.

24 (a) Call.--If a majority of the electors voting upon the
25 question under section 3(a) vote in the affirmative, a
26 convention shall be called by the Governor.

27 (b) Delegates.--The convention shall consist of the
28 following delegates:

29 (1) Three delegates shall be elected from each
30 senatorial district. Each elector in each senatorial district

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

4 (2) The following shall be ex officio delegates and
5 shall have 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 Chairman 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 Chairman of the House of
23 Representatives.

24 (c) Qualifications.--An elected delegate must meet the
25 following qualifications:

26 (1) Be at least 18 years of age.

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

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

preceding election.

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

(d) Expenses.--Elected delegates shall be entitled to reimbursement for reasonable expenses incurred in the performance of their duties.

Section 5. Nomination of elected delegates; withdrawals.

(a) Political parties.--The county committee of each political party in each senatorial district shall collectively nominate two candidates in accordance with party rules and the names of the nominees submitted to the secretary. The secretary shall certify the names of the nominees to the county board as provided by law not later than September 29, 2007.

(b) Political bodies.--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 accordance with the following:

(1) The secretary shall prescribe the form of the petition.

(2) A petition must be signed by at least 500 qualified electors of the senatorial district in accordance with the following:

(i) An elector may not sign more than two nomination petitions.

(ii) A signer must state occupation and residence, giving city, borough or township, with street and number, and that the signer is a qualified elector of the district. The signature must be dated.

(iii) A petition may not be circulated prior to August 25, 2007. A signature shall not be counted unless

1 it bears a date later than August 24, 2007.

2 (iv) A petition may be on one or more sheets.
3 Different sheets must be used for signers resident in
4 different counties. If more than one sheet is used, the
5 sheets must be bound together when offered for filing if
6 they are intended to constitute one petition, and each
7 sheet must be numbered consecutively at the foot of each
8 page, beginning with number one. Each sheet must have
9 appended to it the affidavit of the individual who
10 circulated it setting forth:

11 (A) that the individual is a qualified elector
12 of the senatorial district named in the petition;

13 (B) the individual's residence, giving city,
14 borough or township, with street and number;

15 (C) that the signers to the petition signed with
16 knowledge of the contents of the petition;

17 (D) that the residences of the signers are
18 correctly stated;

19 (E) that each signer resides in the district
20 named in the affidavit;

21 (F) that each signer signed on the date set
22 forth; and

23 (G) that, to the best of the affiant's knowledge
24 and belief, the signers are qualified electors of the
25 district.

26 (3) A petition must be filed in the office of the
27 secretary by September 15, 2007. A filing fee of \$100 must be
28 paid by the candidate by certified check or money order.

29 (c) Candidate's affidavit.--A candidate must file with the
30 secretary an affidavit stating all of the following:

1 (1) The candidate's residence with street and number and
2 post office address.

3 (2) That the candidate is eligible for the office of
4 elected delegate to the constitutional convention.

5 (3) That, if elected, the candidate will faithfully
6 observe the limitations and requirements imposed upon the
7 convention by this act.

8 (4) That the candidate meets the qualifications under
9 section 4(c).

10 (d) Withdrawal.--A candidate may withdraw as a candidate as
11 follows:

12 (1) Make a request in writing. The request must be
13 signed by the candidate and acknowledged before an officer
14 empowered to administer oaths.

15 (2) File the request in the office of the secretary by 5
16 p.m. on September 22, 2007.

17 Section 6. Elected delegates.

18 Elections for elected delegates shall be held at the
19 municipal election in November 2007. The secretary shall forward
20 to each county board the names of the candidates. Each elector
21 voting at the municipal election shall be entitled to vote for
22 two candidates from the elector's senatorial district. The three
23 candidates receiving the highest number of votes in each
24 district shall be the elected delegates of that district. In the
25 case of a tie vote, the election shall be determined in
26 accordance with the provisions of section 1418 of the act of
27 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
28 Election Code. The county board shall, by November 15, 2007,
29 certify the return to the secretary. The secretary shall, by
30 November 22, 2007, certify to the Governor the names of the

1 elected delegates.

2 Section 7. Vacancies.

3 (a) Candidate.--In the event of the death or withdrawal of a
4 candidate occurring prior to September 29, 2007, a substitute
5 nomination shall be made under section 5.

6 (b) Elected delegate.--In the event of a vacancy in the
7 office of the elected delegate, a successor shall be elected as
8 follows:

9 (1) If the elected delegate was nominated under section
10 5(a), the remaining delegates of that political party shall
11 elect a successor who meets the qualifications under section
12 4(c). The secretary shall prescribe appropriate time
13 limitations.

14 (2) If the elected delegate member was nominated under
15 section 5(b), all of the remaining delegates shall elect a
16 successor meeting the qualifications under section 4(c).

17 Section 8. Preparatory Committee.

18 (a) Membership.--Ex officio delegates shall constitute the
19 Preparatory Committee to make arrangements for the convention.

20 (b) Meeting organization.--Upon certification by the
21 secretary of the results of the referendum election under
22 section 3, the committee shall have the following powers and
23 duties:

24 (1) To lease or otherwise obtain suitable meeting and
25 office space and to purchase or lease supplies, equipment,
26 publications and other materials necessary for the work of
27 the convention.

28 (2) To hire or engage staff necessary for the
29 preparatory work of the convention.

30 (3) To initiate relevant studies through its own

1 personnel or in cooperation with any public or private
2 agencies.

3 (4) To hold public hearings.

4 (5) To enter into contracts.

5 (6) To receive from Commonwealth agencies and political
6 subdivisions and local agencies assistance necessary or
7 desirable to carry out properly the powers and duties under
8 this subsection.

9 (7) To submit a budget for the convention to the General
10 Assembly in sufficient time for the General Assembly to pass
11 the necessary appropriation acts.

12 (8) To do other acts necessary to carry out the powers
13 and duties under this subsection.

14 Section 9. Organization of convention.

15 (a) Convening.--

16 (1) The convention shall convene in the hall of the
17 House of Representatives on December 1, 2007, at 12 noon.

18 (2) The convention shall be called to order by the
19 Governor.

20 (3) The secretary shall certify the returns of the
21 elections for elected delegates and issue certificates of
22 election.

23 (4) The Chief Justice of the Supreme Court or a designee
24 of the Chief Justice shall then administer the oath of office
25 in the following form:

26 I do solemnly swear (or affirm) that I will support, obey
27 and defend the Constitution of the United States and the
28 Constitution of Pennsylvania, and that I will discharge
29 the duties of my office with fidelity.

30 (b) Organization.--

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

3 (2) The convention shall organize by electing from among
4 its delegates a president, secretary and other officers.

5 (3) The convention shall prescribe rules for:

6 (i) procedure; and

7 (ii) conduct of its delegates, including censure,
8 suspension or removal.

9 (c) Immunity.--

10 (1) A delegate shall in all cases, except treason,
11 felony, violation of oath of office and breach of the peace,
12 be privileged from arrest during attendance and travel to and
13 from the convention.

14 (2) A delegate shall not be questioned in any other
15 place for any speech or debate in the convention.

16 (d) Sine die adjournment.--The convention shall adjourn sine
17 die on February 28, 2008.

18 Section 10. Function.

19 (a) Scope.--The convention has the power, by a vote of a
20 majority of delegates, to make recommendations to the electorate
21 on the following subjects only:

22 (1) Section 4 of Article II of the Constitution of
23 Pennsylvania, pertaining to sessions and special sessions of
24 each elected legislature.

25 (2) Section 8 of Article II of the Constitution of
26 Pennsylvania, pertaining to compensation of members of the
27 General Assembly.

28 (3) Section 16 of Article II of the Constitution of
29 Pennsylvania, pertaining to number of legislative districts.

30 (4) Section 4 of Article III of the Constitution of

1 Pennsylvania, pertaining to legislative consideration of
2 bills.

3 (5) Section 13 of Article III of the Constitution of
4 Pennsylvania, pertaining to limitations on members with a
5 personal interest from voting on certain bills.

6 (6) Section 26 of Article III of the Constitution of
7 Pennsylvania, pertaining to compensation of public officers.

8 (7) Section 16 of Article V of the Constitution of
9 Pennsylvania, pertaining to the compensation and retirement
10 of justices, judges and justices of the peace, also known as
11 district judges.

12 (b) Limitations.--The convention shall not consider or
13 include in its recommendations any of the following:

14 (1) A proposal which clearly permits or prohibits the
15 imposition of a graduated income tax by the Commonwealth or
16 any of its political subdivisions. Section 1 of Article VIII
17 of the Constitution of Pennsylvania providing that: "All
18 taxes shall be uniform, upon the same class of subjects,
19 within the territorial limits of the authority levying the
20 tax, and shall be levied and collected under general laws."
21 shall not be modified, altered or changed in any respect
22 whatsoever.

23 (2) Section 11 of Article VIII of the Constitution of
24 Pennsylvania as it pertains to the Motor License Fund.

25 (c) Reorganization.--In dealing with the subject matter
26 under subsection (a), the convention may recommend amendment,
27 deletion, transfer or continuation without change.

28 Section 11. Manner of submitting proposals to electorate.

29 (a) Convention.--

30 (1) The recommendations of the convention shall be

1 submitted to the electorate as determined by the convention.

2 (2) The convention shall frame the ballot questions.

3 (b) Certification.--The changes proposed and the ballot
4 questions shall be certified by the president and secretary of
5 the convention to the secretary by February 28, 2008.

6 Section 12. Submission to electorate.

7 (a) Secretary.--

8 (1) The secretary shall advertise the proposals of the
9 convention in at least two newspapers of general circulation
10 in every county once during the last week in March 2008.

11 (2) The secretary shall publish the Constitution of
12 Pennsylvania showing the changes proposed by the convention
13 in convenient form.

14 (3) The secretary shall send ten copies of the
15 publication under paragraph (2) to each county board.

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

18 (b) County boards.--A county board shall make the
19 publication under subsection (a)(4) available at each polling
20 place.

21 (c) Election.--

22 (1) The recommendations of the convention shall be
23 submitted to the electors for their approval or rejection at
24 the primary election of 2008.

25 (2) A majority vote of the electors voting in the
26 election is necessary for the adoption of the recommendations
27 of the convention.

28 (d) Certification.--The secretary shall certify the results
29 of the election.

30 Section 13. Lobbying.

1 The provisions of 65 Pa.C.S. Ch. 13 (relating to lobby
2 regulation and disclosure) apply to the convention.

3 Section 14. Convention open to public.

4 Sessions of the convention as a whole shall be open to the
5 public.

6 Section 15. Appropriation.

7 The sum of \$1,000,000, or as much thereof as may be
8 necessary, is hereby appropriated to the Preparatory Committee
9 for the fiscal year July 1, 2007, to June 30, 2008, to carry out
10 the provisions of this act.

11 Section 16. Effective date.

12 This act shall take effect as follows:

13 (1) Section 15 shall take effect upon publication of the
14 notice under section 3(c).

15 (2) The remainder of this act shall take effect
16 immediately.