THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 116 Session of 1991

INTRODUCED BY LANGTRY, LEVDANSKY, D. W. SNYDER, SCHEETZ, FOX, FAIRCHILD, TIGUE, DeLUCA, PESCI, BUNT, KREBS, MELIO, ROBINSON, PHILLIPS, ULIANA, BROUJOS, KRUSZEWSKI, CAWLEY, ANDERSON AND HANNA, JANUARY 29, 1991

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2   of Pennsylvania, authorizing initiative and referendum.

3   The General Assembly of the Commonwealth of Pennsylvania

4 hereby resolves as follows:

5   Section 1. The following amendment to the Constitution of

6 Pennsylvania is proposed in accordance with Article XI:

7   That Article III be amended by adding a subdivision to read:

8   ARTICLE III

9   LEGISLATION

10   * * *

11   F. INITIATIVE AND REFERENDUM

12 § 33. Initiative.

13   (a) The legislative power of the Commonwealth shall be

14 vested in the Senate and House of Representatives, but the

15 people reserve to themselves the power to propose laws and

16 amendments to the Constitution, and to adopt or reject the same

1 at the polls, independent of the General Assembly. The people

2 also reserve the power, at their own option, to so adopt or

3 reject a statute, or section or part of a statute, passed by the

4 General Assembly.

5 (b) An initiative is the power of the electors to propose

6 statutes and amendments to the Constitution and to adopt or

7 reject them.

8 (c) An initiative measure may be proposed by presenting to

9 the Secretary of the Commonwealth a petition that sets forth the

10 text of the proposed statute or amendment to the Constitution

11 and is certified to have been signed by electors equal in number

12 to 7%, in the case of a statute, and 10%, in the case of an

13 amendment to the Constitution, of the votes for all candidates

14 for Governor at the last gubernatorial election.

15 (d) The Secretary of the Commonwealth shall submit the

16 measure at the next general election held at least 131 days

17 after the measure qualifies or at a special statewide election

18 held prior to that general election. The Governor may call a

19 special statewide election for the measure.

20 (e) An initiative measure embracing more than one subject

21 may not be submitted to the electors or have any effect.

22 § 34. Referendum.

23 (a) A referendum is the power of the electors to approve or

24 reject statutes or parts of statutes, except emergency statutes,

25 statutes calling elections and statutes providing for tax levies

26 or appropriations for usual current expenses of the

27 Commonwealth.

28 (b) A referendum measure may be proposed by presenting to

29 the Secretary of the Commonwealth, within 60 days after

30 adjournment of the regular session at which the statute was

1 passed or within 90 days after adjournment of the special

2 session at which the statute was passed, a petition certified to

3 have been signed by electors equal in number to 7% of the votes

4 for all candidates for Governor at the last gubernatorial

5 election, asking that the statute or part of it be submitted to

6 the electors.

7   (c) The Secretary of the Commonwealth shall then submit the

8 measure at the next general election held at least 31 days after

9 the measure qualifies or at a special statewide election held

10 prior to that general election. The Governor may call a special

11 statewide election for the measure.

12 § 35. Initiative and referendum.

13   (a) An initiative statute or referendum approved by a

14 majority of votes thereon takes effect five days after the date

15 of the official certification of the vote by the Secretary of

16 the Commonwealth unless the measure provides otherwise. If a

17 referendum petition is filed against a part of a statute, the

18 remainder of the statute shall not be delayed from going into

19 effect.

20   (b) If provisions of two or more measures approved at the

21 same election conflict, those of the measure receiving the

22 highest affirmative vote shall prevail.

23   (c) Except as provided in this section, the General Assembly

24 may amend or repeal referendum statutes. It may amend or repeal

25 an initiative statute by another statute that becomes effective

26 only when approved by the electors unless the initiative statute

27 permits amendment or repeal without their approval. An

28 initiative statute or referendum shall not be amended or

29 repealed when it was adopted by a vote of a number of electors

30 equal to a majority of the electors registered to vote at the

1 preceding gubernatorial election and any other initiative

2 statute or referendum shall not be amended or repealed within

3 two years of its approval except upon the approval of two-thirds

4 of the members elected to the Senate and the House of

5 Representatives.

6   (d) The veto power of the Governor shall not extend to an

7 initiative or referendum statute approved by the electors.

8   (e) Prior to the circulation of an initiative or referendum

9 petition for signatures, a copy shall be submitted to the

10 Attorney General who shall prepare a title and summary of the

11 measure.

12   (f) The General Assembly shall provide the manner in which

13 petitions shall be circulated, presented and certified and the

14 manner in which measures shall be submitted to the electors.

15 § 36. Local initiative and referendum.

16   Initiative and referendum powers may be exercised by the

17 electors of each municipality under procedures that the General

18 Assembly shall provide.

19 § 37. Prohibition against naming private corporation or

20   individual to office.

21   An amendment to the Constitution and a statute proposed to

22 the electors by the General Assembly or by initiative, that

23 names an individual to hold an office or names or identifies a

24 private corporation to perform a function or to have a power or

25 duty, shall not be submitted to the electors or have any effect.