

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2130 Session of  
1998

INTRODUCED BY LLOYD, TULLI, BELFANTI, CURRY, DALLY, GORDNER,  
HENNESSEY, HORSEY, MANDERINO, MELIO, PISTELLA, RAMOS,  
SCRIMENTI, VAN HORNE AND C. WILLIAMS, JANUARY 22, 1998

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 22, 1998

AN ACT

1 Providing for a constitutional convention with limited powers,  
2 for a referendum on the question, for the selection,  
3 nomination and election of delegates and for a preparatory  
4 committee; defining the powers and duties of the convention;  
5 providing for its operation; conferring powers and imposing  
6 duties on 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.

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

12 Section 1. Referendum.

13 At the municipal election in November 1998 the following  
14 question shall be submitted to the electorate of this  
15 Commonwealth to determine its will regarding a constitutional  
16 convention with limited powers:

17 Shall a constitutional convention be called in accordance  
18 with and subject to the limitations and requirements  
19 contained in the act of (P.L. , No. ),  
20 known as the , to prepare for  
21 submission to the electorate proposals for the revision

1 of Article V of the Constitution of Pennsylvania?

2 YES NO

3 Proceedings under this section shall be in the manner and  
4 subject to the provisions of the act of June 3, 1937 (P.L.1333,  
5 No.320), known as the Pennsylvania Election Code, which relate  
6 to the conducting of elections by official ballots, voting  
7 machines and electronic voting systems.

8 Section 2. Convention; membership, qualifications and  
9 vacancies.

10 (a) Convention.--If a majority of the electors voting upon  
11 the question shall favor the holding of a constitutional  
12 convention with limited powers, a convention shall be called by  
13 the Governor. The convention shall consist of 163 members. Three  
14 district delegates shall be elected from each senatorial  
15 district, all as provided in this act. Each elector in each  
16 district may vote for not more than two candidates for the  
17 office of delegate. The three candidates receiving the highest  
18 number of votes shall be elected to the office of delegate. In  
19 addition, the Lieutenant Governor, the President pro tempore of  
20 the Senate, the Majority Leader of the Senate, the Majority Whip  
21 of the Senate, the Minority Leader of the Senate, the Minority  
22 Whip of the Senate, the Minority Caucus Chairman of the Senate,  
23 the Speaker of the House of Representatives, the Majority Leader  
24 of the House of Representatives, the Majority Whip of the House  
25 of Representatives, the Minority Leader of the House of  
26 Representatives, the Minority Whip of the House of  
27 Representatives and the Minority Caucus Chairman of the House of  
28 Representatives shall be members ex officio of the convention  
29 and shall have the powers of elected delegates.

30 (b) Qualifications of delegates.--Delegates shall be at

1 least 21 years of age and shall have been citizens and residents  
2 of this Commonwealth for at least four years. Delegates shall  
3 have resided in and been a registered elector of their  
4 respective senatorial districts one year next before their  
5 election and shall reside in their respective senatorial  
6 districts during their terms of service.

7 (c) Vacancies.--In case of a vacancy in the office of  
8 delegate occurring after the municipal election, if the member  
9 is an ex officio member, the vacancy shall be filled by the  
10 person assuming such office; if the member was nominated in  
11 accordance with section 3(a), the remaining delegates of that  
12 political party shall elect a successor meeting the  
13 qualifications prescribed in section 3(b); and if the member was  
14 nominated in accordance with section 3(b), all the remaining  
15 delegates shall elect a successor meeting the qualifications  
16 prescribed in subsection (b).

17 Section 3. Nomination of delegates.

18 (a) Nomination by electorate.--If a limited constitutional  
19 convention is approved by the electorate, the candidates for the  
20 office of delegate shall be nominated by the electors of each  
21 political party in the primary election of 1999. Each elector  
22 voting in the primary election of a political party in 1999  
23 shall vote for no more than two candidates.

24 (b) Nomination by political body.--Two candidates may also  
25 be nominated in each senatorial district by political bodies in  
26 the manner in which political bodies may nominate candidates for  
27 the office of senator in the General Assembly.

28 (c) Conduct of proceedings.--Proceedings under this section  
29 shall be in the manner and subject to the provisions of the act  
30 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania

1 Election Code, which relate to the nomination of candidates.

2 Section 4. Election of delegates.

3 Elections for delegates to the limited constitutional  
4 convention shall be held at the municipal election in the year  
5 1999. Each elector voting at the municipal election shall be  
6 entitled to vote for two candidates for delegate from his  
7 district. The three candidates receiving the highest number of  
8 votes in each district shall be the elected delegates of that  
9 district. The county board of elections shall make to the  
10 Secretary of the Commonwealth, as provided by law, the proper  
11 certification of returns of votes cast for the candidates for  
12 election for the office of delegate to the constitutional  
13 convention. The Secretary of the Commonwealth shall, not later  
14 than November 30, 1999, certify to the Governor the names of the  
15 delegates elected to the convention. In the case of a tie vote,  
16 the election shall be determined in accordance with the  
17 provisions of section 1418 of the act of June 3, 1937 (P.L.1333,  
18 No.320), known as the Pennsylvania Election Code.

19 Section 5. Preparatory committee; appropriation.

20 (a) Establishment.--The Lieutenant Governor, the President  
21 pro tempore of the Senate, the Majority Leader of the Senate,  
22 the Majority Whip of the Senate, the Minority Leader of the  
23 Senate, the Minority Whip of the Senate, the Minority Caucus  
24 Chairman of the Senate, the Speaker of the House of  
25 Representatives, the Majority Leader of the House of  
26 Representatives, the Majority Whip of the House of  
27 Representatives, the Minority Leader of the House of  
28 Representatives, the Minority Whip of the House of  
29 Representatives and the Minority Caucus Chairman of the House of  
30 Representatives shall constitute a preparatory committee to make

1 arrangements for the convention.

2 (b) Powers and duties of committee.--The committee shall  
3 have authority immediately following an affirmative vote by the  
4 electorate on the question of holding a constitutional  
5 convention to lease or otherwise obtain suitable meeting and  
6 office space, to purchase or lease office supplies, equipment,  
7 books and other publications and other materials necessary for  
8 the work of the convention and to hire or engage secretaries,  
9 technical assistants, printers and other employees or  
10 consultants as may be deemed necessary for the preparatory work  
11 of the convention. The committee shall initiate any studies,  
12 inquiries, surveys or analyses it may deem relevant through its  
13 own personnel or in cooperation with any public or private  
14 agencies, including institutes, universities, foundations or  
15 research organizations. In so doing, the committee may hold  
16 public or private hearings. It may issue subpoenas under the  
17 hand and seal of its chairman 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 such books,  
20 papers, records and documents as the committee deems necessary.  
21 Such subpoenas may be served upon any person and shall have the  
22 force and effect of subpoenas issued out of the courts of this  
23 Commonwealth. Any person who willfully neglects or refuses to  
24 testify before the committee or to produce any books, papers,  
25 records or documents shall be subject to the penalties provided  
26 by the laws of this Commonwealth in such case. Each member of  
27 the committee shall have power to administer oaths and  
28 affirmations to witnesses appearing before the committee.

29 (c) Cooperation.--The committee may request and shall  
30 receive from any department, division, board, bureau, commission

1 or agency of this Commonwealth or any political subdivision  
2 thereof such facilities, assistance and data as it deems  
3 necessary or desirable to carry out properly its powers and  
4 duties. The committee is hereby authorized and empowered to make  
5 and sign any agreements and to do and perform any acts that may  
6 be necessary, desirable or proper to carry out the provisions of  
7 this act.

8 (d) Preparation of proposed convention budget.--The  
9 committee shall also prepare budgets for the holding of the  
10 constitutional convention. Such recommended budgets shall be  
11 submitted to the General Assembly in sufficient time for the  
12 General Assembly to pass the necessary appropriation acts.

13 (e) Compensation of committee.--The members of the committee  
14 shall receive no compensation for their service but shall be  
15 allowed their actual and necessary expenses incurred in the  
16 performance of their duties.

17 (f) Expiration of committee authority.--The authority of the  
18 preparatory committee shall expire on December 1, 1999, at 12  
19 noon, except to sign documents necessary to obtain payments from  
20 the State Treasury for any commitments made under the authority  
21 of this section prior to December 1, 1999, and to submit any  
22 report to the constitutional convention.

23 (g) Appropriation.--The sum of \$100,000 is hereby  
24 appropriated to the preparatory committee for the purposes set  
25 forth in this section.

26 Section 6. Organization of convention.

27 (a) Meeting site.--The convention shall convene in the hall  
28 of the House of Representatives at Harrisburg, Dauphin County,  
29 Pennsylvania, on December 1, 1999, at 12 noon. The  
30 constitutional convention shall be called to order by the

1 Governor. The Secretary of the Commonwealth shall certify the  
2 returns of the elections for delegates to the constitutional  
3 convention and issue certificates of election to those elected.  
4 The Chief Justice of the Supreme Court of Pennsylvania or his  
5 appointee shall then administer the oath of office in the  
6 following form:

7 I do solemnly swear (or affirm) that I will support, obey  
8 and defend the Constitution of the United States and the  
9 Constitution of Pennsylvania and that I will discharge  
10 the duties of my office with fidelity.

11 (b) Organization of convention.--The convention shall then  
12 organize by electing from among its delegates a president,  
13 secretary and such other officers as shall be necessary for the  
14 transaction of its business. It shall determine the rules of its  
15 own proceedings and shall be the final judge of the  
16 qualifications of its own delegates. It shall also determine  
17 rules for the conduct of its delegates and provide for the  
18 censure, suspension or removal of a delegate, if necessary.

19 (c) Privileges of members.--The delegates to the  
20 constitutional convention shall in all cases, except treason,  
21 felony, violation of their oath of office, and breach or surety  
22 of the peace, be privileged from arrest during their attendance  
23 at the session of the convention and in going to and returning  
24 from the same, and for any speech or debate in the convention  
25 they shall not be questioned in any other place.

26 (d) Powers of convention.--In addition to any powers  
27 provided in this section, the convention shall have all the  
28 powers given to the preparatory committee in section 5.

29 (e) Adjournment and meeting schedule.--The convention shall  
30 also have the power to adjourn from time to time and to meet at

1 such appropriate places in the City of Harrisburg, Pennsylvania,  
2 as it shall determine.

3 (f) Adjournment sine die.--The convention shall conclude its  
4 session sine die not later than the 30th day of June, 2000.

5 Section 7. Substantive powers of the convention; limitations,  
6 mandatory duties of convention.

7 (a) Proposals offered by convention.--The constitutional  
8 convention shall have the power by a majority vote of 163  
9 delegates to make recommendations to the electorate on the  
10 following subjects now covered in part by Article V of the  
11 Constitution of Pennsylvania.

12 (1) Method of selecting justices and judges.

13 (2) Campaign financing of elections of justices and  
14 judges.

15 (3) Staffing and financing of the unified judicial  
16 system.

17 (4) Rulemaking powers of the Supreme Court.

18 (5) Jurisdiction of the Supreme Court.

19 (b) Drafting considerations.--

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

26 (2) The convention's recommendations on any of the  
27 articles shall not be numbered. If approved by the electors  
28 these articles shall be numbered by the Governor in  
29 accordance with 1 Pa.C.S. § 904 (relating to governor to  
30 proclaim corrected numbering).



1 Section 8. Manner of submitting proposals to electorate.

2 (a) Proposals to be voted on separately.--The  
3 recommendations of the constitutional convention shall be  
4 submitted to the electorate separately as determined by the  
5 convention. The replacements may be in any number or sections  
6 which the convention deems suitable. The convention shall also  
7 frame the ballot questions which shall present to the electorate  
8 the recommendations of the convention.

9 (b) Certification of questions.--The changes proposed,  
10 together with the questions framed by the convention, shall be  
11 certified by the president and secretary of the convention to  
12 the Secretary of the Commonwealth no later than the first day of  
13 July, 2000. The Secretary of the Commonwealth shall advertise  
14 the proposals of the convention in at least two newspapers of  
15 general circulation, if there are such, in every county of this  
16 Commonwealth during the first week of August, 2000. The  
17 Secretary of the Commonwealth shall also publish the  
18 Constitution of Pennsylvania showing the changes proposed by the  
19 convention in convenient form and send a copy of it to each  
20 elector requesting it and ten copies through the county board of  
21 elections to each polling place for the use of the voters during  
22 the election.

23 Section 9. Submission of proposals to electorate; proclamation  
24 by Governor of results.

25 (a) Date of submission.--The recommendations of the  
26 constitutional convention shall be submitted to the electors for  
27 their approval or rejection on a separate ballot at the general  
28 election held in November 2000. A majority vote of the electors  
29 voting thereon shall be necessary for the adoption of any of the  
30 recommendations of the convention. If adopted, any

1 recommendation shall become effective as provided for or by the  
2 schedule attached to it. The Governor, upon receipt from the  
3 Secretary of the Commonwealth of a certificate of the results of  
4 the election, shall immediately make proclamation thereof.

5 (b) Conduct of election.--Proceedings under this section  
6 shall be in the manner and subject to the provisions of the act  
7 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
8 Election Code, which relate to official ballots, voting machines  
9 and electronic voting systems.

10 Section 10. Expenses of members of convention.

11 Except for members of the General Assembly and officers and  
12 employees of the Commonwealth, the members of the constitutional  
13 convention shall each receive a per diem for each day of  
14 attendance at a session or a committee meeting. The per diem  
15 shall be computed on the same basis as the per diem is computed  
16 for senators who attend a session of the Senate and for senators  
17 who attend a duly called meeting of a standing committee when  
18 the Senate is not in session. In addition, each member of the  
19 convention shall receive an allowance for travel to and from his  
20 residence at a rate established by the Senate for senators who  
21 attend a meeting of a standing committee when the Senate is not  
22 in session. The members of the General Assembly and officers and  
23 employees of the Commonwealth shall be reimbursed only for  
24 expenses actually incurred in attendance as delegates which are  
25 not otherwise paid by the Commonwealth.

26 Section 11. Registration of lobbyists.

27 (a) Registration.--Any natural person who is employed or  
28 engaged for compensation by any other person or any partnership,  
29 committee, association, corporation or any other organization to  
30 advocate passage or defeat of proposals of the constitutional

1 convention or of any of its delegates shall, before beginning  
2 such activities, submit to the secretary of the convention a  
3 registration statement made under oath or affirmation before an  
4 officer authorized by law to administer oaths setting forth the  
5 name and business address of the lobbyist, the name and address  
6 of the person, partnership, committee, association, corporation  
7 or other organization by which he is employed or engaged, the  
8 name and address of the person, partnership, committee,  
9 association, corporation or other organization in whose interest  
10 he will advocate the passage or defeat of proposals of the  
11 convention and the duration of his employment. Whenever any of  
12 the facts required in the statement change, the lobbyist shall  
13 file a revised statement.

14 (b) Penalty for violations.--Any person violating any of the  
15 provisions of this section commits a misdemeanor of the third  
16 degree and, upon conviction, shall be sentenced to pay a fine of  
17 not more than \$2,500 or to imprisonment of not more than one  
18 year, or both.

19 Section 12. Effective date.

20 This act shall take effect immediately.