

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1681

Session of
1999

INTRODUCED BY SERAFINI, CAWLEY, STABACK, EGOLF, FICHTER,
FREEMAN, HORSEY, HUTCHINSON, KREBS, McNAUGHTON, MELIO,
PLATTS, RAYMOND, ROBERTS, STEIL, STEVENSON AND WOGAN,
JUNE 15, 1999

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 15, 1999

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, authorizing the use of the initiative and
3 referendum as powers reserved to the people.

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

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That Article III be amended by adding a section to read:

9 § 33. Powers reserved to the people.

10 (a) (1) The legislative power of this Commonwealth shall be
11 vested in the Senate and the House of Representatives, but the
12 people reserve to themselves the power to propose statutes and
13 amendments to this Constitution and to adopt or reject them at
14 the polls, independent of the General Assembly.

15 (2) The initiative is the power of the electors to propose
16 statutes and amendments to this Constitution and to adopt or
17 reject them.

1 (3) An initiative measure may be proposed by presenting to
2 the Secretary of the Commonwealth a petition that sets forth the
3 text of the proposed statute or amendment to this Constitution
4 and is certified by the Secretary of the Commonwealth to have
5 been signed by registered electors equal in number to 10%, in
6 the case of the statute, or 10%, in the case of an amendment to
7 this Constitution, of the votes for all candidates for Governor
8 at the last gubernatorial election.

9 (4) Signatures on initiative petitions must be obtained from
10 registered electors equal in number to at least 5% of the votes
11 for all candidates for Governor at the last gubernatorial
12 election in each of 34 counties in this Commonwealth.

13 (5) The Secretary of the Commonwealth shall then submit the
14 measure to the Secretary of the Senate and the Chief Clerk of
15 the House of Representatives, who shall present the measure to
16 each respective chamber. The measure shall be introduced in the
17 respective chambers in bill form on the first session day after
18 the measure is submitted by the Secretary of the Commonwealth.

19 (i) If the measure is not signed into law by the Governor
20 within 120 days following its introduction into the General
21 Assembly, the Secretary of the Commonwealth shall submit the
22 measure at the next statewide general, municipal, primary or
23 special election. The election shall be held at least 75 days
24 following the 120-day time frame for enactment.

25 (ii) Within 120 days of enactment, any one of the initial
26 petitioners may petition the Commonwealth Court to determine if
27 the General Assembly has altered the measure to obscure or
28 substantially deviate from its original purpose. A decision on
29 the petition shall be rendered by the Commonwealth Court within
30 60 days of the filing of the petition. If the Commonwealth Court

determines that the General Assembly has substantially altered the measure, the Secretary of the Commonwealth shall then submit the measure at the next statewide general, municipal, primary or special election held at least 75 days after the decision of the court. If the Commonwealth Court fails to make a determination within 60 days, the Secretary of the Commonwealth shall submit the measure at the next statewide general, municipal, primary or special election.

(6) The Secretary of the Commonwealth shall only certify a measure wherein all signatures on petitions are obtained and affixed to the petitions for the measure during the same regular session of the General Assembly.

(7) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

(8) No measure that relates to religion, religious practices or religious institutions, or to naming an individual to hold office, or to naming or identifying a private corporation to perform a function or to have a power or duty shall be proposed by an initiative petition.

(9) An initiative amendment to this Constitution approved by the electors which requires enabling legislation shall constitute a mandate to the General Assembly to enact the appropriate legislation by the conclusion of the next legislative session.

(b) (1) The legislative power of this Commonwealth shall be vested in the Senate and the House of Representatives, but the people reserve to themselves the power at their own option to approve or reject statutes or parts of statutes passed by the General Assembly.

(2) The referendum is the power of the electors to approve

or reject statutes or parts of statutes except urgency statutes
or statutes calling elections.

(3) A referendum measure may be proposed by presenting to
the Secretary of the Commonwealth, within 120 days after the
enactment date of the statute, a petition certified to have been
signed by registered electors equal in number to at least 10% of
the votes for all candidates for Governor at the last
gubernatorial election, asking that the statute or part of it be
submitted to the electors.

(4) Signatures on referendum petitions must be obtained from
registered electors equal in number to at least 5% of the votes
for all candidates for Governor at the last gubernatorial
election in each of 34 counties in this Commonwealth.

(5) The Secretary of the Commonwealth shall submit the
measure at the next statewide general, municipal, primary or
special election held at least 75 days after it qualifies.

(c) (1) The General Assembly shall provide the manner in
which petitions shall be circulated, presented and certified and
shall require by law measures to insure full disclosure of
disbursements made and receipts obtained by parties who have an
interest in initiative and referendum measures and who have
exceeded a statutory threshold for such disbursements and
receipts for any one initiative or referendum measure in each
election. The General Assembly may also require by law
reasonable limits on contributions made to parties who have an
interest in the passage or defeat of an initiative or referendum
measure for each measure and in each election. The General
Assembly shall also require by law the full disclosure of any
disbursements made by a person or corporation from another state
to advocate the passage or defeat of an initiative or referendum

1 measure.

2 (2) An initiative or referendum petition in order to be
3 eligible for certification by the Secretary of the Commonwealth
4 shall first be signed by 200 initial petitioners who shall be
5 registered electors of this Commonwealth and who shall pay an
6 administrative fee that is not more than the fee required by law
7 for the filing of nomination petitions by candidates for public
8 office to be filled by the electors of the State-at-large. If
9 the Commonwealth Court shall, within 30 days of the petition's
10 submission to the Secretary of the Commonwealth, determine that
11 the petition contains the entire text of the measure, that the
12 measure is not, either affirmatively or negatively,
13 substantially the same as any measure which has been submitted
14 to the electors in the previous five years and that it contains
15 only one subject which is not excluded from consideration under
16 this section, the Secretary of the Commonwealth shall provide
17 petition forms for the use of subsequent signers and shall print
18 at the top of each petition form a fair, concise summary, as
19 determined by the Commonwealth Court, of the proposed measure as
20 such summary will appear on the ballot. The Secretary of the
21 Commonwealth shall have 30 days to certify the signatures on an
22 initiative or referendum petition. If the Secretary of the
23 Commonwealth shall fail to do so, the initiative shall proceed
24 to the General Assembly pursuant to subsection (a)(5), or the
25 referendum shall proceed to the electorate pursuant to
26 subsection (b)(5).

27 (3) The Legislative Reference Bureau shall, within ten days
28 of the certification of an initiative or referendum petition
29 upon which the required number of signatures have been affixed,
30 prepare an explanation or argument, or both, for and also an

1 explanation or argument, or both, against the same. The
2 Secretary of the Commonwealth shall publish the summary and
3 explanations and arguments, together with the entire text of the
4 measure, in the newspaper of largest circulation in each county
5 and in as many newspapers of general circulation as deemed by
6 the Secretary of the Commonwealth to be sufficient to give
7 notice throughout this Commonwealth at least 20 days before the
8 election in which the measure is presented to the electors. This
9 information shall also be made available to the general public
10 in printed form.

11 (4) If conflicting initiatives pass in the same election,
12 the one receiving the most votes shall prevail.

13 (5) An initiative statute or amendment to this Constitution
14 or a referendum approved by a number of voters equal in number
15 to 51% of the votes for all candidates for Governor at the last
16 gubernatorial election shall take effect the day after the
17 election results are certified unless the measure provides
18 otherwise.

19 (6) A measure may not appear on the ballot in an election
20 more than once in five years.

21 (7) The General Assembly may not amend or repeal an
22 initiative or referendum statute until at least one legislative
23 session has intervened, and then only upon a vote of two-thirds
24 of the members elected to the Senate and the House of
25 Representatives.

26 (8) The veto power of the Governor shall not extend to an
27 initiative or referendum statute approved by the electors.

28 Section 2. (a) Upon the first passage by the General
29 Assembly of this proposed constitutional amendment, the
30 Secretary of the Commonwealth shall proceed immediately to

1 comply with the advertising requirements of section 1 of Article
2 XI of the Constitution of Pennsylvania and shall transmit the
3 required advertisements to two newspapers in every county in
4 which such newspapers are published in sufficient time after
5 passage of this proposed constitutional amendment.

6 (b) Upon the second passage by the General Assembly of this
7 proposed constitutional amendment, the Secretary of the
8 Commonwealth shall proceed immediately to comply with the
9 advertising requirements of section 1 of Article XI of the
10 Constitution of Pennsylvania and shall transmit the required
11 advertisements to two newspapers in every county in which such
12 newspapers are published in sufficient time after passage of
13 this proposed constitutional amendment. The Secretary of the
14 Commonwealth shall submit this proposed constitutional amendment
15 to the qualified electors of this Commonwealth at the first
16 primary, general or municipal election occurring at least three
17 months after the proposed constitutional amendment is passed by
18 the General Assembly which meets the requirements of and is in
19 conformance with section 1 of Article XI of the Constitution of
20 Pennsylvania.