
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 197 Session of
2001

INTRODUCED BY RHOADES, BELL, GERLACH, DENT, KUKOVICH, O'PAKE AND
BOSCOLA, JANUARY 30, 2001

REFERRED TO STATE GOVERNMENT, JANUARY 30, 2001

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) Powers relating to initiative shall be as follows:

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

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

1 reject them.

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

10 (4) Signatures on initiative petitions must be obtained from
11 at least 5% of the registered electors as of the date of the
12 last gubernatorial election in each of 36 counties in this
13 Commonwealth.

14 (5) The Secretary of the Commonwealth shall then submit the
15 measure at the next general, municipal, primary or special
16 statewide election held at least 75 days after it qualifies. The
17 Secretary of the Commonwealth shall only certify a measure
18 wherein all signatures on petitions are obtained and affixed to
19 the petitions for the measure during the same regular session of
20 the General Assembly.

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

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

28 (8) An initiative amendment to the Constitution approved by
29 the electors which requires enabling legislation shall
30 constitute a mandate to the General Assembly to promptly enact

1 the appropriate legislation.

2 (b) Powers relating to referendum shall be as follows:

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

8 (2) The referendum is the power of the electors to approve
9 or reject statutes or parts of statutes except urgency statutes
10 or statutes calling elections.

11 (3) A referendum measure may be proposed by presenting to
12 the Secretary of the Commonwealth, within 120 days after the
13 enactment date of the statute, a petition certified to have been
14 signed by registered electors equal in number to 8% of the votes
15 for all candidates for Governor at the last gubernatorial
16 election asking that the statute or part of it be submitted to
17 the electors.

18 (4) Signatures on referendum petitions must be obtained from
19 at least 5% of the registered electors as of the date of the
20 last gubernatorial election in each of 36 counties in this
21 Commonwealth.

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

25 (c) Provisions governing both initiative and referendum
26 shall be as follows:

27 (1) The General Assembly shall provide the manner in which
28 petitions shall be circulated, presented and certified, and
29 require by law measures to insure full disclosure of
30 disbursements made and receipts obtained by parties who have an

1 interest in initiative and referendum measures and who have
2 exceeded a statutory threshold for such disbursements and
3 receipts for any one initiative or referendum measure in each
4 election. The General Assembly shall also require by law
5 reasonable limits on contributions made to parties who have an
6 interest in the passage or defeat of an initiative or referendum
7 measure for each measure and in each election. The General
8 Assembly shall also require by law the full disclosure of any
9 disbursements made by a person or corporation from another state
10 to advocate the passage or defeat of an initiative or referendum
11 measure.

12 (2) An initiative or referendum petition, in order to be
13 eligible for certification by the Secretary of the Commonwealth,
14 shall first be signed by 200 registered electors of the
15 Commonwealth, who shall pay an administrative fee not exceeding
16 the fee required by law for the filing of nomination petitions
17 by candidates for public office to be filled by the electors of
18 the State-at-large. If the Secretary of the Commonwealth shall
19 certify that the petition contains the entire text of the
20 measure; that the measure is not, either affirmatively or
21 negatively, substantially the same as any measure which has been
22 submitted to the electors in the previous five years; and that
23 it contains only one subject which is not excluded from
24 consideration under this section, then the Secretary of the
25 Commonwealth shall provide blanks for the use of subsequent
26 signers, and shall print at the top of each blank a fair,
27 concise summary, as determined by the Legislative Reference
28 Bureau, of the proposed measure as such summary will appear on
29 the ballot.

30 (3) The Legislative Reference Bureau shall, within ten days

1 of the certification of an initiative or referendum petition
2 upon which the required number of signatures have been affixed,
3 prepare an explanation or argument, or both, for, and also an
4 explanation or argument, or both, against, the same. The
5 Secretary of the Commonwealth shall then publish the summary and
6 explanations and arguments, together with the entire text of the
7 measure, in as many newspapers of general circulation as deemed
8 by the Secretary of the Commonwealth to be sufficient to give
9 notice throughout the Commonwealth at least 20 days before the
10 election in which the measure is presented to the electors. This
11 information shall also be made available to the general public
12 in printed form.

13 (4) The Secretary of the Commonwealth shall certify no more
14 than four initiative or referendum measures in an election. Each
15 measure shall be limited to only one subject. If more than four
16 measures are submitted to the Secretary of the Commonwealth in
17 one election, the four measures with the largest numbers of
18 signatures shall be certified. If two or more measures are
19 substantially similar in subject matter, whether or not they
20 conflict, only the measure with the largest number of signatures
21 shall be certified.

22 (5) An initiative statute or amendment to the Constitution
23 or a referendum approved by a majority of votes thereon takes
24 effect the date after the election unless the measure provides
25 otherwise.

26 (6) No measure shall appear on the ballot in an election
27 more often than once in five years.

28 (7) The General Assembly may amend or repeal an initiative
29 or referendum statute only upon a vote of two-thirds of the
30 members elected to the Senate and the House of Representatives.

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

3 Section 2. (a) Upon the first passage by the General
4 Assembly of this proposed constitutional amendment, the
5 Secretary of the Commonwealth shall proceed immediately to
6 comply with the advertising requirements of section 1 of Article
7 XI of the Constitution of Pennsylvania and shall transmit the
8 required advertisements to two newspapers in every county in
9 which such newspapers are published in sufficient time after
10 passage of this proposed constitutional amendment.

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