

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 649 Session of  
2007

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NAILOR, NICKOL, PAYNE, PETRARCA, REED, SCAVELLO, SCHRODER,  
SIPTROTH, SONNEY, SWANGER, TANGRETTI AND TURZAI,  
MARCH 9, 2007

REFERRED TO COMMITTEE ON APPROPRIATIONS, 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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8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Short title.

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

13 Section 2. Definitions.

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

17 "Candidate." An individual seeking to become an elected  
18 delegate.

19 "Committee." The Preparatory Committee established in  
20 section 8.

21 "Convention." The constitutional convention authorized by  
22 this act.

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

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

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

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

30 "Secretary." The Secretary of the Commonwealth.

1 Section 3. Referendum.

2 (a) Question.--At the general election in November 2007, the  
3 following question shall be submitted to the electorate of this  
4 Commonwealth to determine its will regarding a constitutional  
5 convention with limited powers:

6 Shall a constitutional convention be called in accordance  
7 with and subject to the limitations and requirements  
8 contained in the Constitutional Convention Act of 2007,  
9 to prepare for submission to the electorate proposals for  
10 the revision of the following provisions of the  
11 Constitution of Pennsylvania as provided in section 10 of  
12 the Constitutional Convention Act of 2007: section 10 of  
13 Article I; sections 8 and 16 of Article II; sections 14,  
14 15, 18, 26 and 27 of Article III; Article V; section 12  
15 of Article VIII; Article IX and section 17 of Schedule  
16 No. 1?

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

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

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

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

30 (b) Delegates.--The convention shall consist of the

1 following delegates:

2 (1) Three delegates shall be elected from each  
3 senatorial district. Each elector in each senatorial district  
4 may vote for not more than two candidates. The three  
5 candidates receiving the highest number of votes shall be  
6 elected delegates.

7 (2) The following shall be ex officio delegates and  
8 shall have the powers of elected delegates:

9 (i) The Lieutenant Governor.

10 (ii) The President pro tempore of the Senate.

11 (iii) The Majority Leader of the Senate.

12 (iv) The Majority Whip of the Senate.

13 (v) The Minority Leader of the Senate.

14 (vi) The Minority Whip of the Senate.

15 (vii) The Minority Caucus Chairman of the Senate.

16 (viii) The Speaker of the House of Representatives.

17 (ix) The Majority Leader of the House of  
18 Representatives.

19 (x) The Majority Whip of the House of  
20 Representatives.

21 (xi) The Minority Leader of the House of  
22 Representatives.

23 (xii) The Minority Whip of the House of  
24 Representatives.

25 (xiii) The Minority Caucus Chairman of the House of  
26 Representatives.

27 (c) Qualifications.--An elected delegate must meet the  
28 following qualifications:

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

30 (2) Have been a citizen of the United States and

1 resident of this Commonwealth for at least four years before  
2 election.

3 (3) Have resided in and been a registered elector of the  
4 elected delegate's senatorial district for at least one year  
5 preceding election.

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

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

11 Section 5. Nomination of elected delegates; withdrawals.

12 (a) Political parties.--The county committee of each  
13 political party in each senatorial district shall collectively  
14 nominate two candidates in accordance with party rules and the  
15 names of the nominees submitted to the secretary. The secretary  
16 shall certify the names of the nominees to the county board as  
17 provided by law not later than September 29, 2008.

18 (b) Political bodies.--Subject to the limitations upon the  
19 number in this act applicable to political parties, candidates  
20 may also be nominated by political bodies by petition in  
21 accordance with the following:

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

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

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

29 (ii) A signer must state occupation and residence,  
30 giving city, borough or township, with street and number,

1 and that the signer is a qualified elector of the  
2 district. The signature must be dated.

3 (iii) A petition may not be circulated prior to  
4 August 25, 2008. A signature shall not be counted unless  
5 it bears a date later than August 24, 2008.

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

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

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

19 (C) that the signers to the petition signed with  
20 knowledge of the contents of the petition;

21 (D) that the residences of the signers are  
22 correctly stated;

23 (E) that each signer resides in the district  
24 named in the affidavit;

25 (F) that each signer signed on the date set  
26 forth; and

27 (G) that, to the best of the affiant's knowledge  
28 and belief, the signers are qualified electors of the  
29 district.

30 (3) A petition must be filed in the office of the

1 secretary by September 15, 2008. A filing fee of \$100 must be  
2 paid by the candidate by certified check or money order.

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

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

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

9 (3) That, if elected, the candidate will faithfully  
10 observe the limitations and requirements imposed upon the  
11 convention by this act.

12 (4) That the candidate meets the qualifications under  
13 section 4(c).

14 (d) Withdrawal.--A candidate may withdraw as a candidate as  
15 follows:

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

19 (2) File the request in the office of the secretary by 5  
20 p.m. on September 24, 2008.

21 Section 6. Elected delegates.

22 Elections for elected delegates shall be held at the general  
23 election in November 2008. The secretary shall forward to each  
24 county board the names of the candidates. Each elector voting at  
25 the municipal election shall be entitled to vote for two  
26 candidates from the elector's senatorial district. The three  
27 candidates receiving the highest number of votes in each  
28 district shall be the elected delegates of that district. In the  
29 case of a tie vote, the election shall be determined in  
30 accordance with the provisions of section 1418 of the act of

1 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
2 Election Code. The county board shall, by November 16, 2008,  
3 certify the return to the secretary. The secretary shall, by  
4 November 23, 2008, certify to the Governor the names of the  
5 elected delegates.

6 Section 7. Vacancies.

7 (a) Candidate.--In the event of the death or withdrawal of a  
8 candidate occurring prior to October 1, 2008, a substitute  
9 nomination shall be made under section 5.

10 (b) Elected delegate.--In the event of a vacancy in the  
11 office of the elected delegate, a successor shall be elected as  
12 follows:

13 (1) If the elected delegate was nominated under section  
14 5(a), the remaining delegates of that political party shall  
15 elect a successor who meets the qualifications under section  
16 4(c). The secretary shall prescribe appropriate time  
17 limitations.

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

21 Section 8. Preparatory Committee.

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

24 (b) Meeting organization.--Upon certification by the  
25 secretary of the results of the referendum election under  
26 section 3, the committee shall have the following powers and  
27 duties:

28 (1) To lease or otherwise obtain suitable meeting and  
29 office space and to purchase or lease supplies, equipment,  
30 publications and other materials necessary for the work of



1 the convention.

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

4 (3) To initiate relevant studies through its own  
5 personnel or in cooperation with any public or private  
6 agencies.

7 (4) To hold public hearings.

8 (5) To enter into contracts.

9 (6) To receive from Commonwealth agencies and political  
10 subdivisions and local agencies assistance necessary or  
11 desirable to carry out properly the powers and duties under  
12 this subsection.

13 (7) To submit a budget for the convention to the General  
14 Assembly in sufficient time for the General Assembly to pass  
15 the necessary appropriation acts.

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

18 Section 9. Organization of convention.

19 (a) Convening.--

20 (1) The convention shall convene in the Hall of the  
21 House of Representatives on December 1, 2008, at 12 noon.

22 (2) The convention shall be called to order by the  
23 Governor.

24 (3) The secretary shall certify the returns of the  
25 elections for elected delegates and issue certificates of  
26 election.

27 (4) The Chief Justice of the Supreme Court or a designee  
28 of the Chief Justice shall then administer the oath of office  
29 in the following form:

30 I do solemnly swear (or affirm) that I will support, obey

1 and defend the Constitution of the United States and the  
2 Constitution of Pennsylvania, and that I will discharge  
3 the duties of my office with fidelity.

4 (b) Organization.--

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

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

9 (3) The convention shall prescribe rules for:

10 (i) procedure; and

11 (ii) conduct of its delegates, including censure,  
12 suspension or removal.

13 (c) Immunity.--

14 (1) A delegate shall in all cases, except treason,  
15 felony, violation of oath of office and breach of the peace,  
16 be privileged from arrest during attendance and travel to and  
17 from the convention.

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

20 (d) Sine die adjournment.--The convention shall adjourn sine  
21 die on February 28, 2009.

22 Section 10. Function.

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

26 (1) Section 10 of Article I of the Constitution of  
27 Pennsylvania, pertaining to the taking of private property  
28 for a public purpose.

29 (2) Section 8 of Article II of the Constitution of  
30 Pennsylvania, pertaining to compensation of members of the

1 General Assembly.

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

4 (4) Sections 14 and 15 of Article III of the  
5 Constitution of Pennsylvania, pertaining to public education.

6 (5) Section 18 of Article III of the Constitution of  
7 Pennsylvania, pertaining to limitations on the recovery of  
8 noneconomic damages for injuries resulting in death or for  
9 injuries to persons or property.

10 (6) Sections 26 and 27 of Article III of the  
11 Constitution of Pennsylvania, pertaining to compensation of  
12 public officers.

13 (7) Section 10(c) of Article V of the Constitution of  
14 Pennsylvania, pertaining to the power of the Supreme Court to  
15 make rules governing the practice of law.

16 (8) Section 13(b) of Article V of the Constitution of  
17 Pennsylvania, limited to the filling of vacancies in the  
18 office of judge of the court of common pleas and justices of  
19 the peace.

20 (9) Section 15 of Article V of the Constitution of  
21 Pennsylvania, pertaining to judicial compensation.

22 (10) Article V of the Constitution of Pennsylvania,  
23 pertaining to the appointment and qualifications of judges of  
24 courts of the Commonwealth and magisterial district justices  
25 and terms of appellate judges.

26 (11) Section 12 of Article VIII of the Constitution of  
27 Pennsylvania, allowing for statutory limitations on annual  
28 increases in government spending.

29 (12) Article IX of the Constitution of Pennsylvania,  
30 limited to provisions for consolidation of municipalities and

1 school districts by local referendum.

2 (13) Section 17 of Schedule No. 1 of the Constitution of  
3 Pennsylvania, pertaining to judicial compensation.

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

6 (1) A proposal which clearly permits or prohibits the  
7 imposition of a graduated income tax by the Commonwealth or  
8 any of its political subdivisions. Section 1 of Article VIII  
9 of the Constitution of Pennsylvania providing that: "All  
10 taxes shall be uniform, upon the same class of subjects,  
11 within the territorial limits of the authority levying the  
12 tax, and shall be levied and collected under general laws."  
13 shall not be modified, altered or changed in any respect  
14 whatsoever.

15 (2) Section 11 of Article VIII of the Constitution of  
16 Pennsylvania pertaining to the Motor License Fund.

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

20 Section 11. Manner of submitting proposals to electorate.

21 (a) Convention.--

22 (1) The recommendations of the convention shall be  
23 submitted to the electorate as determined by the convention.

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

25 (b) Certification.--The changes proposed and the ballot  
26 questions shall be certified by the president and secretary of  
27 the convention to the secretary by February 28, 2009.

28 Section 12. Submission to electorate.

29 (a) Secretary.--

30 (1) The secretary shall advertise the proposals of the

1 convention in at least two newspapers of general circulation  
2 in every county once during the last week in March 2009.

3 (2) The secretary shall publish the Constitution of  
4 Pennsylvania showing the changes proposed by the convention  
5 in convenient form.

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

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

10 (b) County boards.--A county board shall make the  
11 publication under subsection (a)(4) available at each polling  
12 place.

13 (c) Election.--

14 (1) The recommendations of the convention shall be  
15 submitted to the electors for their approval or rejection at  
16 the primary election of 2009.

17 (2) A majority vote of the electors voting in the  
18 election is necessary for the adoption of the recommendations  
19 of the convention.

20 (d) Certification.--The secretary shall certify the results  
21 of the election.

22 Section 13. Lobbying.

23 The provisions of 65 Pa.C.S. Ch. 13A (relating to lobbying  
24 disclosure) apply to the convention.

25 Section 14. Convention open to public.

26 Sessions of the convention as a whole shall be open to the  
27 public.

28 Section 15. Appropriation.

29 The sum of \$1,000,000, or as much thereof as may be  
30 necessary, is hereby appropriated to the Preparatory Committee

1 for the fiscal year July 1, 2007, to June 30, 2008, to carry out  
2 the provisions of this act.

3 Section 16. Effective date.

4 This act shall take effect as follows:

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

7 (2) The remainder of this act shall take effect  
8 immediately.