

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**SENATE BILL**

**No. 1236** Session of  
2008

---

INTRODUCED BY PICCOLA, FOLMER, RAFFERTY, ORIE, WAUGH, PIPPY,  
ERICKSON, BOSCOLA AND C. WILLIAMS, JANUARY 11, 2008

---

SENATOR PICCOLA, STATE GOVERNMENT, AS AMENDED,  
SEPTEMBER 17, 2008

---

AN ACT

1 Providing for a limited constitutional convention, for a  
2 referendum on the question, for the selection, nomination and  
3 election of delegates; defining the powers and duties of the  
4 convention; providing for the convention's operation;  
5 conferring powers and imposing duties on the Governor, the  
6 Secretary of the Commonwealth, officers of the General  
7 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. Short title.

13 This act shall be known and may be cited as the Limited  
14 Constitutional Convention Act of 2008.

15 Section 2. Findings and declarations.

16 The General Assembly finds and declares as follows:

17 (1) All power is inherent in the people and all free  
18 governments are founded on their authority and instituted for  
19 their peace, safety and happiness. For the advancement of  
20 these ends the people have at all times an inalienable and

1       indefeasible right to alter, reform or abolish their  
2       government in such manner as they may think proper.

3           (2) The present Constitution should be systematically  
4       reconsidered and conformed to the needs of a modern  
5       Commonwealth, provided that the people, in the exercise of  
6       their sovereign power, commit delegates to binding  
7       restrictions on the scope of the convention and subject  
8       matter.

9       Section 3. Definitions.

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

13       "Candidate." An individual seeking to become an elected  
14       delegate.

15       "Convention." The Limited Constitutional Convention  
16       authorized under this act.

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

18       "Delegate." A delegate to the convention.

19       "Elected delegate." A delegate who is elected to the  
20       convention under section 5(b).

21       "Secretary." The Secretary of the Commonwealth.

22       Section 4. Referendum.

23       (a) Question.--At the primary election in ~~April 2008~~ MAY       ←  
24       2009, the following question shall be submitted to the  
25       electorate of this Commonwealth to determine its will regarding  
26       a limited constitutional convention:

27           Shall a constitutional convention be called in accordance  
28       with and subject to the limitations and requirements  
29       contained in the Limited Constitutional Convention Act of  
30       2008, to prepare for submission to the electorate

1 proposals for the revision of the following provisions of  
2 the Constitution of Pennsylvania as provided under  
3 section 10 of the Limited Constitutional Convention Act  
4 of 2008:

5 (1) sections 3 (Terms of members), 4 (Sessions), 8  
6 (Compensation), 16 (Legislative districts) and 17  
7 (Legislative Reapportionment Commission) of Article II  
8 (pertaining to the Legislature);

9 (2) sections 1 (Passage of laws), 2 (Reference to  
10 committee; printing), 3 (Form of bills), 4 (Consideration  
11 of bills), 13 (Vote denied members with personal  
12 interest), 26 (Extra compensation prohibited; claims  
13 against the Commonwealth; pensions) and 27 (Changes in  
14 term of office or salary prohibited) of Article III  
15 (pertaining to Legislation);

16 (3) sections 4 (Lieutenant Governor), 5  
17 (Qualifications of Governor, Lieutenant Governor and  
18 Attorney General), 6 (Disqualification for offices of  
19 Governor, Lieutenant Governor and Attorney General), 8  
20 (Appointing power), 13 (When Lieutenant Governor to act  
21 as Governor), 14 (Vacancy in office of Lieutenant  
22 Governor) and 17 (Contested elections of Governor,  
23 Lieutenant Governor and Attorney General; when succeeded)  
24 of Article IV (pertaining to the Executive);

25 (4) sections 10 (Judicial administration), 13  
26 (Election of justices, judges and justices of the peace;  
27 vacancies), 15 (Tenure of justices, judges and justices  
28 of the peace) and 16 (Compensation and retirement of  
29 justices, judges and justices of the peace) of Article V  
30 (pertaining to the Judiciary)?

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

5 (c) Secretary.--If a majority of the electors voting on the  
6 question under subsection (a) vote in the affirmative, the  
7 secretary shall transmit notice of the vote to the Legislative  
8 Reference Bureau for publication as a notice in the Pennsylvania  
9 Bulletin.

10 Section 5. Convention, membership, qualifications and  
11 vacancies.

12 (a) Call.--If a majority of the electors voting upon the  
13 question under section 4(a) vote in the affirmative, a  
14 convention shall be called by the Governor.

15 (b) Delegates.--The convention shall consist of three  
16 delegates elected from each senatorial district. Each elector in  
17 each senatorial district may vote for not more than two  
18 candidates. The three candidates receiving the highest number of  
19 votes shall be elected delegates.

20 (c) Qualifications.--An elected delegate must meet the  
21 following qualifications:

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

23 (2) Have been a citizen and resident of this  
24 Commonwealth for at least four years before election.

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

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

30 (d) Expenses.--Elected delegates shall be entitled to

1 reimbursement for reasonable expenses incurred in the  
2 performance of their duties.

3 Section 6. Nomination of elected delegates; withdrawals.

4 (a) Petition.--Candidates for delegates for the convention  
5 shall be nominated by petition in accordance with the following:

6 (1) The secretary shall prescribe the form of the  
7 petition.

8 (2) A petition must be signed by at least 500 qualified  
9 electors of the senatorial district in accordance with the  
10 following:

11 (i) An elector may not sign more than two nomination  
12 petitions.

13 (ii) A signer must state occupation and residence,  
14 giving city, borough or township, with street and number,  
15 and state that the signer is a qualified elector of the  
16 district. The signature must be dated.

17 (iii) A petition may not be circulated prior to  
18 August ~~25, 2008~~ 18, 2009. A signature shall not be <—  
19 counted unless it bears a date later than August ~~24, 2008~~ <—  
20 17, 2009. <—

21 (iv) A petition may be on one or more sheets.  
22 Different sheets must be used for signers resident in  
23 different counties. If more than one sheet is used, the  
24 sheets must be bound together when offered for filing if  
25 they are intended to constitute one petition, and each  
26 sheet must be numbered consecutively at the foot of each  
27 page, beginning with number one. Each sheet must have  
28 appended to it the affidavit of the individual who  
29 circulated it, setting forth all of the following:

30 (A) The individual is a qualified elector of the

1 senatorial district named in the petition.

2 (B) The individual's residence, giving city,  
3 borough or township, with street and number.

4 (C) The signers to the petition signed with  
5 knowledge of the contents of the petition.

6 (D) The residences of the signers correctly  
7 stated.

8 (E) Each signer resides in the district named in  
9 the affidavit.

10 (F) Each signer signed on the date set forth.

11 (G) To the best of the affiant's knowledge and  
12 belief, the signers are qualified electors of the  
13 district.

14 (3) A petition must be filed in the office of the  
15 secretary by September ~~15, 2008~~ 8, 2009. A filing fee of \$100 ←  
16 must be paid by the candidate by certified check or money  
17 order.

18 (b) Candidate's affidavit.--A candidate must file with the  
19 secretary an affidavit stating all of the following:

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

22 (2) The candidate is eligible for the office of elected  
23 delegate to the limited constitutional convention.

24 (3) If elected, the candidate will faithfully observe  
25 the limitations and requirements imposed upon the convention  
26 by this act.

27 (4) The candidate meets the qualifications under section  
28 5(c).

29 (c) Withdrawal.--A candidate may withdraw as a candidate as  
30 follows:

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

4 (2) File the request in the office of the secretary by 5  
5 p.m. on September ~~22, 2008~~ 15, 2009. <—

6 (d) Certification.--The secretary shall certify the names of  
7 the nominees to the county board as provided by law not later  
8 than September ~~29, 2008~~ 22, 2009. <—

9 Section 7. Elected delegates.

10 Elections for elected delegates shall be held at the general  
11 election in November ~~2008~~ 2009. The secretary shall forward to <—  
12 each county board the names of the candidates. Each elector  
13 voting at the general election shall be entitled to vote for two  
14 candidates from the elector's senatorial district. The three  
15 candidates receiving the highest number of votes in each  
16 district shall be the elected delegates of that district. In  
17 case of a tie vote, the election shall be determined in  
18 accordance with section 1418 of the act of June 3, 1937  
19 (P.L.1333, No.320), known as the Pennsylvania Election Code. The  
20 county board shall, by November ~~15, 2008~~ 17, 2009, certify the <—  
21 return to the secretary. The secretary shall, by November ~~22,~~ <—  
22 ~~2008~~ 24, 2009, certify to the Governor the names of elected <—  
23 delegates.

24 Section 8. Vacancies.

25 (a) Candidate.--In the event of the death or withdrawal of a  
26 candidate occurring prior to September 29, ~~2008~~ 2009, a <—  
27 substitute nomination shall be made under section 6.

28 (b) Elected delegate.--In the event of a vacancy in the  
29 office of the elected delegate, a successor shall be elected by  
30 all of the remaining delegates meeting the qualifications under

1 section 5(c).

2 Section 9. Organization of convention.

3 (a) Convening.--

4 (1) The convention shall convene in the hall of the  
5 House of Representatives on December 1, ~~2008~~ 2009, at 12 ←  
6 noon.

7 (2) The convention shall be called to order by the  
8 Governor. The Governor shall preside at its first session and  
9 until permanent officers are selected. So long as the  
10 Governor presides, the Governor may cast the deciding vote in  
11 the event of a tie.

12 (3) The secretary shall certify the returns of the  
13 elections for elected delegates and issue certificates of  
14 election.

15 (4) The Chief Justice of the Supreme Court or a designee  
16 of the Chief Justice shall then administer the oath of office  
17 in the following form:

18 I do solemnly swear (or affirm) that I will abide by  
19 the instructions of the Limited Constitutional  
20 Convention Act of 2008 and support, obey and defend  
21 the Constitution of the United States and the  
22 Constitution of Pennsylvania and that I will  
23 discharge the duties of my office with fidelity.

24 (b) Organization.--

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

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

29 (3) The convention shall prescribe rules for all of the  
30 following:



- 1 (i) Procedure.
- 2 (ii) The convention's functions, powers and duties.
- 3 (iii) The conduct of its delegates, including
- 4 censure, suspension or removal.

5 (4) The officers elected by the delegates shall  
6 constitute the administrative committee to make arrangements  
7 for the convention. Upon certification by the secretary of  
8 the results of the referendum election under section 7, the  
9 administrative committee shall have the following powers and  
10 duties:

11 (i) To lease or otherwise obtain suitable meeting  
12 and office space and to purchase or lease supplies,  
13 equipment, publications and other materials necessary for  
14 the work of the convention.

15 (ii) To hire or engage staff necessary for the  
16 preparatory work of the convention.

17 (iii) To initiate relevant studies through its own  
18 personnel or in cooperation with any public or private  
19 agencies.

20 (iv) To hold public hearings.

21 (v) To enter into contracts.

22 (vi) To receive from Commonwealth agencies,  
23 political subdivisions and local agencies the assistance  
24 necessary or desirable to carry out properly the powers  
25 and duties under this subsection.

26 (vii) To submit a budget for the convention to the  
27 General Assembly in sufficient time for the General  
28 Assembly to pass the necessary appropriation acts.

29 (viii) To do other acts necessary to carry out the  
30 powers and duties under this subsection.

1 (c) Legislative Reference Bureau.--The Legislative Reference  
2 Bureau is charged with providing all necessary legal and  
3 drafting services to the convention and shall serve as counsel  
4 to the convention, unless the convention makes other  
5 arrangement.

6 (d) Immunity.--

7 (1) A delegate shall in all cases, except treason,  
8 felony, violation of oath of office and breach of the peace,  
9 be privileged from arrest during attendance and travel to and  
10 from the convention.

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

13 (e) Sine die adjournment.--The convention shall adjourn sine  
14 die on September ~~29, 2009~~ 14, 2010. ←

15 Section 10. Function.

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

19 (1) Section 3 of Article II of the Constitution of  
20 Pennsylvania, pertaining to terms of members.

21 (2) Section 4 of Article II of the Constitution of  
22 Pennsylvania, pertaining to sessions and special sessions of  
23 each elected legislature.

24 (3) Section 8 of Article II of the Constitution of  
25 Pennsylvania, pertaining to compensation of members of the  
26 General Assembly.

27 (4) Section 16 of Article II of the Constitution of  
28 Pennsylvania, pertaining to number of legislative districts.

29 (5) Section 17 of Article II of the Constitution of  
30 Pennsylvania, pertaining to the Legislative Reapportionment

1 Commission.

2 (6) Section 1 of Article III of the Constitution of  
3 Pennsylvania, pertaining to passage of laws.

4 (7) Section 2 of Article III of the Constitution of  
5 Pennsylvania, pertaining to reference to committee; printing.

6 (8) Section 3 of Article III of the Constitution of  
7 Pennsylvania, pertaining to form of bills.

8 (9) Section 4 of Article III of the Constitution of  
9 Pennsylvania, pertaining to legislative consideration of  
10 bills.

11 (10) Section 13 of Article III of the Constitution of  
12 Pennsylvania, pertaining to limitations on members with a  
13 personal interest from voting on certain bills.

14 (11) Section 26 of Article III of the Constitution of  
15 Pennsylvania, pertaining to compensation of public officers.

16 (12) Section 27 of Article III of the Constitution of  
17 Pennsylvania, pertaining to changes in term of office or  
18 salary prohibited.

19 (13) Section 4 of Article IV of the Constitution of  
20 Pennsylvania, pertaining to the Lieutenant Governor.

21 (14) Section 5 of Article IV of the Constitution of  
22 Pennsylvania, pertaining to the qualifications of Governor,  
23 Lieutenant Governor and Attorney General.

24 (15) Section 6 of Article IV of the Constitution of  
25 Pennsylvania, pertaining to disqualification for offices of  
26 Governor, Lieutenant Governor and Attorney General.

27 (16) Section 8 of Article IV of the Constitution of  
28 Pennsylvania, pertaining to appointing power.

29 (17) Section 13 of Article IV of the Constitution of  
30 Pennsylvania, pertaining to when Lieutenant Governor to act

1 as Governor.

2 (18) Section 14 of Article IV of the Constitution of  
3 Pennsylvania, pertaining to vacancy in office of Lieutenant  
4 Governor.

5 (19) Section 17 of Article IV of the Constitution of  
6 Pennsylvania, pertaining to contested elections of Governor,  
7 Lieutenant Governor and Attorney General; when succeeded.

8 (20) Section 10 of Article V of the Constitution of  
9 Pennsylvania, pertaining to judicial administration.

10 (21) Section 13 of Article V of the Constitution of  
11 Pennsylvania, pertaining to election of justices, judges and  
12 justices of the peace; vacancies.

13 (22) Section 15 of Article V of the Constitution of  
14 Pennsylvania, pertaining to the tenure of justices, judges  
15 and justices of the peace.

16 (23) Section 16 of Article V of the Constitution of  
17 Pennsylvania, pertaining to the compensation and retirement  
18 of justices, judges and justices of the peace.

19 (b) Limitations.--The convention shall not consider or  
20 include in its recommendations any other section of the  
21 Constitution unless specifically enumerated in subsection (a).

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

25 Section 11. Manner of submitting proposals to electorate.

26 (a) Convention.--

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

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

30 (3) Each ballot question shall consist of a single

1 subject and encompass amendment to only one article or  
2 section of the Constitution of Pennsylvania.

3 (b) Certification.--The changes proposed and the ballot  
4 questions shall be certified by the president and secretary of  
5 the convention to the secretary by September ~~29, 2009~~ 14, 2010. <—  
6 Section 12. Submission to electorate.

7 (a) Secretary.--

8 (1) The secretary shall review the ballot questions for  
9 conformity with this act before submission to the voters and  
10 determine whether the convention has complied with the  
11 instructions as voted by the people. The secretary shall  
12 certify the ballot questions as provided by law not later  
13 than October ~~2, 2009~~ 28, 2010. <—

14 (2) The secretary shall advertise the proposals of the  
15 convention in at least two newspapers in every county once  
16 during the last week in October ~~2009~~ 2010. <—

17 (3) The secretary shall publish the Constitution of  
18 Pennsylvania showing the changes proposed by the convention  
19 in convenient form.

20 (4) The secretary shall send ten copies of the  
21 publication under paragraph (2) to each county board.

22 (5) Upon request of an elector, the secretary shall send  
23 a copy of the publication under paragraph (2).

24 (b) County boards.--A county board shall make the  
25 publication under subsection (a)(4) available at each polling  
26 place.

27 (c) Election.--

28 (1) The recommendations of the convention shall be  
29 submitted to the electors for their approval or rejection at  
30 the general election of ~~2009~~ 2010. <—

1           (2) A majority vote of the electors voting in the  
2 election is necessary for the adoption of the recommendations  
3 of the convention.

4           (d) Certification.--The secretary shall certify the results  
5 of the election.

6 Section 13. Lobbying.

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

9 Section 14. Openness to public.

10          Sessions of the convention as a whole shall be open to the  
11 public.

12 Section 30. Appropriation.

13          The sum of \$1,000,000, or as much thereof as may be  
14 necessary, is hereby appropriated to the Limited Constitutional  
15 Convention for the fiscal year beginning July 1, ~~2008~~ 2009, to     <—  
16 September 29, ~~2009~~ 2010, to carry out the provisions of this     <—  
17 act.

18 Section 31. Effective date.

19          This act shall take effect as follows:

20           (1) Section 30 shall take effect upon publication of the  
21 notice under section 4(c).

22           (2) The remainder of this act shall take effect  
23 immediately.