

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 337 Session of 2011

INTRODUCED BY PICCOLA, FOLMER, BRUBAKER, ALLOWAY, ERICKSON,
PIPPY, YUDICHAK, ORIE, BOSCOLA, EICHELBERGER, WAUGH AND
RAFFERTY, JANUARY 28, 2011

REFERRED TO STATE GOVERNMENT, JANUARY 28, 2011

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 2011.

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
21 indefeasible right to alter, reform or abolish their

1 government in such manner as they may think proper.

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

8 Section 3. Definitions.

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

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

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

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

17 "Delegate." A delegate to the convention.

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

20 "Secretary." The Secretary of the Commonwealth.

21 Section 4. Referendum.

22 (a) Question.--At the primary election in May 2011, the
23 following question shall be submitted to the electorate of this
24 Commonwealth to determine its will regarding a limited
25 constitutional convention:

26 Shall a constitutional convention be called in accordance
27 with and subject to the limitations and requirements contained
28 in the Limited Constitutional Convention Act of 2011, to prepare
29 for submission to the electorate proposals for the revision of
30 the following provisions of the Constitution of Pennsylvania as

provided under section 10 of the Limited Constitutional
Convention Act of 2011:

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

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

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

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

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

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

6 Section 5. Convention, membership, qualifications and
7 vacancies.

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

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

16 (c) Qualifications.--An elected delegate must meet the
17 following qualifications:

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

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

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

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

26 (d) Expenses.--Elected delegates shall be entitled to
27 reimbursement for reasonable expenses incurred in the
28 performance of their duties.

29 Section 6. Nomination of elected delegates; withdrawals.

30 (a) Petition.--Candidates for delegates for the convention

1 shall be nominated by petition in accordance with the following:

2 (1) The secretary shall prescribe the form of the
3 petition.

4 (2) A petition must be signed by at least 500 qualified
5 electors of the senatorial district in accordance with the
6 following:

7 (i) An elector may not sign more than two nomination
8 petitions.

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

13 (iii) A petition may not be circulated prior to
14 August 18, 2011. A signature shall not be counted unless
15 it bears a date later than August 17, 2011.

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

25 (A) The individual is a qualified elector of the
26 senatorial district named in the petition.

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

29 (C) The signers to the petition signed with
30 knowledge of the contents of the petition.

1 (D) The residences of the signers correctly
2 stated.

3 (E) Each signer resides in the district named in
4 the affidavit.

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

6 (G) To the best of the affiant's knowledge and
7 belief, the signers are qualified electors of the
8 district.

9 (3) A petition must be filed in the office of the
10 secretary by September 8, 2011. A filing fee of \$100 must be
11 paid by the candidate by certified check or money order.

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

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

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

18 (3) If elected, the candidate will faithfully observe
19 the limitations and requirements imposed upon the convention
20 by this act.

21 (4) The candidate meets the qualifications under section
22 5(c).

23 (c) Withdrawal.--A candidate may withdraw as a candidate as
24 follows:

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

28 (2) File the request in the office of the secretary by 5
29 p.m. on September 15, 2011.

30 (d) Certification.--The secretary shall certify the names of

1 the nominees to the county board as provided by law not later
2 than September 22, 2011.

3 Section 7. Elected delegates.

4 Elections for elected delegates shall be held at the general
5 election in November 2011. The secretary shall forward to each
6 county board the names of the candidates. Each elector voting at
7 the general election shall be entitled to vote for two
8 candidates from the elector's senatorial district. The three
9 candidates receiving the highest number of votes in each
10 district shall be the elected delegates of that district. In
11 case of a tie vote, the election shall be determined in
12 accordance with section 1418 of the act of June 3, 1937
13 (P.L.1333, No.320), known as the Pennsylvania Election Code. The
14 county board shall, by November 17, 2011, certify the return to
15 the secretary. The secretary shall, by November 24, 2011,
16 certify to the Governor the names of elected delegates.

17 Section 8. Vacancies.

18 (a) Candidate.--In the event of the death or withdrawal of a
19 candidate occurring prior to September 29, 2011, a substitute
20 nomination shall be made under section 6.

21 (b) Elected delegate.--In the event of a vacancy in the
22 office of the elected delegate, a successor shall be elected by
23 all of the remaining delegates meeting the qualifications under
24 section 5(c).

25 Section 9. Organization of convention.

26 (a) Convening.--

27 (1) The convention shall convene in the hall of the
28 House of Representatives on December 1, 2011, at 12 noon.

29 (2) The convention shall be called to order by the
30 Governor. The Governor shall preside at its first session and

1 until permanent officers are selected. So long as the
2 Governor presides, the Governor may cast the deciding vote in
3 the event of a tie.

4 (3) The secretary shall certify the returns of the
5 elections for elected delegates and issue certificates of
6 election.

7 (4) The Chief Justice of the Supreme Court or a designee
8 of the Chief Justice shall then administer the oath of office
9 in the following form:

10 I do solemnly swear (or affirm) that I will abide by the
11 instructions of the Limited Constitutional Convention Act
12 of 2011 and support, obey and defend the Constitution of
13 the United States and the Constitution of Pennsylvania
14 and that I will discharge the duties of my office with
15 fidelity.

16 (b) Organization.--

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

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

21 (3) The convention shall prescribe rules for all of the
22 following:

23 (i) Procedure.

24 (ii) The convention's functions, powers and duties.

25 (iii) The conduct of its delegates, including
26 censure, suspension or removal.

27 (4) The officers elected by the delegates shall
28 constitute the administrative committee to make arrangements
29 for the convention. Upon certification by the secretary of
30 the results of the referendum election under section 7, the

administrative committee shall have the following powers and duties:

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

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

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

(iv) To hold public hearings.

(v) To enter into contracts.

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

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

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

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

(d) Immunity.--

(1) A delegate shall in all cases, except treason, felony, violation of oath of office and breach of the peace,

1 be privileged from arrest during attendance and travel to and
2 from the convention.

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

5 (e) Sine die adjournment.--The convention shall adjourn sine
6 die on September 14, 2012.

7 Section 10. Function.

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

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

13 (2) Section 4 of Article II of the Constitution of
14 Pennsylvania, pertaining to sessions and special sessions of
15 each elected legislature.

16 (3) Section 8 of Article II of the Constitution of
17 Pennsylvania, pertaining to compensation of members of the
18 General Assembly.

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

21 (5) Section 17 of Article II of the Constitution of
22 Pennsylvania, pertaining to the Legislative Reapportionment
23 Commission.

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

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

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

30 (9) Section 4 of Article III of the Constitution of

1 Pennsylvania, pertaining to legislative consideration of
2 bills.

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

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

8 (12) Section 27 of Article III of the Constitution of
9 Pennsylvania, pertaining to changes in term of office or
10 salary prohibited.

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

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

16 (15) Section 6 of Article IV of the Constitution of
17 Pennsylvania, pertaining to disqualification for offices of
18 Governor, Lieutenant Governor and Attorney General.

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

21 (17) Section 13 of Article IV of the Constitution of
22 Pennsylvania, pertaining to when Lieutenant Governor to act
23 as Governor.

24 (18) Section 14 of Article IV of the Constitution of
25 Pennsylvania, pertaining to vacancy in office of Lieutenant
26 Governor.

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

30 (20) Section 10 of Article V of the Constitution of

Pennsylvania, pertaining to judicial administration.

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

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

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

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

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

Section 11. Manner of submitting proposals to electorate.

(a) Convention.--

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

(2) The convention shall frame the ballot questions.

(3) Each ballot question shall consist of a single subject and encompass amendment to only one article or section of the Constitution of Pennsylvania.

(b) Certification.--The changes proposed and the ballot questions shall be certified by the president and secretary of the convention to the secretary by September 14, 2012.

Section 12. Submission to electorate.

(a) Secretary.--

(1) The secretary shall review the ballot questions for

1 conformity with this act before submission to the voters and
2 determine whether the convention has complied with the
3 instructions as voted by the people. The secretary shall
4 certify the ballot questions as provided by law not later
5 than October 28, 2012.

6 (2) The secretary shall advertise the proposals of the
7 convention in at least two newspapers in every county once
8 during the last week in October 2012.

9 (3) The secretary shall publish the Constitution of
10 Pennsylvania showing the changes proposed by the convention
11 in convenient form.

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

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

16 (b) County boards.--A county board shall make the
17 publication under subsection (a)(4) available at each polling
18 place.

19 (c) Election.--

20 (1) The recommendations of the convention shall be
21 submitted to the electors for their approval or rejection at
22 the general election of 2012.

23 (2) A majority vote of the electors voting in the
24 election is necessary for the adoption of the recommendations
25 of the convention.

26 (d) Certification.--The secretary shall certify the results
27 of the election.

28 Section 13. Lobbying.

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

1 Section 14. Openness to public.

2 Sessions of the convention as a whole shall be open to the
3 public.

4 Section 30. Appropriation.

5 The sum of \$1,000,000, or as much thereof as may be
6 necessary, is hereby appropriated to the Limited Constitutional
7 Convention for the fiscal year beginning July 1, 2011, to
8 September 29, 2012, to carry out the provisions of this act.

9 Section 31. Effective date.

10 This act shall take effect as follows:

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

13 (2) The remainder of this act shall take effect
14 immediately.