

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 286 Session of  
2017INTRODUCED BY BOSCOLA, SCHWANK, DINNIMAN, FOLMER AND RAFFERTY,  
APRIL 5, 2017

REFERRED TO STATE GOVERNMENT, APRIL 5, 2017

## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, authorizing the use of the indirect  
3 initiative and 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 laws and  
13 amendments to this Constitution at the polls.

14 (2) The indirect initiative is the power of the electors to  
15 propose statutes and amendments to this Constitution and to  
16 cause the General Assembly to take a vote in each House on the  
17 approved proposal in the current legislative session or, if the  
18 proposal is approved at a general election, no later than the

1 next legislative session.

2 (3) An indirect initiative measure may be proposed by  
3 presenting to the Secretary of the Commonwealth a petition that  
4 sets forth the text of the proposed statute or amendment to this  
5 Constitution and is certified by the Secretary of the  
6 Commonwealth to have been signed by registered electors equal in  
7 number to 5% of the votes for all candidates for Governor at the  
8 last gubernatorial election in not less than 45 counties in this  
9 Commonwealth.

10 (4) The Secretary of the Commonwealth shall only certify a  
11 measure on which all signatures on petitions are obtained and  
12 affixed to the petitions for the measure during the same regular  
13 session of the General Assembly and which is submitted by 5 p.m.  
14 on Friday after the second Thursday of February in the second  
15 year of that session.

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

18 (6) No measure that relates to religion, religious practices  
19 and institutions; the appointment, qualification, tenure,  
20 removal, recall or compensation of judges; the reversal of a  
21 judicial decision; the powers, creation or abolition of courts;  
22 the making of a specific appropriation of money from the  
23 treasury; and the naming of a private corporation to perform a  
24 function or to have a power or duty may be proposed by an  
25 indirect initiative petition.

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

29 (8) The Secretary of the Commonwealth shall then submit the  
30 measure to the clerk of the Senate within 10 Senate session days

1 of its receipt and to the clerk of the House of Representatives  
2 within 10 House session days of its receipt.

3 (9) The measure shall be referred to the appropriate  
4 committee of the Senate and the House of Representatives, and  
5 the committees shall report out their respective measures for  
6 consideration by the full Senate and the House of  
7 Representatives, respectively. The General Assembly shall not  
8 finally adjourn a legislative session without a vote being taken  
9 by the Senate and the House of Representatives on an indirect  
10 initiative measure that is properly before the General Assembly.

11 (b) (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, at their own option, to  
14 reject statutes or parts of statutes passed by the General  
15 Assembly.

16 (2) The referendum is the power of the electors to reject  
17 statutes or parts of statutes except urgency statutes or  
18 statutes calling elections.

19 (3) A referendum measure may be proposed by presenting to  
20 the Secretary of the Commonwealth, within 90 days after the  
21 enactment date of the statute, a petition certified to have been  
22 signed by registered electors equal in number to 5% of the votes  
23 for all candidates for Governor at the last gubernatorial  
24 election in not less than 45 counties in this Commonwealth  
25 asking that the statute or part of it be submitted to the  
26 electors.

27 (4) If a petition is certified to have been signed by  
28 registered electors equal to 10% of the votes for all candidates  
29 for Governor at the last gubernatorial election in not less than  
30 45 counties in this Commonwealth, the effective date of the

1 enacted legislation is suspended until the next election at  
2 which time the measure shall be submitted to the electors.

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

6 (c) (1) The General Assembly shall provide the manner in  
7 which petitions shall be circulated, presented and certified and  
8 require by law measures to ensure full disclosure of  
9 disbursements made and receipts obtained by parties who have an  
10 interest in indirect initiative and referendum measures and who  
11 have exceeded a statutory threshold for these disbursements and  
12 receipts for any one indirect initiative or referendum measure  
13 in each election. The General Assembly shall also require by law  
14 reasonable limits on contributions made to parties who have an  
15 interest in the passage or defeat of an indirect initiative or  
16 referendum measure for each measure and in each election. The  
17 General Assembly shall also require by law the full disclosure  
18 of any disbursements made by a person or corporation from  
19 another state to advocate the passage or defeat of an indirect  
20 initiative or referendum measure. The General Assembly shall,  
21 within 90 days following approval of this section, enact the  
22 legislation outlined in this paragraph.

23 (2) An indirect initiative or referendum petition, in order  
24 to be eligible for certification by the Secretary of the  
25 Commonwealth, shall first be signed by 100 registered electors  
26 of the Commonwealth, the originators, who shall pay an  
27 administrative fee not exceeding the fee required by law for the  
28 filing of nomination petitions by candidates for public office  
29 to be filled by the electors of the State-at-large. If the  
30 Secretary of the Commonwealth shall certify that the petition

1 contains the entire text of the measure, that the measure is  
2 not, either affirmatively or negatively, substantially the same  
3 as any measure which has been previously submitted to the  
4 electors during the same session of the General Assembly and  
5 that it contains only one subject which is not excluded from  
6 consideration under this section, then the Secretary of the  
7 Commonwealth shall provide blanks for the use of subsequent  
8 signers and shall print at the top of each blank the names of  
9 the first 10 originators and a fair, concise summary, as  
10 determined by the Secretary of the Commonwealth, of the proposed  
11 measure as the summary will appear on the ballot.

12 (3) The Department of State shall, within 10 days of the  
13 certification of an indirect initiative or referendum petition  
14 upon which the required number of signatures has been affixed,  
15 prepare an explanation or argument, or both, for and also an  
16 explanation or argument, or both, against the same. The  
17 Secretary of the Commonwealth shall then publish the summary and  
18 explanations and arguments, together with the entire text of the  
19 measure, in as many newspapers of general circulation as deemed  
20 by the Secretary of the Commonwealth to be sufficient to give  
21 notice throughout this Commonwealth at least 20 days before the  
22 election in which the measure is presented to the electors. This  
23 information shall also be made available to the general public  
24 in printed form.

25 (4) The Secretary of the Commonwealth shall certify no more  
26 than two indirect initiatives or two referendum measures in an  
27 election. Each measure shall be limited to only one subject. If  
28 more than two measures are submitted to the Secretary of the  
29 Commonwealth, the two measures with the largest numbers of  
30 signatures shall be certified. If two or more measures are

1 substantially similar in subject matter, whether or not they  
2 conflict, only the measure with the largest number of signatures  
3 shall be certified.

4 (5) No more than three indirect initiative and referendum  
5 measures may be certified by the Secretary of the Commonwealth  
6 in any two-year period.

7 (6) No measure may appear on the ballot in an election more  
8 often than once during a legislative session.

9 (7) The General Assembly may not finally adjourn a  
10 legislative session without a vote being taken by the Senate and  
11 the House of Representatives on a referendum statute that is  
12 properly before the General Assembly. The General Assembly may  
13 override a referendum statute only upon a vote of two-thirds of  
14 the members elected to the Senate and the House of  
15 Representatives.

16 Section 2. (a) Upon the first passage by the General  
17 Assembly of this proposed constitutional amendment, the  
18 Secretary of the Commonwealth shall proceed immediately to  
19 comply with the advertising requirements of section 1 of Article  
20 XI of the Constitution of Pennsylvania and shall transmit the  
21 required advertisements to two newspapers in every county in  
22 which such newspapers are published in sufficient time after  
23 passage of this proposed constitutional amendment.

24 (b) Upon the second passage by the General Assembly of this  
25 proposed constitutional amendment, the Secretary of the  
26 Commonwealth shall proceed immediately to comply with the  
27 advertising requirements of section 1 of Article XI of the  
28 Constitution of Pennsylvania and shall transmit the required  
29 advertisements to two newspapers in every county in which such  
30 newspapers are published in sufficient time after passage of

1 this proposed constitutional amendment. The Secretary of the  
2 Commonwealth shall submit this proposed constitutional amendment  
3 to the qualified electors of this Commonwealth at the first  
4 primary, general or municipal election which meets the  
5 requirements of and is in conformance with section 1 of Article  
6 XI of the Constitution of Pennsylvania and which occurs at least  
7 three months after the proposed constitutional amendment is  
8 passed by the General Assembly.