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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1328 Session of  
2015

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INTRODUCED BY TEPLITZ AND YUDICHAK, JUNE 23, 2016

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REFERRED TO STATE GOVERNMENT, JUNE 23, 2016

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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.

10 TABLE OF CONTENTS

- 11 Section 1. Short title.  
12 Section 2. Definitions.  
13 Section 3. Referendum.  
14 Section 4. Convention; membership; qualifications.  
15 Section 5. Nomination of elected delegates; withdrawals.  
16 Section 6. Elected delegates.  
17 Section 7. Vacancies.  
18 Section 8. Preparatory Committee.  
19 Section 9. Organization of convention.  
20 Section 10. Function.  
21 Section 11. Manner of submitting proposals to electorate.  
22 Section 12. Submission to electorate.

1 Section 13. Lobbying.

2 Section 14. Convention open to public.

3 Section 15. Appropriation.

4 Section 16. Effective date.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the  
9 Constitutional Convention Act of 2017.

10 Section 2. Definitions.

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

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

16 "Committee." The Preparatory Committee established in  
17 section 8.

18 "Convention." The Constitutional Convention authorized by  
19 this act.

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

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

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

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

27 "Secretary." The Secretary of the Commonwealth.

28 Section 3. Referendum.

29 (a) Question.--At the municipal election in November 2017,  
30 the following question shall be submitted to the electorate of

1 this Commonwealth to determine its will regarding a  
2 constitutional convention with limited powers:

3       Shall a constitutional convention be called in accordance  
4 with and subject to the limitations and requirements  
5 contained in the Constitutional Convention Act of 2017,  
6 to prepare for submission to the electorate proposals for  
7 amending Articles II, III, IV, V, VI and VII of the  
8 Constitution of Pennsylvania to create a more  
9 accountable, efficient, transparent and effective State  
10 government.

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

15       (c) Secretary.--If a majority of the electors voting on the  
16 question under subsection (a) vote in the affirmative, the  
17 secretary shall transmit notice of the vote to the Legislative  
18 Reference Bureau for publication as a notice in the Pennsylvania  
19 Bulletin.

20 Section 4. Convention; membership; qualifications.

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

24       (b) Delegates.--The convention shall consist of the  
25 following delegates:

26           (1) Three delegates shall be elected from each  
27 senatorial district. Each elector in each senatorial district  
28 may vote for not more than two candidates. The three  
29 candidates receiving the highest number of votes shall be  
30 elected delegates.

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

3           (i) The Lieutenant Governor.

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

5           (iii) The Majority Leader of the Senate.

6           (iv) The Majority Whip of the Senate.

7           (v) The Minority Leader of the Senate.

8           (vi) The Minority Whip of the Senate.

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

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

11          (ix) The Majority Leader of the House of  
12 Representatives.

13          (x) The Majority Whip of the House of  
14 Representatives.

15          (xi) The Minority Leader of the House of  
16 Representatives.

17          (xii) The Minority Whip of the House of  
18 Representatives.

19          (xiii) The Minority Caucus Chairman of the House of  
20 Representatives.

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

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

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

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

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

1 (d) Expenses.--Elected delegates shall be entitled to  
2 reimbursement for reasonable expenses incurred in the  
3 performance of their duties.

4 Section 5. Nomination of elected delegates; withdrawals.

5 (a) Political parties.--The county committee of each  
6 political party in each senatorial district shall collectively  
7 nominate two candidates in accordance with party rules and the  
8 names of the nominees submitted to the secretary. The secretary  
9 shall certify the names of the nominees to the county board as  
10 provided by law not later than March 28, 2018.

11 (b) Political bodies.--Subject to the limitations upon the  
12 number in this act applicable to political parties, candidates  
13 may also be nominated by political bodies by petition in  
14 accordance with the following:

15 (1) The secretary shall prescribe the form of the  
16 petition.

17 (2) A petition must be signed by at least 500 qualified  
18 electors of the senatorial district in accordance with the  
19 following:

20 (i) An elector may not sign more than two nomination  
21 petitions.

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

26 (iii) A petition may not be circulated prior to  
27 February 28, 2018. A signature shall not be counted  
28 unless it bears a date later than February 28, 2018.

29 (iv) A petition may be on one or more sheets.

30 Different sheets must be used for signers resident in

1 different counties. If more than one sheet is used, the  
2 sheets must be bound together when offered for filing if  
3 they are intended to constitute one petition, and each  
4 sheet must be numbered consecutively at the foot of each  
5 page, beginning with number one. Each sheet must have  
6 appended to it the affidavit of the individual who  
7 circulated it setting forth:

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

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

12 (C) that the signers to the petition signed with  
13 knowledge of the contents of the petition;

14 (D) that the residences of the signers are  
15 correctly stated;

16 (E) that each signer resides in the district  
17 named in the affidavit;

18 (F) that each signer signed on the date set  
19 forth; and

20 (G) that, to the best of the affiant's knowledge  
21 and belief, the signers are qualified electors of the  
22 district.

23 (3) A petition must be filed in the office of the  
24 secretary by March 14, 2018. A filing fee of \$100 must be  
25 paid by the candidate by certified check or money order.

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

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

30 (2) That the candidate is eligible for the office of

1 elected delegate to the constitutional convention.

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

5 (4) That the candidate meets the qualifications under  
6 section 4(c).

7 (d) Withdrawal.--A candidate may withdraw as a candidate as  
8 follows:

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

12 (2) File the request in the office of the secretary by 5  
13 p.m. on March 21, 2018.

14 Section 6. Elected delegates.

15 Elections for elected delegates shall be held at the general  
16 primary election in 2018. The secretary shall forward to each  
17 county board the names of the candidates. Each elector voting at  
18 the municipal election shall be entitled to vote for two  
19 candidates from the elector's senatorial district. The three  
20 candidates receiving the highest number of votes in each  
21 district shall be the elected delegates of that district. In the  
22 case of a tie vote, the election shall be determined in  
23 accordance with the provisions of section 1418 of the act of  
24 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
25 Election Code. The county board shall, by May 29, 2018, certify  
26 the return to the secretary. The secretary shall, by June 5,  
27 2018, certify to the Governor the names of the elected  
28 delegates.

29 Section 7. Vacancies.

30 (a) Candidate.--In the event of the death or withdrawal of a

1 candidate occurring prior to March 28, 2018, a substitute  
2 nomination shall be made under section 5.

3 (b) Elected delegate.--In the event of a vacancy in the  
4 office of the elected delegate, a successor shall be elected as  
5 follows:

6 (1) If the elected delegate was nominated under section  
7 5(a), the remaining delegates of that political party shall  
8 elect a successor who meets the qualifications under section  
9 4(c). The secretary shall prescribe appropriate time  
10 limitations.

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

14 Section 8. Preparatory Committee.

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

17 (b) Meeting organization.--Upon certification by the  
18 secretary of the results of the referendum election under  
19 section 3, the committee shall have the following powers and  
20 duties:

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

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

27 (3) To initiate relevant studies through its own  
28 personnel or in cooperation with any public or private  
29 agencies.

30 (4) To hold public hearings.



1 (5) To enter into contracts.

2 (6) To receive from Commonwealth agencies and political  
3 subdivisions and local agencies assistance necessary or  
4 desirable to carry out properly the powers and duties under  
5 this subsection.

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

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

11 Section 9. Organization of convention.

12 (a) Convening.--

13 (1) The convention shall convene in the hall of the  
14 House of Representatives on June 10, 2018, at 12 noon.

15 (2) The convention shall be called to order by the  
16 Governor.

17 (3) The secretary shall certify the returns of the  
18 elections for elected delegates and issue certificates of  
19 election.

20 (4) The Chief Justice of the Supreme Court of  
21 Pennsylvania or a designee of the Chief Justice shall then  
22 administer the oath of office in the following form:

23 I do solemnly swear (or affirm) that I will support,  
24 obey and defend the Constitution of the United States  
25 and the Constitution of Pennsylvania, and that I will  
26 discharge the duties of my office with fidelity.

27 (b) Organization.--

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

30 (2) The convention shall organize by electing from among

1 its delegates a president, secretary and other officers.

2 (3) The convention shall prescribe rules for:

3 (i) procedure; and

4 (ii) conduct of its delegates, including censure,  
5 suspension or removal.

6 (c) 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 may not be questioned in any other place  
12 for any speech or debate in the convention.

13 (d) Sine die adjournment.--The convention shall adjourn sine  
14 die on September 7, 2018.

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 amending Articles II, III, IV, V, VI and VII of the  
19 Constitution of Pennsylvania to create a more accountable,  
20 efficient, transparent and effective State government.

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

24 Section 11. Manner of submitting proposals to electorate.

25 (a) Convention.--

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

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

29 (b) Certification.--The changes proposed and the ballot  
30 questions shall be certified by the president and secretary of

1 the convention to the secretary by August 24, 2018.

2 Section 12. Submission to electorate.

3 (a) Secretary.--

4 (1) The secretary shall advertise the proposals of the  
5 convention in at least two newspapers of general circulation  
6 in every county once from September 16, 2018, to September  
7 22, 2018.

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

11 (3) The secretary shall send 10 copies of the  
12 publication under paragraph (2) to each county board.

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

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

18 (c) Election.--

19 (1) The recommendations of the convention shall be  
20 submitted to the electors for their approval or rejection at  
21 the general election of 2018.

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

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

27 Section 13. Lobbying.

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

30 Section 14. Convention open to public.

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

3 Section 15. Appropriation.

4 The sum of \$1,000,000, or as much thereof as may be  
5 necessary, is hereby appropriated to the Preparatory Committee  
6 to carry out the provisions of this act. The appropriation shall  
7 lapse June 30, 2019.

8 Section 16. Effective date.

9 This act shall take effect as follows:

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

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