
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 611 Session of
2019

INTRODUCED BY RYAN, BARRAR, KAUFFMAN, KEEFER, LEWIS, MENTZER,
NESBIT, ZIMMERMAN AND IRVIN, FEBRUARY 28, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 28, 2019

AN ACT

1 Providing for a Constitutional Convention with limited powers,
2 for a referendum on the question and for the selection,
3 nomination and election of delegates; defining the powers,
4 duties and operation of the Constitutional Convention;
5 conferring powers and imposing duties on the Governor, the
6 Secretary of the Commonwealth, officers of the General
7 Assembly and county boards of elections; providing for a
8 referendum on the Constitutional Convention's report; and
9 making an 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.

15 Section 2. Referendum.

16 (a) General rule.--At the next primary or general election
17 occurring at least 90 days after the effective date of this act
18 the following question shall be submitted to the electorate of
19 the Commonwealth to determine the electorate's will regarding a
20 Constitutional Convention with limited powers:

21 Shall a Constitutional Convention be called in accordance

1 with, and subject to, the limitations and requirements
2 contained in Act Number of the Session of the
3 General Assembly, to prepare for submission to the
4 electorate proposals for the revision of Articles II,
5 III, IV and V of the Constitution of Pennsylvania, as
6 provided in section 8 of this act?

7 (b) Duties of county boards of elections.--

8 (1) The county board of elections in each county shall
9 print in bound form separate official ballots in sufficient
10 numbers to furnish to the election officers in each election
11 district of the county, one ballot to be supplied to each
12 elector at the primary election and also specimen ballots
13 equal in number to one-fifth of the official ballots.

14 (2) In districts where voting machines are used, the
15 question may appear on the face of the machine where the
16 machine is properly equipped for that purpose; otherwise, a
17 separate printed ballot shall be used.

18 (3) The results of the election shall be tabulated by
19 the proper election officers of each county and duly
20 certified to the Secretary of the Commonwealth.

21 Section 3. Convention, membership, qualifications and
22 vacancies.

23 (a) Convention.--

24 (1) If a majority of the electors voting upon the
25 question shall favor the holding of a Constitutional
26 Convention with limited powers, a Constitutional Convention
27 shall be called by the Governor. It shall consist of 163
28 members.

29 (2) Three district delegates shall be elected from each
30 senatorial district, as provided in this act. Each elector

1 may vote for not more than two candidates for the office of
2 delegate. The three candidates receiving the highest number
3 of votes shall be elected to the office of delegate.

4 (3) All of the following individuals shall be members
5 ex officio of the Constitutional Convention and shall have
6 the powers of elected delegates:

7 (i) The Lieutenant Governor.

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

9 (iii) The Majority Leader of the Senate.

10 (iv) The Majority Whip of the Senate.

11 (v) The Minority Leader of the Senate.

12 (vi) The Minority Whip of the Senate.

13 (vii) The Minority Caucus Chairperson of the Senate.

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

15 (ix) The Majority Leader of the House of
16 Representatives.

17 (x) The Majority Whip of the House of
18 Representatives.

19 (xi) The Minority Leader of the House of
20 Representatives.

21 (xii) The Minority Whip of the House of
22 Representatives.

23 (xiii) The Minority Caucus Chairperson of the House
24 of Representatives.

25 (b) Qualifications of delegate.--To serve as a delegate to
26 the Constitutional Convention, an individual must:

27 (1) Be at least 21 years of age.

28 (2) Have been a citizen and resident of this
29 Commonwealth for at least four years.

30 (3) Have resided in and been a registered elector of the

1 individual's respective senatorial district at least one year
2 prior to election as delegate.

3 (4) Reside in the delegate's respective senatorial
4 district during the delegate's term of service.

5 (c) Vacancies.--In case of a vacancy in the office of
6 delegate occurring after the election, if:

7 (1) The member is an ex officio member, the vacancy
8 shall be filled by the individual assuming the office.

9 (2) The member was nominated in accordance with section
10 4, all the remaining delegates shall elect a successor
11 meeting the qualification prescribed under subsection (b).

12 Section 4. Nomination of delegates and withdrawals.

13 (a) Nomination.--Candidates for delegates to the convention
14 shall be nominated by petition in accordance with this section.
15 A petition must be signed by at least 100 qualified electors of
16 the candidate's senatorial district, and petitions may not
17 include any reference to the political affiliation of the
18 candidate.

19 (b) Petitions.--The Secretary of the Commonwealth shall
20 prescribe the form of the petition in accordance with this
21 section. The Secretary of the Commonwealth shall certify the
22 names of the nominees to the county boards as provided by law no
23 later than 60 days prior to the next upcoming primary or general
24 election occurring after passage of the referendum.

25 (c) Prohibition.--Except as provided in section 3(a)(3), the
26 following may not serve as a delegate:

27 (1) The Governor, a current member of the General
28 Assembly or other official elected Statewide.

29 (2) A current member of the Congress of the United
30 States.

1 (3) A sitting judge of a court.

2 (d) Filing of petitions.--

3 (1) The petitions shall be filed in the office of the
4 Secretary of the Commonwealth not later than 75 days prior to
5 the next upcoming primary or general election occurring after
6 passage of the referendum. A filing fee of \$25 shall be paid
7 by each candidate to the Secretary of the Commonwealth by
8 certified check or money order.

9 (2) The following shall apply:

10 (i) An elector may sign not more than two nomination
11 petitions for a delegate to represent the elector's
12 district.

13 (ii) Every signer of a nomination petition shall:

14 (A) provide the signer's occupation and
15 residence, giving city, borough or township, with
16 street and number, if any;

17 (B) state that the signer is a qualified elector
18 of the district named; and

19 (C) add the date of signing, expressed in words
20 or numbers.

21 (iii) A nomination petition may not be circulated
22 prior to 20 days before the last day on which the
23 petition may be filed.

24 (iv) A signature may not be counted unless it bears
25 date within 20 days of the last day of filing.

26 (3) Nomination petitions may be on one or more sheets,
27 and different sheets must be used for signers resident in
28 different counties. If more than one sheet is used, they
29 shall be bound together when offered for filing, if they are
30 intended to constitute one petition, and each sheet shall be

1 numbered consecutively at the foot of each page, beginning
2 with number one.

3 (4) Each sheet shall include an affidavit of the person
4 who circulated it stating:

5 (i) that the person is a qualified elector of the
6 senatorial district named in the petition;

7 (ii) the person's residence, giving city, borough or
8 township, with street and number, if any;

9 (iii) that the signers of the petition were aware of
10 the contents of the petition;

11 (iv) that the signers' respective residences are
12 correctly stated in the petition;

13 (v) that each signer resides in the district named
14 in the affidavit;

15 (vi) that each person signed on the date set
16 opposite the person's name; and

17 (vii) that, to the best of affiant's knowledge and
18 belief, the signers are qualified electors of the
19 district.

20 (e) Affidavits.--Each candidate for delegate shall file with
21 the Secretary of the Commonwealth an affidavit stating:

22 (1) the candidate's residence, with street and number,
23 if any, and the candidate's post office address;

24 (2) that the candidate is eligible for the office of
25 delegate to the Constitutional Convention;

26 (3) that, if elected, the candidate will faithfully
27 observe the limitations and requirements imposed upon the
28 Constitutional Convention by this act; and

29 (4) that the candidate has been a citizen and resident
30 of this Commonwealth for at least four years and has been a

1 registered elector for at least one year in the district
2 which the candidate seeks to represent.

3 (f) Withdrawal.--

4 (1) A candidate for election as a delegate to the
5 Constitutional Convention may withdraw the candidate's name
6 by a request in writing, signed by the candidate and
7 acknowledged before an officer empowered to administer oaths,
8 filed in the office of the Secretary of the Commonwealth not
9 later than 5 p.m. on the fifth day next succeeding the last
10 day for filing nomination petitions.

11 (2) In the event of the death or withdrawal of a
12 candidate occurring prior to the time prescribed by this
13 subsection, substitute nominations shall be made in
14 accordance with the provisions of this section.

15 Section 5. Election of delegates.

16 (a) Procedure.--

17 (1) If approved by the electorate, elections for
18 delegates to the Constitutional Convention shall be held at
19 the next upcoming primary or general election.

20 (2) The Secretary of the Commonwealth shall forward to
21 the county board of elections of each county the names of the
22 candidates for the office of delegate.

23 (3) Each elector voting at the election shall be
24 entitled to vote for two candidates for the office of
25 delegate from the elector's district.

26 (4) The three candidates receiving the highest number of
27 votes in each district shall be the elected delegates of that
28 district.

29 (5) Within 15 days, the county boards of elections shall
30 make to the Secretary of the Commonwealth the proper

1 certification of returns of votes cast for the candidates for
2 election for the office of delegate.

3 (b) Certification of results to Governor.--At the same time
4 as certification of the other election results, the Secretary of
5 the Commonwealth shall certify to the Governor the names of the
6 delegates elected to the Constitutional Convention.

7 (c) Tie vote.--In the case of a tie vote, the election shall
8 be determined in accordance with the provisions of section 1418
9 of the act of June 3, 1937 (P.L.1333, No.320), known as the
10 Pennsylvania Election Code.

11 Section 6. Preparatory committee and appropriation.

12 (a) Establishment.--A preparatory committee to make
13 arrangements for the Constitutional Convention shall include all
14 of the following members:

- 15 (1) The Lieutenant Governor.
- 16 (2) The President pro tempore of the Senate.
- 17 (3) The Majority Leader of the Senate.
- 18 (4) The Majority Whip of the Senate.
- 19 (5) The Minority Leader of the Senate.
- 20 (6) The Minority Whip of the Senate.
- 21 (7) The Minority Caucus Chairperson of the Senate.
- 22 (8) The Speaker of the House of Representatives.
- 23 (9) The Majority Leader of the House of Representatives.
- 24 (10) The Majority Whip of the House of Representatives.
- 25 (11) The Minority Leader of the House of
26 Representatives.
- 27 (12) The Minority Whip of the House of Representatives.
- 28 (13) The Minority Caucus Chairperson of the House of
29 Representatives.

30 (b) Authority.--

1 (1) The committee shall have authority immediately
2 following an affirmative vote by the electorate on the
3 question of holding a Constitutional Convention to lease or
4 otherwise obtain suitable meeting and office space, to
5 purchase or lease office supplies, equipment, books and other
6 publications and other materials necessary for the work of
7 the Constitutional Convention and to hire or engage
8 secretaries, technical assistants, printers and other
9 employees or consultants as may be deemed necessary for the
10 preparatory work of the Constitutional Convention.

11 (2) The committee shall initiate studies, inquiries,
12 surveys or analyses the committee may deem relevant through
13 the committee's own personnel or in cooperation with public
14 or private agencies, including institutes, universities,
15 foundations or research organizations. In so doing, the
16 committee may hold public or private hearings.

17 (3) The committee may issue subpoenas under the hand and
18 seal of the chairperson commanding any person to appear
19 before it and to answer questions touching matters properly
20 being inquired into by the committee and to produce books,
21 papers, records and documents that the committee deems
22 necessary. The subpoenas may be served upon any person and
23 shall have the force and effect of subpoenas issued out of
24 the courts of this Commonwealth.

25 (4) A person who willfully neglects or refuses to
26 testify before the committee or to produce any book, paper,
27 record or document shall be subject to the penalties provided
28 by the laws of this Commonwealth in the case.

29 (5) Each member of the committee shall have power to
30 administer oaths and affirmations to witnesses appearing

1 before the committee.

2 (6) The committee may request and shall receive from any
3 department, division, board, bureau, commission or agency of
4 the Commonwealth or a political subdivision of the
5 Commonwealth facilities, assistance and data as it deems
6 necessary or desirable to carry out properly the committee's
7 powers and duties.

8 (7) The committee may enter into agreements and perform
9 acts that may be necessary, desirable or proper to carry out
10 the provisions of this act.

11 (8) The committee shall prepare budgets for the holding
12 of the Constitutional Convention. The recommended budgets
13 shall be submitted to the General Assembly in sufficient time
14 for the General Assembly to pass the necessary appropriation
15 acts.

16 (9) The members of the committee shall receive no
17 compensation for service but shall be allowed their actual
18 and necessary expenses incurred in the performance of their
19 duties.

20 (10) The authority of the preparatory committee shall
21 expire upon election of convention officers, except to sign
22 documents necessary to obtain payments from the State
23 Treasury for any commitments made under the authority of this
24 section prior thereto and to submit any report to the
25 Constitutional Convention.

26 (c) Appropriation.--

27 (1) The sum of \$200,000 is appropriated to the
28 preparatory committee for the purposes specified in this
29 section.

30 (2) A fund shall be established in the State Treasury

1 for the purpose of accepting the sum under paragraph (1) and
2 future appropriations for the expenses of the convention, as
3 well as donations from the public.

4 Section 7. Organization of convention.

5 (a) Convening.--

6 (1) The Constitutional Convention shall convene in the
7 Hall of the House of Representatives in Harrisburg, Dauphin
8 County, Pennsylvania, on July 1 at 12 o'clock noon. The
9 Constitutional Convention shall be called to order by the
10 Governor.

11 (2) The Secretary of the Commonwealth shall certify the
12 returns of the elections for delegates to the Constitutional
13 Convention and issue certificates of election to those
14 elected.

15 (3) The Chief Justice of the Supreme Court of
16 Pennsylvania or the Chief Justice's appointee shall then
17 administer the oath of office in the following form: "I do
18 solemnly swear (or affirm) that I will support, obey and
19 defend the Constitution of the United States and the
20 Constitution of this Commonwealth and that I will discharge
21 the duties of my office with fidelity."

22 (b) Procedure.--

23 (1) The Constitutional Convention shall organize by
24 electing from among its delegates a president, secretary and
25 other officers necessary for the transaction of its business.

26 (2) No member of the General Assembly may be an officer
27 of the Constitutional Convention.

28 (3) The Constitutional Convention shall determine the
29 rules of its own proceedings and shall be the final judge of
30 the qualifications of its own delegates. The Constitutional

1 Convention shall determine rules for the conduct of its
2 delegates and provide for the censure, suspension or removal
3 of a delegate, if necessary.

4 (c) Privilege.--The delegates to the Constitutional
5 Convention shall in all cases, except treason, felony, violation
6 of their oath of office and breach or surety of the peace, be
7 privileged from arrest during their attendance at the session of
8 the Constitutional Convention and in going to and returning from
9 the Constitutional Convention and, for any speech or debate in
10 the Constitutional Convention, they may not be questioned in any
11 other place.

12 (d) Authority.--In addition to any powers provided in this
13 section, the Constitutional Convention shall have all of the
14 powers given to the preparatory committee under section 6.

15 (e) Adjournment.--The Constitutional Convention shall have
16 the power to adjourn from time to time and to meet at
17 appropriate places in the City of Harrisburg as it shall
18 determine.

19 (f) Sine die.--The Constitutional Convention shall conclude
20 its session sine die not later than November 1.

21 Section 8. Substantive powers of convention, limitations and
22 mandatory duties of convention.

23 (a) General rule.--Except as provided in subsection (b), the
24 Constitutional Convention shall have the power by a vote of a
25 majority of the 163 delegates to make recommendations to the
26 electorate on the following subjects only:

27 (1) The following sections of Article II of the
28 Constitution of Pennsylvania:

29 (i) Section 3, as it relates to limits or changes in
30 the length of terms for members of the General Assembly.

1 (ii) Section 4, as it relates to the full-time or
2 part-time nature of the General Assembly.

3 (iii) Section 8, as it relates to compensation of
4 the members of the General Assembly.

5 (iv) Section 16, as it relates to the number of
6 seats in the General Assembly and the allocation of
7 Senatorial seats.

8 (2) The following sections of Article III of the
9 Constitution of Pennsylvania:

10 (i) Subarticle A, as it relates to amendments of
11 legislation on third consideration.

12 (ii) Section 13, as it relates to prohibitions on
13 voting.

14 (iii) Section 22, as it relates to no-bid contracts.

15 (iv) Section 24, as it relates to spending without
16 an enacted budget in place.

17 (v) Section 26, as it relates to pensions and cost-
18 of-living increases.

19 (3) The following sections of Article IV of the
20 Constitution of Pennsylvania:

21 (i) Section 4, as it relates to eliminating the
22 office of Lieutenant Governor.

23 (ii) Section 14, as it relates to simultaneously
24 serving as Lieutenant Governor and a member of the
25 Senate.

26 (4) The following sections of Article V of the
27 Constitution of Pennsylvania:

28 (i) Section 10, as it relates to independent review.

29 (ii) Section 17, as it relates to work outside of
30 court service.

1 (iii) Section 18, as it relates to Supreme Court
2 involvement, special tribunals and the selection of non-
3 bar members for disciplinary board.

4 (b) Limitations.--

5 (1) A delegate may not support a proposal that goes
6 beyond the subject matter specified under subsection (a).
7 This prohibition specifically includes consideration at any
8 stage of the Constitutional Convention of an amendment that
9 in any way seeks to amend, modify or repeal a provision
10 regarding any of the following:

11 (i) The Declaration of Rights of the Constitution of
12 Pennsylvania.

13 (ii) The imposition of a graduated income tax by the
14 Commonwealth or any of its political subdivisions.

15 (iii) Article VIII, Section 1 of the Constitution of
16 Pennsylvania.

17 (2) A delegate who receives and accepts an item of
18 value, excluding education materials, from a person in
19 connection with service as a delegate shall be immediately
20 disqualified and immediately replaced by an alternate.

21 (c) Format.--In dealing with the subject matter as
22 prescribed by this section, the Constitutional Convention may
23 recommend that a provision be transferred to another article,
24 modified, deleted, repealed, substituted by an entirely new
25 provision or continued without change.

26 (d) Recommendations.--The Constitutional Convention shall
27 make its recommendations regarding legislative apportionment as
28 a replacement for the existing Article II, section 16 of the
29 Constitution of Pennsylvania and shall arrange its
30 recommendations on the other subjects assigned to it in separate

1 articles.

2 (e) Numbering.--The Constitutional Convention's
3 recommendations on an article may not be numbered. If approved
4 by the electors, the articles shall be numbered by the Governor
5 as provided by law.

6 Section 9. Manner of submitting proposals to electorate.

7 (a) Procedure.--

8 (1) The recommendations of the Constitutional Convention
9 shall be submitted to the electorate separately as determined
10 by the Constitutional Convention. The recommendations may be
11 in any number of sections which the Constitutional Convention
12 deems suitable.

13 (2) The Constitutional Convention shall frame the ballot
14 questions that bring the recommendations to the electorate.

15 (3) There shall be no fewer than one separate question
16 for each of the articles to be recommended by the
17 Constitutional Convention and another question for the
18 amendment on legislative apportionment.

19 (b) Certification.--

20 (1) The changes proposed, together with the questions
21 framed by the Constitutional Convention, shall be certified
22 by the president and secretary of the Constitutional
23 Convention to the Secretary of the Commonwealth not later
24 than March 7 of the year following adjournment.

25 (2) The Secretary of the Commonwealth shall then
26 advertise the proposals of the Constitutional Convention in a
27 newspaper of general circulation, if any, in every county of
28 this Commonwealth once during the first week in April.

29 (3) The Secretary of the Commonwealth shall:

30 (i) publish on the Department of State's publicly

1 accessible Internet website the changes to the
2 Constitution of Pennsylvania as proposed by the
3 Constitutional Convention in convenient form;

4 (ii) send a copy to each elector requesting a copy;
5 and

6 (iii) send 10 copies through the county boards of
7 elections to each polling place for the use of the voters
8 during the election.

9 Section 10. Submission of proposals to electorate and
10 proclamation by Governor of results.

11 The recommendations of the Constitutional Convention shall be
12 submitted to the electorate for approval or rejection on a
13 separate ballot at the next primary election. In districts where
14 voting machines are used, the question may appear on the face of
15 the machine if the machine is properly equipped for that
16 purpose; otherwise, a separate printed ballot shall be used. A
17 majority vote of the electors voting on a recommendation shall
18 be necessary for the adoption of the recommendations of the
19 Constitutional Convention. If adopted, a recommendation shall
20 become effective as provided in the recommendation or by the
21 schedule attached to the recommendation. The Governor, upon
22 receipt from the Secretary of the Commonwealth of a certificate
23 of the results of the election, shall immediately make
24 proclamation of the results.

25 Section 11. Expenses of members of convention.

26 (a) General rule.--Members of the Constitutional Convention
27 shall receive an allowance for traveling expenses at the same
28 rate and computed on the same basis as traveling expenses for
29 State Senators, payable monthly.

30 (b) Exception.--The members of the General Assembly and

1 officers and employees of the Commonwealth shall be reimbursed
2 for the expenses under this section only if not otherwise paid
3 by the Commonwealth.

4 Section 12. Registration of lobbyists.

5 (a) Duty to register.--

6 (1) An individual who is employed or engaged for
7 compensation, by any other person or a partnership,
8 committee, association, corporation or other organization, to
9 advocate passage or defeat of proposals of the Constitutional
10 Convention or proposals of any of the Constitutional
11 Convention's delegates shall, before beginning those
12 activities, submit to the secretary of the Constitutional
13 Convention a registration statement made under oath or
14 affirmation before an officer authorized by law to administer
15 oaths stating:

16 (i) The name and business address of the lobbyist.

17 (ii) The name and address of the person,
18 partnership, committee, association, corporation or other
19 organization by whom the lobbyist is employed or engaged.

20 (iii) The name and address of the person,
21 partnership, committee, association, corporation or other
22 organization in whose interest the lobbyist will advocate
23 the passage or defeat of proposals of the Constitutional
24 Convention.

25 (iv) The duration of the lobbyist's employment.

26 (2) Whenever any of the facts under paragraph (1)
27 change, the lobbyist shall file a revised registration
28 statement.

29 (3) A registration statement under this subsection shall
30 be a public record.

1 (b) Penalty.--A person violating any of the provisions of
2 this section commits a misdemeanor and shall, upon conviction,
3 be sentenced to pay a fine of not more than \$500 or to
4 imprisonment for not more than one year, or both.

5 Section 13. Conventions open to public.

6 Sessions of the Constitutional Convention as a whole shall be
7 open to the public.

8 Section 14. Effective date.

9 This act shall take effect immediately.