

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 246 Session of  
2021INTRODUCED BY PHILLIPS-HILL, DiSANTO, REGAN AND MASTRIANO,  
FEBRUARY 18, 2021

REFERRED TO STATE GOVERNMENT, FEBRUARY 18, 2021

## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, providing for proposal of amendments by  
3 constitutional conventions.

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 XI be amended by adding a section to read:

9 § 2. Proposal of amendments by constitutional conventions.

10 (a) At the next primary or general election occurring at  
11 least 90 days after adoption of this section, the following  
12 question shall be submitted to the electorate of the  
13 Commonwealth to determine the electorate's will regarding a  
14 Constitutional Convention with limited powers:

15 Shall a Constitutional Convention be called in accordance  
16 with, and subject to, the limitations and requirements of  
17 section 2 of Article XI of the Constitution of  
18 Pennsylvania to prepare for submission to the electorate

1 proposals for the revision of Articles II, III, IV and V  
2 of the Constitution of Pennsylvania?

3 (b) At the primary or general election that occurs every 20  
4 years after the adoption of this section, if the General  
5 Assembly during the legislative session immediately prior to the  
6 primary or general election agrees to, by at least two-thirds of  
7 the members elected to each House, a concurrent resolution  
8 specifying the revision of an article or articles of this  
9 Constitution, the following question shall be submitted to the  
10 electorate of the Commonwealth to determine the electorate's  
11 will regarding a Constitutional Convention with limited powers:

12 Shall a Constitutional Convention be called in accordance  
13 with, and subject to, the limitations and requirements of  
14 section 2 of Article XI of the Constitution of  
15 Pennsylvania to prepare for submission to the electorate  
16 proposals for the revision of (the article or articles)  
17 of the Constitution of Pennsylvania as specified in the  
18 concurrent resolution agreed to by the General Assembly  
19 in the prior legislative session?

20 (c) (1) The county board of elections in each county shall  
21 print in bound form separate official ballots in sufficient  
22 numbers to furnish to the election officers in each election  
23 district of the county one ballot to be supplied to each elector  
24 at the primary election and also specimen ballots equal in  
25 number to one-fifth of the official ballots.

26 (2) In districts where voting machines are used, the  
27 question may appear on the face of the machine where the machine  
28 is properly equipped for that purpose. Otherwise, a separate  
29 printed ballot shall be used.

30 (3) The results of the election shall be tabulated by the

1 proper election officers of each county and duly certified to  
2 the Secretary of the Commonwealth.

3 (d) (1) If a majority of the electors voting upon the  
4 question shall favor the holding of a Constitutional Convention  
5 with limited powers, a Constitutional Convention shall be called  
6 by the Governor. It shall consist of 150 members.

7 (2) Three district delegates shall be elected from each  
8 senatorial district, as provided in this section. Each elector  
9 may vote for not more than two candidates for the office of  
10 delegate. The three candidates receiving the highest number of  
11 votes shall be elected to the office of delegate.

12 (e) To serve as a delegate to the Constitutional Convention,  
13 an individual must:

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

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

17 (3) Have resided in and been a registered elector of the  
18 individual's respective senatorial district at least one year  
19 prior to election as delegate.

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

22 (f) In case of a vacancy in the office of delegate occurring  
23 after the election, if:

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

26 (2) The member was nominated in accordance with subsection  
27 (g), all the remaining delegates shall elect a successor meeting  
28 the qualification prescribed in this section.

29 (g) (1) Candidates for delegates to the convention shall be  
30 nominated by petition in accordance with this subsection. A

1 petition must be signed by at least 100 qualified electors of  
2 the candidate's senatorial district, and petitions shall not  
3 include any reference to the political affiliation of the  
4 candidate.

5 (2) The Secretary of the Commonwealth shall prescribe the  
6 form of the petition in accordance with this subsection. The  
7 Secretary of the Commonwealth shall certify the names of the  
8 nominees to the county boards as provided by law no later than  
9 60 days prior to the next upcoming primary or general election  
10 occurring after passage of the referendum.

11 (3) The following may not serve as a delegate:

12 (i) The Governor, Lieutenant Governor, Auditor General,  
13 Attorney General, State Treasurer or a current member of the  
14 General Assembly.

15 (ii) A current member of the Congress of the United States.

16 (iii) A sitting judge of a court.

17 (4) The petitions shall be filed in the office of the  
18 Secretary of the Commonwealth not later than 75 days prior to  
19 the next upcoming primary or general election occurring after  
20 passage of the referendum. A filing fee of \$25 shall be paid by  
21 each candidate to the Secretary of the Commonwealth by certified  
22 check or money order.

23 (5) The following shall apply:

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

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

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

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

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

2 (iii) A nomination petition may not be circulated prior to  
3 20 days before the last day on which the petition may be filed.

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

6 (6) Nomination petitions may be on one or more sheets, and  
7 different sheets must be used for signers resident in different  
8 counties. If more than one sheet are intended to constitute one  
9 petition, they shall be bound together when offered for filing,  
10 and each sheet shall be numbered consecutively at the foot of  
11 each page, beginning with number one.

12 (7) Each sheet shall include an affidavit of the person who  
13 circulated it, stating:

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

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

18 (iii) that the signers of the petition were aware of the  
19 contents of the petition;

20 (iv) that the signers' respective residences are correctly  
21 stated in the petition;

22 (v) that each signer resides in the district named in the  
23 affidavit;

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

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

28 (8) Each candidate for delegate shall file with the  
29 Secretary of the Commonwealth an affidavit stating:

30 (i) the candidate's residence, with street and number, if

1 any, and the candidate's post office address;

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

4 (iii) that, if elected, the candidate will faithfully  
5 observe the limitations and requirements imposed upon the  
6 Constitutional Convention by this act; and

7 (iv) that the candidate has been a citizen and resident of  
8 this Commonwealth for at least four years and has been a  
9 registered elector for at least one year in the district which  
10 the candidate seeks to represent.

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

18 (10) In the event of the death or withdrawal of a candidate  
19 occurring prior to the time prescribed by this subsection,  
20 substitute nominations shall be made in accordance with the  
21 provisions of this section.

22 (h) (1) If approved by the electorate, elections for  
23 delegates to the Constitutional Convention shall be held at the  
24 next upcoming primary or general election.

25 (2) The Secretary of the Commonwealth shall forward to the  
26 county board of elections of each county the names of the  
27 candidates for the office of delegate.

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

1     (4) The three candidates receiving the highest number of  
2 votes in each district shall be the elected delegates of that  
3 district.

4     (5) Within 15 days, the county boards of elections shall  
5 make to the Secretary of the Commonwealth the proper  
6 certification of returns of votes cast for the candidates for  
7 election for the office of delegate.

8     (i) At the same time as certification of the other election  
9 results, the Secretary of the Commonwealth shall certify to the  
10 Governor the names of the delegates elected to the  
11 Constitutional Convention.

12     (j) In the case of a tie vote, the election shall be  
13 determined in accordance with the law.

14     (k) (1) The Lieutenant Governor, the President pro tempore  
15 of the Senate, the Majority Leader of the Senate, the Majority  
16 Whip of the Senate, the Minority Leader of the Senate, the  
17 Minority Whip of the Senate, the Minority Caucus Chairperson of  
18 the Senate, the Speaker of the House of Representatives, the  
19 Majority Leader of the House of Representatives, the Majority  
20 Whip of the House of Representatives, the Minority Leader of the  
21 House of Representatives, the Minority Whip of the House of  
22 Representatives and the Minority Caucus Chairperson of the House  
23 of Representatives shall constitute a Preparatory Committee to  
24 make arrangements for the Constitutional Convention.

25     (2) The Preparatory Committee shall have authority  
26 immediately following an affirmative vote by the electorate on  
27 the question of holding a Constitutional Convention to lease or  
28 otherwise obtain suitable meeting and office space, to purchase  
29 or lease office supplies, equipment, books and other  
30 publications and other materials necessary for the work of the

1 Constitutional Convention and to hire or engage secretaries,  
2 technical assistants, printers and other employees or  
3 consultants as may be deemed necessary for the preparatory work  
4 of the Constitutional Convention.

5 (3) The Preparatory Committee shall initiate studies,  
6 inquiries, surveys or analyses the Preparatory Committee may  
7 deem relevant through the committee's own personnel or in  
8 cooperation with public or private agencies, including  
9 institutes, universities, foundations or research organizations.  
10 In so doing, the Preparatory Committee may hold public or  
11 private hearings.

12 (4) The Preparatory Committee may issue subpoenas under the  
13 hand and seal of the chairperson commanding any person to appear  
14 before it and to answer questions touching matters properly  
15 being inquired into by the committee and to produce books,  
16 papers, records and documents that the committee deems  
17 necessary. The subpoenas may be served upon any person and shall  
18 have the force and effect of subpoenas issued out of the courts  
19 of this Commonwealth.

20 (5) A person who willfully neglects or refuses to testify  
21 before the Preparatory Committee or to produce any book, paper,  
22 record or document shall be subject to the penalties provided by  
23 the laws of this Commonwealth in the case.

24 (6) Each member of the Preparatory Committee shall have  
25 power to administer oaths and affirmations to witnesses  
26 appearing before the Preparatory Committee.

27 (7) The Preparatory Committee may request and shall receive  
28 from any department, division, board, bureau, commission or  
29 agency of the Commonwealth or a political subdivision thereof  
30 facilities, assistance and data as it deems necessary or



1 desirable to carry out properly the Preparatory Committee's  
2 powers and duties.

3 (8) The Preparatory Committee may enter into agreements and  
4 perform acts that may be necessary, desirable or proper to carry  
5 out the provisions of this section.

6 (9) The Preparatory Committee shall prepare budgets for the  
7 holding of the Constitutional Convention. The recommended  
8 budgets shall be submitted to the General Assembly in sufficient  
9 time for the General Assembly to pass the necessary  
10 appropriation acts.

11 (10) The members of the Preparatory Committee shall receive  
12 no compensation for service but shall be allowed their actual  
13 and necessary expenses incurred in the performance of their  
14 duties.

15 (11) The authority of the Preparatory Committee shall expire  
16 upon election of convention officers, except to sign documents  
17 necessary to obtain payments from the State Treasury for any  
18 commitments made under the authority of this section prior  
19 thereto and to submit any report to the Constitutional  
20 Convention.

21 (12) A fund shall be established in the State Treasury for  
22 the purpose of accepting appropriations for the expenses of the  
23 convention, as well as donations from the public.

24 (1) (1) The Constitutional Convention shall convene in the  
25 Hall of the House of Representatives in Harrisburg, Dauphin  
26 County, Pennsylvania, on July 1 at 12 o'clock noon. The  
27 Constitutional Convention shall be called to order by the  
28 Governor.

29 (2) The Secretary of the Commonwealth shall certify the  
30 returns of the elections for delegates to the Constitutional

1 Convention and issue certificates of election to those elected.

2 (3) The Chief Justice of the Supreme Court of Pennsylvania  
3 or the Chief Justice's appointee shall then administer the oath  
4 of office in the following form:

5 "I do solemnly swear (or affirm) that I will support,  
6 obey and defend the Constitution of the United States and  
7 the Constitution of this Commonwealth and that I will  
8 discharge the duties of my office with fidelity."

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

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

14 (3) The Constitutional Convention shall determine the rules  
15 of its own proceedings and shall be the final judge of the  
16 qualifications of its own delegates. The Constitutional  
17 Convention shall determine rules for the conduct of its  
18 delegates and provide for the censure, suspension or removal of  
19 a delegate, if necessary.

20 (n) The delegates to the Constitutional Convention shall in  
21 all cases, except treason, felony, violation of their oath of  
22 office and breach or surety of the peace, be privileged from  
23 arrest during their attendance at the session of the  
24 Constitutional Convention and in going to and returning from the  
25 Constitutional Convention and, for any speech or debate in the  
26 Constitutional Convention, they shall not be questioned in any  
27 other place.

28 (o) In addition to any powers provided in this section, the  
29 Constitutional Convention shall have all of the powers given to  
30 the Preparatory Committee under subsection (k).

1 (p) The Constitutional Convention shall have the power to  
2 adjourn from time to time and to meet at appropriate places in  
3 the City of Harrisburg as it shall determine.

4 (q) The Constitutional Convention shall conclude its session  
5 sine die not later than November 1.

6 (r) (1) Except as provided in paragraph (2), the  
7 Constitutional Convention under subsection (a), shall have the  
8 power by a vote of a majority of the 150 delegates to make  
9 recommendations to the electorate on the following subjects  
10 only:

11 (i) The following sections of Article II of this  
12 Constitution:

13 (A) Section 3, as it relates to limits or changes in the  
14 length of terms for members of the General Assembly.

15 (B) Section 4, as it relates to the full-time or part-time  
16 nature of the General Assembly.

17 (C) Section 8, as it relates to compensation of the members  
18 of the General Assembly.

19 (D) Section 16, as it relates to the number of seats in the  
20 General Assembly and the allocation of Senatorial seats.

21 (ii) The following sections of Article III of this  
22 Constitution:

23 (A) Subarticle A, as it relates to amendments of legislation  
24 on third consideration.

25 (B) Section 13, as it relates to prohibitions on voting.

26 (C) Section 22, as it relates to no-bid contracts.

27 (D) Section 24, as it relates to spending without an enacted  
28 budget in place.

29 (E) Section 26, as it relates to pensions and cost-of-living  
30 increases.

1 (iii) The following sections of Article IV of this  
2 Constitution:

3 (A) Section 4, as it relates to the office of Lieutenant  
4 Governor. The recommendations may include removal of the office  
5 of Lieutenant Governor.

6 (B) Section 14, as it relates to simultaneously serving as  
7 Lieutenant Governor and a member of the Senate.

8 (iv) The following sections of Article V of this  
9 Constitution:

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

11 (B) Section 17, as it relates to work outside of court  
12 service.

13 (C) Section 18, as it relates to Supreme Court involvement,  
14 special tribunals and the selection of non-bar members for  
15 disciplinary board.

16 (2) (i) A delegate may not support a proposal that goes  
17 beyond the subject matter specified under paragraph (1). This  
18 prohibition specifically includes consideration at any stage of  
19 the Constitutional Convention of an amendment which in any way  
20 seeks to amend, modify or repeal a provision regarding any of  
21 the following:

22 (A) The Declaration of Rights of the Constitution of  
23 Pennsylvania.

24 (B) The imposition of a graduated income tax by the  
25 Commonwealth or any of its political subdivisions.

26 (C) Article VIII, section 1 of this Constitution.

27 (ii) A delegate who receives and accepts an item of value,  
28 excluding education materials, from a person in connection with  
29 service as a delegate shall be immediately disqualified and  
30 immediately replaced by an alternate.

1 (3) A Constitutional Convention under subsection (b) shall  
2 have the power by a vote of a majority of the 150 delegates to  
3 make recommendations to the electorate on the subjects contained  
4 in the concurrent resolution agreed to by each house as provided  
5 in subsection (b).

6 (4) A delegate may not submit a proposal that goes beyond  
7 the subject matter specified in paragraph (3).

8 (5) In dealing with the subject matter as prescribed by this  
9 subsection, the Constitutional Convention may recommend that a  
10 provision be transferred to another article, modified, deleted,  
11 repealed, substituted by an entirely new provision or continued  
12 without change.

13 (6) The Constitutional Convention shall make its  
14 recommendations regarding legislative apportionment as a  
15 replacement for the existing Article II, section 16 of this  
16 Constitution and shall arrange its recommendations on the other  
17 subjects assigned to it in separate articles.

18 (7) The Constitutional Convention's recommendations on an  
19 article shall not be numbered. If approved by the electors, the  
20 articles shall be numbered by the Governor as provided by law.

21 (s) (1) The recommendations of the Constitutional  
22 Convention shall be submitted to the electorate separately as  
23 determined by the Constitutional Convention. The recommendations  
24 may be in any number of sections which the Constitutional  
25 Convention deems suitable.

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

28 (3) There shall be no fewer than one separate question for  
29 each of the articles to be recommended by the Constitutional  
30 Convention.

1     (t) (1) The changes proposed, together with the questions  
2 framed by the Constitutional Convention, shall be certified by  
3 the president and secretary of the Constitutional Convention to  
4 the Secretary of the Commonwealth not later than March 7 of the  
5 year following adjournment.

6     (2) The Secretary of the Commonwealth shall then advertise  
7 the proposals of the Constitutional Convention in a newspaper of  
8 general circulation, if any, in every county of this  
9 Commonwealth once during the first week in April.

10    (3) The Secretary of the Commonwealth shall:

11    (i) publish on the Department of State's publicly accessible  
12 Internet website the changes to the Constitution of Pennsylvania  
13 as proposed by the Constitutional Convention in convenient form;

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

15    (iii) send 10 copies through the county boards of elections  
16 to each polling place for the use of the voters during the  
17 election.

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

1 proclamation of the results.

2 (v) (1) Members of the Constitutional Convention shall  
3 receive an allowance for traveling expenses at the same rate and  
4 computed on the same basis as traveling expenses for State  
5 Senators, payable monthly.

6 (2) The members of the General Assembly and officers and  
7 employees of the Commonwealth shall be reimbursed for the  
8 expenses under this subsection only if not otherwise paid by the  
9 Commonwealth.

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

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

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

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

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

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

30 (3) A registration statement under this subsection shall be

1 a public record.

2 (4) A person violating any of the provisions of this  
3 subsection commits a misdemeanor and shall, upon conviction, be  
4 sentenced to pay a fine as prescribed by law or to imprisonment  
5 for not more than one year, or both.

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

8 Section 2. (a) Upon the first passage by the General  
9 Assembly of this proposed constitutional amendment, the  
10 Secretary of the Commonwealth shall proceed immediately to  
11 comply with the advertising requirements of section 1 of Article  
12 XI of the Constitution of Pennsylvania and shall transmit the  
13 required advertisements to two newspapers in every county in  
14 which such newspapers are published in sufficient time after  
15 passage of this proposed constitutional amendment.

16 (b) Upon the second passage by the General Assembly of this  
17 proposed constitutional amendment, the Secretary of the  
18 Commonwealth shall proceed immediately to comply with the  
19 advertising requirements of section 1 of Article XI of the  
20 Constitution of Pennsylvania and shall transmit the required  
21 advertisements to two newspapers in every county in which such  
22 newspapers are published in sufficient time after passage of  
23 this proposed constitutional amendment. The Secretary of the  
24 Commonwealth shall submit this proposed constitutional amendment  
25 to the qualified electors of this Commonwealth at the first  
26 primary, general or municipal election which meets the  
27 requirements of and is in conformance with section 1 of Article  
28 XI of the Constitution of Pennsylvania and which occurs at least  
29 three months after the proposed constitutional amendment is  
30 passed by the General Assembly.