
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 574 Session of
2015

INTRODUCED BY CONKLIN, CALTAGIRONE, COHEN, MAHONEY, MULLERY AND
TRUITT, FEBRUARY 23, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 23, 2015

AN ACT

1 Providing for a Citizens Constitutional Convention, for a
2 referendum on the question and for the selection of
3 delegates; defining the powers and duties of the convention;
4 providing for operation of the convention; conferring powers
5 and imposing duties on the Governor, the Secretary of the
6 Commonwealth, and the Chief Justice of the Supreme Court;
7 providing for a referendum on the convention's report; and
8 making an appropriation.

9 TABLE OF CONTENTS

- 10 Section 1. Short title.
- 11 Section 2. Definitions.
- 12 Section 3. Referendum.
- 13 Section 4. Convention, membership, qualifications and
14 vacancies.
- 15 Section 5. Organization of convention and sessions.
- 16 Section 6. Function.
- 17 Section 7. Manner of submitting proposals to electorate.
- 18 Section 8. Submission to electorate.
- 19 Section 9. Lobbying.
- 20 Section 10. Convention open to public.
- 21 Section 11. Judicial immunity.

1 Section 12. Appropriation.

2 Section 13. Effective date.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Citizens
7 Constitutional Convention Act of 2015.

8 Section 2. 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 "Committee." The preparatory committee established under
13 this act.

14 "Convention." The Citizens Constitutional Convention
15 authorized by this act.

16 "Delegate." A citizen of this Commonwealth who is selected
17 to serve at the convention or as an alternate to the convention.

18 "Independent entity." A corporation, partnership,
19 institution of higher learning or other entity that does not
20 receive funds from the Commonwealth either directly or
21 indirectly and that does not seek to influence the passage of
22 legislation or regulations by the Commonwealth either directly
23 or indirectly.

24 "Public official." A person elected by the public, elected
25 or appointed by a governmental body or an appointed official in
26 the executive, legislative or judicial branch of this
27 Commonwealth or any of its political subdivisions. The term
28 shall not include members of advisory boards that have no
29 authority to do any of the following:

30 (1) Expend public funds, other than reimbursement for

1 personal expenses.

2 (2) Otherwise exercise the power of the Commonwealth or
3 any of its subdivisions.

4 "Secretary." The Secretary of the Commonwealth.

5 Section 3. Referendum.

6 (a) Question.--At the general election on November 3, 2015,
7 the following question shall be submitted to the electorate of
8 this Commonwealth to determine its will regarding a
9 Constitutional Convention:

10 Shall a Constitutional Convention be called in accordance
11 with and subject to the limitations and requirements
12 contained in the Citizens Constitutional Convention Act of
13 2015 to prepare for submission to the electorate proposals
14 for the revision of the Constitution of Pennsylvania?

15 (1) If a Constitutional Convention is authorized by this
16 referendum, shall the delegates be permitted to recommend
17 changes to Article I, the Declaration of Rights?

18 (2) If a Constitutional Convention is authorized by this
19 referendum, shall the delegates be permitted to recommend
20 changes to Article II, the Legislature?

21 (3) If a Constitutional Convention is authorized by this
22 referendum, shall the delegates be permitted to recommend
23 changes to Article III, Legislation?

24 (4) If a Constitutional Convention is authorized by this
25 referendum, shall the delegates be permitted to recommend
26 changes to Article IV, the Executive?

27 (5) If a Constitutional Convention is authorized by this
28 referendum, shall the delegates be permitted to recommend
29 changes to Article V, the Judiciary?

30 (6) If a Constitutional Convention is authorized by this

1 referendum, shall the delegates be permitted to recommend
2 changes to Article VI, Public Officers?

3 (7) If a Constitutional Convention is authorized by this
4 referendum, shall the delegates be permitted to recommend
5 changes to Article VII, Elections?

6 (8) If a Constitutional Convention is authorized by this
7 referendum, shall the delegates be permitted to recommend
8 changes to Article VIII, Taxation and Finance?

9 (9) If a Constitutional Convention is authorized by this
10 referendum, shall the delegates be permitted to recommend
11 changes to Article IX, Local Government?

12 (10) If a Constitutional Convention is authorized by
13 this referendum, shall the delegates be permitted to
14 recommend changes to Article X, Private Corporations?

15 (11) If a Constitutional Convention is authorized by
16 this referendum, shall the delegates be permitted to
17 recommend changes to Article XI, Amendments?

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

22 (c) Secretary.--If a majority of the electors casting votes
23 on the question under subsection (a) vote in the affirmative,
24 the secretary shall transmit notice of the vote, including any
25 prohibitions under subsection (a)(1) through (11), to the
26 Legislative Reference Bureau for publication as a notice in the
27 Pennsylvania Bulletin.

28 Section 4. Convention, membership, qualifications and
29 vacancies.

30 (a) Call.--If a majority of the electors voting upon the

1 question set forth in section 3(a) vote in the affirmative, a
2 convention shall be called by the Governor.

3 (b) Delegates.--Within seven days of the approval of the
4 question set forth in section 3(a), the secretary shall issue a
5 request for proposals from independent entities for the purposes
6 of:

7 (1) determining a system for selecting delegates to the
8 Constitutional Convention that will result in a body of no
9 fewer than 150 nor more than 200 delegates who, in the
10 aggregate, accurately represent the citizenry of this
11 Commonwealth geographically, demographically and
12 economically; and

13 (2) managing the Constitutional Convention as required
14 by section 5(c), including the operation of the convention,
15 communications with the public, and creating the official
16 record of the convention beginning with introduction of this
17 act and ending within six months of the referendum where
18 citizens accept or reject the convention's recommendations.

19 Within 30 days of the approval of the question set forth in
20 section 3(a), the secretary shall award a contract to an
21 independent entity for the purpose of delegate selection and
22 convention management. Any subcontractors the independent entity
23 will employ must be disclosed in its proposal to the secretary
24 and must be subject to the same criteria as those applied to the
25 independent entity defined in section 2. Within 120 days of the
26 approval of the question set forth in section 3(a), the
27 independent entity shall select delegates and alternate
28 delegates in accordance with the proposal submitted to the
29 secretary and shall publish for the delegates and the public
30 proposed rules of procedure for the convention.

1 (c) Qualifications.--A delegate must meet the following
2 qualifications:

3 (1) Be at least 18 years of age prior to November 3,
4 2015.

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

7 (3) Reside in the geographic area the delegate
8 represents during the delegate's term of service.

9 (d) Salary.--Delegates shall be entitled to a salary equal
10 to the salary of a member of the General Assembly during their
11 term of service, payable monthly.

12 (e) Expenses.--Delegates shall be entitled to reimbursement
13 for the following expenses:

14 (1) Actual mileage traveled in a personal vehicle in the
15 performance of their duties during their term of service,
16 documented, reported and payable monthly at the applicable
17 Federal rate, including commuting mileage.

18 (2) Actual expenses for other modes of ground
19 transportation in the performance of their duties during
20 their term of service, documented, reported and payable
21 monthly, including commuting expenses.

22 (3) Actual expenses for overnight lodging required for
23 the convenience of delegates traveling more than 50 miles
24 from their residence in the performance of their duties
25 during their term of service, documented, reported and
26 payable monthly.

27 (4) All documentation used to reimburse delegates for
28 eligible expenses shall be public records. Access to, and
29 copies of, the records shall be without cost to the
30 requester.

1 (f) Terms of service.--Terms of service for delegates shall
2 commence on the date of their oath of office. Terms shall expire
3 30 days following publication of the recommendations authorized
4 by the delegates to the convention.

5 (g) Exclusions.--The following shall apply:

6 (1) No delegate shall, during his or her term of
7 service, be appointed to or hold any civil office under this
8 Commonwealth to which a salary, fee or perquisite is
9 attached.

10 (2) No member of Congress or other person holding any
11 office, except that of attorney at law or in the National
12 Guard or a reserve component of the armed forces of the
13 United States, under the United States or this Commonwealth
14 to which a salary, fee or perquisite is attached shall be a
15 delegate during their continuance in office.

16 (3) Delegates shall be prohibited from serving as a
17 public official for a period of two years after their term of
18 service expires.

19 Section 5. Organization of convention and sessions.

20 (a) Convening.--The following shall apply:

21 (1) The convention's delegates shall convene in the Hall
22 of the House of Representatives on April 4, 2016, at 12 noon.

23 (2) The convention shall be called to order by the
24 Governor.

25 (3) The Chief Justice of the Supreme Court shall
26 administer the oath of office in the following form:

27 I do solemnly swear (or affirm) that I will support, obey
28 and defend the Constitution of the United States and the
29 Constitution of Pennsylvania, that I will abide by the
30 limitations and requirements of the referendum conducted

1 pursuant to the Citizens Constitutional Convention Act of
2 2015, and that I will discharge my duties with fidelity.

3 (4) Each delegate shall sign and swear a written version
4 of the oath of office, provided by the secretary, to be
5 preserved with the official journals of the convention, and
6 other copies as needed by the secretary.

7 (b) Organization.--The following shall apply:

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

10 (2) The convention shall elect from among its delegates
11 a president, first vice-president, second vice-president and
12 secretary.

13 (3) The convention shall organize one committee for each
14 article of the Constitution of Pennsylvania subject to the
15 scope of the convention.

16 (4) The convention shall organize a committee on
17 arrangement, submission and address to the people.

18 (c) Duties of independent entity.--The following shall
19 apply:

20 (1) The independent entity shall prescribe rules for all
21 of the following, subject to adoption by a majority of the
22 delegates at the commencement of working sessions:

23 (i) Procedure.

24 (ii) Conduct of delegates, including censure,
25 suspension or removal.

26 (2) The independent entity shall be authorized to do all
27 of the following, when required for the conduct of the
28 business of the convention:

29 (i) Lease or otherwise obtain suitable meeting and
30 office space and to purchase or lease supplies,

1 equipment, publications and other material necessary for
2 the work of the convention.

3 (ii) Initiate relevant studies through its own
4 personnel or in cooperation with any public or private
5 agencies.

6 (iii) Hold public hearings.

7 (iv) Enter into contracts.

8 (v) Receive from the Commonwealth agencies and
9 political subdivisions and local agencies assistance
10 necessary or desirable to carry out properly the powers
11 and duties under this subsection.

12 (vi) Submit a budget and additional reports to the
13 General Assembly in sufficient time for the General
14 Assembly to pass any necessary appropriation act required
15 by section 12, as needed.

16 (d) Sessions.--The following shall apply:

17 (1) The organizational session shall be adjourned no
18 later than 5 p.m. on April 6, 2016.

19 (2) Working sessions of the convention shall commence on
20 May 2, 2016.

21 (e) Sine die adjournment.--The convention shall adjourn sine
22 die no later than August 1, 2016.

23 Section 6. Function.

24 (a) Scope.--The convention has the power, by a vote of two-
25 thirds of its elected delegates on final passage, to make
26 recommendations to the electorate on all subjects contained
27 within the Constitution of Pennsylvania except for those
28 prohibited by the citizens through the referendum conducted
29 pursuant to section 3(a).

30 (b) Reorganization.--In dealing with the subject matter

1 under subsection (a), the convention may recommend amendment,
2 addition, deletion, division, transfer, continuation without
3 change and implementation schedules.

4 Section 7. Manner of submitting proposals to electorate.

5 (a) Convention.--The following shall apply:

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

8 (2) The convention shall frame the ballot question or
9 questions.

10 (b) Certification.--The changes proposed and the ballot
11 question or questions shall be certified by the president and
12 secretary of the convention to the secretary by September 30,
13 2015.

14 Section 8. Submission to electorate.

15 (a) Secretary.--The following shall apply:

16 (1) The secretary shall publish the Constitution of
17 Pennsylvania showing the changes proposed by the convention
18 and any address to the people by the convention, in
19 convenient printed form and in convenient digital form at the
20 earliest time practicable after certification.

21 (2) The secretary shall advertise the proposals and
22 address of the convention in at least two newspapers of
23 general circulation in every county once during the second
24 week of October 2016 and once during the fourth week of
25 October 2016.

26 (3) The secretary shall send a sufficient number of
27 copies of the printed publication under paragraph (1) to each
28 county board to satisfy the requirements of subsection (b).

29 (4) Upon request of an elector, the secretary shall send
30 a copy of the publication under paragraph (1).

1 (b) County boards.--Each county board shall make the
2 publication under subsection (a) (1) available at each polling
3 place in a quantity equal to the number of voting booths,
4 terminals or stations at that polling place.

5 (c) Election.--The following shall apply:

6 (1) The recommendations of the convention shall be
7 submitted to the electors for their approval or rejection at
8 the municipal election on November 8, 2016.

9 (2) A majority affirmative vote of the electors casting
10 votes on the ballot question or questions certified under
11 section 7(b) in the election is necessary for the adoption of
12 the recommendations of the convention.

13 (d) Certification.--The secretary shall certify the results
14 of the election no later than November 30, 2016.

15 Section 9. Lobbying.

16 (a) Delegates.--The following shall apply:

17 (1) Direct lobbying of individual delegates by
18 organizations or individuals registered as lobbyists within
19 this Commonwealth on the effective date of this act and for
20 the duration of the convention, other than meetings between
21 individual electors of a geographic area and the delegate or
22 delegates representing the same geographic area, shall be
23 prohibited.

24 (2) No delegate shall accept any gift, meal, service or
25 other benefit, or any promise of such in the future, offered
26 by any party in an effort to influence the outcome of the
27 convention. Both the offer and acceptance of such a gift,
28 meal, service or other benefit shall constitute a felony of
29 the first degree.

30 (b) Convention.--The following shall apply:

1 (1) Lobbyists prohibited from lobbying delegates in
2 subsection (a) (1) shall be permitted to lobby the convention
3 as a whole by the following methods, all of which shall be
4 public documents and shall be readily available on the
5 Internet website that documents the convention:

6 (i) Providing printed reference materials in
7 quantities sufficient for distribution to all delegates,
8 subject to any pertinent policies adopted by the
9 convention.

10 (ii) Providing printed and oral testimony at a
11 hearing before any committee or subcommittee of the
12 convention, subject to any pertinent policies adopted by
13 the convention.

14 (iii) Providing printed reference materials to
15 committees or subcommittees of the convention in
16 quantities sufficient for distribution to all delegates,
17 subject to any pertinent policies adopted by the
18 convention.

19 (2) The convention shall not accept, on behalf of its
20 delegates, any gift, meal, service or other benefit, or any
21 promise of such in the future, offered by any party in an
22 effort to influence the outcome of the convention. Both the
23 offer and acceptance of such a gift, meal, service or other
24 benefit shall constitute a felony of the first degree.

25 Section 10. Convention open to public.

26 Sessions of the convention as a whole and all meetings of its
27 committees and subcommittees shall be open to the public, shall
28 be recorded in electronic form and shall be made available as
29 promptly as possible on the Internet at a website dedicated
30 exclusively to the work of the convention.

1 Section 11. Judicial immunity.

2 Provided no portion of the resultant Constitution of
3 Pennsylvania, duly proposed by the convention and adopted by the
4 electorate according to the provisions of this act, is found to
5 be in violation of the Constitution of the United States, no
6 court of this Commonwealth shall have the authority to overturn
7 its provisions.

8 Section 12. Appropriation.

9 If the question in section 3(a) is approved by the
10 electorate, the sum of \$20,000,000 shall be transferred from the
11 nonlapsing leadership accounts of the General Assembly, in four
12 equal contributions by the majority and minority caucuses of the
13 Senate and the House of Representatives, to carry out the
14 provisions of this act. Further sums required by the convention
15 to perform its duties, contributed in similar fashion, shall be
16 provided upon request by the convention in accordance with
17 section 5(c) (2) (vi).

18 Section 13. Effective date.

19 This act shall take effect as follows:

20 (1) Section 12 of this act shall take effect upon
21 publication of the notice provided for in section 3(c).

22 (2) The remainder of this act shall take effect
23 immediately.