

IN THE SUPREME COURT OF PENNSYLVANIA

No. 73 MM 2022

TOM WOLF, GOVERNOR OF THE COMMONWEALTH OF
PENNSYLVANIA, AND LEIGH M. CHAPMAN, ACTING
SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA,
Petitioners,

V.

GENERAL ASSEMBLY OF THE COMMONWEALTH OF
PENNSYLVANIA,
Respondent.

***AMICUS CURIAE* BRIEF OF SENATOR KIM WARD AND
PENNSYLVANIA SENATE REPUBLICAN CAUCUS IN
OPPOSITION TO APPLICATION FOR INVOCATION
OF KING'S BENCH POWER**

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TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. STATEMENT OF INTEREST 3

III. STATEMENT OF THE CASE 4

 A. Senate Bill 106 (Printer’s Number 1857), Session of 2021 4

 B. Joint resolutions proposing multiple constitutional amendments . 6

 C. Amendment process 8

IV. ARGUMENT 13

 A. Petitioners’ claims are barred by nearly every principle of
 justiciability recognized by courts. 13

 1. Petitioners seek an impermissible advisory opinion. 14

 (a) Challengers to a merely proposed constitutional
 amendment must show an immediate injury..... 14

 (b) Petitioners cannot show an immediate injury. 20

 (c) The doctrine of laches does not assist Petitioners in
 overcoming the lack of immediate injury. 23

 2. Petitioners lack standing. 26

 (a) The Secretary lacks standing in her official capacity. .. 26

 (b) The Governor lacks standing..... 31

 (c) Neither the Governor, nor the Acting Secretary have
 standing in their respective capacities as voters. 33

 3. To the extent the Acting Secretary had standing when this
 matter was commenced, her claims are moot..... 34

4.	At least some aspects of Petitioners’ claims are barred by the political question doctrine.	36
B.	Petitioners do not have a constitutional right to compel a separate vote on each proposed amendment and, in any event, the injury they claim does not exist as the legislators’ votes have been duly recorded and are publicly available.	37
1.	The plain language of Article XI, Section 1’s vote recording requirement demonstrates that it does not require a separate vote by the legislators on each proposed amendment.	39
2.	Petitioners’ reliance on the purported purpose undergirding Article XI is unavailing.	42
3.	Article XI’s separate vote requirement applies to proposed amendments submitted to voters, not proposals considered by the General Assembly.	44
C.	The current structure of proposed Article I, Section 30 is not determinative of the manner in which any questions concerning its adoption may ultimately be submitted.	47
D.	Because this Court has recognized that a constitutional amendment is an exercise of the people’s power to alter or abolish their form of government, Petitioners’ “inherent rights” argument fails.	54
E.	A perfunctory glance at the State Constitution defeats Petitioners’ vagueness argument.	59
F.	Petitioners’ arguments relating to the specific changes that would result from adoption of the amendments proposed by SB 106 are not grounded in the Constitution.	61
G.	Nothing in SB 106 requires a constitutional convention.	69
V.	CONCLUSION.	71

Exhibits

- A Senate Votes on Senate Bill 106
- B House Votes on Senate Bill 106
- C Bill Information History for Senate Bill 106
- D Letter from Acting Secretary Chapman (July 18, 2022) & Updated Publication Schedule (July 27, 2022)
- E Public Notice Regarding Proposed Amendments to Constitution
- F Senate Bill 319 (Printer's Number 974) of the Session of 1981
- G House Bill 62 (Printer's Number 3655) of the Session of 1979
- H Bill Information History for Senate Bill 319 of the Session of 1981
- I Senate Bill 231 (Printer's Number 2191) of the Session of 1999
- J House Bill 114 (Printer's Number 3694) of the Session of 1997
- K Senate Bill 2 (Printer's Number 86) of the Session of 2021
- L Senate Bill 1166 (Printer's Number 1835) of the Session of 2020
- M Bill Information History for Senate Bill 2 of the Session of 2021

TABLE OF AUTHORITIES

Cases

<i>Bergdoll v. Com.</i> , 858 A.2d 185 (Pa. Cmwlt. 2004)	11, 57
<i>Bergdoll v. Kane</i> , 731 A.2d 1261 (Pa. 1999).....	24
<i>Com. ex rel. Attorney General v. Griest</i> , 46 A. 505 (Pa. 1900)	passim
<i>Com. ex rel. Lafean v. Snyder</i> , 104 A. 494 (Pa. 1918).....	28
<i>Com. ex rel. Margiotti v. Lawrence</i> , 193 A. 46 (Pa. 1937).....	46
<i>Com. v. Sessoms</i> , 532 A.2d 775 (Pa. 1987).....	65
<i>Com. v. Tharp</i> , 754 A.2d 1251 (Pa. 2000)	57
<i>Com., Off. of Atty. Gen. ex rel. Corbett v. E. Brunswick Twp.</i> , 956 A.2d 1100 (Pa. Cmwlt. 2008).....	55
<i>Costa v. Cortes</i> , 142 A.3d 1004 (Pa. Cmwlt. 2016)	1, 22
<i>Deer Creek Drainage Basin Auth. v. County Bd. of Elections of Allegheny County</i> , 381 A.2d 103 (Pa. 1977).....	passim
<i>Eggleston v. City of Philadelphia</i> , 110 A.2d 183 (Pa. 1955)	28
<i>Gabster v. Mesaros</i> , 220 A.2d 639 (Pa. 1966).....	24
<i>Gondelman v. Com.</i> , 550 A.2d 814 (Pa. Cmwlt. 1988)	56
<i>Gondelman v. Com.</i> , 554 A.2d 896 (Pa. 1989)	56, 57, 58
<i>Grimaud v. Com.</i> , 865 A.2d 835 (Pa. 2005)	passim
<i>In re Gross</i> , 382 A.2d 116 (Pa. 1978).....	35, 36
<i>Kelly v. Com.</i> , 240 A.3d 1255 (Pa. 2020)	25
<i>Kremer v. Grant</i> , 606 A.2d 433 (Pa. 1992)	39, 42, 43

League of Women Voters of Pa. v. Degraffenreid, 265 A.3d 207 (Pa. 2021)
..... passim

Moore v. Moore, 25 A.2d 130 (Pa. 1942)..... 15

Mt. Lebanon v. County Bd. of Elections of Allegheny County, 368 A.2d
648 (Pa. 1977)..... passim

Pa. Prison Soc’y v. Com., 727 A.2d 632 (Pa. Cmwlt. 1999) 69

Pa. Prison Soc’y v. Com., 776 A.2d 971 (Pa. 2001) 69

Pap’s A.M. v. City of Erie, 812 A.2d 591 (Pa. 2002)..... 35

Pennsylvania Env’t Def. Found. v. Com., 161 A.3d 911 (Pa. 2017)..... 53

Pennsylvania Gaming Control Bd. v. City Council of Philadelphia, 928
A.2d 1255 (Pa. 2007) 1, 18, 19, 21

Pittsburgh Palisades Park, LLC v. Com., 888 A.2d 655 (Pa. 2005) .26, 31

*Precision Mktg., Inc. v. Com., Republican Caucus of the Sen. of PA/ AKA
Sen. of PA Republican Caucus*, 78 A.3d 667 (Pa. Cmwlt. 2013) 3

Rendell v. Pennsylvania State Ethics Comm’n, 983 A.2d 708 (Pa. 2009)
..... 13

Robinson Twp., Washington Cnty. v. Com., 83 A.3d 901 (Pa. 2013)..... 13

Schultz v. Philadelphia, 122 A.2d 279 (Pa. 1956) 15

Sprague v. Cortes, 1145 A.3d 1136 (Pa. 2016) 24

Stander v. Kelly, 250 A.2d 474 (Pa. 1969) 24, 25, 70

State ex rel. O’Connell v. Kramer, 436 P.2d 786 (Wash. 1968)..... 19

State ex rel. Slemmer v. Brown, 295 N.E.2d 434 (Ohio Ct. App. 1973).. 19

Sweeney v. King, 137 A. 178 (Pa. 1927) 36

<i>Tausig v. Lawrence</i> , 197 A. 235 (Pa. 1938)	24
<i>Theodore v. Delaware Valley Sch. Dist.</i> , 836 A.2d 76 (Pa. 2003)	20
<i>Thiel v. Priest</i> , 28 S.W.3d 296 (Ark. 2000)	19
<i>Wilt v. Beal</i> , 363 A.2d 876 (Pa. Cmwlth. 1976).....	33

Statutes

25 P.S. § 2621(c)	11
25 P.S. § 2621.1	11, 71
25 P.S. § 2755	11
25 P.S. § 3010(b)	11

Constitutional Provisions

Pa. Const. 1873, art. VIII, § 7	67
Pa. Const. art. I, § 1.....	60
Pa. Const. art. I, § 2.....	55, 60
Pa. Const. art. I, § 3.....	60
Pa. Const. art. I, § 5.....	60
Pa. Const. art. I, § 6.....	58
Pa. Const. art. I, § 13.....	60
Pa. Const. art. I, § 14.....	58
Pa. Const. art. I, § 25.....	56
Pa. Const. art. I, § 27.....	53
Pa. Const. art. II, §§ 2-3	9

Pa. Const. art. III, § 3.....	44
Pa. Const. art. IV, § 4.1	52, 66
Pa. Const. art. XI, § 1	passim
Other Authorities	
1977 P.L. 365, J.R. 4 (May 16, 1978)	67, 70
2000 P.L. 1057, J.R. 1 (May 15, 2001)	7
2015 P.L. 607, J.R. 2 (Apr. 26, 2016)	70
52 Pa. Bull. 4339 (July 30, 2022)	5, 30
Lucas M. Miller, <i>Office of Inspector General’s Program Review— Department of State’s Failure to Meet its Constitutional Mandate Concerning House Bill No. 963 of 2019</i> , Office of State Inspector General (April 28, 2021).....	11
P.L. 493, J.R. 1 (May 18, 2021)	8, 66
P.L. 603, J.R.2 (Nov. 3, 1981).....	7
<i>Publication Constitutional Amendments</i> , 1913-1914 Op. Atty. Gen. No. 23 (Atty. Gen. June 25, 1914)	28, 29
Thomas Raeburn White, <i>Commentaries on the Constitution of Pennsylvania, Suffrage and Elections</i> , § 6 (1907)	67

I. INTRODUCTION

A handful of principles show the flaws with the pending Application. First, there is no “single subject” rule regarding joint resolutions proposing amendments to the Pennsylvania Constitution. *See Costa v. Cortes*, 142 A.3d 1004, 1021 (Pa. Cmwlth. 2016), *aff’d per curiam*, 145 A.3d 721 (Pa. 2016). And neither historical practice nor the express text of Article XI, Section 1 invite finding such a rule. Second, absent a party showing a current/immediate injury (which is not present here, nor is there a Petitioner with standing), a Court cannot opine on the constitutionality of proposed constitutional amendments—such an opinion would be merely advisory. *See Mt. Lebanon v. County Bd. of Elections of Allegheny County*, 368 A.2d 648, 649-50 (Pa. 1977); *see also Pennsylvania Gaming Control Bd. v. City Council of Philadelphia*, 928 A.2d 1255, 1265 (Pa. 2007); *Deer Creek Drainage Basin Auth. v. County Bd. of Elections of Allegheny County*, 381 A.2d 103, 107 n.7 (Pa. 1977). Third, while proposed constitutional amendments proceed through the constitutional process, which is multifaceted and features many points at which a proposal may fail, no court need take any urgent action: a court can act even after a proposed

amendment has been voted on by the electorate. *See League of Women Voters of Pa. v. Degraffenreid*, 265 A.3d 207, 213 (Pa. 2021) (analyzing multiple cases where “the challenges to the proposed amendments at issue were reviewed by our Court after the electorate had voted”).

Against the foregoing, there is decidedly no reason for this Court to take the extraordinary step of immediately exercising its King’s Bench jurisdiction. Stated as simply as possible, nothing exists for this Court to review now—**and there may never be**. Accordingly, for the above reasons and those set forth below, Senator Kim Ward and the Pennsylvania Senate Republican Caucus ask the Court to deny the Application.

II. STATEMENT OF INTEREST

Senator Kim Ward, as the Senate Majority Leader, sets the legislative agenda and develops policies and strategies for the Senate Republican Caucus. The Senate Republican Caucus is one of two subparts of the Pennsylvania Senate and is an “integral constituent of the Senate.” *See Precision Mktg., Inc. v. Com., Republican Caucus of the Sen. of PA/ AKA Sen. of PA Republican Caucus*, 78 A.3d 667, 675 (Pa. Cmwlth. 2013). These parties are interested in this matter because it poses questions of practice and procedure in the Senate, which are of significant concern to Senator Ward and the individual Senators of the Caucus since the answers to these questions directly impact their rights as duly elected legislators. They are also interested in this matter because it raises issues regarding important public policy matters, about which Senator Ward and the members of the Caucus are acutely concerned in their unique capacities as legislators, who have the ability address these matters within the General Assembly

No person or entity other than the *amicus curiae*, its members, or counsel paid for the preparation of, or authored, this brief, in whole or in part.

III. STATEMENT OF THE CASE

A. Senate Bill 106 (Printer's Number 1857), Session of 2021

Senate Bill 106 (Printer's Number 1857) of the Session of 2021 is a joint resolution of the House and Senate, proposing five amendments to the Pennsylvania Constitution. *See* Application, Exhibit A. The final vote on SB 106 in the Senate occurred on July 8, 2022, with 28 votes in favor and 22 votes against the joint resolution. How each Senator individually voted is available online and will also be later distributed in the Senate Journal.¹ The publicly available individual vote of each Senator is attached as Exhibit A.

Next, the final vote on SB 106 in the House also occurred on July 8, 2022, with 107 votes for and 92 votes against the joint resolution. How each Representative individually voted is available online and will also be later distributed in the House Journal.² The publicly available individual vote of each Representative is attached as Exhibit B. The complete Bill Information History for SB 106 is attached as Exhibit C.

¹ Available at https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc_view_action2.cfm?sess_yr=2021&sess_ind=0&rc_body=S&rc_nbr=709.

As a result of the majority votes in the Senate and House, the Secretary of Commonwealth was required to advertise the proposed constitutional amendments in various newspapers throughout the Commonwealth. This duty arose under Article XI, Section 1 of the Pennsylvania Constitution as well as under Section 2 of SB 106 itself. In consequence, on July 18, 2022, Acting Secretary Chapman sent a letter to Senate Secretary and Parliamentarian Megan Martin advising of the publication schedule, and noting forthcoming publications throughout August, September, and October 2022. *See* Exhibit D. On July 27, 2022, Acting Secretary Chapman sent an updated publication schedule. *See* Exhibit D. Under the updated schedule, publication began on August 2. *See* 52 Pa. Bull. 4339 (July 30, 2022) (Notices, Department of State, Scheduled Dates for Publication of Proposed Constitutional Amendments).³ A copy of the notice published by the Secretary of the Commonwealth is attached as Exhibit E.⁴

² Available at https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc_view_action2.cfm?sess_yr=2021&sess_ind=0&rc_body=H&rc_nbr=1156.

³ Available at <https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol52/52-31/1161.html>.

⁴ Available at https://www.dos.pa.gov/VotingElections/Documents/DOS_JR2021-2_10x21.pdf.

B. Joint resolutions proposing multiple constitutional amendments

Petitioners' Application suggests SB 106 is somehow unique for proposing multiple constitutional amendments in a single joint resolution, *see* Application at 2, 17-19, 29, 36-38, but that is factually inaccurate. Three examples illustrate the point.

For instance, with Senate Bill 319 (Printer's Number 974) of the Session of 1981 (Exhibit F), the House and Senate separately passed a joint resolution proposing two amendments to the Pennsylvania Constitution. The joint resolution (1) proposed to amend Article III, Section 26, to allow the General Assembly to increase retirement benefits payable to certain beneficiaries; and (2) proposed to amend Article VIII, Section 11, to provide for the use of aviation fuel excise taxes. SB 319 was the second joint resolution concerning the same two proposed amendments, with an identical joint resolution having been introduced and passed under House Bill 62 (Printer's Number 3655) of the Session of 1979 (Exhibit G). When the two proposed amendments in SB 319 were ultimately submitted to the electorate under separate ballot questions, the proposed amendment to Article III failed and the

proposed amendment to Article VIII passed. *See* Bill Information History for SB 319 (Exhibit H); *see also* P.L. 603, J.R. 2 (Nov. 3, 1981).

Multiple disparate proposed amendments to the Pennsylvania were also included in a single joint resolution in 1999. Under the joint resolution in Senate Bill 231 (Printer's Number 2191) of the Session of 1999 (Exhibit I), the House and Senate proposed (1) to amend Article II, Section 17, regarding the election of Senators under certain circumstances; and (2) to amend Article V, Section 16, regarding when justices, judges, and justices of the peace must retire. SB 231 reflected identical proposed changes to the Constitution introduced and passed by the House and Senate under House Bill 114 (Printer's Number 3694) of the Session of 1997 (Exhibit J). Both proposed amendments were adopted by the electorate under separate ballot questions at the ensuing primary election in 2001. *See* 2000 P.L. 1057, J.R. 1 (May 15, 2001).

Finally, similar circumstances—multiple proposed amendments in a single joint resolution—arose just last year. Under Senate Bill 2 (Printer's Number 86) of the Session of 2021 (Exhibit K), the House and Senate passed a joint resolution proposing (1) to amend Article I, to add

new Section 29, which prohibits the denial or abridgment of equality of rights based on race or ethnicity; (2) to amend Article III, Section 9 to provide the General Assembly certain authority regarding disaster emergency declarations; and (3) to amend Article IV, Section 20, regarding the declaration of disaster emergencies by the Governor. The proffered amendments in SB 2 were identical to those in Senate Bill 1166 (Printer's Number 1835) of the Session of 2020 (Exhibit L). The three separate ballot questions that resulted from SB 2 were approved by the electorate on May 18, 2021. *See* Bill Information History for SB 2 (Exhibit M); *see also* P.L. 493, J.R. 1 (May 18, 2021).

C. Amendment process

Petitioners' Application omits the *numerous* steps that must occur before any proposed constitutional amendment becomes a part of our Organic Charter. Those steps are material to underscoring the host of contingencies that must occur—none of which are *certain* to occur—before an opinion from this Court on the constitutionality of any of the proposed changes is anything other than a mere advisory opinion.

The constitutional amendments process is found in Article XI. It first requires either the House or Senate to introduce a joint resolution

(as opposed to an ordinary, legislation-creating bill), proposing an amendment to the Constitution. *See generally Com. ex rel. Attorney General v. Griest*, 46 A. 505 (Pa. 1900). This joint resolution must be considered through the ordinary course of operations in each chamber (such as committee review and debate), and then ultimately, a majority of the House and Senate must agree to an identical joint resolution. *See Pa. Const. art. XI, § 1*. Thereafter the Secretary of the Commonwealth must advertise the proposed amendments for three months before the next general election in at least two newspapers in every county. *See Pa. Const. art. XI, § 1*.

At this point in the process, the proposed amendments remain mere proposals.

Next, in the normal course of elections, a general election will be held, during which the entirety of the House and some of the Senate stand for election. *See Pa. Const. art. II, §§ 2-3*.

The above step—though not an outgrowth of Article XI—is critical because before a proposed amendment can next be considered, the General Assembly must begin a new two-year session, since Article XI

commands action by the General Assembly “next afterwards chosen.”

See Pa. Const. art. XI, § 1.

The process then repeats: an elected official in either the House or Senate must propose the same constitutional amendment via joint resolution, the joint resolution must be considered in the ordinary course of legislative operations (e.g., committee review and debate), and a majority of both the House and Senate must jointly agree. A proposed amendment can, of course, cease to progress at any of these steps. *See, e.g.,* House Bill 153 (Printer’s Number 1318), Session of 2015 (joint resolution passed by House and Senate proposing to amend the Constitution to reduce the size of the House of Representatives)⁵; House Bill 153 (Printer’s Number 117), Session of 2017 (identical joint resolution to HB 153, which after various legislative action by the General Assembly “next afterwards chosen,” was not jointly passed by the House and Senate).⁶

If the joint resolution is again agreed upon by the House and Senate, the Secretary of the Commonwealth must once again execute

⁵ Available at <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2015&sInd=0&body=h&type=b&bn=153>.

⁶ Available at <https://www.legis.state.pa.us/cfdocs/billInfo/BillInfo.cfm?syear=2017&sind=0&body=H&type=B&bn=153>.

the advertising process. If this advertising does not occur, even upon the second passage, the proposed amendment can fail. *See generally* Lucas M. Miller, *Office of Inspector General’s Program Review—Department of State’s Failure to Meet its Constitutional Mandate Concerning House Bill No. 963 of 2019*, Office of State Inspector General, at 2 (April 28, 2021) (discussing Department of State failure to advertise HB 963).⁷

After the second advertising, the process is still not complete. The Secretary then drafts a ballot question regarding the proposed amendment. *See* 25 P.S. §§ 2621(c), 2755 & 3010(b); *see also* *Bergdoll v. Com.*, 858 A.2d 185, 195 (Pa. Cmwlth. 2004), *aff’d per curiam*, 874 A.2d 1148 (Pa. 2005). Thereafter, the Attorney General must draft a “plain English” statement to accompany the ballot question, which explains the “purpose, limitations, and effects” of the ballot question. 25 P.S. § 2621.1.

Only after each of the foregoing steps—all of which must be successfully completed—will a proposed amendment find its way to the Pennsylvania electorate, doing so at least three months after the second

⁷ Available at <https://www.osig.pa.gov/Reports/Documents/OSIG%2021-0016-I-DOS%20%28DOS%20Program%20Review%2c%20Failure%20to%20Advertise%2c%20All%20Responses%20Included%29.pdf>.

passage of the joint resolution. *See* Pa. Const. art. XI, § 1; *see also* 25 P.S. § 2755 (“Elections on proposed constitutional amendments”). Then a majority of the electorate must approve the amendment or it fails. *See* Pa. Const. art. XI, § 1. *See generally* Senate Bill 4, Session of 1979 (proposing amendment regarding retention election of justices of the peace; rejected by electorate 730,122 to 754,755)⁸; Senate Bill 319, Session of 1981 (discussed *supra*; rejected in part by electorate 618,857 to 928,699).⁹

⁸ Available at <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=1979&sind=0&body=S&type=B&bn=0004>.

⁹ Available at <https://www.legis.state.pa.us/cfdocs/billinfo/BillInfo.cfm?year=1981&sind=0&body=S&type=B&bn=319>.

IV. ARGUMENT

For reasons both procedural and substantive, the Court should deny the Application.

A. Petitioners' claims are barred by nearly every principle of justiciability recognized by courts.

Before turning to the substance of Petitioners' claims, it is necessary to determine whether they satisfy several discrete principles that “give body to the general notions of case or controversy and justiciability.” *Rendell v. Pennsylvania State Ethics Comm’n*, 983 A.2d 708, 717 (Pa. 2009). Because “[i]ssues of justiciability are a threshold matter generally resolved before addressing the merits of the parties’ dispute[,]” if any of the “prudential concerns implicating courts’ self-imposed limitations” are present, this Court should decline to exercise jurisdiction. *Robinson Twp., Washington Cnty. v. Com.*, 83 A.3d 901, 917 (Pa. 2013). As developed below, Petitioners’ claims implicate a host of justiciability doctrines—standing, improper advisory opinion, ripeness, and mootness—and, indeed, accomplish the feat of advancing claims that are both moot and not ripe. While any one of these precepts would be sufficient to bar relief, taken together, they make a cocktail of

non-justiciability that warrants disregarding the extraordinary request for this Court to assume jurisdiction.

1. Petitioners seek an impermissible advisory opinion.

(a) Challengers to a merely proposed constitutional amendment must show an immediate injury.

A trio of cases provides context for examination of the propriety of challenges to *proposed* constitutional amendments: each shows that absent a showing of an immediate injury to the particular petitioner a court cannot opine on the constitutionality of proposed amendments without issuing an impermissible advisory opinion.

To illustrate, in *Mount Lebanon v. County Board of Elections of the County of Allegheny*, 368 A.2d 648 (Pa. 1977), a municipality asked the court of common pleas to strike from the primary election ballot proposed amendments to a home rule charter, which were to be submitted to the local electorate via ballot question. *Id.* at 649. The common pleas court granted the request, finding the proposed amendments, if adopted, would be unconstitutional. *Id.* The defendants appealed and this Court reversed, finding the trial court lacked subject matter jurisdiction. *Id.*

In doing so, this Court likened the proposed amendments to a home rule charter to in-progress legislative action, and then quoted a basic principle of judicial review prohibiting the examination of *pending* bills: “The jurisdiction of a court of equity may not be invoked to enjoin the enactment of a bill during the course of its passage through a legislative body.” *Id.* at 649 (quoting *Schultz v. Philadelphia*, 122 A.2d 279, 284 (Pa. 1956) (Jones, J., dissenting)).¹⁰

Against this principle, the Court further described that the potential amendments “until enacted, affected no one.” *Id.* at 650. Based on this, the *Mount Lebanon* Court held the requested review was “an attempt to obtain an advisory opinion.” *Id.* The Court then went further and specifically held it could not opine on the constitutionality of the proposed amendments—thereby rejecting “dictum” in another case suggesting such review was possible—because such review would “allow

¹⁰ This Court’s reticence to opine on the constitutionality of merely *pending* legislation puts it in accord with the United States Supreme Court. *See Moore v. Moore*, 25 A.2d 130, 137 n.1 (Pa. 1942) (Maxey, J., dissenting) (“Some years ago certain persons urged that the Supreme Court of the United States be required to advise Congress in advance as to the constitutionality of pending legislation, but the proposal to make the Supreme Court a professional adviser to Congress was so strongly condemned by jurists and lawyers that little or nothing has since been heard of it.”).

unwarranted judicial interference with the legislative process.” *Id.* at 651.

The Court revisited the holding in *Mount Lebanon* just a few months later in *Deer Creek Drainage Basin Authority v. County Board of Elections*, 381 A.2d 103 (Pa. 1977).¹¹ In *Deer Creek*, petitioners were a joint authority (responsible for sewage treatment) and the two municipalities that formed the joint authority. *Id.* at 105. Petitioners challenged whether a ballot question could be placed on the municipal election ballot following a successful petition by voters of one of the joint townships. *Id.* The ballot question, if adopted, would have had the effect of repealing a township ordinance that permitted the township to form the joint authority. *Id.* Upon review, this Court directed the relevant board of elections to withdraw the ballot question before it was considered, finding the proposed repeal would have no legal effect even if approved. *Id.* at 104.

In reaching a seemingly opposite justiciability result from *Mount Lebanon*, the *Deer Creek* panel explained a critical difference about its

¹¹ Petitioners expressly rely on *Deer Creek*. See Application at 38.

ability to review the merely pending ballot question in one case but not the other:

Here, we are faced with an attempt to exercise home rule power ***which presently is causing injury***. The consequences of this suspension and possible repeal pose a genuine controversy ***with immediate effects***, not an abstract or hypothetical one where the effects are speculative.

Id. at 107 n.7 (emphasis added; citing *Mount Lebanon*). Indeed, the Court observed how the mere pendency of the ballot question was having ongoing effects, noting it “has hindered the ability of the joint Authority and the Townships to stabilize the cost of this sewage project. The joint Authority has been frustrated in its effort to begin the operation of the project, and both West Deer and Indiana Townships have been unable to meet their sewage disposal needs.” *Id.* The Court thus concluded by stating: “In order to avoid unnecessary voter confusion and the unjustified expenditure of public resources on an inoperative election, and to protect the interests of all parties, injunctive relief is appropriate.” *Id.*

The rule emerging from *Deer Creek* that a challenger to a proposed ballot question must show *immediate* injury was ratified by this Court in *Pennsylvania Gaming Control Board v. City Council of Philadelphia*,

928 A.2d 1255 (Pa. 2007).¹² In that matter, the City of Philadelphia passed an ordinance that would have submitted a ballot question to the city's voters regarding whether the home rule charter should be amended to prohibit gaming activity within certain areas of the city. *Id.* at 1258. The Pennsylvania Gaming Control Board brought a challenge to the ordinance, seeking to enjoin submission of the ballot question. *Id.* This Court held the ordinance itself was contrary to the Gaming Act and thus enjoined placement of the question on the ballot. *Id.* In so ruling, the Court specifically relied upon both *Mount Lebanon* and *Deer Creek* to find it had authority to provide relief to the Pennsylvania Gaming Control Board before the ballot question had been voted upon. *Id.* at 1265.

In so doing, the Court observed it did not need to wait to act until after the question passed because the ordinance itself (which authorized the ballot question) was *already having* negative impacts on the Board and various casino intervenors:

[T]he pending opportunity for the voters to pass upon this matter via the ballot question is as much a concern to the Board and the Intervenors as is the outcome of the vote,

¹² Petitioners expressly rely on *Pennsylvania Gaming Control Board*. See Application at 38

should it take place. Thus, our present opinion is neither theoretical nor abstract. Rather, it addresses the legality of the Ordinance on its face and ***the effect it has had already***-to submit a question to the Philadelphia electorate that impacts on and could nullify the Board's decision to locate licensed facilities in the City and the process of putting that decision in place.

Id. at 1265 (emphasis added).

Most other jurisdictions have similarly declined to address ***substantive*** claims regarding the constitutionality of proposed constitutional amendments on ripeness grounds. *See, e.g., Thiel v. Priest*, 28 S.W.3d 296, 301 (Ark. 2000) (refusing to address argument that the proposed constitutional amendment would violate the Federal Constitution holding that the “issue is not ripe for review until (or unless) the proposed measure becomes law and a case in controversy arises”); *State ex rel. Slemmer v. Brown*, 295 N.E.2d 434, 435-36 (Ohio Ct. App. 1973) (“Likewise, this court has no authority to consider or determine the question of the validity or constitutionality of a proposed constitutional amendment prior to its adoption by the people.”); *State ex rel. O’Connell v. Kramer*, 436 P.2d 786, 787 (Wash. 1968) (“There being before us no statute, or initiative measure enacted by the people, the

proposed measure presents no justiciable controversy and we, therefore, do not pass upon its validity.”).

To the extent Petitioners suggest that the settled proscription against advisory opinions does not apply because their claims implicate—albeit loosely—Article I of the State Constitution, that argument also fails. Indeed, in *Theodore v. Delaware Valley Sch. Dist.*, 836 A.2d 76 (Pa. 2003), applying the same principles discussed above, this Court declined to review a challenge to a school’s drug-testing policy, which was predicated on the right to privacy guaranteed by the State Constitution, because “any controversy respecting the parental rights complaint is abstract, hypothetical and remote and, as such, is not ripe for decision.” 836 A.2d at 96.

(b) Petitioners cannot show an immediate injury.

Against the foregoing standards, the pending Application seeks an impermissible advisory opinion. Neither Governor Wolf nor Acting Secretary Chapman, in their official capacities, has articulated a cognizable *immediate* injury. Governor Wolf claims only that his powers under Article IV “are fundamentally altered and infringed by the proposed amendments[.]” *See* Application at 10. But that is precisely

the kind of speculative, future injury that this Court found non-justiciable in *Mount Lebanon* and is utterly unlike the immediate injuries complained of in *Deer Creek* and *Pennsylvania Gaming Control Board*. He is complaining only of what *might* happen to his power as Governor *if* the proposed amendments were enacted. But that claim of injury speculates: (1) the amendments will be introduced again in the next session of the General Assembly; (2) they will be affirmatively voted on in each chamber; (3) they will be advertised by the Secretary, and (4) the electorate will affirmatively adopt them.¹³ Each of the foregoing is speculative and hypothetical.

Acting Secretary Chapman also faces no present injury in her official capacity. For her part, she claims, without more, that she is charged under Article VI, § 1 with responsibility for publishing notice of the proposed amendments. *See* Application at 10. While this is of course true, she has failed to articulate how the mandatory and ministerial

¹³ An affirmative vote by the electorate is not a foregone conclusion with any proposed constitutional amendment because history reveals a variety of amendments failing at the final stage. *See, e.g.*, SB 4, Session of 1979 (proposing amendment regarding retention election of justices of the peace; rejected by electorate), *bill information available at* <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=1979&sind=0&body=S&type=B&bn=0004>; SB 319, Session of 1981 (discussed *supra*; rejected in part by electorate).

duty of placing advertisements regarding proposed constitutional amendments—even if the proposed amendments would be unconstitutional if enacted—causes her office any present injury whatsoever. Indeed, precedent of this Court seems to utterly foreclose any such claim. *See Com. ex rel. Att’y Gen. v. Griest*, 46 A. 505, 506 (Pa. 1900).

Next, citizens/voters Tom Wolf and Leigh Chapman—each Petitioner avers a personal capacity to bring suit, *see* Application at 10—likewise have no claim of present injury. Both seemingly claim that as voters they are entitled to know how each elected official in the Pennsylvania House and Senate voted on the proposed amendments and that they’ve been injured since they somehow don’t know such vote results. *See* Application at 10. This claim of injury is not credible. For starters, there is *no right* to have proposed constitutional amendments voted on separately by the members of the General Assembly: no “single subject” rule exists for amendments to the Pennsylvania Constitution. *See Costa v. Cortes*, 142 A.3d 1004, 1021 (Pa. Cmwlth. 2016) (“We agree with Respondents that H.R. 783 is not a legislative bill and, therefore, is not governed by Article III. Rather, as discussed above, actions by the

General Assembly relating to the ‘time’ and ‘manner’ of amending the Pennsylvania Constitution are governed exclusively by Article XI, section 1 of the Pennsylvania Constitution, *Mellow*, which does not contain a single-subject requirement.”), *aff’d per curiam*, 145 A.3d 721 (Pa. 2016). Further, the vote results for SB 106 are publicly available, so citizens/voters Tom Wolf and Leigh Chapman can readily decide who to vote for at the next General Election. *See* Exhibits A & B. In short, legally and factually, no present injury to citizens/voters Tom Wolf and Leigh Chapman exists; thus, under *Mount Lebanon*, they are seeking an impermissible advisory opinion.

**(c) The doctrine of laches does not assist
Petitioners in overcoming the lack of
immediate injury.**

Finally, Petitioners incorrectly claim they *must* bring the Application now or else they face a laches challenge. *See* Application at 39. This is not so for at least three reasons.

First, this Court has expressly held that laches *does not apply* to challenges to constitutional amendments: “Because of the intense importance to the people of the commonwealth of matters affecting the amendment of their fundamental law, the doctrine of laches cannot be

invoked to prevent the determination of the propriety of the submission of an amendment.” *Tausig v. Lawrence*, 197 A. 235, 239 (Pa. 1938); *see also Sprague v. Cortes*, 1145 A.3d 1136, 1152 n.13 (Pa. 2016) (equally divided Court; opinion of Todd, J.) (citing *Tausig* and stating: “Specifically with regard to laches, our Court has heretofore indicated that, because of the paramount importance of the manner in which a proposed constitutional amendment is presented to the people for consideration, the doctrine of laches was not a bar to our Court’s consideration of such matters.”).

Second, the doctrine of laches only applies when claimants “sleep on their rights,” *see Gabster v. Mesaros*, 220 A.2d 639, 642 (Pa. 1966), but here Petitioners have no *rights* to “sleep on” due to a lack of immediate injury.

Third, laches would not foreclose later relief regarding the constitutionality of the proposed amendments since a court can act on such amendments even after they have been voted on by the electorate. *See League of Women Voters v. Degraffenreid*, 265 A.3d 207, 212-13 (Pa. 2021); *Bergdoll v. Kane*, 731 A.2d 1261, 1266 (Pa. 1999); *Stander v. Kelly*, 250 A.2d 474, 478 (Pa. 1969).

Finally, the laches cases upon which Petitioners rely do not remedy their lack of a present injury. *See* Application at 39. The decision in *Kelly v. Commonwealth*, 240 A.3d 1255 (Pa. 2020), involved a post-election challenge to an already completed election—unique circumstances to be sure and ones utterly inapplicable to a challenge to merely proposed constitutional amendments where nothing is yet complete. Further, the laches decision in *Stander* concerned only a last-minute injunction request to prevent the electorate from voting on a ballot question just twelve days before the election. *See* 250 A.2d at 476. The Court did not, however, bar the petitioners from later arguing the case on the merits; only the initial last-minute injunction request failed. *See id.* Here, Petitioners have nothing to enjoin—no question is being posed to the electorate at this time, nor is that imminent—and they are not barred from later arguing the constitutional merits of the amendments *if* those amendments ever make it far enough in the amendment process to warrant a court’s review.

In sum, Governor Wolf and Acting Secretary Chapman have not articulated any present injury they are suffering, in any capacity, and thus they are asking this Court for an impermissible advisory opinion.

2. Petitioners lack standing.

Neither the Acting Secretary nor the Governor have standing, principally because their legal interest in the resolution of this dispute ranges from nonexistent to generalized and indistinguishable from that of every other citizen. Specifically, under the familiar requirements of standing, a party must be “aggrieved” to maintain an action, which requires a showing that the party’s “interest in the outcome of the litigation” is (1) substantial; (2) direct; and (3) immediate. *Pittsburgh Palisades Park, LLC v. Com.*, 888 A.2d 655, 660 (Pa. 2005). Assessed within this settled framework, neither the Governor nor the Acting Secretary have standing, as they are generally unable to satisfy *any* of these prerequisites to standing.

(a) The Secretary lacks standing in her official capacity.

In terms of the Acting Secretary’s standing in her official capacity, the only “interest” she articulates in the “outcome of the litigation,” stems from her obligation to publish the proposed amendments. *See* Application at 10. But because the nature of the duty imposed by Article XI is mandatory and leaves no room for discretion, the Acting Secretary cannot claim any interest in the process by which the

proposed amendments are approved by the General Assembly.

Furthermore, to the extent she has any involvement in the method by which these questions *may* ultimately be submitted for ratification to the electorate, her interest is remote and speculative.

To fully appreciate the paucity of the Acting Secretary's standing, it is important to clarify her strictly circumscribed role in the amendment procedure contemplated by Article XI, Section 1. In this regard, this Court's decision in *Commonwealth ex rel. Att'y Gen. v. Griest*, 46 A. 505 (Pa. 1900), is instructive. Specifically, among its many other pronouncements, the *Griest* Court explained, as it concerns the Secretary of the Commonwealth's function, "[t]here is no opportunity for any, even the least, intervention, between the entry of the amendment on the journals and the publication in the newspapers, in the whole course of the proceeding for the creation of the amendment." *Id.* Indeed, the Court cautioned that the Secretary "has no discretion in the premises[.]" and that "[h]is action does not depend upon any other action whatever." *Id.* This "official duty," the Court emphasized, must be discharged "by literally performing its terms[.]" and the Secretary is prohibited from "setting up advice, opinion, or action of any other

person, organization, or department, official or otherwise, for the simple reason that the article of the constitution which prescribes his duty does not allow it.” *Id.*

Less than two decades later, the Office of Attorney General issued an opinion confirming that the Secretary of the Commonwealth has absolutely no legal interest in the substance of proposed amendments, or how they may interact with other provisions of the State Constitution, as her only duty is to ensure the publication of the proposals. *See Publication Constitutional Amendments, 1913-1914 Op. Atty. Gen. No. 23 (Atty. Gen. June 25, 1914).*^{14 15} Specifically, during the 1913 legislative session, two joint resolutions proposing two separate constitutional amendments were adopted. These proposals, however, seemingly conflicted with one another, prompting then-Secretary McAfee to request an opinion from Attorney General Bell regarding his duties “in view of the apparently conflicting provisions of these proposed amendments and in view of the apprehended difficulty in determining

¹⁴ Available at https://www.attorneygeneral.gov/wp-content/uploads/2018/01/1913_1914_AG_Bell_opinions.pdf.

¹⁵ While they are not binding on this Court, published opinions of the Attorney General are persuasive and entitled to deference. *See Com. ex rel. Lafean v. Snyder*, 104 A. 494, 496 (Pa. 1918); *see also Eggleston v. City of Philadelphia*, 110 A.2d 183, 185 (Pa. 1955).

what the organic law of the Commonwealth would be in case both of these proposed amendments should be passed at the legislative session of 1915 and adopted by the qualified electors of the State[.]” *Id.* at 107. After analyzing the two proposed changes to the State Constitution, the Attorney General generally agreed that “if both of these amendments should finally be adopted by the people at the same time it would be somewhat difficult to determine just what the people intended to provide in their Constitution” *Id.* at 108-09. Nevertheless, he cautioned that:

The apprehended confusion and difficulty, however, is a matter for the consideration, in the first place, of the members of the House and Senate at the legislative session of 1915, when the proposed amendments will again be before the General Assembly for action by that body, and, finally, of the qualified electors of the State in the event that the amendments receive the approval of a majority of the House and Senate at the ensuing session.

Id. at 109. In the end, Attorney General Bell explained the Secretary’s “duty in the premises is clear[.]” *id.* at 109, and, reciting the plain language of the Article XI, Section 1, and this Court’s decision in *Griest*, concluded, “[y]ou are accordingly advised that it is your duty to publish, in accordance with the provisions of Article XVIII of the Constitution[.]” *Id.* at 110.

Against this backdrop, it is difficult to perceive any grounds on which the Acting Secretary can assert standing in her official capacity. As it relates to the first prong of standing, the Acting Secretary's sole duty and right in this sphere is arranging for the publication of the proposed amendments, which she has already satisfied. Indeed, ***less than twenty-four hours*** after commencing this matter, the Acting filed for public inspection a Notice, titled *Scheduled Dates for Publication of Proposed Constitutional Amendments*, in the Pennsylvania Bulletin announcing that "publication of the proposed amendments is scheduled to occur in newspapers throughout this Commonwealth on a date within the following date ranges, dependent on the publication schedule of each newspaper: August 2-7, 2022, September 1-7, 2022, [and] October 1-7, 2022[.]" 52 Pa. Bull. 4339 (July 30, 2022). The Notice further states that "[a] list of newspapers with the scheduled publication dates for each newspaper is available upon request from the Department of State, Bureau of Elections." *Id.* Having dispensed with her only duty, the Acting Secretary has no further role in the process. And whatever reservations she may harbor regarding the substance of the proposed amendments—aside from being generally

ill-founded and grossly premature—are entirely outside the scope of her official duties, as confirmed by the Opinion of the Office of Attorney General referenced above. In short, her present interest is indistinguishable from the “common interest of all citizens in procuring obedience to the law” and, therefore, not substantial. *Pittsburgh Palisades Park*, 888 A.2d at 660.

Lacking any interest, other than an already fulfilled duty to publish, the Acting Secretary also cannot establish the second element—*i.e.*, a causal connection between “the matter complained of” and the “harm to the party’s interest.”¹⁶ Largely for the same reasons, the Acting Secretary fails to satisfy the final element of standing, since her interest is not only remote or speculative, it is nonexistent.

(b) The Governor lacks standing.

For his part, the Governor maintains that he has an interest in this action in his official capacity because one of the four proposed amendments curb executive power. *See* Application at 10. But the

¹⁶ To the extent the Acting Secretary will seek to characterize her interest in terms of her duties should the proposed amendments be considered by the General Assembly and garner sufficient votes in the future, her claims are remote (thus, failing the third requirement of standing), and, in any event, seek an advisory opinion and present claims that are not ripe. In short, regardless of how she casts her stake in this matter, the Acting Secretary’s claims are not justiciable.

Governor's limited interest in this action similarly leaves him without standing. Specifically, assuming *arguendo* the Governor's interest in preventing diminution of executive power surpasses the interest of the general public—thereby satisfying the first element of standing—his interest in the outcome of this action, in his official capacity, is neither direct, nor immediate. For ease of discussion, these two prongs are discussed in reverse order.

Turning first to the immediacy of the Governor's interest, any alleged injury to executive power is both speculative and remote, as it presupposes several events, the occurrence of which are far from certain: (1) a resolution proposing the same constitutional amendment affecting his powers will be introduced again; (2) that resolution will be brought to the floor of each of the two chambers; (3) a majority of both chambers will approve the resolution; (4) the Secretary will advertise the resolution; and (5) the electorate, consisting of millions of voters, will vote to approve it. A break at any point in this chain of events will obviate the alleged harm to the Governor's interest. It is candidly difficult to imagine a more speculative claim than one that seeks redress for a harm that will occur (if at all) no sooner than *eight*

months from now and is—without exaggeration—contingent upon the decision of millions of people. Largely for the same reasons, the Governor cannot show that his interest is direct because the nexus between the “the matter complained of”—*i.e.*, the purported defect in procedure employed for adopting the amendments—and the harm to his interests—*i.e.*, the usurpation of his powers—is highly attenuated.

(c) Neither the Governor, nor the Acting Secretary have standing in their respective capacities as voters.

Both the Governor and the Acting Secretary also seem to suggest they have an interest in this action as voters of the Commonwealth, “with the right to vote on proposed constitutional amendments according to procedure in Article XI, § 1.” *See* Application at 10.¹⁷

Both the Acting Secretary and the Governor seek to enforce a right that is a “common interest of all citizens in procuring obedience to the law,” which is precisely the type of interest inadequate to confer standing. Petitioners acknowledge as much. *See* Application at 13 (noting that “this dispute affects *all* voters” (emphasis added)).

¹⁷ If the Governor and the Acting Secretary pursue this matter solely in their personal capacities, such litigation requires different counsel and different sources of funding. *See Wilt v. Beal*, 363 A.2d 876, 881-82 (Pa. Cmwlth. 1976) (*en banc*).

Moreover, neither the manner of SB 106’s adoption, nor its contents, have any bearing on how the proposed amendments will be presented to the electorate (should the time come for doing so). Indeed, if and when submission to the voters becomes necessary, that task will be performed primarily by the Secretary of the Commonwealth, in conjunction with the Attorney General—not the General Assembly. In short, as it concerns the proposals contained in SB 106, the Governor’s and Acting Secretary’s “right to vote on proposed constitutional amendments according to procedure in Article XI, § 1” has not yet been implicated—and, indeed, may never be. As such, the connection between the conduct the Petitioners seek to forestall and the harm to their interest as a voter is nonexistent.

In short, neither the Governor nor the Acting Secretary have standing to bring this action.

3. To the extent the Acting Secretary had standing when this matter was commenced, her claims are moot.

As detailed above, the Acting Secretary’s role under Article XI, Section 1 is limited to ensuring that the proposed constitutional amendments are published. And, as the above rendition also

establishes, the strictly ministerial nature of this obligation makes it highly unlikely that she would ever have standing to pursue the broad challenge involved here. But to the extent they could ever be sufficient to confer standing, those interests no longer exist. Accordingly, the Acting Secretary's claims are moot.

As this Court has recognized, “[t]he mootness doctrine requires that an actual case or controversy must be extant at all stages of review, not merely at the time the complaint is filed.” *Pap’s A.M. v. City of Erie*, 812 A.2d 591, 600 (Pa. 2002). Thus, even where a party has standing when a matter is commenced, if an intervening change in the facts “deprive[s] the litigant of the necessary stake in the outcome[,]” the case should be dismissed as moot. *See In re Gross*, 382 A.2d 116, 119 (Pa. 1978). Here, as a result of the intervening change in facts (specifically, the publication of the joint resolution), the Acting Secretary’s interest “as the officer charged in Article XI, §1 with responsibility for publishing notice of the proposed amendments” has been extinguished. In fact, the constitutional dimensions of Petitioners’ claims, far from militating in favor of exercising extraordinary jurisdiction, require the mootness doctrine to be applied with particular

rigor. *See id.* (explaining that “[t]his Court is even more reluctant to decide moot questions which raise constitutional issues,” because “[c]onstitutional questions are not to be dealt with abstractly”).

4. At least some aspects of Petitioners’ claims are barred by the political question doctrine.

This Court has recognized “[b]ecause the plain language of Article XI, § 1 does not require the legislature to engage in a specific procedure while proposing amendments, [the judiciary] will not inquire into these internal procedures nor look beyond the recorded votes, for judicial review is precluded pursuant to the Political Question Doctrine.”

Grimaud v. Com., 865 A.2d 835, 847 (Pa. 2005). Indeed, this principle is firmly rooted in settled precedent, which has repeatedly recognized that the General Assembly’s exercise of its power under Article III of the State Constitution is wholly distinct from its function in the constitutional amendment process. *Griest*, 46 A. at 506 (holding that Article III is not implicated when the amendment power is exercised and emphasizing that Article XI, § 1 “is a system entirely complete in itself; requiring no extraneous aid, either in matters of detail or of general scope, to its effectual execution”); *Sweeney v. King*, 137 A. 178, 178 (Pa. 1927) (holding that where the Governor convened a special

session, the General Assembly was permitted to adopt a constitutional amendment on a subject matter unrelated to the Governor's proclamation because Article III, Section 12's prohibition against "legislation upon subjects other than those designated in the proclamation of the Governor calling such session" was inapplicable). In this regard, this Court has emphasized that when the General Assembly undertakes to amend the Constitution under Article XI, the power it exercises "is not lawmaking, which is a distinct and separate function, but it is a specific exercise of the power of a people to make its constitution." *Griest*, 46 A. at 506. Accordingly, insofar as the Application seeks to control the internal procedure by which proposed constitutional amendments are adopted, such aspects of the claim are barred by the political question doctrine.

B. Petitioners do not have a constitutional right to compel a separate vote on each proposed amendment and, in any event, the injury they claim does not exist as the legislators' votes have been duly recorded and are publicly available.

Even if the Acting Secretary and the Governor are somehow able to overcome the substantial obstacles to the justiciability of this action, exercise of this Court's King's Bench powers is inappropriate because

their right to relief on the present facts is not only unclear, it is, in fact, nonexistent. As developed below, the Acting Secretary and Governor's request that this Court take the extraordinary step of assuming jurisdiction to decide the hypothetical questions they pose is predicated on a fundamental misconception of the constitutional amendment process.

To explain, the Acting Secretary's and the Governor's lead assertion is that the General Assembly by voting on the five proposed constitutional amendments in a single joint resolution has "denied voters their constitutional right to be notified of how their respective legislative members voted on each amendment and their right to replace those members with representatives who share their views." *See* Application at 18. The central problem with this argument is rather simple: the "constitutional right" they rely on does not exist.

In this regard, Petitioners primarily attempt to rely on Article XI, Section 1's requirement that when a "proposed amendment or amendments" are "agreed to by a majority of the members in each chamber," it must be entered on their respective "journals with the yeas and nays taken thereon[.]" Pa. Const. art. XI, § 1. They contend this

obligation was designed to provide the electorate with an “opportunity to indicate their pleasure at the ballot box and elect individuals to the next General Assembly with different attitudes.” *Kremer v. Grant*, 606 A.2d 433, 438 (Pa. 1992); see Application at 19. Proceeding without any explanation or elaboration, from these passages, Petitioners draw the radical conclusion that Article XI, Section 1 confers a “constitutional right to be notified of how their respective legislative members voted on each amendment[.]” See Application at 18. Petitioners’ failure to offer any authority on this assertion is ultimately unsurprising because, as explained below, their novel construct of the recording requirement is utterly untenable (and out of step with historical practice, see *supra* § III.B (examples of multiple amendments in single resolution)).

- 1. The plain language of Article XI, Section 1’s vote recording requirement demonstrates that it does not require a separate vote by the legislators on each proposed amendment.**

Turning initially to the plain language of Article XI, § 1, which must be the starting point of the analysis, a careful reading of the provision reveals that neither its structure nor its text imposes a requirement that “each and every amendment be put to a separate ye and nay vote[.]” Application at 19 (urging this Court to “enforce Article

XI, § 1 *as designed and written* to require that each and every amendment be put to a separate yea and nay vote so that the electorate can hold members of the General Assembly accountable” for their positions on proposed constitutional amendments (emphasis added)).

First, by its own terms, Article XI, Section 1, contemplates the passage of multiple amendments (“such proposed amendment or amendments”), but makes no reference to the manner in which the votes must be taken or how they are to be entered in the journal. *Accord Grimaud*, 865 A.2d at 847 (“The plain language of Article XI, § 1 speaks only of entering the proposed amendment on the legislative journals and not of the procedure that must be employed in so doing.”). This is not an oversight, as Article XI, Section 1 meticulously prescribes the procedure for other aspects of the amendment process, providing, for instance, that the proposal must be published “in at least two newspapers in every county in which such newspapers shall be published[.]” Pa. Const. art. XI, § 1.

Notably, this Court has recognized that Article XI, Section 1’s detailed nature confirms that it is unnecessary to give it meaning by consulting other provisions of the Constitution: where no process is

prescribed, it is by design, rather than mistake. *Grimaud*, 865 A.2d at 847 (“Other than the express requirements set forth in Article XI, the procedure to be used in proposing such amendments is exclusively committed to the legislature.” (internal quotation marks and citations omitted)). Specifically, rejecting the argument that the House of Representatives failed to “comport with Article XI, § 1[’s recording requirement] when it voted on the final passage of” a proposed amendment, this Court noted, among other things, that “Article XI, § 1 sets forth a fairly comprehensive procedure for amending the Constitution, but is silent on the manner of how legislative votes should be conducted.” *Id.*

The drafters’ decision to intentionally forgo a separate vote requirement for the General Assembly—which stands in stark contrast to the *express*, separate vote requirement for the electorate elsewhere in Article XI—is brought into even sharper focus when it is considered in conjunction with the procedural restraints established by Article III, nearly all of which were adopted by the Constitutional Convention of 1873. Among other provisions, that Convention produced Sections 4 and 5, both of which specifically addressed the manner of taking and

recording votes in the journal. Critically, Article XI, Section 1 was also re-examined by that Convention, but it ultimately made only a minor change—namely, providing that the requisite notice be published in two newspapers rather than one. In short, therefore, as this Court has recognized, “[t]he Constitution’s lack of guidance reflects an intent to defer the choice of procedure to the legislature.” *Grimaud*, 865 A.2d at 847.

2. Petitioners’ reliance on the purported purpose undergirding Article XI is unavailing.

Given Article XI’s plain language and this Court’s unequivocal rejection of any attempt to engraft additional vote-recording requirements onto that provision, any further analysis of Petitioners’ argument—including *Kremer*’s expression of the purported intent undergirding the requirement—is unnecessary. But even if this Court were inclined to consider this argument, the Petitioners’ suggestion that SB 106 somehow thwarts the intent articulated in *Kremer* is without merit.

To begin, the passage from *Kremer* cited by Petitioners described the intent underlying Article XI’s publication requirement—*not* its vote-recording mandate. Specifically, that Court explained:

What is required is that the Secretary transmit the required notices to two newspapers in each county of the state in ample time to permit their insertion at a date three months or more in advance of the election. The reason for this requirement is to afford the electorate abundant opportunity to be advised of proposed amendments and to let the public ascertain the attitude of the candidates for election to the General Assembly next afterwards chosen. For if an informed electorate disagrees with the proposed amendments, they will have an opportunity to indicate their pleasure at the ballot box and elect individuals to the next General Assembly with different attitudes.

Kremer, 606 A.2d at 438. Accordingly, *Kremer* provides no guidance regarding the purpose of the requirement that the votes be entered.

Yet, even assuming *arguendo*, Petitioners are correct in their description of the intent underlying the vote-recording clause, the votes of the members regarding SB 106 have been entered in the journals, and so the voters are, in fact, aware of their respective legislator's position on the proposed amendments and can make informed decisions. The Governor and Acting Secretary may *prefer* to know how their respective legislative members voted (or would have voted) on each amendment—just as some voters may *prefer* to know how a legislator would have voted on an appropriations bill if required to cast a vote on

each line item separately¹⁸—but these preferences are not sufficient to create a constitutional infirmity.¹⁹

3. Article XI’s separate vote requirement applies to proposed amendments submitted to voters, not proposals considered by the General Assembly.

The Governor and Acting Secretary also rely on Article XI, Section 1’s requirement that, “when two or more amendments shall be submitted they shall be voted upon separately.” Based on this language—and without any meaningful development—they maintain that “[j]ust as voters have the right to vote separately on each amendment, they have the right to know how their elected officials voted on each amendment.” Application at 18. Yet again, however, no authority is cited, nor is explanation offered for engrafting strictures regulating the manner in which a question is presented to the electorate onto the procedure for adopting a resolution proposing such amendments. And, once more, the text and structure of the Constitution militate against divining such a right.

¹⁸ See Pa. Const. art. III, § 3 (exempting “general appropriation bill[s]” from the single-subject and clear-title requirement).

¹⁹ Moreover, the voters are hardly without recourse. The preference of the electorate for having legislators vote separately on each proposal may be so strong that voters will cast their ballot precisely with a view toward candidates who will commit to such a process.

First, looking to the structure of the Constitution, it bears emphasizing that the separate vote requirement is the terminal sentence in Article XI, Section 1, and follows immediately after the details regarding the time and manner of submitting amendments to the voters. Conversely, the procedure by which the two chambers of the General Assembly propose a constitutional amendment is outlined in the opening passages of Article XI, Section 1. This configuration, coupled with the absence of *any* authority even hinting at the application of the separate-vote requirement to the General Assembly's internal procedure for adopting proposed constitutional amendments, should be sufficient to dispense with this argument.

But to the extent more is required, a careful examination of Article XI, Section 1's language confirms that Petitioners' argument is unmoored from the text (and, again, long-standing practice, *see supra* § III.B). Specifically, the use of the term "submit[]" in this passage is significant given that Article XI, Section 1 refers to "submi[ssion]" of proposed amendments in four other instances. And, in *each* instance, the term "submit" signals presentation of the proposed amendment to

the electorate for a popular vote—and not to the legislators during the joint resolution process.

First, Article XI, Section 1 provides that “proposed amendment or amendments shall be ***submitted to the qualified electors*** of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe[.]” (Emphasis added.) By its own terms, this passage refers to submission “to the qualified electors[.]” *Id.*

Second, Article XI, Section 1 provides that “no amendment or amendments shall be submitted oftener than once in five years.” This passage has been similarly interpreted as relating to the submission of a question to the electorate. *Com. ex rel. Margiotti v. Lawrence*, 193 A. 46, 49 (Pa. 1937) (exploring the meaning of this phrase and concluding that “[i]t is limited to an amendment that has been ***submitted to the people*** and voted on” (emphasis added)).

Third, the phrase also appears in Subsection (a), which governs emergency amendments, and provides “[s]uch amendment shall then be submitted to the qualified electors of the Commonwealth in such manner, and at such time, at least one month after being agreed to by

both Houses as the General Assembly prescribes.” Once again, by its plain language, “submit[]” refers to submission of a proposal to the voters. *See* Pa. Const. art. XI, § 1(a).

Fourth, and finally, Subsection (b), provides that “[w]hen two or more emergency amendments are submitted they shall be voted on separately.” As this Court explained in *DeGraffenreid*, which Petitioners cite often in support of their assertions, this provision requires that “whenever more than one emergency amendment is *presented to the voters* for approval, the voters must vote on them ‘separately.’” *DeGraffenreid*, 265 A.3d at 233 (emphasis added; quoting Pa. Const. art. XI, § 1(b)).

Against this backdrop, with neither text nor legal or factual precedent to support their entreaty to this Court, Petitioners’ lead claim is unsustainable and, thus, does not warrant the exercise of King’s Bench jurisdiction.

C. The current structure of proposed Article I, Section 30 is not determinative of the manner in which any questions concerning its adoption may ultimately be submitted.

Petitioners’ argument that the proposed addition of Section 30 to Article I of the State Constitution “violates the separate vote

mandate[,]” also fails from its inception. Most fundamentally, Article XI, Section 1’s directive that “[w]hen two or more amendments shall be submitted they shall be voted upon separately[,]” which is the sole predicate for this claim, is simply not implicated. To begin, as detailed *supra*, this requirement governs the manner in which proposed constitutional amendments are submitted *to the voters* and its application to the method of adopting a proposal by *the General Assembly* is without basis.

Petitioners, for their part, do not point to any such authority. Instead, discussing the salutary purpose of the separate vote requirement, as articulated in *League of Women Voters of Pa. v. Degraffenreid*, 265 A.3d 207 (Pa. 2021), Petitioners proceed to analyze the proposed addition of Article I, Section 30 under this framework. Remarkably, however, at no point in their prolix rendition do Petitioners pause to acknowledge that *Degraffenreid*—and every other case that has ever interpreted the specific clause of Article XI upon which they rely—involved a challenge to the manner in which a

question was submitted to *voters*.²⁰ Concomitantly, nothing in *Degraffenreid*'s discussion of "logrolling" alludes to the manner by which the General Assembly considers and votes on proposed amendments (which, for among other reasons, is not surprising since multiple amendments are often proposed in a single joint resolution, *see supra* § III.B).

To the extent Petitioners seek to forestall submission of Article I, Section 30 to the voters, as repeatedly emphasized throughout this brief, whether a proposed constitutional amendment adding Article I, Section 30 to the State Constitution will be presented to the electorate is far from a foregone conclusion. It follows, therefore, that any

²⁰ *Degraffenreid*, 265 A.3d at 231 ("[P]roposals by delegates at the 1837-1838 Constitutional Convention reflected their intent to prohibit the practice of 'logrolling' by the legislature in ***the crafting of a proposed amendment to be submitted to the voters***." (emphasis added)); *id.* (observing that "logrolling is particularly pernicious when ***employed in the submission of proposed amendments to the electorate***" (emphasis added; internal quotation marks and citations omitted)); *id.* ("Most importantly, the court in *Kerby* observed that logrolling in the passage of constitutional amendments has been disfavored by courts ***because it constrains the ability of the electors*** to make a free and mature judgment, as it is impossible for voters to express assent only to the provisions which they favor, and reject those which they disapprove." (emphasis added; internal quotation marks and citations omitted)); *id.* at 235 ("[*Kerby*] deemed [the prohibition against logrolling] necessary ***to ensure that the decision of the voters*** on the proposed amendment would truly be the result of their free and mature judgment by ensuring they are not constrained to adopt measures of which in reality they disapprove, in order to secure the enactment of others they earnestly desire." ((emphasis added; internal quotation marks and citations omitted)).

challenge to how that question *might* be presented to the voters (if at all) is premature.

Moreover, even if this Court is inclined to entertain the hypothetical laid out, Petitioners' claims are unavailing. For starters, even assuming *arguendo* that Petitioners' characterization of Article I, Section 30 as encompassing two discrete proposals is accurate, it does not follow that the proposed amendment cannot be submitted to the voters without violating Article XI, Section 1's separate vote requirement. Specifically, *Degraffenreid* requires only that "[i]f any of the multiple changes in a proposed amendment are independent of the others, and could stand alone, then Article XI, § 1 requires that they be presented separately to the voters so that they may individually vote on those changes." *Degraffenreid*, 265 A.3d at 237. Nothing in that decision can be read as proscribing the General Assembly from adopting a single proposed amendment containing multiple parts, and having it submitted to the voters in as many parts as are necessary to comply with the Article XI, Section 1's subject matter test. Accordingly, to the extent proposed Article I, Section 30 is capable of bifurcation, as Petitioners suggest, the form in which it was approved by the General

Assembly will not preclude presentation of the question in discrete parts.

Next, although resolving the question is entirely unnecessary, it bears noting that Petitioners' argument regarding the interdependency of proposed Article I, Section 30 is flawed in several respects.

Specifically, their formulation of the separate vote requirement turns on a single question—whether the discrete parts of a proposed amendment could conceivably stand alone. But *Degraffenreid*'s approach is not so singular. Specifically, it requires changes to be “presented separately to the voters so that they may individually vote” on them, “[i]f any of the multiple changes in a proposed amendment are independent of the others, and could stand alone[.]” 265 A.3d at 237. Accordingly, establishing that the Article I, Section 30, as drafted, contains two rights that could stand alone is insufficient, unless its proposals are independent of one another—that is, whether “when viewed together,” they “form an interlocking package necessary to accomplish one overarching objective, such that the amendment stands or falls as a whole.” *Id.* (cleaned up).

Viewed against this backdrop, the decoupling Petitioners suggest seems far less viable. To begin, while they are correct that the existence of a constitutional right to engage in an act does not necessarily mandate public funding for it, their suggestion that the inverse is also true is suspect. Specifically, it is difficult to fathom how there can be a constitutional guarantee of funding for a particular act without a corresponding constitutional right to engage in it.

Moreover, under Petitioners' approach, many of the amendments previously approved by the voters would be violative of the separate vote requirement. Consider, for instance, Article IV, Section 4.1, which was submitted in a single question to voters and provides for the popular election of the Attorney General. Pa. Const. art. IV, § 4.1. If Petitioners are to be believed, this measure should have been submitted in separate parts. At a minimum, whether the Attorney General is to be elected, and whether he shall be prohibited from serving "more than two successive terms[,]” *id.* “are independent and can and do stand

alone.” Application at 22. While many voters prefer term-limits, that view is hardly universal.²¹

Similarly, the Environmental Rights Amendment, which was submitted to the voters and adopted in 1971, contains multiple impermissible parts under Petitioners’ construct. *See* Pa. Const. art. I, § 27. Indeed, as this Court has recognized, this provision operates in three ways: *first*, it contains “a prohibitory clause declaring the right of citizens to clean air and pure water, and to the preservation of natural, scenic, historic and esthetic values of the environment[;]” *second*, it provides for “common ownership by the people, including future generations, of Pennsylvania’s public natural resources[;]” and *third*, it “establishes a public trust, pursuant to which the natural resources are the corpus of the trust, the Commonwealth is the trustee, and the people are the named beneficiaries.” *Pennsylvania Env’t Def. Found. v. Com.*, 161 A.3d 911, 931-32 (Pa. 2017). Accordingly, under Petitioners’ approach, the submission of the Environmental Rights Amendment in a single ballot question violated the separate-vote

²¹ Colorable arguments could be made for breaking this provision down even further by, for example, requiring a separate vote on the length of the term.

requirement, as it is readily apparent that its three clauses “are independent and can and do stand alone.” *See* Application at 22.

In sum, Petitioners are not entitled to relief on this claim because: (1) if the two aspects of Article I, Section 30 Petitioners attempt to decouple are capable of bifurcation, they can—and presumably will—be submitted separately to the voters; and (2) in any event, viewed within *Degraffenreid*’s proper rubric, rather than the formulation created by Petitioners, it is unlikely that separate submission is required.

D. Because this Court has recognized that a constitutional amendment is an exercise of the people’s power to alter or abolish their form of government, Petitioners’ “inherent rights” argument fails.

Petitioners next claim that the proposed addition of Section 30 to Article I of the State Constitution “fails” because “the robust privacy rights acknowledged in the Declaration of Rights in Article I of the Pennsylvania Constitution predate the Constitution’s enactment, exist independent of its provisions and are not subject to amendment.” *See* Application at 24. But it is this argument—and not the yet-to-be-introduced-or-adopted proposed amendment—that “fails.”

First, the argument that the rights enshrined in Article I are not subject to amendment is unsustainable as a textual matter. Specifically, while Section 1 declares certain rights “inherent and inalienable,” the very next provision clarifies that “[a]ll power is inherent in the people,” and “[f]or the advancement of these ends *they have at all times an inalienable and inalienable right to alter, reform or abolish their government in such manner as they may think proper.*” Pa. Const. art. I, § 2 (emphasis added). As the Commonwealth Court has explained, quoting Ken Gormley’s authoritative treatise, this section expressly “guarantees citizens the right to amend the Pennsylvania Constitution[,]” because “Constitutional amendment is the legal process by which the people may exercise their inalienable and inalienable right to alter their government pursuant to Section 2.” *Com., Off. of Atty. Gen. ex rel. Corbett v. E. Brunswick Twp.*, 956 A.2d 1100, 1108 (Pa. Cmwlth. 2008) (cleaned up).

Petitioners’ reliance on Article I, Section 25 is similarly misplaced. As an initial matter, while Portioners correctly observe that, under this provision “‘everything’ in Article I ‘is excepted out of the general powers of government and shall forever remain inviolate[,]’” Application at 25

(quoting Pa. Const. art. I, § 25), they make no attempt to define what is meant by “the general powers of government” and, thus, fundamentally misunderstand *what* is excepted. The general powers of government to which it refers are the legislative, executive, and judicial powers created by the Constitution. See *Gondelman v. Com.*, 554 A.2d 896, 904 (Pa. 1989) (explaining that a party’s reliance on Section 25 “would be convincing if its focus was directed at a legislative enactment, an executive regulation or a judicial decision”). In other words, “Article I does not restrain the power of the people, it restrains the governmental structure that the people have created.” *Id.*; see also *Gondelman v. Com.*, 550 A.2d 814, 818 (Pa. Cmwlth. 1988) (“We conclude that the effect of article I, section 25 is not to raise article I to a superior position over the remainder of the Pennsylvania Constitution. Rather, its effect is to prohibit the government, defined by the remainder of the Constitution, from acting in any manner to limit or restrain those rights set forth in article I.”).

But as is well-established, when the General Assembly is engaged in the amendment process, “the character of the work for which [Article I, Section 1] provides[,] ... is constitution-making,—it is a

concentration of all the power of the people in establishing organic law for the commonwealth[.]” *Griest*, 46 A. 506. Indeed, the exercise of this power “is not lawmaking, which is a distinct and separate function, but it is a specific exercise of the power of a people to make its constitution.” *Id.*

Applying these principles, the *Gondelman* Court roundly rejected Petitioners’ construct because “[i]t is absurd to suggest that the rights enumerated in Article I were intended to restrain the power of the people themselves[.]” and “[s]uch a proposition loses sight of “the basic overriding principle of American government—that all power is in the people.” 554 A.2d at 904. As in *Gondelman*, “the fundamental fallacy of [Petitioners’] argument is the failure to distinguish between the power of the people and the actions of the government created by the people.” *Id.*; *Com. v. Tharp*, 754 A.2d 1251, 1253 (Pa. 2000) (rejecting same argument, based on *Gondelman*); *see also Bergdoll v. Com.*, 858 A.2d 185, 202 (Pa. Cmwlth. 2004) (“Our Constitution reserves the ultimate political power to the people in Article I, § 2.”), *aff’d*, 874 A.2d 1148 (Pa. 2005) (*per curiam*).

Petitioners, for their part, make only a passing reference to *Gondelman*, and suggest that it is “not controlling or applicable here” because it “did not involve a proposal to amend one of the ‘inherent and infeasible’ rights recognized in Article I, § 1[.]” Application at 27 n.10. Not so. *See Gondelman*, 554 A.2d at 903 (explaining that “[t]he argument begins with the provision that **Article I, section 1** of our constitution guarantees all citizens of the Commonwealth equal protection of the laws” and “[i]t is then noted that this section is reinforced by Article I, section 26” (emphasis added)). In short, *Gondelman* is on all fours and precludes this claim.²²

²² Aside from the absence of legal support, Petitioners’ arguments also lack historical precedent. In just the last few decades, changes have been made to the provisions of Article I, which palpably curb constitutional protections, including an amendment providing the Commonwealth the right to a jury trial, thereby removing the choice from the sole control of the criminal defendant, *see* Pa. Const. art. I, § 6, and an amendment to the guarantee that “[a]ll prisoners shall be bailable by sufficient sureties,” to provide for an exception for “capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great.” *See* Pa. Const. art. I, § 14. Petitioners’ sole rejoinder to this historical reality is that the right to privacy is somehow elevated above these other provisions. But this argument rings hollow. Article I does not express a preference for any right over another. And, even if such a tiered structure could be discerned, it is doubtful that the amorphous “right to privacy” on which Petitioners rely would be elevated above constitutional protections afforded to criminal defendants, who, in some cases, are facing capital punishment.

As discussed below, notwithstanding the certainty with which Petitioners declare its existence, a “robust privacy right” unbounded by any other provision of the State Constitution simply does not exist.

E. A perfunctory glance at the State Constitution defeats Petitioners’ vagueness argument.

Petitioners argue that proposed Article I, Section 30 is “invalid because it is ambiguous and incapable of objective interpretation.” Application at 28. In support of this assertion, Petitioners rely on a decision of this court invalidating a statute on void-for-vagueness grounds.²³

It is unnecessary to linger on this point long. Assuming, once more, that a merits review of Article I, Section 30 is ripe (it isn’t), the notion that a constitutional provision can somehow be “invalidated” as unconstitutionally vague is unmoored from any jurisprudential principles. To begin, the void-for vagueness precept is specifically and narrowly applicable to *criminal statutes*. Proposed Article I, Section 30 is not a criminal provision, but even more importantly it is

²³ Petitioners’ reliance on Justice Wecht’s opinion in *Sprague* suffers from the same defects as every other claim they make: namely, it relates to the manner in which a question is presented to the electorate—not how it becomes before the General Assembly, and it certainly does not pertain to the language of a proposed constitutional amendment.

not a statute. Moreover, Petitioners' argument, even taken at face value, cannot withstand scrutiny, as it would leave the Commonwealth with a rather scanty Constitution and underemployed bar. Indeed, some of the most basic rights, including ones on which Petitioners rely, are hopelessly "vague" when examined in the abstract. To name but a few examples in a list that could span several pages:

- (1) the people's right to "pursuing ... happiness," Pa. Const. art. I, § 1;
- (2) the right of the people to "reform or abolish their government in such manner as they may think proper," Pa. Const. art. I, § 2;
- (3) the prohibition against "control[ing] or interfere[ing] with the rights of conscience," Pa. Const. art. I, § 3;
- (4) the requirement that "[e]lections shall be free and equal," Pa. Const. art. I, § 5; and
- (5) the prohibition against "cruel and unusual punishment," Pa. Const. art. I, § 13.

In short, the vagueness argument is without merit. *If* the proposed amendment is actually adopted, whatever ambiguity it may engender will be for the courts to resolve, employing the same principles as they always do when interpreting constitutional provisions.

F. Petitioners’ arguments relating to the specific changes that would result from adoption of the amendments proposed by SB 106 are not grounded in the Constitution.

Repackaging the claims discussed above and representing them in different terms, Petitioners also maintain that they are entitled to relief because SB 106’s proposed “amendments substantively alter other constitutional provisions without fairly and accurately apprising voters of the multiple changes and without giving voters the chance to vote separately on each change.” Application at 29. In this regard, Petitioners contend that they are aided by *Degraffenreid*’s prohibition against submitting a proposed constitutional amendment that “effectuates more than one substantive change.” But try as they might, Petitioners cannot bring this case within the ambit of *Degraffenreid*.

SB 106 itself is not a proposed amendment. But more to the point, SB 106 and the proposals contained therein will not be submitted to voters as a singular proposition for approval. SB 106 reflects the assent of two chambers of the current General Assembly in proposing amendments to five discrete constitutional provisions. How these questions are posed to the electorate, which is the only issue answered

by *Degraffenreid*, has nothing to do with the vehicle by which they pass the General Assembly.

Like virtually all of their claims, Petitioners' arguments also lack historical support. As mentioned above, it is not uncommon for the General Assembly to amalgamate two entirely unconnected proposed amendments into a single vehicle. *See, e.g.*, SB 319 (PN 974) of the Session of 1981. And, as prior practice demonstrates, when the proposals are independent of one another, the questions are posed separately to the voters, as *Degraffenreid* contemplates.

To the extent Petitioners assert that each of the four overarching proposed amendments embraced by SB 106 impact various substantive rights and, thus, they cannot be submitted as five discrete questions, this contention faces the same obstacle as their argument, discussed in Section C *supra*, that the proposed amendment to Article I, Section 30 involves two discrete questions that should be bifurcated.

In the end, Petitioners' arguments in this regard are self-defeating: If the five respective proposals they discuss at length **cannot** be deconstructed into discrete questions, it follows then that the provisions of the proposed amendment are in fact interdependent and,

thus, Petitioners’ (premature) claim would fail on the merits. On the other hand, if these proposals, as drafted, present distinct changes, then the Acting Secretary, or her successor, will presumably submit them in such a form. In either event, exercise of jurisdiction is inappropriate.

Moreover, nothing in Article XI, Section 1 prohibits adoption of constitutional amendments that—as applied—might be in tension with other provisions of the Constitution. As this Court has recognized, “[t]he question is whether the single ballot question patently affects other constitutional provisions, not whether it implicitly has such an effect, as appellants suggest.”²⁴ Accordingly, “[t]he test to be applied is not merely whether the amendments might touch other parts of the Constitution when applied, but rather, whether the amendments *facially* affect other parts of the Constitution.” *Grimaud*, 865 A.2d at 842. As the *Grimaud* panel astutely observed, “[i]ndeed, it is hard to imagine an

²⁴ *Grimaud*, 865 A.2d at 842 (rejecting assertion that the single vote requirement was violated because “the single ballot question implicitly amended: (1) Article I, § 1’s right to defend one’s self, by restricting the ability to prepare a defense; (2) Article I, § 9’s presumption of innocence, because preventive detention requires a presumption the accused will commit additional crimes if released on bail; (3) Article I, § 13’s right to be free from excessive bail, because preventive detention essentially eliminates that right; and (4) Article I, § 25’s reservation that Article I rights remain inviolate, because preventive detention punishes without trial and conviction, violating Article I, § 9”).

amendment that would not have some arguable effect on another provision; clearly the framers knew amendments would occur and provided a means for that to happen.” 865 A.2d at 842. The alleged tension with other constitutional rights that Petitioners allege will be for this Court to decide in the ordinary course, if and when a proper case (if ever) is presented.

Indeed, the defects in Petitioners’ construct are crystalized when their position with regard to each of the five proposals are analyzed on the merits. Specifically, their arguments are almost exclusively aimed at disputing the merits and wisdom of the proposed amendments. Indeed, if one who is unfamiliar with the matter were to review Sections (E)(1)-(4) of their Application and nothing else, the reader would be left with the impression that SB 106 is a legislative enactment. For example, in discussing the proposed amendment exempting resolutions disapproving of regulations from the gubernatorial veto, Petitioners do not rely on any authority arising under Article XI, Section 1. Rather, they provide a spirited defense of the virtues of executive power and rely on caselaw dealing with statutes attempting to create what has been termed a “legislative veto.” *See, e.g.,*

Com. v. Sessoms, 532 A.2d 775, 778-79 (Pa. 1987). Similarly, in suggesting that the proposed amendment to Article VII of the State Constitution is somehow invalid, they rely on caselaw finding that a **statute** creating a similar requirement was found unconstitutional.

But perhaps the clearest example of Petitioners' misconception is the following sentence: "By exempting disapproval of regulations from the Governor's veto, the General Assembly arrogates to itself executive rulemaking authority and eviscerates the separation of powers and constitutional authority bestowed on the Governor in Article IV, § 2." Application at 31-32. SB 106 is not legislation: it is a step toward putting questions to the vote of the electors. If and when the proposed amendment with which Petitioners take issue is submitted to the voters and approved by them, it will not be "the General Assembly [that] arrogates" anything; rather, it will be the people, in an exercise of their inherent power to establish and modify their form of government, that will have decided to confer the authority to the legislative branch.²⁵

²⁵ It also bears emphasizing that Petitioners grossly misstate the nature of constitutional deference afforded to "administrative power." The "executive rulemaking authority" to which Petitioners refer is granted by statute and exists solely by virtue of a statutory grant of authority.

Indeed, to the extent the voters share the Petitioners' exalted view of the Governor's powers, they will assuredly disapprove of the amendment. But, as a constitutional matter, the fact that the proposal cabins the executive department is precisely the type of widely dispersed implicit effect on other constitutional provisions that *Grimaud* found insufficient to sustain a single-vote violation. In short, this proposed amendment does not violate Article XI, Section 1 any more than the two proposals to restrain his unbridled emergency powers, both of which were approved a little over a year ago and neither of which were challenged in court. *See* SB 2 (PN 86) of the Session of 2021; P.L. 493, J.R. 1 (May 18, 2021).

It also bears noting that other amendments placing arguably more robust restraints on both executive authority and the franchise have been proposed and adopted by a single vote without causing the deleterious effects Petitioners predict.

To take one example, Article IV of the State Constitution was amended in 1978 by adding Section 4.1, which made the Office of Attorney General an elected office not subject to gubernatorial oversight. *See* Pa. Const. art. IV, § 4.1, *adopted by* HB 84 of the Session

of 1977, 1977 P.L. 365, J.R. 4 (May 16, 1978). Petitioners can hardly argue that this significant rearrangement of the executive department had any less of an impact on the Governor's powers.

Similarly, Article VII was amended—by popular vote—to provide for voter registration laws. Specifically, the Constitution of 1873 provided that “no person shall be deprived of the privilege of voting by reason of his name not being registered.” Pa. Const. 1873, art. VIII, § 7. But as Thomas Raeburn White explains in his authoritative treatise on Pennsylvania Constitutional Law:

The sentiment of the people of Pennsylvania demanded a registration law, which should be made effective by providing for the exclusion from the right of franchise of persons not registered. It was by reason of this fact that the amendments of 1901, P. L. 427, were enacted by the people, and they are understood to vest in the General Assembly a right to provide for the determination of the qualifications of electors at some fixed period other than election day, and to make registration a necessary qualification of the right to vote.

Thomas Raeburn White, *Commentaries on the Constitution of Pennsylvania, Suffrage and Elections*, § 6, at 357 (1907).²⁶ Petitioners cannot credibly maintain that requiring voters to register in their

²⁶ Available at https://books.google.com/books?id=zSFAAAAAYAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false.

district by a date certain before the election, after decades of a prohibition against any such registry, presented a change that was any less profound than one requiring voter identification.

Finally, even if the question were properly before the Court, little needs to be said on the proposed changes to the powers of the Auditor General, as Petitioners' arguments are divorced from reality. Nothing in the proposed amendment would grant either the General Assembly or the Auditor General the power to initiate election contests, decide them, or otherwise impact them. Nor does the proposed amendment contain any language suggesting that the Auditor General would have any authority over certifying results of elections. It is also difficult to understand how this proposal would "create[e] ... an oligarchical tribunal independent of the judiciary," Application at 25, since every person and entity (with the possible exception of the Federal government and its officials) are subject to judicial oversight. And, indeed, there is no suggestion to the contrary in the language of SB 106.

G. Nothing in SB 106 requires a constitutional convention.

Finally, Petitioners' suggestion that a constitutional convention is necessary for adoption of the amendments in SB 106, *see* Application at 36-38, should be disregarded for three reasons.

First, the sweeping statement relied on by Petitioners from the Commonwealth Court in *Pa. Prison Soc'y v. Com.*, 727 A.2d 632, 634-35 (Pa. Cmwlth. 1999), regarding a purported limitation on making “complex changes to the Constitution” under Article XI has never been adopted by this Court. Not even when that decision was appealed to, and reversed by, this Court. *Pa. Prison Soc'y v. Com.*, 776 A.2d 971 (Pa. 2001) (plurality). Further, not only has that statement not been adopted, but also it has seemingly been *rejected* by this Court in its articulation of the “subject matter test” in *League of Women Voters*. Indeed, far from finding that Article XI prohibits “complex” or “multiple” changes, this Court formally adopted a test that allows a court to examine “*multiple* changes to our Constitution” and find they are constitutional if they “function in an interrelated fashion to accomplish one singular objective[.]” 265 A.3d at 237 (emphasis added).

This statement of law is utterly at odds with the broad Commonwealth Court pronouncement in *Pa. Prison Soc’y*.²⁷

Second, conventions are never *required* to amend the Constitution. To the contrary, conventions are a well-recognized *alternative* to the only express manner of amending the Constitution in the document itself: Article XI. *See League of Women Voters*, 265 A.3d at 227 n.21. But this Court has never held that the alternative must be used; indeed, the Court has recognized that both procedures are appropriate ways to alter the Constitution (albeit each carry different procedural constraints). *Cf. id.* at 221; *Stander*, 250 A.2d at 479.

Third, and finally, though it is frankly unclear if Petitioners are suggesting as such, SB 106 does not propose to submit one omnibus change to the Constitution posed by a single ballot question. To the contrary, SB 106 on its face envisions *five* separate amendments posed by at least *five* separate ballot questions. *See* SB 106, § 2(1)-(5). Each

²⁷ Moreover, historically Pennsylvanians have several times adopted amendments to the Constitution that alter *multiple* provisions with but a single ballot question. *See, e.g.*, Senate Bill 283, Session of 2015, 2015 P.L. 607, J.R. 2 (Apr. 26, 2016), *available at* <https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2015&sessInd=0&billBody=S&billType=B&billNbr=0283&pn=0161>; House Bill 84, Session of 1977, 1977 P.L. 365, J.R. 4 (May 16, 1978), *available at* <https://www.legis.state.pa.us/CFDOCS/Legis/PN/>

proposed amendment that completes the Article XI process (if any) will then be accompanied by its own separate “plain English statement” from the Attorney General. 25 P.S. § 2621.1. Thus, Petitioners’ suggestion that voters will not be “fairly, accurately and clearly apprised” of the proposed changes proposed by SB 106 is not credible. *See* Application at 37.

In sum, Petitioners’ demand for a constitutional convention is unfounded.

V. CONCLUSION

For the procedural and substantive reasons set forth above, the Court should deny the Application.

Respectfully submitted,

Dated: August 23, 2022

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: August 23, 2022

/s/ Matthew H. Haverstick

WORD COUNT CERTIFICATION

I hereby certify that the above brief complies with the word count limit of Pa.R.A.P. 531(b)(3) and the Court's Order of August 22, 2022.

Based on the word count feature of the word processing system used to prepare this brief, this document contains 13,975 words, exclusive of the cover page, tables, and the signature block.

Dated: August 23, 2022

/s/ Matthew H. Haverstick

Exhibit A

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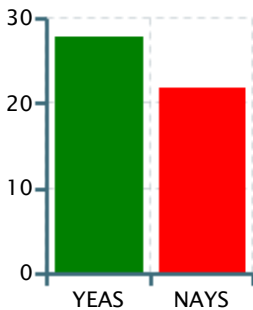
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 Concurrence in House
Amendments as Amended

Summary

Y YEAS	28
N NAYS	22
X N/V	0

TOTAL	50
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N BAKER	Y GORDNER	N SAVAL
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N BREWSTER	Y HUTCHINSON	Y STEFANO
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Y CORMAN	Y MASTRIANO	Y WARD, K.
N COSTA	Y MENSCH	N WILLIAMS, A.
N DILLON	N MUTH	N WILLIAMS, L.
Y DISANTO	Y PHILLIPS-HILL	Y YAW
Y DUSH	Y PITTMAN	Y YUDICHAK
N FLYNN	Y REGAN	

Exhibit B

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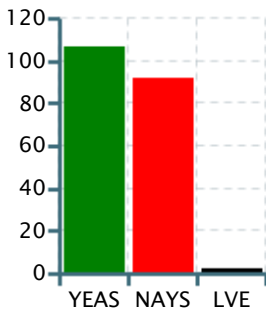
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[Senate Bill 106](#) PN 1857
CONCUR

Summary

Y YEAS	107
N NAYS	92
E LVE	3
X N/V	0

TOTAL 202



Prime Sponsor

[ARGALL](#)

Short Title

A Joint Resolution proposing separate and distinct amendments to the Constitution of the Commonwealth of Pennsylvania, providing that there is no cons...

Y ARMANINI	Y LEWIS	Y THOMAS	N KENYATTA
Y BENNINGHOFF	Y MACKENZIE, M.	N TOMLINSON	N KIM
Y BERNSTINE	Y MACKENZIE, R.	Y TOPPER	N KINKEAD
Y BOBACK	Y MAJOR	Y TWARDZIK	N KINSEY
Y BONNER	Y MAKO	Y WARNER	N KIRKLAND
Y BOROWICZ	Y MALONEY	Y WENTLING	N KOSIEROWSKI
Y BROOKS	Y MARSHALL	Y WHEELAND	N KRAJEWSKI
Y BROWN, R.	Y MASSER	Y WHITE	N KRUEGER
Y CAUSER	Y MEHAFFIE	N WILLIAMS, C.	N KULIK
Y COOK	Y MENTZER	Y ZIMMERMAN	N LEE
Y COX	Y MERCURI	N ABNEY	N LONGIETTI
Y CULVER	Y METCALFE	N BENHAM	N MADDEN
Y DAVANZO	Y METZGAR	N BIZZARRO	N MALAGARI
Y DAY	E MIHALEK	N BOYLE	N MARKOSEK
Y DELOZIER	Y MILLARD	N BRADFORD	N MATZIE
Y DELROSSO	Y MILLER, B.	N BRIGGS	N MCCLINTON
Y DIAMOND	Y MIZGORSKI	N BROWN, A.	N MCNEILL
Y DOWLING	Y MOUL	N BULLOCK	N MERSKI
Y DUNBAR	Y MUSTELLO	N BURGOS	N MILLER, D.
Y ECKER	Y NELSON, E.	Y BURNS	N MULLERY
Y EMRICK	Y O'NEAL	N CARROLL	N MULLINS
Y FARRY	Y OBERLANDER	N CEPHAS	N NEILSON
Y FEE	Y ORTITAY	N CIRESI	N NELSON, N.
Y FLOOD	Y OWLETT	N CONKLIN	N O'MARA
Y FRITZ	Y PEIFER	N COVINGTON	N OTTEN
Y GAYDOS	Y PENNYCUICK	N CRUZ	N PARKER
Y GILLEN	Y PICKETT	N CURRY	N PASHINSKI
Y GILLESPIE	Y POLINCHOCK	N DALEY	N PISCIOTTANO
Y GLEIM	Y PUSKARIC	N DAVIS, A.	N RABB
Y GREGORY	Y QUINN	N DAVIS, T.	N ROZZI
Y GREINER	Y RADER	N DAWKINS	N SAINATO
Y GROVE	Y RAPP	N DEASY	N SAMUELSON
Y HAMM	Y RIGBY	N DELISSIO	N SANCHEZ
Y HEFFLEY	Y ROAE	N DELLOSO	N SAPPEY
Y HELM	Y ROSSI	N DELUCA	N SCHLOSSBERG
Y HENNESSEY	Y ROTHMAN	N EVANS	N SCHWEYER
Y HERSHEY	Y ROWE	N FIEDLER	N SHUSTERMAN
Y HICKERNELL	Y RYAN	N FITZGERALD	N SIMS
Y IRVIN	Y SANKEY	N FRANKEL	N SNYDER
Y JAMES	Y SAYLOR	N FREEMAN	N SOLOMON
Y JONES	Y SCHEMEL	N GALLOWAY	N STURLA
Y JOZWIAK	Y SCHMITT	N GUENST	N VITALI
Y KAIL	Y SCHNEE	N GUZMAN	N WARREN
E KAUFER	Y SCHROEDER	N HANBIDGE	N WEBSTER
Y KAUFFMAN	Y SILVIS	N HARKINS	N WELBY
Y KEEFER	Y SMITH	N HARRIS	N WILLIAMS, D.
E KERWIN	Y SONNEY	N HERRIN	N YOUNG
Y KLUNK	Y STAATS	N HOHENSTEIN	N ZABEL
Y KNOWLES	Y STAMBAUGH	N HOWARD	
N LABS	N STEPHENS	N INNAMORATO	
Y LAWRENCE	Y STRUZZI	N ISAACSON	Y CUTLER

Exhibit C

[Home](#) / [Bill and Amendments](#) / Bill Information

Bill Information - History

Senate Bill 106; Regular Session 2021-2022

Sponsors: [ARGALL](#), [MARTIN](#), [STEFANO](#), [PHILLIPS-HILL](#), [DiSANTO](#), [MASTRIANO](#), [PITTMAN](#) and [REGAN](#)

Printer's No.(PN): [1857*](#), [1279](#), [71](#)

Short Title: A Joint Resolution proposing separate and distinct amendments to the Constitution of the Commonwealth of Pennsylvania, providing that there is no constitutional right to taxpayer-funded abortion or other right relating to abortion; further providing for action on concurrent orders and resolutions, for Lieutenant Governor and for qualifications of electors; and providing for election audits.

Actions:

[PN 0071](#) Referred to [STATE GOVERNMENT](#), Jan. 22, 2021
 Reported as committed, [Jan. 27, 2021](#)
 First consideration, Jan. 27, 2021
 Second consideration, Feb. 5, 2021
 Re-referred to [APPROPRIATIONS](#), Feb. 5, 2021
 Re-reported as committed, [Feb. 23, 2021](#)
 Laid on the table, April 21, 2021
 Removed from table, April 21, 2021
 Third consideration and final passage, April 27, 2021 [\(43-4\)](#)

In the House

Referred to [STATE GOVERNMENT](#), April 29, 2021
 Reported as committed, [May 25, 2021](#)
 First consideration, May 25, 2021
 Laid on the table, May 25, 2021
 Removed from table, Sept. 20, 2021
 Laid on the table, Sept. 20, 2021
 Removed from table, Dec. 13, 2021

[PN 1279](#) Second consideration, with amendments, [Dec. 14, 2021](#)
 Re-referred to [APPROPRIATIONS](#), Dec. 14, 2021
 (Remarks see House Journal Page), Dec. 14, 2021
 Re-reported as committed, [Dec. 15, 2021](#)
 Third consideration and final passage, Dec. 15, 2021 [\(113-87\)](#)
 (Remarks see House Journal Page), Dec. 15, 2021

In the Senate

Referred to [RULES AND EXECUTIVE NOMINATIONS](#), Dec. 15, 2021
[PN 1857](#) Re-reported on concurrence, as amended, [July 7, 2022](#)
 Senate concurred in House amendments, as amended by the Senate, July 8, 2022 [\(28-22\)](#)
 (Remarks see Senate Journal Page), July 8, 2022

In the House

Referred to [RULES](#), July 8, 2022

Re-reported on concurrence, as committed, [July 8, 2022](#)

House concurred in Senate amendments to House amendments, July 8, 2022 ([107-92](#))

(Remarks see House Journal Page), July 8, 2022

Signed in Senate, July 8, 2022

Signed in House, July 8, 2022

Filed in the Office of the Secretary of the Commonwealth, July 11, 2022

Pamphlet Laws Resolution No. 1

* denotes current Printer's Number

[?](#) [How to Read a Bill](#) [?](#) [About PDF Documents](#)

Exhibit D



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

July 18, 2022

The Honorable Megan Martin
Secretary and Parliamentarian
Pennsylvania State Senate
462 Main Capitol Building,
Harrisburg, PA 17120

Ms. Martin:

As required by Section 801(b) of the Administrative Code of 1929, as amended, 71 P.S. § 271(b), this letter is to notify the General Assembly and others of the upcoming publication of the proposed constitutional amendments in Joint Resolution 2021-2 (formerly House Bill 14), and Joint Resolution 2022-1 (formerly Senate Bill 106). Pursuant to Article XI, Section 1 of the Pennsylvania Constitution, the Department of State will begin publication of the proposed constitutional amendments on August 2, 2022. The proposed constitutional amendment to Section 4 of Article IV of the Pennsylvania Constitution (found in paragraph 3 of section 1 of Joint Resolution 2022-1), relating to the method of selection of nominees for the office of Lieutenant Governor, *will not be* submitted to the electorate for approval at the 2022 General Election, because the substance of the proposed amendment was changed and thus the proposed amendment is still on first-passage.

The proposed amendments will be published in newspapers across the Commonwealth in each of the three months preceding the 2022 General Election on November 8, 2022. Publication is scheduled to occur on a date within the date ranges below, dependent on the publication schedule of each newspaper:

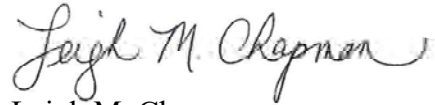
- August 2-7, 2022;
- September 1-7, 2022; and
- October 1-7, 2022.

As a courtesy, attached is a list of all the newspapers with the scheduled publication dates for each newspaper.

Additionally, the Department has submitted a notice to the Legislative Reference Bureau to be published in the Pennsylvania Bulletin with information on the date ranges for publication of the proposed constitutional amendments.

If you have any questions, please do not hesitate to reach out to Mike Chmielewski, Director of Legislative Affairs at 717-346-4392.

Thank you,

A handwritten signature in cursive script that reads "Leigh M. Chapman".

Leigh M. Chapman
Acting Secretary of the Commonwealth

Enclosure

Proposed Constitutional Amendment Ads JR 2021-2 and JR 2022-1

Newspaper	Run-date #1	Run-date #2	Run-date #3
Advance Pubs of Perry County	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Allentown Morning Call	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Allentown Morning Call - SPANISH Version Lehigh County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Altoona Mirror	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Beaver County Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Bedford Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Berks-Mont Newspaper Group	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Berks-Mont Newspaper Group - SPANISH Version Berks County	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Blairsville Dispatch	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Bloomsburg Press Enterprise	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Bradford Era	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Brookville Jeffersonian Democrat	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Bucks County Courier Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Butler Eagle	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Cameron County Echo	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Cameron County Endeavor	Saturday, August 6, 2022	Saturday, September 3, 2022	Saturday, October 1, 2022
Carlisle Sentinel	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Centre County Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Centre Daily Times	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Chambersburg Public Opinion	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Chester County Press	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Clarion News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Clearfield Progress	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Connellsville Daily Courier	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Corry Journal	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Cranberry Eagle	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Danville News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Delaware County Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Doylestown Intelligencer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Dubois Courier Express	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Dushore Sullivan Review	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Easton Express Times - PA Zone Only	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Ellwood City Ledger	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Emlenton Progress News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Erie Times News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Forest City News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Fulton County News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Gettysburg Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Greene County Messenger	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Greensburg Tribune Review	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Greenville Record Argus	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hanover Evening Sun	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Harrisburg Patriot News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hazleton Standard Speaker	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hummelstown Sun	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Huntingdon Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Indiana Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Johnstown Tribune Democrat	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Journal of the Pocono Plateau	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Kane Republican	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Kittanning Leader Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Latrobe Bulletin	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lebanon Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lehigh Valley Newspaper Group	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Lehigh Valley Newspaper Group - SPANISH Version Lehigh County	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Lehigh Valley Times News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Lewistown Sentinel	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lititz Record Express	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
LNP Media	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Lock Haven Express	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Mainline Newspapers	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
McMurray Almanac	Sunday, August 7, 2022	Sunday, September 4, 2022	Sunday, October 2, 2022
Meadville Tribune	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Meyersdale New Republic	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Milton Lewisburg Standard Journal	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Morrisons Cove Herald	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Muncy Luminary	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
New Bethlehem Leader Vindicator	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
New Castle News	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
New Pittsburgh Courier	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
News & Press of Delaware County	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022

Proposed Constitutional Amendment Ads JR 2021-2 and JR 2022-1

Newspaper	Run-date #1	Run-date #2	Run-date #3
Norristown Times Herald/Lansdale Reporter	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Oil City Derrick/Franklin News Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Orbisonia Valley Log	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Philadelphia Al Dia - SPANISH Version	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Philadelphia Al Dia - ENGLISH Version	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Philadelphia Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Daily News - SPANISH Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Daily News - CHINESE Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer -SPANISH Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer -CHINESE Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Metro Chinese Weekly	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Philadelphia Tribune	Tuesday, August 2, 2022	Friday, September 2, 2022	Tuesday, October 4, 2022
Pike County Courier	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Pike County Dispatch	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Pittsburgh Post-Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Port Royal Times	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Potter Leader Enterprise	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Pottstown Mercury	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Pottsville Republican	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Punxsutawney Spirit	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reading Eagle	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reading Eagle - SPANISH Version Berks County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reedsville (Yeagertown) County Observer	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Renovo Record	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Ridgway Record	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Saxton Broad Top Bulletin	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Sayre Morning Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Scranton Times Tribune	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Shamokin News Item	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Sharon Herald	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Shippensburg News Chronicle	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Snyder County Times	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Somerset Daily American	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
South Schuylkill News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
St Mary's Daily Press	Tuesday, August 2, 2022	Thursday, September 1, 2022	Thursday, October 4, 2022
Stroudsburg Pocono Record	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Sunbury Daily Item	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Susquehanna County Independent	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Tionesta Forest Press	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Titusville Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Towanda Daily Review	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Tri-County Independent (New combined paper - formerly Carbondale News, Honesdale Wayne Independent, and Hawley News Eagle)	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Union County Times	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Uniontown Herald Standard	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Warren Times Observer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Washington Observer-Reporter	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Waynesboro Record Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wellsboro Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
West Chester Daily Local	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Westfield Free Press Courier	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Wilkes-Barre Citizens Voice	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wilkes-Barre Times Leader	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Williamsport Sun Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wyoming County Press Examiner	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
York Record Dispatch/Sunday News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022

Proposed Constitutional Amendment Ads JR 2021-2 and JR 2022-1

Newspaper	Run-date #1	Run-date #2	Run-date #3
Advance Pubs of Perry County	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Allentown Morning Call	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Allentown Morning Call - SPANISH Version Lehigh County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Altoona Mirror	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Beaver County Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Bedford Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Berks-Mont Newspaper Group	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Berks-Mont Newspaper Group - SPANISH Version Berks County	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Blairsville Dispatch	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Bloomsburg Press Enterprise	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Bradford Era	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Brookville Jeffersonian Democrat	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Bucks County Courier Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Butler Eagle	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Cameron County Echo	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Cameron County Endeavor	Saturday, August 6, 2022	Saturday, September 3, 2022	Saturday, October 1, 2022
Carlisle Sentinel	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Centre County Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Centre Daily Times	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Chambersburg Public Opinion	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Chester County Press	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Clarion News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Clearfield Progress	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Connellsville Daily Courier	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Corry Journal	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Cranberry Eagle	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Danville News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Delaware County Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Doylestown Intelligencer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Dubois Courier Express	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Dushore Sullivan Review	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Easton Express Times - PA Zone Only	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Ellwood City Ledger	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Emlenton Progress News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Erie Times News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Forest City News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Fulton County News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Gettysburg Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Greene County Messenger	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Greensburg Tribune Review	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Greenville Record Argus	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Hanover Evening Sun	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Harrisburg Patriot News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hazleton Standard Speaker	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hummelstown Sun	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Huntingdon Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Indiana Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Johnstown Tribune Democrat	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Journal of the Pocono Plateau	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Kane Republican	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Kittanning Leader Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Latrobe Bulletin	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lebanon Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lehigh Valley Newspaper Group	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Lehigh Valley Newspaper Group - SPANISH Version Lehigh County	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Lehigh Valley Times News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Lewistown Sentinel	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lititz Record Express	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
LNP Media	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Lock Haven Express	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Mainline Newspapers	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
McMurray Almanac	Sunday, August 7, 2022	Sunday, September 4, 2022	Sunday, October 2, 2022
Meadville Tribune	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Meyersdale New Republic	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Milton Lewisburg Standard Journal	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Morrisons Cove Herald	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Muncy Luminary	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
New Bethlehem Leader Vindicator	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
New Castle News	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
New Pittsburgh Courier	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
News & Press of Delaware County	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022

Proposed Constitutional Amendment Ads JR 2021-2 and JR 2022-1

Newspaper	Run-date #1	Run-date #2	Run-date #3
Norristown Times Herald/Lansdale Reporter	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Oil City Derrick/Franklin News Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Orbisonia Valley Log	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Philadelphia Al Dia - SPANISH Version	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Philadelphia Al Dia - ENGLISH Version	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Philadelphia Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Daily News - SPANISH Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Daily News - CHINESE Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer -SPANISH Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer -CHINESE Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Metro Chinese Weekly	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Philadelphia Tribune	Tuesday, August 2, 2022	Friday, September 2, 2022	Tuesday, October 4, 2022
Pike County Courier	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Pike County Dispatch	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Pittsburgh Post-Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Port Royal Times	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Potter Leader Enterprise	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Pottstown Mercury	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Pottsville Republican	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Punxsutawney Spirit	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reading Eagle	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reading Eagle - SPANISH Version Berks County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reedsville (Yeagertown) County Observer	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Renovo Record	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Ridgway Record	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Saxton Broad Top Bulletin	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Sayre Morning Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Scranton Times Tribune	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Shamokin News Item	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Sharon Herald	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Shippensburg News Chronicle	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Snyder County Times	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Somerset Daily American	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
South Schuylkill News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
St Mary's Daily Press	Tuesday, August 2, 2022	Thursday, September 1, 2022	Thursday, October 4, 2022
Stroudsburg Pocono Record	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Sunbury Daily Item	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Susquehanna County Independent	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Tionesta Forest Press	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Titusville Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Towanda Daily Review	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Tri-County Independent (New combined paper - formerly Carbondale News, Honesdale Wayne Independent, and Hawley News Eagle)	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Union County Times	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Uniontown Herald Standard	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Warren Times Observer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Washington Observer-Reporter	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Waynesboro Record Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wellsboro Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
West Chester Daily Local	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Westfield Free Press Courier	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Wilkes-Barre Citizens Voice	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wilkes-Barre Times Leader	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Williamsport Sun Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wyoming County Press Examiner	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
York Record Dispatch/Sunday News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022

Exhibit E

PROPOSED AMENDMENTS TO THE CONSTITUTION OF PENNSYLVANIA

This notice contains information about proposed amendments to the Constitution of Pennsylvania, based on separate joint resolutions of the General Assembly.

The General Assembly of Pennsylvania first proposed the amendments during the 2021-2022 session of the legislature. If a majority of the Senators and Representatives elected at the upcoming November 8, 2022, General Election approve one or more of the proposed amendments for a second time during the 2023-2024 session, the approved proposed amendment(s) will be published again and submitted to the voters of Pennsylvania as ballot questions, as required by Article XI, Section 1 of the Constitution. If one or more of the ballot questions are approved by a majority of the people voting on them, the amendment(s) will become law.

This public notice is part of the process of amending the Constitution of Pennsylvania. The Secretary of the Commonwealth is required to publish a copy of the joint resolutions proposing the amendments. The text of the joint resolutions are included below this notice.

Words that appear in **bold print** are the changes to the words of the Constitution that are proposed by the General Assembly. If an amendment is approved, the words **underlined** would be added to the Constitution and the words in **[brackets]** would be deleted.

If you need help reading this advertisement or need the text of the proposed amendments in an alternative format, call or write the Pennsylvania Department of State, Bureau of Elections, Room 210 North Office Building, Harrisburg, PA 17120, 1-877-868-3772, RA-Elections@pa.gov.

Leigh M. Chapman,
Acting Secretary of the Commonwealth

JOINT RESOLUTION 2021-2

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for courts to be open and suits against the Commonwealth.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That Section 11 of Article I be amended to read:

§ 11. Courts to be open; suits against the Commonwealth.

(a) All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

(b) An individual for whom a statutory limitations period has already expired, or whose claim would otherwise be barred or limited by a statutory cap on damages, sovereign immunity or by governmental or official immunity, shall have a period of two years, without bar or limitation by such caps or immunities, from the time that this subsection becomes effective to commence an action arising from childhood sexual abuse, in such cases as provided by law at the time that this subsection becomes effective.

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

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

JOINT RESOLUTION 2022-1

Proposing separate and distinct amendments to the Constitution of the Commonwealth of Pennsylvania, providing that there is no constitutional right to taxpayer-funded abortion or other right relating to abortion; further providing for action on concurrent orders and resolutions, for Lieutenant Governor, and for qualification of electors; and providing for election audits.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following separate and distinct amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That Article I be amended by adding a section to read:

§ 30. Abortion.

This constitution does not grant the right to taxpayer-funded abortion or any other right relating to abortion.

(2) That section 9 of Article III be amended to read:

§ 9. Action on concurrent orders and resolutions.

Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the questions of adjournment, **disapproval of a regulation** or termination or extension of a disaster emergency declaration as declared by an executive order or proclamation, or portion of a disaster emergency declaration as declared by an executive order or proclamation, shall be presented to the Governor and before it shall take effect be approved

by him, or being disapproved, shall be repassed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

(3) That section 4 of Article IV be amended to read:

§ 4. Lieutenant Governor.

A Lieutenant Governor shall be chosen jointly with the Governor by the casting by each voter of a single vote applicable to both offices, for the same term, and subject to the same provisions as the Governor; **he]. Each candidate for Governor, having been nominated under the laws of this Commonwealth, shall, subject to the approval of the political party or political body, if any, nominating such candidate, select a candidate for Lieutenant Governor within such time before the gubernatorial general election as the General Assembly shall prescribe by law. A person may not seek election to both offices simultaneously. The Lieutenant Governor shall be President of the Senate. As such, [he] the Lieutenant Governor may vote in case of a tie on any question except the final passage of a bill or joint resolution, the adoption of a conference report or the concurrence in amendments made by the House of Representatives.**

(4) That section 1 of Article VII be amended to read:

§ 1. Qualifications of electors.

(a) Every citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.

2. He or she shall have resided in the State 90 days immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least 60 days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within 60 days preceding the election.

(b) In addition to the qualifications under subsection (a) of this section, a qualified elector shall provide a valid identification at each election in accordance with the following:

1. When voting in person, the qualified elector shall present a valid identification before receiving a ballot to vote in person.

2. When not voting in person, the qualified elector shall provide proof of a valid identification with his or her ballot.

(c) If a qualified elector does not possess a valid identification, he or she shall, upon request and confirmation of identity, be furnished with a government-issued identification at no cost to the qualified elector.

(d) For purposes of this section, the term "valid identification" means an unexpired government-issued identification, unless otherwise provided for by law.

(5) That Article VII be amended by adding a section to read:

§ 15. Election audits.

The General Assembly shall by statute provide for the auditing of elections and election results by the Auditor General. In years when the Auditor General stands for election to any office, an Independent Auditor shall conduct the audit.

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

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendment under section 1(1) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

(2) Submit the proposed constitutional amendment under section 1(2) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

(3) Submit the proposed constitutional amendment under section 1(3) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

(4) Submit the proposed constitutional amendment under section 1(4) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

(5) Submit the proposed constitutional amendment under section 1(5) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

Exhibit F

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 319**Session of
1981

INTRODUCED BY O'CONNELL, PECORA, MESSINGER, HELFRICK, O'PAKE,
MURRAY, MELLOW, SMITH, LOEPER AND BELL, FEBRUARY 10, 1981

AS AMENDED ON SECOND CONSIDERATION, JUNE 8, 1981

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, authorizing the General Assembly to increase
3 certain retirement benefits or pensions and further providing
4 for the disposition of taxes on aviation fuel.

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

7 Section 1. The following amendments to the Constitution of
8 the Commonwealth of Pennsylvania are proposed in accordance with
9 the provisions of Article XI thereof:

10 (1) That section 26, Article III be amended to read:

11 § 26. Extra compensation prohibited; claims against the
12 Commonwealth; retirement benefits or pensions.

13 No bill shall be passed giving any extra compensation to any
14 public officer, servant, employee, agent or contractor, after
15 services shall have been rendered or contract made, nor
16 providing for the payment of any claim against the Commonwealth
17 without previous authority of law: Provided, however, That
18 nothing in this Constitution shall be construed to prohibit the

1 General Assembly from authorizing the increase of retirement
2 [allowances] benefits or pensions payable to members or
3 beneficiaries who are spouses of members of a retirement or
4 pension system now in effect or hereafter legally constituted by
5 the Commonwealth, its political subdivisions, agencies or
6 instrumentalities, after the termination of the services of said
7 member, provided such increases are certified to be actuarially
8 sound.

9 (2) That section 11, Article VIII be amended to read:

10 § 11. Gasoline taxes and motor license fees restricted.

11 (a) All proceeds from gasoline and other motor fuel excise
12 taxes, motor vehicle registration fees and license taxes,
13 operators' license fees and other excise taxes imposed on
14 products used in motor transportation after providing therefrom
15 for (a) cost of administration and collection, (b) payment of
16 obligations incurred in the construction and reconstruction of
17 public highways and bridges shall be appropriated by the General
18 Assembly to agencies of the State or political subdivisions
19 thereof; and used solely for construction, reconstruction,
20 maintenance and repair of and safety on public highways and
21 bridges [and air navigation facilities] and costs and expenses
22 incident thereto, and for the payment of obligations incurred
23 for such purposes, and shall not be diverted by transfer or
24 otherwise to any other purpose, except that loans may be made by
25 the State from the proceeds of such taxes and fees for a single
26 period not exceeding eight months, but no such loan shall be
27 made within the period of one year from any preceding loan, and
28 every loan made in any fiscal year shall be repayable within one
29 month after the beginning of the next fiscal year.

30 (b) All proceeds from aviation fuel excise taxes, after

1 providing therefrom for the cost of administration and
2 collection, shall be appropriated by the General Assembly to
3 agencies of the State or political subdivisions thereof and used
4 solely for: the purchase, construction, reconstruction,
5 operation, and maintenance of airports and other air navigation
6 facilities; aircraft accident investigation; the operation,
7 maintenance and other costs of aircraft owned or leased by the
8 Commonwealth; any other purpose reasonably related to air
9 navigation including but not limited to the reimbursement of
10 airport property owners for property tax expenditures; and costs
11 and expenses incident thereto and for the payment of obligations
12 incurred for such purposes, and shall not be diverted by
13 transfer or otherwise to any other purpose.

14 Section 2. The amendments proposed in clauses (1) and (2) of
15 section 1 shall be submitted separately by the Secretary of the
16 Commonwealth to the qualified electors of the State at the
17 primary, MUNICIPAL or general election next held after the ←
18 advertising requirements of section 1, Article XI have been
19 satisfied.

Exhibit G

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 62

Session of
1979

INTRODUCED BY MESSRS. WILSON, KOLTER, IRVIS, D. S. HAYES AND
PITTS, FEBRUARY 5, 1979

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 24, 1980

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania AUTHORIZING THE GENERAL ASSEMBLY TO INCREASE ←—
3 CERTAIN RETIREMENT BENEFITS OR PENSIONS AND further providing
4 for the disposition of taxes on aviation fuel.

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

7 Section 1. The following ~~amendment~~ AMENDMENTS to the ←—
8 Constitution of the Commonwealth of Pennsylvania ~~is~~ ARE proposed ←—
9 in accordance with the provisions of Article XI thereof:

10 (1) THAT SECTION 26, ARTICLE III BE AMENDED TO READ: ←—

11 § 26. EXTRA COMPENSATION PROHIBITED; CLAIMS AGAINST THE
12 COMMONWEALTH; RETIREMENT BENEFITS OR PENSIONS.

13 NO BILL SHALL BE PASSED GIVING ANY EXTRA COMPENSATION TO ANY
14 PUBLIC OFFICER, SERVANT, EMPLOYEE, AGENT OR CONTRACTOR, AFTER
15 SERVICES SHALL HAVE BEEN RENDERED OR CONTRACT MADE, NOR
16 PROVIDING FOR THE PAYMENT OF ANY CLAIM AGAINST THE COMMONWEALTH
17 WITHOUT PREVIOUS AUTHORITY OF LAW: PROVIDED, HOWEVER, THAT
18 NOTHING IN THIS CONSTITUTION SHALL BE CONSTRUED TO PROHIBIT THE

1 GENERAL ASSEMBLY FROM AUTHORIZING THE INCREASE OF RETIREMENT
2 [ALLOWANCES] BENEFITS OR PENSIONS PAYABLE TO MEMBERS OR
3 BENEFICIARIES WHO ARE SPOUSES OF MEMBERS OF A RETIREMENT OR
4 PENSION SYSTEM NOW IN EFFECT OR HEREAFTER LEGALLY CONSTITUTED BY
5 THE COMMONWEALTH, ITS POLITICAL SUBDIVISIONS, AGENCIES OR
6 INSTRUMENTALITIES, AFTER THE TERMINATION OF THE SERVICES OF SAID
7 MEMBER, PROVIDED SUCH INCREASES ARE CERTIFIED TO BE ACTUARIALLY <—
8 SOUND.

9 (2) That section 11, Article VIII be amended to read: <—

10 § 11. Gasoline taxes and motor license fees restricted.

11 (a) All proceeds from gasoline and other motor fuel excise
12 taxes, motor vehicle registration fees and license taxes,
13 operators' license fees and other excise taxes imposed on
14 products used in motor transportation after providing therefrom
15 for (a) cost of administration and collection, (b) payment of
16 obligations incurred in the construction and reconstruction of
17 public highways and bridges shall be appropriated by the General
18 Assembly to agencies of the State or political subdivisions
19 thereof; and used solely for construction, reconstruction,
20 maintenance and repair of and safety on public highways and
21 bridges [and air navigation facilities] and costs and expenses
22 incident thereto, and for the payment of obligations incurred
23 for such purposes, and shall not be diverted by transfer or
24 otherwise to any other purpose, except that loans may be made by
25 the State from the proceeds of such taxes and fees for single
26 period not exceeding eight months, but no such loan shall be
27 made within the period of one year from any preceding loan, and
28 every loan made in any fiscal year shall be repayable within one
29 month after the beginning of the next fiscal year.

30 (b) All proceeds from aviation fuel excise taxes, after

1 providing therefrom for the cost of administration and
2 collection, shall be appropriated by the General Assembly to
3 agencies of the State or political subdivisions thereof and used
4 solely for: the purchase, construction, reconstruction,
5 operation, and maintenance of airports and other air navigation
6 facilities; aircraft accident investigation; the operation,
7 maintenance and other costs of aircraft owned or leased by the
8 Commonwealth; any other purpose reasonably related to air
9 navigation including but not limited to the reimbursement of
10 airport property owners for property tax expenditures; and costs
11 and expenses incident thereto and for the payment of obligations
12 incurred for such purposes, and shall not be diverted by
13 transfer or otherwise to any other purpose.

14 SECTION 2. THE AMENDMENTS PROPOSED IN CLAUSES (1) AND (2) OF ←
15 SECTION 1 SHALL BE SUBMITTED SEPARATELY BY THE SECRETARY OF THE
16 COMMONWEALTH TO THE QUALIFIED ELECTORS OF THE STATE AT THE
17 PRIMARY OR GENERAL ELECTION NEXT HELD AFTER THE ADVERTISING
18 REQUIREMENTS OF SECTION 1, ARTICLE XI HAVE BEEN SATISFIED.

Exhibit H

[Home](#) / [Bill and Amendments](#) / [Bill Information](#)

Bill Information - History

Senate Bill 319; Regular Session 1981-1982

Sponsors: [O'CONNELL](#), [PECORA](#), [MESSINGER](#), [HELFRICK](#), [O'PAKE](#), [MURRAY](#), [MELLOW](#), [SMITH](#), [LOEPER](#) and [BELL](#)

Printer's No.(PN): [974*](#) , [873](#), [321](#)

Short Title: A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to increase certain retirement benefits or pensions and further providing for the disposition of taxes on aviation fuel.

Actions:

Referred to STATE GOVERNMENT, Feb. 10, 1981

Reported as amended, May 26, 1981

First consideration, May 26, 1981

Amended on second consideration, June 8, 1981

Re-referred to APPROPRIATIONS, June 8, 1981

Re-reported as committed, June 22, 1981

Second consideration, June 23, 1981

Third consideration and final passage, June 24, 1981 (41-4)

(Remarks see Senate Journal Page [991](#)), June 24, 1981

In the House

Referred to JUDICIARY, June 24, 1981

Reported as committed, June 24, 1981

First consideration, June 24, 1981

Laid on the table, June 24, 1981

Removed from table, June 25, 1981

Second consideration, June 29, 1981

Third consideration and final passage, July 1, 1981 (159-34)

Signed in Senate, July 1, 1981

Signed in House, July 1, 1981

Filed in the Office of the Secretary of the Commonwealth, July 2, 1981

Pamphlet Laws Resolution No. 2

Passed Sessions of 1980 and 1981

Part I rejected by the Electorate, Nov. 3, 1981 (618,857 - 928,699)

Part II approved by the Electorate, Nov. 3, 1981 (762,941 - 714,434)

* denotes current Printer's Number

[?](#) [How to Read a Bill](#) [?](#) [About PDF Documents](#)

Exhibit I

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 231 Session of
1999

INTRODUCED BY CONTI, TOMLINSON, EARLL, BELL, MELLOW, LEMMOND,
WAUGH, THOMPSON, WHITE, WOZNIAK, CORMAN AND BRIGHTBILL,
JANUARY 28, 1999

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
OCTOBER 3, 2000

A JOINT RESOLUTION

1 ~~Proposing an amendment~~ AMENDMENTS to the Constitution of the <—
2 Commonwealth of Pennsylvania, PROVIDING FOR THE ELECTION OF <—
3 SENATORS IN CERTAIN CIRCUMSTANCES; AND further providing for
4 retirement of justices, judges and justices of the peace.

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

7 ~~Section 1. The following amendment to the Constitution of~~ <—
8 ~~Pennsylvania is proposed in accordance with Article XI:~~

9 ~~That section 16(b) of Article V be amended to read:~~

10 SECTION 1. THE FOLLOWING DISTINCT AMENDMENTS TO THE <—
11 CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH
12 ARTICLE XI:

13 (1) THAT SECTION 17(F), (G) AND (H) OF ARTICLE II BE AMENDED
14 AND THE SECTION BE AMENDED BY ADDING A SUBSECTION TO READ:

15 § 17. LEGISLATIVE REAPPORTIONMENT COMMISSION.

16 * * *

17 (F) ANY DISTRICT WHICH DOES NOT INCLUDE THE RESIDENCE FROM

1 WHICH A MEMBER OF THE SENATE WAS ELECTED WHETHER OR NOT
2 SCHEDULED FOR ELECTION AT THE NEXT GENERAL ELECTION SHALL ELECT
3 A SENATOR AT SUCH ELECTION.

4 [(F)](G) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT
5 FUNDS FOR THE COMPENSATION AND EXPENSES OF MEMBERS AND STAFF
6 APPOINTED BY THE COMMISSION, AND OTHER NECESSARY EXPENSES. THE
7 MEMBERS OF THE COMMISSION SHALL BE ENTITLED TO SUCH COMPENSATION
8 FOR THEIR SERVICES AS THE GENERAL ASSEMBLY FROM TIME TO TIME
9 SHALL DETERMINE, BUT NO PART THEREOF SHALL BE PAID UNTIL A
10 PRELIMINARY PLAN IS FILED. IF A PRELIMINARY PLAN IS FILED BUT
11 THE COMMISSION FAILS TO FILE A REVISED OF FINAL PLAN WITHIN THE
12 TIME PRESCRIBED, THE COMMISSION MEMBERS SHALL FORFEIT ALL RIGHT
13 TO COMPENSATION NOT PAID.

14 [(G)](H) IF A PRELIMINARY, REVISED OR FINAL REAPPORTIONMENT
15 PLAN IS NOT FILE BY THE COMMISSION WITHIN THE TIME PRESCRIBED BY
16 THIS SECTION, UNLESS THE TIME BE EXTENDED BY THE SUPREME COURT
17 FOR CAUSE SHOWN, THE SUPREME COURT SHALL IMMEDIATELY PROCEED ON
18 ITS OWN MOTION TO REAPPORTION THE COMMONWEALTH.

19 [(H)](I) ANY REAPPORTIONMENT PLAN FILED BY THE COMMISSION,
20 OR ORDERED OR PREPARED BY THE SUPREME COURT UPON THE FAILURE OF
21 THE COMMISSION TO ACT, SHALL BE PUBLISHED BY THE ELECTIONS
22 OFFICER ONCE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN
23 EACH SENATORIAL AND REPRESENTATIVE DISTRICT. THE PUBLICATION
24 SHALL CONTAIN A MAP OF THE COMMONWEALTH SHOWING THE COMPLETE
25 REAPPORTIONMENT OF THE GENERAL ASSEMBLY BY DISTRICTS, AND A MAP
26 SHOWING THE REAPPORTIONMENT DISTRICTS IN THE AREA NORMALLY
27 SERVED BY THE NEWSPAPER IN WHICH THE PUBLICATION IS MADE. THE
28 PUBLICATION SHALL ALSO STATE THE POPULATION OF THE SENSATIONAL
29 AND REPRESENTATIVE DISTRICTS HAVING THE SMALLEST AND LARGEST
30 POPULATION AND THE PERCENTAGE VARIATION OF SUCH DISTRICTS FROM

1 THE AVERAGE POPULATION FOR SENATORIAL AND REPRESENTATIVE
2 DISTRICTS.

3 (2) THAT SECTION 16(B) OF ARTICLE V BE AMENDED TO READ:

4 § 16. Compensation and retirement of justices, judges and
5 justices of the peace.

6 * * *

7 (b) Justices, judges and justices of the peace shall be
8 retired [upon attaining] on the last day of the calendar year in
9 which they attain the age of 70 years. Former and retired
10 justices, judges and justices of the peace shall receive such
11 compensation as shall be provided by law. Except as provided by
12 law, no salary, retirement benefit or other compensation,
13 present or deferred, shall be paid to any justice, judge or
14 justice of the peace who, under section 18 or under Article VI,
15 is suspended, removed or barred from holding judicial office for
16 conviction of a felony or misconduct in office or conduct which
17 prejudices the proper administration of justice or brings the
18 judicial office into disrepute.

19 * * *

20 Section 2. Upon the second passage by the General Assembly
21 of ~~this~~ THESE TWO proposed constitutional ~~amendment~~ AMENDMENTS, <—
22 the Secretary of the Commonwealth shall proceed immediately to
23 comply with the advertising requirements of section 1 of Article
24 XI of the Constitution of Pennsylvania and shall transmit the
25 required advertisements to two newspapers in every county in
26 which such newspapers are published in sufficient time after
27 passage of ~~this~~ THESE proposed constitutional ~~amendment~~ <—
28 AMENDMENTS. The Secretary of the Commonwealth shall submit ~~this~~ <—
29 BOTH proposed constitutional ~~amendment~~ AMENDMENTS to the <—
30 qualified electors of this Commonwealth AS SEPARATE BALLOT <—

1 QUESTIONS at the first primary, general or municipal election
2 occurring at least three months after the proposed
3 constitutional ~~amendment is~~ AMENDMENTS ARE passed by the General ←
4 Assembly which meets the requirements of and is in conformance
5 with section 1 of Article XI of the Constitution of
6 Pennsylvania.

Exhibit J

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 114 Session of
1997

INTRODUCED BY GODSHALL, HALUSKA, JAMES, ITKIN, BUNT, DEMPSEY,
E. Z. TAYLOR, GEIST, READSHAW, STABACK, FICHTER, BAKER,
BELFANTI AND CLYMER, JANUARY 29, 1997

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
JUNE 8, 1998

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, further providing for the selection of the
3 chairman of the Legislative Reapportionment Commission;
4 providing for the effective date of newly reapportioned
5 districts and for the election of Senators in certain
6 circumstances; and further providing for retirement of
7 justices, judges and justices of the peace.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby resolves as follows:

10 Section 1. The following amendments to the Constitution of
11 Pennsylvania are proposed in accordance with Article XI:

12 (1) That section 17(b), (c) and (e) of Article II be amended
13 to read:

14 § 17. Legislative Reapportionment Commission.

15 * * *

16 (b) The commission shall consist of five members: four of
17 whom shall be the majority and minority leaders of both the
18 Senate and the House of Representatives, or deputies appointed

1 by each of them, and a chairman selected as hereinafter
2 provided. No later than 60 days following the official reporting
3 of the Federal decennial census as required by Federal law, the
4 four members shall be certified by the President pro tempore of
5 the Senate and the Speaker of the House of Representatives to
6 the elections officer of the Commonwealth who under law shall
7 have supervision over elections.

8 The four members within 45 days after their certification
9 shall select, by an affirmative vote of three members, the fifth
10 member, who shall serve as chairman of the commission, and shall
11 immediately certify his name to such elections officer. The
12 chairman shall be a citizen of the Commonwealth other than a
13 local, State or Federal official holding an office to which
14 compensation is attached.

15 If the four members fail to select the fifth member within
16 the time prescribed, the Supreme Court, by action of a majority
17 of the entire membership of the Supreme Court plus one within 30
18 days thereafter shall appoint the chairman as aforesaid and
19 certify his appointment to such elections officer.

20 Any vacancy in the commission shall be filled within 15 days
21 in the same manner in which such position was originally filled.

22 (c) No later than 90 days after either the [commission]
23 chairman has been duly certified or the population data for the
24 Commonwealth as determined by the Federal decennial census are
25 available, whichever is later in time, the commission shall file
26 a preliminary reapportionment plan with such elections officer.

27 The commission shall have 30 days after filing the
28 preliminary plan to make corrections in the plan.

29 Any person aggrieved by the preliminary plan shall have the
30 same 30-day period to file exceptions with the commission in

1 which case the commission shall have 30 days after the date the
2 exceptions were filed to prepare and file with such elections
3 officer a revised reapportionment plan. If no exceptions are
4 filed within 30 days, or if filed and acted upon, the
5 commissions's plan shall be final and, unless an appeal is filed
6 under subsection (d), have the force of law for use thereafter
7 in elections to the General Assembly until the next
8 reapportionment as required under this section 17.

9 * * *

10 (e) When the Supreme Court has finally decided an appeal or
11 when the last day for filing an appeal has passed with no appeal
12 taken, the reapportionment plan shall have the force of law [and
13 the districts therein provided shall be used] for use thereafter
14 in elections to the General Assembly until the next
15 reapportionment as required under this section 17.

16 (2) That section 17(f), (g) and (h) of Article II be amended
17 and the section be amended by adding a subsection to read:
18 § Legislative Reapportionment Commission.

19 * * *

20 (f) Any district which does not include the residence from
21 which a member of the Senate was elected whether or not
22 scheduled for election at the next general election shall elect
23 a Senator at such election. Provided, however, That no district ←
24 which is not scheduled for election at the first general
25 election for the General Assembly occurring after the plan has
26 the force of law shall be altered so as to exclude the residence
27 from which the Senator representing the district was elected.

28 [(f)] (g) The General Assembly shall appropriate sufficient
29 funds for the compensation and expenses of members and staff
30 appointed by the commission, and other necessary expenses. The

1 members of the commission shall be entitled to such compensation
2 for their services as the General Assembly from time to time
3 shall determine, but no part thereof shall be paid until a
4 preliminary plan is filed. If a preliminary plan is filed but
5 the commission fails to file a revised or final plan within the
6 time prescribed, the commission members shall forfeit all right
7 to compensation not paid.

8 [(g)] (h) If a preliminary, revised or final reapportionment
9 plan is not filed by the commission within the time prescribed
10 by this section, unless the time be extended by the Supreme
11 Court for cause shown, the Supreme Court shall immediately
12 proceed on its own motion to reapportion the Commonwealth.

13 [(h)] (i) Any reapportionment plan filed by the commission,
14 or ordered or prepared by the Supreme Court upon the failure of
15 the commission to act, shall be published by the elections
16 officer once in at least one newspaper of general circulation in
17 each senatorial and representative district. The publication
18 shall contain a map of the Commonwealth showing the complete
19 reapportionment of the General Assembly by districts, and a map
20 showing the reapportionment districts in the area normally
21 served by the newspaper in which the publication is made. The
22 publication shall also state the population of the senatorial
23 and representative districts having the smallest and largest
24 population and the percentage variation of such districts from
25 the average population for senatorial and representative
26 districts.

27 (3) That section 16(b) of Article V be amended to read:
28 § 16. Compensation and retirement of justices, judges and
29 justices of the peace.

30 * * *

1 (b) Justices, judges and justices of the peace shall be
2 retired [upon attaining] on the last day of the calendar year in
3 which they attain the age of 70 years. Former and retired
4 justices, judges and justices of the peace shall receive such
5 compensation as shall be provided by law. Except as provided by
6 law, no salary, retirement benefit or other compensation,
7 present or deferred, shall be paid to any justice, judge or
8 justice of the peace who, under section 18 or under Article VI,
9 is suspended, removed or barred from holding judicial office for
10 conviction of a felony or misconduct in office or conduct which
11 prejudices the proper administration of justice or brings the
12 judicial office into disrepute.

13 * * *

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

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

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

Exhibit K

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 2 Session of 2021

INTRODUCED BY K. WARD, DiSANTO, MARTIN, PHILLIPS-HILL, J. WARD, BARTOLOTTA, ARGALL, STEFANO, AUMENT, MASTRIANO, ARNOLD, GORDNER, BROOKS, PITTMAN, LANGERHOLC, REGAN, BAKER, ROBINSON, TOMLINSON, SCAVELLO, HUTCHINSON, BROWNE, CORMAN, MENSCH, VOGEL, YAW, YUDICHAK, LAUGHLIN AND DUSH, JANUARY 20, 2021

AS AMENDED ON SECOND CONSIDERATION, JANUARY 25, 2021

A JOINT RESOLUTION

1 Proposing separate and distinct amendments to the Constitution
2 of Pennsylvania, in declaration of rights, providing for
3 prohibition against denial or abridgment of equality of
4 rights because of race and ethnicity; in legislation, further
5 providing for action on concurrent orders and resolutions;
6 and, in the executive, providing for disaster emergency
7 declaration and management.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby resolves as follows:

10 Section 1. The following separate and distinct amendments to
11 the Constitution of Pennsylvania are proposed in accordance with
12 Article XI:

13 (1) That Article I of the Constitution of Pennsylvania be
14 amended by adding a section to read:

15 § 29. Prohibition against denial or abridgment of equality of
16 rights because of race and ethnicity.

17 Equality of rights under the law shall not be denied or
18 abridged in the Commonwealth of Pennsylvania because of the race

1 or ethnicity of the individual.

2 (1.1) That section 9 of Article III be amended to read:

3 § 9. Action on concurrent orders and resolutions.

4 Every order, resolution or vote, to which the concurrence of
5 both Houses may be necessary, except on the [question of
6 adjournment] questions of adjournment or termination or
7 extension of a disaster emergency declaration as declared by an
8 executive order or proclamation, or portion of a disaster
9 emergency declaration as declared by an executive order or
10 proclamation, shall be presented to the Governor and before it
11 shall take effect be approved by him, or being disapproved,
12 shall be repassed by two-thirds of both Houses according to the
13 rules and limitations prescribed in case of a bill.

14 (2) That Article IV be amended by adding a section to read:
15 § 20. Disaster emergency declaration and management.

16 (a) A disaster emergency declaration may be declared by
17 executive order or proclamation of the Governor upon finding
18 that a disaster has occurred or that the occurrence or threat of
19 a disaster is imminent that threatens the health, safety or
20 welfare of this Commonwealth.

21 (b) Each disaster emergency declaration issued by the
22 Governor under subsection (a) shall indicate the nature, each
23 area threatened and the conditions of the disaster, including
24 whether the disaster is a natural disaster, military emergency,
25 public health emergency, technological disaster or other general
26 emergency, as defined by statute. The General Assembly shall, by
27 statute, provide for the manner in which each type of disaster
28 enumerated under this subsection shall be managed.

29 (c) A disaster emergency declaration under subsection (a)
30 shall be in effect for no more than ~~21~~ TWENTY-ONE (21) days,

<--

1 unless otherwise extended in whole or part by concurrent
2 resolution of the General Assembly.

3 (d) Upon the expiration of a disaster emergency declaration
4 under subsection (a), the Governor may not issue a new disaster
5 emergency declaration based upon the same or substantially
6 similar facts and circumstances without the passage of a
7 concurrent resolution of the General Assembly expressly
8 approving the new disaster emergency declaration.

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

17 (b) Upon the second passage by the General Assembly of these
18 proposed constitutional amendments, the secretary of the
19 commonwealth shall proceed immediately to comply with the
20 advertising requirements of section 1 of Article XI of the
21 Constitution of Pennsylvania and shall transmit the required
22 advertisements to two newspapers in every county in which such
23 newspapers are published in sufficient time after passage of
24 these proposed constitutional amendments. The Secretary of the
25 Commonwealth shall:

26 (1) Submit the proposed constitutional amendment under
27 section 1(1) of this resolution to the qualified electors of
28 this Commonwealth as a separate ballot question at the first
29 primary, general or municipal election which meets the
30 requirements of and is in conformance with section 1 of

1 Article XI of the Constitution of Pennsylvania and which
2 occurs at least three months after the proposed
3 constitutional amendment is passed by the General Assembly.

4 (1.1) Submit the proposed constitutional amendment under
5 section 1(1.1) of this resolution to the qualified electors
6 of this Commonwealth as a separate ballot question at the
7 first primary, general or municipal election which meets the
8 requirements of and is in conformance with section 1 of
9 Article XI of the Constitution of Pennsylvania and which
10 occurs at least three months after the proposed
11 constitutional amendment is passed by the General Assembly.

12 (2) Submit the proposed constitutional amendment under
13 section 1(2) of this resolution to the qualified electors of
14 this Commonwealth as a separate ballot question at the first
15 primary, general or municipal election which meets the
16 requirements of and is in conformance with section 1 of
17 Article XI of the Constitution of Pennsylvania and which
18 occurs at least three months after the proposed
19 constitutional amendment is passed by the General Assembly.

Exhibit L

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1166 Session of
2020

INTRODUCED BY K. WARD, DiSANTO, KILLION, MARTIN, ARNOLD,
BARTOLOTTA, ARGALL, MENSCH, STEFANO, PITTMAN, AUMENT,
SCARNATI, CORMAN, BROOKS AND PHILLIPS-HILL, JUNE 5, 2020

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 7, 2020

A JOINT RESOLUTION

1 Proposing separate and distinct amendments to the Constitution
2 of Pennsylvania, in declaration of rights, providing for
3 prohibition against denial or abridgment of equality of
4 rights because of race and ethnicity; ~~and,~~ IN LEGISLATION, <--
5 FURTHER PROVIDING FOR ACTION ON CONCURRENT ORDERS AND
6 RESOLUTIONS; AND, in the executive, providing for disaster
7 emergency ~~duration.~~ DECLARATION AND MANAGEMENT. <--

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby resolves as follows:

10 Section 1. The following separate and distinct amendments to
11 the Constitution of Pennsylvania are proposed in accordance with
12 Article XI:

13 (1) That Article I of the Constitution of Pennsylvania be
14 amended by adding a section to read:

15 § 29. Prohibition against denial or abridgment of equality of
16 rights because of race and ethnicity.

17 Equality of rights under the law shall not be denied or
18 abridged in the Commonwealth of Pennsylvania because of the race

1 or ethnicity of the individual.

2 (1.1) THAT SECTION 9 OF ARTICLE III BE AMENDED TO READ: <--

3 § 9. ACTION ON CONCURRENT ORDERS AND RESOLUTIONS.

4 EVERY ORDER, RESOLUTION OR VOTE, TO WHICH THE CONCURRENCE OF
5 BOTH HOUSES MAY BE NECESSARY, EXCEPT ON THE [QUESTION OF
6 ADJOURNMENT] QUESTIONS OF ADJOURNMENT OR TERMINATION OR
7 EXTENSION OF A DISASTER EMERGENCY DECLARATION AS DECLARED BY AN
8 EXECUTIVE ORDER OR PROCLAMATION, OR PORTION OF A DISASTER
9 EMERGENCY DECLARATION AS DECLARED BY AN EXECUTIVE ORDER OR
10 PROCLAMATION, SHALL BE PRESENTED TO THE GOVERNOR AND BEFORE IT
11 SHALL TAKE EFFECT BE APPROVED BY HIM, OR BEING DISAPPROVED,
12 SHALL BE REPASSED BY TWO-THIRDS OF BOTH HOUSES ACCORDING TO THE
13 RULES AND LIMITATIONS PRESCRIBED IN CASE OF A BILL.

14 (2) That Article IV be amended by adding a section to read:

15 ~~§ 20. Disaster emergency duration.~~ <--

16 ~~The Governor may issue emergency declarations under~~
17 ~~circumstances provided for by law for that purpose. The General~~
18 ~~Assembly may by law grant the Governor certain enumerated powers~~
19 ~~to address and abate the declared emergency. A declaration by~~
20 ~~the Governor of an emergency shall not last longer than 30 days~~
21 ~~unless extended by a concurrent resolution of the General~~
22 ~~Assembly approving the continuation of the declaration. Upon the~~
23 ~~expiration of the Governor's emergency declaration, the Governor~~
24 ~~may not declare a new state of emergency based upon the same or~~
25 ~~substantially similar facts and circumstances without the~~
26 ~~passage of a concurrent resolution of the General Assembly~~
27 ~~expressly approving the new emergency declaration.~~

28 § 20. DISASTER EMERGENCY DECLARATION AND MANAGEMENT. <--

29 (A) A DISASTER EMERGENCY DECLARATION MAY BE DECLARED BY
30 EXECUTIVE ORDER OR PROCLAMATION OF THE GOVERNOR UPON FINDING

1 THAT A DISASTER HAS OCCURRED OR THAT THE OCCURRENCE OR THREAT OF
2 A DISASTER IS IMMINENT THAT THREATENS THE HEALTH, SAFETY OR
3 WELFARE OF THIS COMMONWEALTH.

4 (B) EACH DISASTER EMERGENCY DECLARATION ISSUED BY THE
5 GOVERNOR UNDER SUBSECTION (A) SHALL INDICATE THE NATURE, EACH
6 AREA THREATENED AND THE CONDITIONS OF THE DISASTER, INCLUDING
7 WHETHER THE DISASTER IS A NATURAL DISASTER, MILITARY EMERGENCY,
8 PUBLIC HEALTH EMERGENCY, TECHNOLOGICAL DISASTER OR OTHER GENERAL
9 EMERGENCY, AS DEFINED BY STATUTE. THE GENERAL ASSEMBLY SHALL, BY
10 STATUTE, PROVIDE FOR THE MANNER IN WHICH EACH TYPE OF DISASTER
11 ENUMERATED UNDER THIS SUBSECTION SHALL BE MANAGED.

12 (C) A DISASTER EMERGENCY DECLARATION UNDER SUBSECTION (A)
13 SHALL BE IN EFFECT FOR NO MORE THAN TWENTY-ONE (21) DAYS, UNLESS
14 OTHERWISE EXTENDED IN WHOLE OR PART BY CONCURRENT RESOLUTION OF
15 THE GENERAL ASSEMBLY.

16 (D) UPON THE EXPIRATION OF A DISASTER EMERGENCY DECLARATION
17 UNDER SUBSECTION (A), THE GOVERNOR MAY NOT ISSUE A NEW DISASTER
18 EMERGENCY DECLARATION BASED UPON THE SAME OR SUBSTANTIALLY
19 SIMILAR FACTS AND CIRCUMSTANCES WITHOUT THE PASSAGE OF A
20 CONCURRENT RESOLUTION OF THE GENERAL ASSEMBLY EXPRESSLY
21 APPROVING THE NEW DISASTER EMERGENCY DECLARATION.

22 Section 2. (a) Upon the first passage by the General
23 Assembly of these proposed constitutional amendments, the
24 Secretary of the Commonwealth shall proceed immediately to
25 comply with the advertising requirements of section 1 of Article
26 XI of the Constitution of Pennsylvania and shall transmit the
27 required advertisements to two newspapers in every county in
28 which such newspapers are published in sufficient time after
29 passage of these proposed constitutional amendments.

30 (b) Upon the second passage by the General Assembly of these

1 proposed constitutional amendments, the secretary of the
2 commonwealth shall proceed immediately to comply with the
3 advertising requirements of section 1 of Article XI of the
4 Constitution of Pennsylvania and shall transmit the required
5 advertisements to two newspapers in every county in which such
6 newspapers are published in sufficient time after passage of
7 these proposed constitutional amendments. the Secretary of the
8 Commonwealth shall:

9 (1) submit the proposed constitutional amendment under
10 section 1(1) of this resolution to the qualified electors of
11 this Commonwealth as a separate ballot question at the first
12 primary, general or municipal election which meets the
13 requirements of and is in conformance with section 1 of
14 Article XI of the Constitution of Pennsylvania and which
15 occurs at least three months after the proposed
16 constitutional amendment is passed by the General Assembly.

17 (1.1) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER <--
18 SECTION 1(1.1) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS
19 OF THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE
20 FIRST PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
21 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
22 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
23 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
24 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

25 (2) submit the proposed constitutional amendment under
26 section 1(2) of this resolution to the qualified electors of
27 this Commonwealth as a separate ballot question at the first
28 primary, general or municipal election which meets the
29 requirements of and is in conformance with section 1 of
30 Article XI of the Constitution of Pennsylvania and which

1 occurs at least three months after the proposed
2 constitutional amendment is passed by the General Assembly.

Exhibit M

[Home](#) / [Bill and Amendments](#) / [Bill Information](#)

Bill Information - History

Senate Bill 2; Regular Session 2021-2022

Sponsors: [K. WARD](#), [DiSANTO](#), [MARTIN](#), [PHILLIPS-HILL](#), [J. WARD](#), [BARTOLOTTA](#), [ARGALL](#), [STEFANO](#), [AUMENT](#), [MASTRIANO](#), [ARNOLD](#), [GORDNER](#), [BROOKS](#), [PITTMAN](#), [LANGERHOLC](#), [REGAN](#), [BAKER](#), [ROBINSON](#), [TOMLINSON](#), [SCAVELLO](#), [HUTCHINSON](#), [BROWNE](#), [CORMAN](#), [MENSCH](#), [VOGEL](#), [YAW](#), [YUDICHAK](#), [LAUGHLIN](#) and [DUSH](#)

Printer's No.(PN): [86*](#) , [51](#), [21](#)

Short Title: A Joint Resolution proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; in legislation, further providing for action on concurrent orders and resolutions; and, in the executive, providing for disaster emergency declaration and management.

Actions: [PN 0021](#) Referred to [VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS](#), Jan. 20, 2021

[PN 0051](#) Corrective Reprint, Printer's No. 51, Jan. 21, 2021

Reported as committed, [Jan. 22, 2021](#)

First consideration, Jan. 22, 2021

[PN 0086](#) Second consideration, with amendments, [Jan. 25, 2021](#)

Re-referred to [APPROPRIATIONS](#), Jan. 26, 2021

Re-reported as committed, [Jan. 26, 2021](#)

Third consideration and final passage, Jan. 26, 2021 ([28-20](#)).

(Remarks see Senate Journal Page [93-110](#)), Jan. 26, 2021

(Remarks see Senate Journal Page [441](#)), April 28, 2021

In the House

Referred to [STATE GOVERNMENT](#), Jan. 27, 2021

Reported as committed, [Jan. 27, 2021](#)

First consideration, Jan. 27, 2021

Laid on the table, Jan. 27, 2021

Removed from table, Jan. 28, 2021

Second consideration, Feb. 4, 2021

Re-referred to [APPROPRIATIONS](#), Feb. 4, 2021

(Remarks see House Journal Page [157-159](#)), Feb. 4, 2021

Re-reported as committed, [Feb. 5, 2021](#)

Third consideration and final passage, Feb. 5, 2021 ([116-86](#)).

(Remarks see House Journal Page [169-176](#)), Feb. 5, 2021

Signed in Senate, Feb. 5, 2021

Signed in House, Feb. 5, 2021

Filed in the Office of the Secretary of the Commonwealth, Feb. 5, 2021

Pamphlet Laws Resolution No. 1

Passed Sessions of 2020 and 2021

Approved by the Electorate, May 18, 2021

Vote by Electorate, See History, Section "O", May 18, 2021

* denotes current Printer's Number

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