

DRAFT Proposed PA Constitutional Amendment **The Right to Local Self-Government**

Amending the Pennsylvania Constitution to add a new section to Article I, explicitly providing for the right to local self-government by the People of the Commonwealth of Pennsylvania

Section 29. Right to Local Self-Government

- 1) As all political power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness, the people have an inherent and inalienable right to local self-government in each county, city, borough, township, and town.
- 2) That right includes, without limitation:
 - a) The power to enact local laws protecting health, safety, and welfare by establishing the rights of people, their communities, and nature, and by securing those rights using prohibitions and other means; and
 - b) The power to enact local laws establishing, defining, altering, or eliminating the rights, powers, and duties of corporations and other business entities operating or seeking to operate in the community, to prevent infringement of locally-enacted rights and violation of the prohibitions and other means by which those rights are secured.
- 3) Local laws adopted pursuant to subsection (2) of this section shall not be subject to preemption by international, federal, or state laws, provided that:
 - a) Such local laws shall not infringe or restrict fundamental rights of individuals, their communities, or nature secured by the Pennsylvania constitution, the United States constitution, or international law; and
 - b) Such local laws shall not lower the floor of protections for health, safety, and welfare provided by state, federal, or international law.
- 4) All provisions of this section are self-executing and severable.

DRAFT Proposed PA Constitutional Amendment **Constitutional and Legislative Initiatives by the People**

Amending the Pennsylvania Constitution to add a new section to Article XI, providing for constitutional and legislative initiatives by the People of the Commonwealth of Pennsylvania.

Section 2. Constitutional and Legislative Initiatives by the People

As all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness, and since, for the advancement of these ends the people have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper; therefore, the people of the Commonwealth of Pennsylvania shall have the power to propose and enact amendments to their Constitution, and directly propose and enact legislation.

- (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them; while the legislative power is vested in the Pennsylvania legislature, the people reserve to themselves the power of initiative.
- (b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to at least five percent of the votes cast for all candidates for Governor at the last gubernatorial election, which signatures have been collected no more than five hundred and forty days prior to presentment.
- (c) The Secretary of State shall then submit the measure at the next general election held at least 90 days after it qualifies, or at any special statewide election held prior to that general election.
- (d) The Secretary of State's certification and submission of the measure shall preclude any action, brought by any person or other entity, seeking to remove the measure from the ballot.
- (e) A person gathering signatures to qualify an initiative may not be paid anything of value except for reimbursement of food, travel, or lodging.
- (f) A majority vote shall be required for the initiative to be adopted, and the measure shall take effect on the date the vote is certified, unless another date is identified within the measure.
- (g) No initiative shall be certified by the Secretary of State that seeks to restrict rights secured to natural persons by Article I of this Constitution or by the federal Constitution. (h) Initiative powers may be exercised by the electors of each township, town, borough, city, or county for the proposal of ordinances, and the standards for their adoption shall be identical to those delineated by this Amendment.