

Pennsylvania May Primary Ballot Question 1

Pennsylvania Legislative Resolution to Extend or Terminate Emergency Declaration Amendment

Ballot Question

Shall the Pennsylvania Constitution be amended to change existing law and increase the power of the General Assembly to unilaterally terminate or extend a disaster emergency declaration—and the powers of Commonwealth agencies to address the disaster regardless of its severity pursuant to that declaration—through passing a concurrent resolution by simple majority, thereby removing the existing check and balance of presenting a resolution to the Governor for approval or disapproval?

What this means (provided by LWVPA)

If you vote YES, you agree to give the Legislature, by a simple majority vote, the sole power to take away the Governor's existing authority to make disaster emergency declarations and coordinate with relevant Pennsylvania agencies.

If you vote NO, you disagree with giving the Legislature, by a simple majority vote, the sole power to take away the Governor's existing authority to make disaster emergency declarations and coordinate with relevant Pennsylvania agencies.

Background on proposed amendment:

This amendment arises from the conflict between the Governor and Legislature over the Governor's Covid-19 emergency declarations, including stay-at-home orders, school and business restrictions, etc. The Pennsylvania Supreme Court ruled that under current law, the Governor could veto the Legislature's concurrent resolution to end the Governor's emergency declaration. The Legislature then fell short of the two-thirds legislative vote required to overturn the veto.

Background on legislative procedure: Currently, under Article III, Section 9, all bills and concurrent resolutions by the General Assembly must be presented to the Governor for his approval or veto. If approved by the Governor, the bills or concurrent resolutions, become law. If the Governor exercises a veto, the bills or concurrent resolutions do not become law unless two-thirds of the House and Senate vote to override the Governor's veto. The proposed amendment with respect to emergency disaster declarations would create a fourth exception to the customary legislative procedure of a two-thirds legislative vote to override a Governor's veto.

Other: Only four states require a legislative vote to extend or terminate a governor's emergency declarations (Alaska, Kansas, Michigan and Minnesota).

Arguments FOR:

- Strengthens legislative power to end or continue an emergency declaration
- Weakens the Governor's powers during an emergency to extend declaration and coordinate with relevant PA agencies
- Disperses authority for creating and ending a disaster emergency declaration
- Removes customary legislative procedure requiring a two-thirds legislative vote to override a Governor's veto for emergency declarations

Arguments AGAINST:

- Reduces executive power of an individual elected by entire state to act in an emergency and coordinate with relevant PA agencies
- Increases impact of partisan and regional influence of legislators during an emergency situation
- Creates logistical and administrative hurdles for overseeing disasters and coordinating relevant agencies
- Maintains check and balance of the two-thirds legislative vote to override a Governor's veto