

# Pennsylvania May Primary Ballot Question 2

## Pennsylvania Emergency Declarations Amendment

### Ballot Question

*Shall the Pennsylvania Constitution be amended to change existing law so that: a disaster emergency declaration will expire automatically after 21 days, regardless of the severity of the emergency, unless the General Assembly takes action to extend the disaster emergency; the Governor may not declare a new disaster emergency to respond to the dangers facing the Commonwealth unless the General Assembly passes a concurrent resolution; the General Assembly enacts new laws for disaster management?*

### **What this means (provided by LWVPA)**

**If you vote Yes**, you agree to change existing law to limit any Governor's disaster emergency declaration - no matter the severity - to 21 days (from 90), unless, and until, the Legislature votes by a simple majority to extend the disaster emergency declaration; and take away the Governor's authority to manage new emergency and disasters situations.

**If you vote No**, you disagree with changing the existing law that provides any Governor with the power to issue emergency declarations without a 21-day limitation or a simple majority vote by the Legislature; and any Governor retains authority to act in emergency and disaster situations.

**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. Current law sets an emergency declaration at 90 days and gives the Governor to act on, and manage, emergencies and disasters. The Legislature does have the ability to end the Governor's emergency declarations by passing a concurrent resolution to end the emergency declaration and if vetoed by the Governor, vote by two-thirds to override the 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:**

- Grants the legislature, elected from different districts throughout the Commonwealth, the sole power to manage a disaster
- Limits an emergency declaration to 21 days (from 90) unless legislature extends by a simple majority
- Removes customary legislative procedural requirement of a two-thirds legislative vote to override a Governor's disaster declaration
- Provides sole authority to extend a declaration to lie with the Legislature; presently, this power rests with the Governor

### **Arguments AGAINST:**

- Creates logistical and administrative hurdles of convening a 253-member legislature, every 21 days (and in disaster conditions)
- Reduces the power of the executive, elected by entire state, to act in an emergency
- Increases impact of partisan and regional influence of legislators
- Provides opportunities for possible delays that could worsen a disaster
- Weakens ability to access federal funding and support tied to declaring emergency disasters