



Procedures for Receiving, Processing and Advertising Non-emergency Proposed Constitutional Amendments

Purpose and Objectives

Department of State (DOS) staff must initiate, coordinate, monitor, and verify publication of constitutional amendments to ensure timely and proper advertisement of constitutional amendments in accordance with the requirements of Article XI of the Pennsylvania Constitution.

Owners and Stakeholders

The following owners (white boxes) and stakeholders (shaded boxes) share responsibility for the publication of the Constitutional Amendment. Unless otherwise noted the documents should be shared with the head of the bureau.

Secretary of Commonwealth (SOC)

Executive Deputy Secretary (EDS)

DOS Executive Assistant (EA)	DOS Office of Legislative Affairs (OLA)	DOS Deputy Secretary for Elections & Commissions (DSEC)	DOS Bureau of Elections and Notaries (BEN)	Bureau of Campaign Finance & Civic Engagement (BCFCE)	DOS Bureau of Finance & Operations (BFO)	DOS Office of Chief Counsel (OCC)	Office of General Counsel (OGC)	Office of Attorney General (OAG)	Office of Communications and Press (OCP)	Office of Policy (OP)
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Process

The Office of Legislative Affairs tracks and monitors all legislation impacting DOS, including legislation proposing amendments to the Pennsylvania Constitution. A proposed constitutional amendment, when agreed upon by the Senate and the House of Representatives, is filed with DOS in the form of a Joint Resolution.

ACTION		OWNER(S)
1.	Tracking of proposed constitutional amendments <ul style="list-style-type: none"> OLA tracks legislation proposing a constitutional amendment during consideration by the General Assembly. OLA works with BEN and OCC to provide a bill analysis, if required. OLA works with BEN and BFO to assess the fiscal impact of advertising the proposed constitutional amendment. OLA continues tracking the legislation until the proposed constitutional amendment (Joint Resolution) is signed by the Senate and the House of Representatives. OLA notifies the Executive Office (SOC, the EDS (CoS), and DSEC) when a Joint Resolution is signed by both chambers of the General Assembly. <i>In consultation with OP, SOC, and EDS.</i>	OLA, BEN, OCC, and BFO
		Consulted: OP, EDS (CoS), and SOC
2.	The General Assembly delivers the signed joint resolution to BEN, and BEN immediately assigns the Joint Resolution # and date stamps original document. Appendix A.	BEN
3.	Log the joint resolution in the legislative log and routes the joint resolution to Executive Staff (SOC, EDS (CoS), and DSEC) via the Executive Office Assistant (EOA).	BEN
4.	The EOA logs receipt of the joint resolution electronically, scans the joint resolution, uploads it to the tracking system.	EOA
5.	The EOA transmits (via email) the Assignment of Joint Resolution Message to all internal and external legislative contacts. See Appendix B.	EOA
6.	The EOA provides the original joint resolution to the EDS (CoS) who acknowledges receipt of the joint resolution and returns it to the EOA. The EOA routes the original joint resolution back to BEN for retention.	EDS (CoS), EOA, and BEN

7.	Upon receipt of joint resolution, EDS (CoS) organizes DOS Team (OLA, BEN, BCFCE, OCC, BFO, DSEC, OP, and SOC) meeting to discuss timing and requirements of advertising the proposed constitutional amendment.	EDS (CoS)
8.	<p>BFO notifies the department's contracted advertising vendor and Commonwealth Media Services (CMS) to schedule meeting between all parties and the DOS team to discuss requirements and deadlines for advertising the proposed constitutional amendment.</p> <p>The vendor will provide a proposed schedule for advertising. Subsequently, the vendor will provide a list of publications and a quote for advertising services based on information provided during the meeting. CMS will provide, in writing, an approval for BFO to proceed with executing a purchase order to advertising vendor.</p>	BFO, OCC, BEN, and impacted program area
9.	Review and approve list of proposed newspapers.	BEN in consultation with OCC, DSEC, EDS (CoS), and SOC
10.	Quote provided to BFO Fiscal to ensure funding is available for advertisement. If funding is not available, BFO Fiscal sends letter for Executive Authorization to the Governor's Budget Office (GBO) to request additional funds to advertise.	BFO
11.	Draft advertisement preamble.	OCC and BEN
12.	Obtain signoff from EDS (CoS) and SOC	DSEC and OCC
13.	If the constitutional amendment has already been passed and advertised in the previous session of the General Assembly, this "second passage" requires DOS to work with the OAG to obtain a Plain Language Statement to accompany the proposed constitutional amendment.	OCC

14.	Draft the question to be presented to voters on the balloting materials at the next election.	OCC in consultation with BEN, DSEC, EDS (CoS), SOC, GO, and OGC
15.	Obtain necessary internal approvals of the question from DOS Executive Office, Governor's Office, and OGC.	OCC and SOC/EDS (CoS)
16.	Submit ballot question to OAG for approval.	OCC
17.	BFO receives copy of draft documents from OCC and BFO provides a copy to outside vendor for Spanish translation. No contract required for translations as these expenses are paid via Purchase Card. Spanish materials are also viewed internally.	OCC and BFO
18.	Once translated documents are received from outside vendor, BFO transmits the following materials to the contracted advertising vendor and requests draft ad copy and final list of newspapers for publication: <ul style="list-style-type: none"> • Preamble • Text of the Constitutional Amendment • Text of the approved Ballot Question (2nd passage only) • Text of the approved Plain Language Statement (2nd passage only) • Text of <i>Paid for with Taxpayer \$</i> disclaimer • Translations of the advertisement materials 	BFO
19.	Review and approve ad copy provided by the advertising vendor.	BEN, OCC, and BCFCE
20.	No later than 14 days prior to the date of publication, notify all of the following of the dates on which publication in newspapers will be completed: <ol style="list-style-type: none"> (1) each member of the PA State Senate; (2) each member of the PA State House; (3) the Secretary of the Senate; (4) the Chief Clerk of the House of Representatives; (5) the Parliamentarian of the House of Representatives; and (6) the Legislative Reference Bureau for publication in the PA Bulletin. 	OLA (SOC, EDS, DSEC, with OCC)
21.	Post electronic copies of English and Spanish ad copy on DOS website.	BEN and OCP

22.	If second passage, include in the ballot certification to the county boards of elections the form of the ballot question, the Plain Language Statement, and the text of the proposed constitutional amendment(s).	BEN
23.	Track progress of advertisements and collect and store proofs of publication as they are received by the advertising vendor.	BFO and BEN
24.	Alert OCC, BEN, OLA, DSEC, EDS (CoS), and SOC if any newspaper failed to properly publish the advertisement. In the event of such a failure, obtain form affidavits from both the newspaper and the advertising vendor documenting that DOS provided the advertisement in ample time.	BFO
25.	The SOC certifies the results of the election on the proposed constitutional amendment (2 nd passage only)	SOC, with support from BEN
26.	Vendor submits invoice to BFO for payment of advertising services after each round of publication.	BFO
27.	Compile and prepare for certification by SOC the election returns for the proposed constitutional amendment.	BEN
28.	Prepare proclamation for the Governor's signature indicating whether the proposed amendment has been adopted by the voters or not.	EOA in consultation with BEN, OCC and OGC
29.	Deliver original proclamation to the Legislative Reference Bureau (LRB) for publication in the next volume of the Laws of Pennsylvania (i.e., Pamphlet Laws) and the PA Bulletin. Return a time-stamped copy of the proclamation to DOS for the agency's files. Follow up hard-copy delivery with an email notification to the LRB's Code & Bulletin Office and the LRB's Editing and Publishing Office. Include the Word version of the proclamation with the email.	OCC, with BEN
30.	EO retains all records related to the publication of the Constitutional Amendment in accordance with the records retention schedule.	EDS,DSEC,EOA

Training

The Executive Office must ensure that all owners and their designated staff members are trained at the time of onboarding and at least once annually thereafter on these procedures.

At the completion of training, all staff members will understand:

- How to Identify a joint resolution
- How to track the progress of a proposed joint resolution

- How to assign a joint resolution number
- Who is responsible and accountable for each task
- How to track the joint resolution through completion of every task

Specific staff members with specialized tasks will also receive training relating to:

- tracking of proposed legislation
- publication and financing for a joint resolution
- certification of a proposed constitutional amendment
- certification of the results of the election on a proposed constitutional

Background

Amendments to the Pennsylvania Constitution may be proposed in either the Senate or the House of Representatives but must pass in both by a majority vote of the members elected. Pursuant to Article XI of the Pennsylvania Constitution, a proposed constitutional amendment must be passed in identical form in two consecutive sessions of the General Assembly before the amendment can be submitted to the voters for approval.

First Passage

After the first passage of a proposed constitutional amendment, the Secretary of the Commonwealth is required to have the proposed amendment published in each of the three months (August, September and October) prior to a November general election (even-numbered years) in at least two newspapers in every county.

Second Passage

The next succeeding session of the General Assembly at any time, may pass a joint resolution proposing the identical constitutional amendment. The General Assembly shall direct the Secretary of the Commonwealth when to present the proposed amendment to the voters in the form of a ballot question, so long as the primary or election in which voters will vote on the ballot question is at least three months after second passage. After second passage, the proposed amendment must be advertised in each of the three months prior to the election at which the amendment is to be voted for, which could be either a municipal (odd-numbered years) or general (even-numbered years) primary or election. The amendment is voted on by the entire electorate. If passed by a majority vote, the amendment becomes part of the Pennsylvania Constitution.