

THE GENERAL ASSEMBLY

Proposed Amendments to the Constitution of Pennsylvania

The following proposed amendments to the Constitution of Pennsylvania were first approved by the General Assembly during 1995-96, and were approved by the General Assembly for the second time during the 1997 Session. Pursuant to Article XI, Section 1 of the Constitution, the Secretary of the Commonwealth has caused the proposed amendments to be published here.

Pursuant to law, the Secretary will cause the proposed amendments to be presented to the electors of Pennsylvania in the form of ballot questions at the Municipal Election to be held on November 4, 1997. If a ballot question is approved by a majority of the electors voting on it, the corresponding amendment becomes part of the Constitution.

The boldfaced words in the proposed amendments would be added to the Constitution and the bracketed words would be deleted.

Following each proposed amendment is the text of the question that will be placed on the ballot. Below each question is a Statement of the Attorney General indicating the purpose, limitations and effects of the ballot question on the people of the Commonwealth.

Anyone who needs help reading this advertisement or who needs the text of the advertisement in an alternative format may call or write the Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, Room 304 North Office Building, Harrisburg, PA 17120, (717) 787-5280.

YVETTE KANE,
Secretary of the Commonwealth

JOINT RESOLUTION 1997-1

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing an exclusion from taxation of a portion of the assessed value of homestead property.

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 2(b) of Article VIII be amended by adding a clause to read:

§ 2. Exemptions and special provisions.

* * *

(b) The General Assembly may, by law:

* * *

(vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The exclusions authorized by this clause shall not exceed one-half of the median assessed value of all homestead property within a local taxing jurisdiction. A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions.

Ballot Question Regarding Joint Resolution 1997-1

Shall the Pennsylvania Constitution be amended to permit the enactment of legislation authorizing local

taxing authorities to exclude from taxation an amount based on the assessed value of homestead property, with the limitations that the exclusions shall not exceed one-half of the median assessed value of all homestead property within the taxing jurisdiction and that the taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions?

Statement Of Attorney General Regarding Joint Resolution 1997-1

Homestead Property Tax Assessment Exclusion

The purpose of the ballot question is to amend the Pennsylvania Constitution to permit the General Assembly to enact legislation authorizing local taxing authorities to disregard a part of the assessed value of homestead property in computing the amount of real estate tax owed by the property owner.

The proposed amendment would limit the amount of assessed value that could be disregarded by a local taxing authority. The exclusions authorized by the amendment could not exceed one-half of the median assessed value of all homestead property within the taxing jurisdiction. Also, the amendment would prohibit a local taxing authority from increasing the millage rate of its tax on real property to pay for the homestead exclusions.

The effect of the ballot question would be to enable the General Assembly to allow local taxing authorities to lower the tax paid on property owned and occupied as a residence or other homestead property in comparison to other property such as businesses within the same taxing jurisdiction.

JOINT RESOLUTION 1997-2

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the composition and powers of the Board of Pardons.

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 9 of Article IV be amended to read:

§ 9. Pardoning power; Board of Pardons.

(a) In all criminal cases except impeachment the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutation of sentences and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, **and in the case of a sentence of death or life imprisonment, on the unanimous recommendation in writing of the Board of Pardons**, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General and three members appointed by the Governor with the consent of **[two-thirds or]** a majority of the members elected to the Senate **[as is specified by law]** for terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania **[and**

shall be recognized leaders in their fields; one]. One shall be a [member of the bar,] crime victim; one a [penologist,] corrections expert; and the third a doctor of medicine, psychiatrist or psychologist. The board shall keep records of its actions, which shall at all times be open for public inspection.

**Ballot Question Regarding
Joint Resolution 1997-2**

Shall the Pennsylvania Constitution be amended to require a unanimous recommendation of the Board of Pardons before the Governor can pardon or commute the sentence of an individual sentenced in a criminal case to death or life imprisonment, to require only a majority vote of the Senate to approve the Governor's appointments to the Board, and to substitute a crime victim for an attorney and a corrections expert for a penologist as Board members?

**Statement Of Attorney General Regarding
Joint Resolution 1997-2**

Changes in Board of Pardons Voting, Appointment Process and Composition

The purpose of the ballot question is to amend the Pennsylvania Constitution to add a provision concerning the recommendation that must be given by the Board of Pardons before the Governor can pardon or commute the sentence of an individual sentenced in a criminal case to death or life imprisonment and to change provisions regarding the process of appointing Board members and the composition of the Board membership.

The Pennsylvania Constitution now provides that in all criminal cases except impeachment, the Governor has the power to grant reprieves, commutation of sentences and pardons, but only on the recommendation in writing of a majority of the members of the Board of Pardons. The proposed amendment would require the unanimous recommendation of the Board before the Governor could pardon or commute the sentence of an individual sentenced to death or life imprisonment. The Constitution would continue to require only a majority vote of the Board to enable the Governor to grant a pardon or commute a sentence in a criminal case involving a sentence other than death or life imprisonment.

The Pennsylvania Constitution now provides that the members of the Board of Pardons are the Lieutenant Governor who is made Chairman, the Attorney General, and three members appointed by the Governor with the consent of two-thirds or a majority of the Pennsylvania Senate as provided by law. Of the three members appointed by the Governor, the Constitution now requires that one be an attorney, one be a penologist, and one be a doctor. The proposed amendment would eliminate the option of requiring the Governor's appointments to be approved by two-thirds of the Senate, thus requiring appointments to be approved by only a majority of the Senate. The amendment would replace the attorney member of the Board with a crime victim member and would change the member described as a penologist to a member described as a corrections expert.

The effect of the ballot question would be to make it more difficult for an individual sentenced to death or life imprisonment to obtain a pardon or commutation of sentence, to ease the process for Senate approval of the Governor's appointments to the Board of Pardons, and to ensure that crime victims are represented on the Board.

JOINT RESOLUTION 1997-3

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

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 14 of Article VII be amended to read:

§ 14. Absentee voting.

(a) The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the [State or county] municipality of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a polling place because of the observance of a religious holiday or who cannot vote because of election day duties, in the case of a county employee, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

(b) For purposes of this section, "municipality" means a city, borough, incorporated town, township or any similar general purpose unit of government which may be created by the General Assembly.

**Ballot Question Regarding
Joint Resolution 1997-3**

Shall the Pennsylvania Constitution be amended to require the enactment of legislation permitting absentee voting by qualified electors who at the time of an election may be absent from the municipality where they reside because their duties, occupation or business require them to be elsewhere, which would change the current law permitting absentee voting by such qualified electors only when they are absent from the entire county where they reside?

**Statement Of Attorney General Regarding
Joint Resolution 1997-3**

Absentee Voting

The purpose of the ballot question is to amend the Pennsylvania Constitution to require the General Assembly to enact legislation permitting absentee voting by eligible voters who at the time of an election may be away from the municipality where they reside because their duties, occupation or business require them to be elsewhere. The Pennsylvania Constitution now provides for absentee voting by such eligible voters only when they are absent from the entire county, as opposed to just the municipality, in which they reside.

The effect of the ballot question would be to increase opportunities to vote for persons who otherwise could not do so because their duties, occupation or business require them to be out of the city, borough, town, township or other municipal government unit where they reside and normally vote.

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