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BALLOT QUESTIONS ON THE MAY PRIMARY BALLOT

Ballot Question #1:

Pennsylvania Legislative Resolution to Extend or Terminate Emergency Declaration Amendment

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?

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 act 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

Ballot Question #2

Pennsylvania Emergency Declarations Amendment

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?

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:	Arguments AGAINST:
- 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	- 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 - promotes uncertainty of appropriate disaster response due to shortened timeframe

Ballot Question #3

Pennsylvania Equal Rights Regardless of Race or Ethnicity Amendment

Shall the Pennsylvania Constitution be amended by adding a new section providing that equality of rights under the law shall not be denied or abridged because of an individual's race or ethnicity?

If you vote **Yes,** you agree that all Pennsylvania state, county, and local governmental agencies and institutions be prohibited from discriminating against individuals because of their race or ethnicity.

If you vote **No,** you disagree with changing Pennsylvania law since current state and federal laws, including the Pennsylvania Constitution and the Equal Protection Clause of the U.S. Constitution, already provides protections against discrimination by all levels of Pennsylvania government, entities, and institutions.

Background on proposed amendment: This constitutional amendment was introduced in the wake of police brutality cases and protests as an amendment to a different constitutional amendment bill to restrict a Governor's emergency declaration powers (*See* Ballot Question 1).

Article 1, Section 26, of the Pennsylvania Constitution currently prohibits discrimination by the Pennsylvania government "against any person in the exercise of any civil right." This proposed amendment focuses on protecting individuals from racial and ethnic discrimination by Pennsylvania governmental entities. The PA Constitution and federal laws, such as the Equal Protection Clause, provide broad protections against discrimination. However, this amendment focuses on prohibiting discrimination against the individual under PA law solely for race and ethnicity. This is a state-specific change separate from federal law (Fourteenth Amendment). If passed, this law could add opportunity to bring "reverse discrimination" cases. Thus, if a Caucasian person felt they were discriminated against by a State-run operation or agency in hiring, admissions, or denied opportunities, they could sue under this new law.

The language of this amendment does not outright ban racial and ethnic considerations by all levels of Pennsylvania government, entities, and institutions. However, it could be construed that the specific prohibition against individual racial and ethnic discrimination could open the door to elimination, or the support of, race and ethnic-conscious considerations by State-run agencies or operations for under-represented groups under Pennsylvania Law. Any interpretation of this law would be decided by the Pennsylvania Supreme Court. However, if passed, any resulting consequences, good or bad, would likely be upheld because this is an amendment ballot question voted on by the Pennsylvania voters. In 2014, the U.S. Supreme Court upheld a Michigan ballot initiative which resulted in a ban on race considerations in state-run schools because the case was not about the merits of race-conscious policies. Rather, as Justice Kennedy stressed in the controlling opinion, it is about "whether, and in what manner, *voters in the States may choose to prohibit the consideration of racial preferences in governmental decisions*..."

Arguments FOR:	Arguments AGAINST:
- promotes states' rights – independent of the US Constitution and federal laws - specifies the prohibition against individual racial and ethnic discrimination under PA law - could eliminate preferential treatment to under-represented groups by all levels of PA government, entities, and institutions - prohibits future legislation that is inconsistent with this law on protecting individuals from racial and ethnic discrimination by all levels of PA government, entities, and institutions	- Adds opportunities to bring "reverse discrimination" cases (i.e., a Caucasian can claim race discrimination by all levels of PA government, entities, and institutions) - provides potential opportunity for all levels of PA government, entities, and institutions to no longer consider race and ethnicity in hiring, admissions, contracting and access to other opportunities - existing law in the PA Constitution already forbids discrimination "against any person in the exercise of any civil right"