

# Questions on the May 18 Primary Election Ballot



When Pennsylvania voters head to the polls on Tuesday, May 18, for the primary election, they will find three questions on the ballot regarding amendments to the state Constitution and one referendum. The first two constitutional questions deal with disaster emergency declarations while the third addresses racial equality. The ballot referendum asks about allowing municipal fire and EMS companies to share access to the existing Fire and Emergency Services Loan Fund with volunteer companies.

## Why Are These Questions Important?

For more than a year, Pennsylvania has been operating under two long-term disaster emergency declarations imposed by Gov. Tom Wolf. One declaration is related to the opioid epidemic and has been in place for more than three years, while the other was ordered in March 2020 at the start of the pandemic. The governor renewed the COVID-19 declaration for a fourth time in February.

On Tuesday, May 18, voters will have a say in the duration of future disaster emergency declarations under legislation approved by the House and Senate. [Senate Bill 2](#) proposes to amend the state Constitution regarding disaster declarations in two ways: limiting emergency declarations by a governor to a maximum of 21 days without legislative approval and clarifying that a concurrent resolution terminating or extending a disaster emergency declaration need not be presented to the governor for his signature.

House Republicans unanimously supported Senate Bill 2 because *we believe your voice should be represented at all times*, including during states of emergency. Executive powers to declare emergencies are sometimes needed to free up resources for an immediate response to situations such as natural disasters. Disaster emergencies should not be used to circumvent the state Constitution, the separation of powers or – most importantly – the will of the people.

We voted “yes” because we believe these constitutional amendments would restore the checks and balances that our government was built upon and give power back to the people who elect us to represent their interests. We have given you the choice to

determine how you'd like to see disaster declarations handled in the future.

## What You'll See on the Ballot

The questions will appear on the May 18 ballot as follows. Voters need to be aware questions one and two were written by the governor's Department of State using language that is far from impartial.

### Ballot Question #1

*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?*

#### >> Context for Ballot Question #1

This proposed amendment comes in response to the governor's veto of [House Resolution 836 of 2020](#), which would have put an end to the COVID-19 disaster declaration and the governor's unilateral authority to handle it. While state law authorizes the General Assembly to end disaster declarations with a resolution, the governor insisted – and the court agreed – that resolution was subject to his approval or veto. Under this constitutional amendment, a concurrent resolution terminating or extending a disaster emergency declaration need not be presented to the governor for his signature.

### Ballot Question #2

*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?*

## >> Context for Ballot Question #2

This proposed amendment comes in response to the TWO extended disaster emergency declarations under which we are currently operating. Under this constitutional amendment, disaster declarations would be limited to no more than 21 days, allowing time for the General Assembly to be called into session and meet possible emergency needs. If a governor believes the declaration should last longer, he or she would have to gain approval of the General Assembly by sharing information and data to prove the need for extending the declaration. Under current law, a governor can declare a disaster emergency for a period of up to 90 days and can renew it as often as he or she likes.

Several newspapers across the state have written the following editorials on the first two ballot questions. Here are two samples:

[Scranton Times-Tribune – Clarify ballot questions](#)

[Williamsport Sun-Gazette – Fair wording needed for state ballot questions](#)

## **Ballot Question #3** (*this question is unrelated to emergency declarations*)

*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?*

## >> Context for Ballot Question #3

If approved by the voters, this amendment would add a new section to Article I of the Pennsylvania Constitution creating a constitutional prohibition against restricting or denying an individual's equal rights under Pennsylvania law because of race or ethnicity.

## Ballot Question #4 (*this referendum question is unrelated to emergency declarations*)

*Do you favor expanding the use of the indebtedness authorized under the referendum for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads under 35 pa.c.s. § 7378.1 (relating to referendum for additional indebtedness) to include loans to municipal fire departments or companies that provide services through paid personnel and emergency medical services companies for the purpose of establishing and modernizing facilities to house apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of the duties of the fire companies and emergency medical services companies?*

### **>> Context for Ballot Question #4**

To strengthen fire and EMS services in Pennsylvania, the legislature passed House Bill 1673, which became [Act 91 of 2020](#). The bill contained key provisions including improvements to grant and loan programs for fire companies, new measures to support recruitment and retention of fire personnel and a ballot question to expand the existing “Emergency Services Loan Assistance Fund” to include municipal fire departments.

## **Who Can Vote on These Ballot Questions?**

All voters will have the opportunity to be heard on these issues at the May 18 primary election. If you are registered as an independent or other third party not typically eligible to vote in the primary election, you are entitled and encouraged to vote on these questions.

Amending the Constitution is a process reserved entirely for the people of Pennsylvania, not the partisan interests of the governor’s administration. Every amendment to the Pennsylvania Constitution since 1790 has been put before the people for their approval. It is in your hands to determine how your government should function.