



A CITIZEN'S GUIDE TO PENNSYLVANIA'S PROPOSED CONSTITUTIONAL AMENDMENTS: **RESTORING BALANCE TO EMERGENCY DECLARATIONS**

In February 2021, the Pennsylvania General Assembly voted to place two questions on the May 2021 primary ballot. If approved by the voters, the measures would amend Pennsylvania's constitution to place limits on a governor's emergency powers and restore balance to how emergencies are managed in Pennsylvania by making certain that the people, through their representatives in the General Assembly, have a voice in the length of and response to a declared emergency. (SB1166/SB2; HB55)

Gov. Tom Wolf, who recently extended his original 90-day COVID-19 emergency declaration for the fourth time, has repeatedly imposed restrictions on Pennsylvania residents and businesses since, opposes the amendments. The PA Department of State and the Attorney General produced ballot language that could lead voters to obscure what the amendments are intended to accomplish. In their current state, the questions could make voter believe the General Assembly will terminate disaster declarations once they expire, without considering the circumstances of the situation. Nothing could be further from the General Assembly's intent.

The proposed amendments recognize that while the decision to impose emergency declarations and the direction of state government's response must rest with an executive official (in this case, the governor) who is held accountable by the electorate, members of the General Assembly, as the most direct representatives of the people of Pennsylvania, must have the responsibility to oversee and participate in a governor's response to an emergency. To date, such attempts to participate in the COVID-19 response by members of the General Assembly and their constituents have largely been rebuffed or ignored entirely by Gov. Wolf and his administration, with devastating consequences for Pennsylvania's families and small businesses.

The two proposed constitutional amendments are intended to accomplish this goal by:

- Limiting the duration of any emergency declared by the governor to 21 days unless expressly extended by the General Assembly.
- Preventing any substantially similar emergency from being declared once the first declaration expires unless expressly authorized by the General Assembly.

The above provisions help to uphold the principle that the exercise of governmental authority in an emergency must be properly constrained, so that the rights and privileges of individuals and private groups are not arbitrarily or unduly infringed. Therefore, appropriate checks on a governor's ability to impose and extend emergency declarations must be added to the Pennsylvania Constitution to guard against the risks associated with investing a single individual with the power to act under "emergency" conditions—risks that have manifested themselves during Gov. Wolf's COVID-19 emergency declaration in the form of small businesses destroyed, jobs and livelihoods lost, children's educational and emotional development disrupted, amongst many other costs.

Americans for Prosperity-Pennsylvania intends to educate Pennsylvania voters about the true intent and effect of the two proposed constitutional amendments, and why a "yes" vote on both makes sense for the future of the Commonwealth. Please visit FinalSayPA.com to sign the petition entitled "Vote 'YES' to Restore checks and Balances in Pennsylvania."