

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2656 Session of
2020INTRODUCED BY WHITE, DIAMOND, ROAE, MILLARD, TOOHL, ROWE,
BARRAR, PYLE, NEILSON AND GLEIM, JULY 8, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 8, 2020

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for action by
3 Lieutenant Governor as Governor and for vacancy in office of
4 Lieutenant Governor; and providing for an initiative to
5 recall certain elected Statewide and local officers.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby resolves as follows:

8 Section 1. The following integrated amendments to the
9 Constitution of Pennsylvania are proposed in accordance with
10 Article XI:

11 (1) That sections 13 and 14 of Article IV be amended to
12 read:

13 § 13. When Lieutenant Governor to act as Governor.

14 In the case of the death, conviction on impeachment, failure
15 to qualify or resignation of the Governor, the Lieutenant
16 Governor shall become Governor for the remainder of the term
17 [and in]. In the case of the recall of the Governor, the
18 Lieutenant Governor shall become Governor until a Governor is
19 sworn in after a successor election under section 20(c). In the

1 case of the disability of the Governor, the powers, duties and
2 emoluments of the office shall devolve upon the Lieutenant
3 Governor until the disability is removed.

4 § 14. Vacancy in office of Lieutenant Governor.

5 In case of the death, conviction on impeachment, failure to
6 qualify or resignation of the Lieutenant Governor, or in case he
7 should become Governor under section 13 of this article, the
8 President pro tempore of the Senate shall become Lieutenant
9 Governor for the remainder of the term. In case of the recall of
10 the Lieutenant Governor, the President pro tempore of the Senate
11 shall become Lieutenant Governor until a Lieutenant Governor is
12 sworn in after a successor election under section 20(c). In case
13 of the disability of the Lieutenant Governor, the powers, duties
14 and emoluments of the office shall devolve upon the President
15 pro tempore of the Senate until the disability is removed.
16 Should there be no Lieutenant Governor, the President pro
17 tempore of the Senate shall become Governor if a vacancy shall
18 occur in the office of Governor and in case of the disability of
19 the Governor, the powers, duties and emoluments of the office
20 shall devolve upon the President pro tempore of the Senate until
21 the disability is removed. His seat as Senator shall become
22 vacant whenever he shall become Governor and shall be filled by
23 election as any other vacancy in the Senate.

24 (2) That Article IV be amended by adding a section to read:

25 § 20. Initiative to recall elected Statewide and local
26 officers.

27 (a) The recall of the Governor, Lieutenant Governor,
28 Attorney General, Auditor General, State Treasurer or a mayor or
29 district attorney may be proposed by a petition signed by a
30 number of electors equal in number to at least 25% of the total

1 votes cast for that position in the preceding election. A recall
2 petition for a mayor or district attorney cannot contain
3 signatures from any one election district in excess of one fifth
4 of the total number required. A petition must be signed by the
5 petitioning electors not more than 150 days after an affidavit
6 has been filed with the Bureau of Commissions, Elections and
7 Legislation providing notice of intent to circulate a petition
8 to recall. The affidavit may be filed no sooner than one year
9 after the beginning of the term of office nor within the last
10 six months of the term of office for that position.

11 (b) The form of the petition, circulation and procedure for
12 determining the validity and sufficiency of a petition shall be
13 as provided by law. If the petition is valid and sufficient, the
14 Bureau of Commissions, Elections and Legislation shall certify
15 the petition and notify the Statewide or local officer named in
16 the petition that the petition has been certified. Upon receipt
17 of the notice the Statewide or local officer may resign from
18 office and the recall proceeding shall terminate.

19 (c) If the Statewide or local officer against whom a recall
20 petition is directed does not resign from office within 10 days
21 after notice of the certification of the petition, the Bureau of
22 Commissions, Elections and Legislation shall arrange a recall
23 election. If a general, municipal, primary or special election
24 is to be held not less than 60 days nor more than 90 days after
25 the resignation period has expired, the recall question "Shall
26 (name) be recalled from the office of (position)?" must be
27 placed before the electors at that election. Otherwise a special
28 recall election shall be fixed for a date not earlier than 60
29 days nor later than 90 days after the expiration period has
30 expired. The Statewide or local officer against whom a recall

1 petition is directed may resign at any time prior to the recall
2 election and the election shall not be held.

3 (d) A recall petition certified by the Bureau of
4 Commissions, Elections and Legislation may not be withdrawn and
5 another recall petition may not be initiated against the elected
6 Statewide or local officer during the remainder of the current
7 term of office. A recall petition or recall election pending on
8 the date of the next general election at which a candidate for
9 the office is elected is moot.

10 (e) If a petition to recall the Governor, Lieutenant
11 Governor, Attorney General, Auditor General or State Treasurer
12 or a mayor or district attorney has been filed with the Bureau
13 of Commissions, Elections and Legislation, a person eligible to
14 serve in the position may propose his candidacy by a petition
15 signed by a number of electors equal in number to the
16 requirement for petitions for an established party candidate for
17 the office, signed by petitioning electors not more than 50 days
18 after a recall petition has been filed with the Bureau of
19 Commissions, Elections and Legislation. The form of a successor
20 election petition, circulation and procedure for determining the
21 validity and sufficiency of a petition shall be as provided by
22 law. If the successor election petition is valid and sufficient,
23 the Bureau of Commissions, Elections and Legislation shall
24 certify the petition not more than 100 days after the date the
25 recall petition was filed. Names of candidates for nomination to
26 serve as the candidate of an established political party must be
27 submitted to the electors at a special primary election, if
28 necessary, called by the Bureau of Commissions, Elections and
29 Legislation to be held at the same time as the special election
30 on the question of recall established under subsection (b).

1 Names of candidates for the successor election must be submitted
2 to the electors at a special successor election called by the
3 Bureau of Commissions, Elections and Legislation, which must
4 occur not more than 60 days after the date of the special
5 primary election or on a date established by law.

6 (f) The Governor, Lieutenant Governor, Attorney General,
7 Auditor General, State Treasurer or a mayor or district attorney
8 shall be immediately removed upon certification of the recall
9 election results if a majority of the electors voting on the
10 question vote to recall the elected Statewide or local officer.

11 (g) No person who has been removed from the office under
12 this section or who has resigned from the office after a recall
13 petition directed to him has been filed may be eligible for
14 election or appointment to any State or local office within two
15 years after removal or resignation.

16 Section 2. (a) Upon the first passage by the General
17 Assembly of these proposed constitutional amendments, the
18 Secretary of the Commonwealth shall proceed immediately to
19 comply with the advertising requirements of section 1 of Article
20 XI of the Constitution of Pennsylvania and shall transmit the
21 required advertisements to two newspapers in every county in
22 which such newspapers are published in sufficient time after
23 passage of these proposed constitutional amendments.

24 (b) Upon the second passage by the General Assembly of these
25 proposed constitutional amendments, the Secretary of the
26 Commonwealth shall proceed immediately to comply with the
27 advertising requirements of section 1 of Article XI of the
28 Constitution of Pennsylvania and shall transmit the required
29 advertisements to two newspapers in every county in which such
30 newspapers are published in sufficient time after passage of

1 these proposed constitutional amendments. The Secretary of the
2 Commonwealth shall submit the proposed constitutional amendments
3 under section 1 of this resolution to the qualified electors of
4 this Commonwealth as a single ballot question at the first
5 primary, general or municipal election which meets the
6 requirements of and is in conformance with section 1 of Article
7 XI of the Constitution of Pennsylvania and which occurs at least
8 three months after the proposed constitutional amendments are
9 passed by the General Assembly.