
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 321 Session of
2015

INTRODUCED BY CORMAN AND SCARNATI, APRIL 4, 2016

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, APRIL 4, 2016

A CONCURRENT RESOLUTION

1 Further providing for submission to the electorate of a
2 constitutional amendment on retirement for justices, judges
3 and justices of the peace.

4 WHEREAS, Pursuant to Article XI of the Constitution of
5 Pennsylvania, the General Assembly has proposed an amendment to
6 section 16(b) of Article V of the Constitution of Pennsylvania
7 providing that justices, judges and justices of the peace be
8 retired on the last day of the calendar year in which they
9 attain the age of 75; and

10 WHEREAS, In October 2013, a majority of both houses of the
11 General Assembly passed Joint Resolution No. 2013-JR3 and
12 presented it to the Secretary of the Commonwealth, who published
13 it pursuant to section 1 of Article XI of the Constitution of
14 Pennsylvania; and

15 WHEREAS, In November 2015, in the General Assembly next
16 afterwards chosen, a majority of both houses of the General
17 Assembly passed Joint Resolution No. 2015-JR1 and presented it
18 to the secretary; and

19 WHEREAS, Pursuant to sections 201(c), 201.1 and 605 of the

1 act of June 3, 1937 (P.L.1333, No.320), known as the
2 Pennsylvania Election Code, the secretary prepared a ballot
3 question as Proposed Constitutional Amendment 1, which was
4 approved by the Attorney General, and published along with the
5 proposed amendment and the plain English statement prepared by
6 the Office of Attorney General pursuant to section 1 of Article
7 XI of the Constitution of Pennsylvania; and

8 WHEREAS, Proposed Constitutional Amendment 1 is scheduled to
9 appear on the ballot for primary election on April 26, 2016; and

10 WHEREAS, The General Assembly has prepared a revised ballot
11 question for Proposed Constitutional Amendment 1 which, in the
12 view of the General Assembly, more accurately reflects the
13 language of Joint Resolution No. 2013-JR3 and Joint Resolution
14 No. 2015-JR1; and

15 WHEREAS, There is insufficient time to publish the revised
16 ballot question before primary election on April 26, 2016, as
17 required by section 1 of Article XI of the Constitution of
18 Pennsylvania; and

19 WHEREAS, Under section 802 of the Pennsylvania Election Code,
20 only persons registered and enrolled as members of a political
21 party are entitled to vote in any primary election of that
22 party; and

23 WHEREAS, More than 1 million Pennsylvania registered voters
24 are not registered and enrolled as members of one of the two
25 major political parties and therefore are not entitled to vote
26 in the primary election of either of those political parties;
27 and

28 WHEREAS, Many of those registered voters may be unaware of
29 their right to vote on Proposed Constitutional Amendment 1
30 during the primary election on April 26, 2016, and consequently

1 may not cast a vote on the ballot question; and

2 WHEREAS, Proposed Constitutional Amendment 1 is a matter of
3 Statewide importance to all citizens of the Commonwealth, not
4 merely registered members of the two major political parties;
5 and

6 WHEREAS, If Proposed Constitutional Amendment 1 were to be
7 placed on the ballot for the general election on November 8,
8 2016, the secretary will have sufficient time to publish the
9 revised ballot question as required under the Constitution of
10 Pennsylvania and registered voters who are not members of one of
11 the two major political parties will be more likely to
12 participate in the decision to approve or disapprove Proposed
13 Constitutional Amendment 1; and

14 WHEREAS, Under section 1 of Article XI of the Constitution of
15 Pennsylvania, it is within the authority of the General Assembly
16 to prescribe the manner and time at which proposed amendments to
17 the Constitution are submitted to the qualified electors of the
18 Commonwealth for approval; therefore be it

19 RESOLVED (the House of Representatives concurring), That the
20 Secretary of the Commonwealth remove the ballot question for
21 Proposed Constitutional Amendment 1 from the ballot
22 certification for the primary election on April 26, 2016; and be
23 it further

24 RESOLVED, That the county boards of election remove, to the
25 extent possible, the ballot question for Proposed Constitutional
26 Amendment 1 from the ballot; and be it further

27 RESOLVED, That the secretary disregard any vote on Proposed
28 Constitutional Amendment 1 in the primary election on April 26,
29 2016, and the secretary not make a tally of votes cast on
30 Proposed Constitutional Amendment 1; and be it further

1 RESOLVED, That the General Assembly direct the secretary to
2 place Proposed Constitutional Amendment 1 on the ballot for the
3 general election on November 8, 2016, in the following form:

4 Shall the Pennsylvania Constitution be amended to require
5 that justices of the Supreme Court, judges, and
6 magisterial district judges be retired on the last day of
7 the calendar year in which they attain the age of 75
8 years?;

9 and be it further

10 RESOLVED, That, to ensure compliance with section 1 of
11 Article XI of the Constitution of Pennsylvania, the General
12 Assembly direct the secretary to publish the ballot question for
13 Proposed Constitutional Amendment 1 as revised along with the
14 proposed amendment and the plain English statement previously
15 prepared by the Office of Attorney General, in each of the three
16 months prior to the general election on November 8, 2016; and be
17 it further

18 RESOLVED, That, upon passage by a majority of both houses of
19 the General Assembly, this concurrent resolution be transmitted
20 to the Secretary of the Commonwealth for implementation.