A CONCURRENT RESOLUTION

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

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

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

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

WHEREAS, Pursuant to sections 201(c), 201.1 and 605 of the
act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, the secretary prepared a ballot question as Proposed Constitutional Amendment 1, which was approved by the Attorney General, and published along with the proposed amendment and the plain English statement prepared by the Office of Attorney General pursuant to section 1 of Article XI of the Constitution of Pennsylvania; and

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

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

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

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

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

WHEREAS, Many of those registered voters may be unaware of their right to vote on Proposed Constitutional Amendment 1 during the primary election on April 26, 2016, and consequently
may not cast a vote on the ballot question; and

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

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

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

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

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

RESOLVED, That the secretary disregard any vote on Proposed Constitutional Amendment 1 in the primary election on April 26, 2016, and the secretary not make a tally of votes cast on Proposed Constitutional Amendment 1; and be it further
RESOLVED, That the General Assembly direct the secretary to
place Proposed Constitutional Amendment 1 on the ballot for the
general election on November 8, 2016, in the following form:

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

and be it further

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

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