

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 106 Session of  
2021

INTRODUCED BY ARGALL, STREET, MARTIN, STEFANO, PHILLIPS-HILL,  
DISANTO, BAKER, MASTRIANO, PITTMAN, REGAN AND SCHWANK,  
JANUARY 22, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
DECEMBER 14, 2021

A JOINT RESOLUTION

1 Proposing ~~an amendment~~ SEPARATE AND DISTINCT AMENDMENTS to the <--  
2 Constitution of the Commonwealth of Pennsylvania, further  
3 providing for ACTION ON CONCURRENT ORDERS AND RESOLUTIONS AND <--  
4 FOR Lieutenant Governor; PROVIDING FOR EXECUTIVE ORDERS; <--  
5 FURTHER PROVIDING FOR QUALIFICATIONS OF ELECTORS; AND  
6 PROVIDING FOR ELECTION AUDITS.

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

9 ~~Section 1. The following amendment to the Constitution of~~ <--  
10 ~~Pennsylvania is proposed in accordance with Article XI:~~

11 ~~That section 4 of Article IV be amended to read:~~

12 SECTION 1. THE FOLLOWING SEPARATE AND DISTINCT AMENDMENTS TO <--  
13 THE CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH  
14 ARTICLE XI:

15 (1) THAT SECTION 9 OF ARTICLE III BE AMENDED TO READ:

16 § 9. ACTION ON CONCURRENT ORDERS AND RESOLUTIONS.

17 EVERY ORDER, RESOLUTION OR VOTE, TO WHICH THE CONCURRENCE OF  
18 BOTH HOUSES MAY BE NECESSARY, EXCEPT ON THE QUESTIONS OF

1 ADJOURNMENT, DISAPPROVAL OF A REGULATION OR TERMINATION OR  
2 EXTENSION OF A DISASTER EMERGENCY DECLARATION AS DECLARED BY AN  
3 EXECUTIVE ORDER OR PROCLAMATION, OR PORTION OF A DISASTER  
4 EMERGENCY DECLARATION AS DECLARED BY AN EXECUTIVE ORDER OR  
5 PROCLAMATION, SHALL BE PRESENTED TO THE GOVERNOR AND BEFORE IT  
6 SHALL TAKE EFFECT BE APPROVED BY HIM, OR BEING DISAPPROVED,  
7 SHALL BE REPASSED BY TWO-THIRDS OF BOTH HOUSES ACCORDING TO THE  
8 RULES AND LIMITATIONS PRESCRIBED IN CASE OF A BILL.

9 (2) THAT SECTION 4 OF ARTICLE IV BE AMENDED TO READ:

10 § 4. Lieutenant Governor.

11 †A Lieutenant Governor shall be chosen jointly with the <--  
12 Governor by the casting by each voter of a single vote  
13 applicable to both offices, for the same term, and subject to  
14 the same provisions as the Governor[; he]. Each candidate for <--  
15 Governor, having been nominated under the laws of this  
16 Commonwealth, shall, subject to the approval of the political  
17 party or political body, if any, nominating such candidate,  
18 select a candidate for Lieutenant Governor within such time  
19 before the gubernatorial general election as the General  
20 Assembly shall prescribe by law. A person may not seek election  
21 to both offices simultaneously. The Lieutenant Governor shall be  
22 President of the Senate. As such, [he] the Lieutenant Governor  
23 may vote in case of a tie on any question except the final  
24 passage of a bill or joint resolution, the adoption of a  
25 conference report or the concurrence in amendments made by the  
26 House of Representatives.

27 ~~Section 2. (a) Upon the first passage by the General <--~~  
28 ~~Assembly of this proposed constitutional amendment, the~~  
29 ~~Secretary of the Commonwealth shall proceed immediately to~~  
30 ~~comply with the advertising requirements of section 1 of Article~~

1 ~~XI of the Constitution of Pennsylvania and shall transmit the~~  
2 ~~required advertisements to two newspapers in every county in~~  
3 ~~which such newspapers are published in sufficient time after~~  
4 ~~passage of this proposed constitutional amendment.~~

5 ~~(b) Upon the second passage by the General Assembly of this~~  
6 ~~proposed constitutional amendment, the Secretary of the~~  
7 ~~Commonwealth shall proceed immediately to comply with the~~  
8 ~~advertising requirements of section 1 of Article XI of the~~  
9 ~~Constitution of Pennsylvania and shall transmit the required~~  
10 ~~advertisements to two newspapers in every county in which such~~  
11 ~~newspapers are published in sufficient time after passage of~~  
12 ~~this proposed constitutional amendment. The Secretary of the~~  
13 ~~Commonwealth shall submit this proposed constitutional amendment~~  
14 ~~to the qualified electors of this Commonwealth at the first~~  
15 ~~primary, general or municipal election which meets the~~  
16 ~~requirements of and is in conformance with section 1 of Article~~  
17 ~~XI of the Constitution of Pennsylvania and which occurs at least~~  
18 ~~three months after the proposed constitutional amendment is~~  
19 ~~passed by the General Assembly.~~

20 (3) THAT ARTICLE IV BE AMENDED BY ADDING A SECTION TO READ: <--  
21 § 21. EXECUTIVE ORDERS.

22 AN EXECUTIVE ORDER OR PROCLAMATION BY THE GOVERNOR OR AN  
23 EXECUTIVE AGENCY WITH THE FORCE AND EFFECT OF LAW MAY NOT BE IN  
24 EFFECT FOR MORE THAN 21 DAYS, UNLESS OTHERWISE EXTENDED IN WHOLE  
25 OR IN PART BY CONCURRENT RESOLUTION OF THE GENERAL ASSEMBLY.

26 (4) THAT SECTION 1 OF ARTICLE VII BE AMENDED TO READ:  
27 § 1. QUALIFICATIONS OF ELECTORS.

28 [EVERY CITIZEN 21] ONLY CITIZENS 18 YEARS OF AGE OR OLDER,  
29 POSSESSING THE FOLLOWING QUALIFICATIONS, SHALL BE ENTITLED TO  
30 VOTE AT ALL ELECTIONS SUBJECT, HOWEVER, TO SUCH LAWS REQUIRING

1 AND REGULATING THE REGISTRATION OF ELECTORS AS THE GENERAL  
2 ASSEMBLY MAY ENACT.

3 1. HE OR SHE SHALL HAVE BEEN A CITIZEN OF THE UNITED STATES  
4 AT LEAST ONE MONTH.

5 2. HE OR SHE SHALL HAVE RESIDED IN THE STATE [~~90~~] 30 DAYS  
6 IMMEDIATELY PRECEDING THE ELECTION.

7 3. HE OR SHE SHALL HAVE RESIDED IN THE ELECTION DISTRICT  
8 WHERE HE OR SHE SHALL OFFER TO VOTE AT LEAST [~~60~~] 30 DAYS  
9 IMMEDIATELY PRECEDING THE ELECTION, EXCEPT THAT IF QUALIFIED TO  
10 VOTE IN AN ELECTION DISTRICT PRIOR TO REMOVAL OF RESIDENCE, HE  
11 OR SHE MAY, IF A RESIDENT OF PENNSYLVANIA, VOTE IN THE ELECTION  
12 DISTRICT FROM WHICH HE OR SHE REMOVED HIS OR HER RESIDENCE  
13 WITHIN [~~60~~] 30 DAYS PRECEDING THE ELECTION.

14 4. HE OR SHE SHALL PRESENT VALID IDENTIFICATION PRIOR TO  
15 VOTING, REGARDLESS OF VOTING METHOD. IF AN ELECTOR DOES NOT  
16 POSSESS VALID IDENTIFICATION, HE OR SHE SHALL, UPON REQUEST, BE  
17 FURNISHED WITH A GOVERNMENT-ISSUED IDENTIFICATION AT NO COST TO  
18 THE ELECTOR. FOR PURPOSES OF THIS PARAGRAPH, THE TERM "VALID  
19 IDENTIFICATION" SHALL MEAN ANY UNEXPIRED GOVERNMENT-ISSUED  
20 IDENTIFICATION, UNLESS OTHERWISE AUTHORIZED BY STATUTE.

21 (5) THAT ARTICLE VII BE AMENDED BY ADDING A SECTION TO READ:  
22 § 15. ELECTION AUDITS.

23 THE GENERAL ASSEMBLY SHALL BY STATUTE PROVIDE FOR THE  
24 AUDITING OF ELECTIONS, INCLUDING THE ADMINISTRATION OF  
25 ELECTIONS, CERTIFICATION OF ELECTION MACHINES, THE ACCURACY OF  
26 THE LIST OF REGISTERED VOTERS, THE ADMINISTRATION OF VOTER  
27 REGISTRATION AND ELECTION RESULTS. ELECTION AUDITS SHALL BE  
28 CONDUCTED BY THE AUDITOR GENERAL. IN YEARS WHEN THE AUDITOR  
29 GENERAL STANDS FOR ELECTION TO ANY OFFICE, AN INDEPENDENT  
30 AUDITOR SHALL CONDUCT THE AUDIT.

1 SECTION 2. (A) UPON THE FIRST PASSAGE BY THE GENERAL  
2 ASSEMBLY OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS, THE  
3 SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO  
4 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE  
5 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE  
6 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN  
7 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER  
8 PASSAGE OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS.

9 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THESE  
10 PROPOSED CONSTITUTIONAL AMENDMENTS, THE SECRETARY OF THE  
11 COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE  
12 ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE XI OF THE  
13 CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED  
14 ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH  
15 NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF  
16 THESE PROPOSED CONSTITUTIONAL AMENDMENTS. THE SECRETARY OF THE  
17 COMMONWEALTH SHALL:

18 (1) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER  
19 SECTION 1(1) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF  
20 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST  
21 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
22 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF  
23 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH  
24 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED  
25 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

26 (2) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER  
27 SECTION 1(2) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF  
28 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST  
29 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
30 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF

1 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH  
2 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED  
3 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

4 (3) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER  
5 SECTION 1(3) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF  
6 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST  
7 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
8 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF  
9 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH  
10 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED  
11 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

12 (4) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER  
13 SECTION 1(4) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF  
14 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST  
15 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
16 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF  
17 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH  
18 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED  
19 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

20 (5) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER  
21 SECTION 1(5) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF  
22 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST  
23 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
24 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF  
25 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH  
26 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED  
27 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.