

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1355 Session of
1979

INTRODUCED BY GOEBEL, KUKOVICH, WILLIAMS AND BROWN, MAY 22, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 22, 1979

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, providing for a unicameral Legislature and
3 providing for the powers and duties of an unicameral
4 Legislature.

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

7 Section 1. The following amendments to the Constitution of
8 the Commonwealth of Pennsylvania are proposed in accordance with
9 the provisions of Article XI thereof:

10 (1) That sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13,
11 14, 15, 16 and 17 of Article II be amended to read:

12 § 1. Legislative power.

13 (a) The legislative power of this Commonwealth shall be
14 vested in a General Assembly[, which shall consist of a Senate
15 and a House of Representatives] consisting of one chamber.

16 (b) All authority vested by the Constitution and the Laws of
17 the Commonwealth of Pennsylvania in the Senate and the House of
18 Representatives shall be and hereby is vested in the General
19 Assembly. All references to the Speaker of the House of

1 Representatives or the President pro tempore of the Senate shall
2 mean the Speaker of the General Assembly. All references to the
3 Clerk of the House of Representatives or the Secretary of the
4 Senate shall mean the Clerk of the General Assembly. Whenever
5 any provision of the Constitution requires the submission of any
6 matter to, or action by, the House of Representatives or the
7 Senate, or a joint session thereof, or the members of either
8 body or both bodies, it shall be construed to mean the General
9 Assembly herein provided for.

10 § 2. Election of members; vacancies.

11 [Members] Delegates of the General Assembly shall be chosen
12 at the [general] municipal election every [second] fourth year.
13 Their term of service shall begin on the first day of December
14 next after their election. Whenever a vacancy shall occur [in
15 either House], the [presiding officer thereof] Speaker of the
16 General Assembly shall issue a writ of election to fill such
17 vacancy for the remainder of the term.

18 § 3. Terms of members.

19 [Senators] Delegates shall be elected for the term of four
20 years [and Representatives for the term of two years].

21 § 4. Sessions.

22 The General Assembly shall be a continuing body during the
23 term for which its [Representatives] delegates are elected. It
24 shall meet at 12 o'clock noon on the first Tuesday of January
25 each year. Special sessions shall be called by the Governor on
26 petition of a majority of the [members elected to each House]
27 delegates elected to the General Assembly or may be called by
28 the Governor whenever in his opinion the public interest
29 requires.

30 § 5. Qualifications of members.

1 [Senators] Delegates shall be at least [25 years of age and
2 Representatives] 21 years of age. They shall have been citizens
3 and inhabitants of the State four years, and inhabitants of
4 their respective districts one year next before their election
5 (unless absent on the public business of the United States or of
6 this State), and shall reside in their respective districts
7 during their terms of service.

8 § 6. Disqualification to hold other office.

9 No [Senator or Representative] delegate shall, during the
10 time for which [he] such delegate was elected, be appointed to
11 any civil office under this Commonwealth to which a salary, fee
12 or perquisite is attached. No member of Congress or other person
13 holding any office (except of attorney-at-law or in the National
14 Guard or in a reserve component of the armed forces of the
15 United States) under the United States or this Commonwealth to
16 which a salary, fee or perquisite is attached shall be a [member
17 of either House during his] delegate of the General Assembly
18 during continuance in office.

19 § 8. Compensation.

20 The [members] delegates of the General Assembly shall receive
21 such salary and mileage for regular and special sessions as
22 shall be fixed by law, and no other compensation whatever,
23 whether for service upon committee or otherwise. No [member of
24 either House] delegate of the General Assembly shall during the
25 term for which [he] such delegate may have been elected, receive
26 any increase of salary, or mileage, under any law passed during
27 such term.

28 § 9. Election of officers; judge of election and qualifications
29 of members.

30 The [Senate] General Assembly shall, at the beginning and

1 close of each regular session and at such other times as may be
2 necessary, elect one of its [members President pro tempore]
3 delegates as Speaker of the General Assembly, who shall perform
4 the duties of the Lieutenant Governor, in any case of absence or
5 disability of that officer, and whenever the said office of
6 Lieutenant Governor shall be vacant. The [House of
7 Representatives shall elect one of its members as Speaker. Each
8 House] General Assembly shall choose its other officers, and
9 shall judge of the election and qualifications of its [members]
10 delegates.

11 § 10. Quorum.

12 A majority of [each House] the General Assembly shall
13 constitute a quorum, but a smaller number may adjourn from day
14 to day and compel the attendance of absent [members] delegates.

15 § 11. Powers of [each house] the General Assembly; expulsion.

16 [Each House] The General Assembly shall have power to
17 determine the rules of its proceedings and punish its [members]
18 delegates or other persons for contempt or disorderly behavior
19 in its presence, to enforce obedience to its process, to protect
20 its [members] delegates against violence or offers of bribes or
21 private solicitation, and, with the concurrence of two-thirds,
22 to expel a [member] delegate, but not a second time for the same
23 cause, and shall have all other powers necessary for the
24 Legislature of a free State. A [member] delegate expelled for
25 corruption shall not thereafter be eligible [to either House] to
26 the General Assembly, and punishment for contempt or disorderly
27 behavior shall not bar an indictment for the same offense.

28 § 12. Journals; yeas and nays.

29 [Each House] The General Assembly shall keep a journal of its
30 proceedings and from time to time publish the same, except such

1 parts as require secrecy, and the yeas and nays of the [members]
2 delegates on any question shall, at the desire of any two of
3 them, be entered on the journal.

4 § 13. Open sessions.

5 The sessions of [each House] the General Assembly and of
6 committees of the whole shall be open, unless when the business
7 is such as ought to be kept secret.

8 [§ 14. Adjournments.

9 Neither House shall, without the consent of the other,
10 adjourn for more than three days, nor to any other place than
11 that in which the two Houses shall be sitting.]

12 § 15. Privileges of members.

13 The [members] delegates of the General Assembly shall in all
14 cases, except treason, felony, violation of their oath of
15 office, and breach or surety of the peace, be privileged from
16 arrest during their attendance at the sessions [of their
17 respective Houses] of the General Assembly and in going to and
18 returning from the same; and for any speech or debate in [either
19 House] the General Assembly they shall not be questioned in any
20 other place.

21 § 16. Legislative districts.

22 The Commonwealth shall be divided into [50 senatorial and 203
23 representative] 150 assembly districts, which shall be composed
24 of compact and contiguous territory as nearly equal in
25 population as practicable. Each [senatorial] assembly district
26 shall elect one [Senator, and each representative district one
27 Representative] delegate. Unless absolutely necessary no county,
28 city, incorporated town, borough, township or ward shall be
29 divided in forming [either a senatorial or representative] an
30 assembly district.

1 § 17. Legislative Reapportionment Commission.

2 (a) In each year following that in which the Federal
3 decennial census is officially reported as required by Federal
4 law, a Legislative Reapportionment Commission shall be
5 constituted for the purpose of reapportioning the Commonwealth.
6 The commission shall act by a majority of its entire membership.

7 (b) The commission shall consist of [five] three members:
8 [four] one of whom shall be the majority leader and one of whom
9 shall be a minority [leaders] leader [of both the Senate and the
10 House of Representatives,] or their deputies appointed by each
11 of them[, and a chairman selected as hereinafter provided] of
12 the General Assembly and a chairman selected as hereinafter
13 provided. No later than the fourth Monday in January of the year
14 following the year in which the Federal decennial census is
15 officially reported as required by Federal law, the [four] two
16 members shall be certified by the [President pro tempore of the
17 Senate and the] Speaker of the [House of Representatives]
18 General Assembly to the elections officer of the Commonwealth
19 who under law shall have supervision over elections.

20 The [four] two members within 45 days after their
21 certification shall select the [fifth] third member, who shall
22 serve as chairman of the commission, and shall immediately
23 certify his name to such elections officer. The chairman shall
24 be a citizen of the Commonwealth other than a local, State or
25 Federal official holding an office to which compensation is
26 attached.

27 If the [four] two members fail to select the [fifth] third
28 member within the time prescribed, a majority of the entire
29 membership of the Supreme Court within 30 days thereafter shall
30 appoint the chairman as aforesaid and certify [his] the

1 appointment to such elections officer.

2 Any vacancy in the commission shall be filled within 15 days
3 in the same manner in which such position was originally filled.

4 (c) No later than 90 days after either the commission has
5 been duly certified or the population data for the Commonwealth
6 as determined by the Federal decennial census are available,
7 whichever is later in time, the commission shall file a
8 preliminary reapportionment plan with such elections officer.

9 The commission shall have 30 days after filing the
10 preliminary plan to make corrections in the plan.

11 Any person aggrieved by the preliminary plan shall have the
12 same 30-day period to file exceptions with the commission in
13 which case the commission shall have 30 days after the date the
14 exceptions were filed to prepare and file with such elections
15 officer a revised reapportionment plan. If no exceptions are
16 filed within 30 days, or if filed and acted upon, the
17 commissions's plan shall be final and have the force of law.

18 (d) Any aggrieved person may file an appeal from the final
19 plan directly to the Supreme Court within 30 days after the
20 filing thereof. If the appellant establishes that the final plan
21 is contrary to law, the Supreme Court shall issue an order
22 remanding the plan to the commission and directing the
23 commission to reapportion the Commonwealth in a manner not
24 inconsistent with such order.

25 (e) When the Supreme Court has finally decided an appeal or
26 when the last day for filing an appeal has passed with no appeal
27 taken, the reapportionment plan shall have the force of law and
28 the districts therein provided shall be used thereafter in
29 elections to the General Assembly until the next reapportionment
30 as required under this section 17.

1 (f) The General Assembly shall appropriate sufficient funds
2 for the compensation and expenses of members and staff appointed
3 by the commission, and other necessary expenses. The members of
4 the commission shall be entitled to such compensation for their
5 services as the General Assembly from time to time shall
6 determine, but no part thereof shall be paid until a preliminary
7 plan is filed. If a preliminary plan is filed but the commission
8 fails to file a revised or final plan within the time
9 prescribed, the commission members shall forfeit all right to
10 compensation not paid.

11 (g) If a preliminary, revised or final reapportionment plan
12 is not filed by the commission within the time prescribed by
13 this section, unless the time be extended by the Supreme Court
14 for cause shown, the Supreme Court shall immediately proceed on
15 its own motion to reapportion the Commonwealth.

16 (h) Any reapportionment plan filed by the commission, or
17 ordered or prepared by the Supreme Court upon the failure of the
18 commission to act, shall be published by the elections officer
19 once in at least one newspaper of general circulation in [each
20 senatorial and representative] assembly district. The
21 publication shall contain a map of the Commonwealth showing the
22 complete reapportionment of the General Assembly by districts,
23 and a map showing the reapportionment districts in the area
24 normally served by the newspaper in which the publication is
25 made. The publication shall also state the population of the
26 [senatorial and representative] assembly districts having the
27 smallest and largest population and the percentage variation of
28 such districts from the average population for [senatorial and
29 representative] assembly districts.

30 (2) That sections 1, 2, 4, 5, 8, 9, 10, 13, 17, 20 and 30 of

1 Article III be amended to read:

2 § 1. Passage of laws.

3 No law shall be passed except by bill, and no bill shall be
4 so altered or amended, on its passage through [either House] the
5 General Assembly, as to change its original purpose.

6 § 2. Reference to committee; printing.

7 No bill shall be considered unless referred to a committee,
8 printed for the use of the [members] delegates and returned
9 therefrom.

10 § 4. Consideration of bills.

11 Every bill shall be considered on three different days [in
12 each House]. All amendments made thereto shall be printed for
13 the use of the [members] delegates before the final vote is
14 taken on the bill and before the final vote is taken, upon
15 written request addressed to the [presiding officer of either
16 House] Speaker of the General Assembly by at least 25% of the
17 [members] delegates elected to [that House] the General
18 Assembly, any bill shall be read at length in [that House] the
19 General Assembly. No bill shall become a law, unless on its
20 final passage the vote is taken by yeas and nays, the names of
21 the persons voting for and against it are entered on the
22 journal, and a majority of the [members elected to each House]
23 delegates elected to the General Assembly is recorded thereon as
24 voting in its favor.

25 [§ 5. Concurring in amendments; conference committee reports.

26 No amendment to bills by one House shall be concurred in by
27 the other, except by the vote of a majority of the members
28 elected thereto, taken by yeas and nays, and the names of those
29 voting for and against recorded upon the journal thereof; and
30 reports of committees of conference shall be adopted in either

1 House only by the vote of a majority of the members elected
2 thereto, taken by yeas and nays, and the names of those voting
3 recorded upon the journals.]

4 § 8. Signing of bills.

5 The [presiding officer of each House] speaker shall, in the
6 presence of the [House] General Assembly over which [he] the
7 speaker presides, sign all bills and joint resolutions passed by
8 the General Assembly, after their titles have been publicly read
9 immediately before signing; and the fact of signing shall be
10 entered on the journal.

11 § 9. Action on concurrent orders and resolutions.

12 Every order, resolution or vote, [to which the concurrence of
13 both Houses may be necessary,] except on the question of
14 adjournment, shall be presented to the Governor and before it
15 shall take effect be approved by him, or being disapproved,
16 shall be repassed by two-thirds of [both Houses] the General
17 Assembly according to the rules and limitations prescribed in
18 case of a bill.

19 [§ 10. Revenue bills.

20 All bills for raising revenue shall originate in the House of
21 Representatives, but the Senate may propose amendments as in
22 other bills.]

23 § 13. Vote denied [members] delegates with personal interest.

24 A [member] delegate who has a personal or private interest in
25 any measure or bill proposed or pending before the General
26 Assembly shall disclose the fact [to the House of which he is a
27 member], and shall not vote thereon.

28 § 17. Appointment of legislative officers and employees.

29 The General Assembly shall prescribe by law the number,
30 duties and compensation of the officers and employees of [each

1 House] the General Assembly, and no payment shall be made from
2 the State Treasury, or be in any way authorized, to any person,
3 except to an acting officer or employee elected or appointed in
4 pursuance of law.

5 § 20. Classification of municipalities.

6 The [Legislature] General Assembly shall have power to
7 classify counties, cities, boroughs, school districts, and
8 townships according to population, and all laws passed relating
9 to each class, and all laws passed relating to, and regulating
10 procedure and proceedings in court with reference to, any class,
11 shall be deemed general legislation within the meaning of this
12 Constitution.

13 § 30. Charitable and educational appropriations.

14 No appropriation shall be made to any charitable or
15 educational institution not under the absolute control of the
16 Commonwealth, other than normal schools established by law for
17 the professional training of teachers for the public schools of
18 the State, except by a vote of two-thirds of all the [members
19 elected to each House] delegates elected to the General
20 Assembly.

21 (3) That sections 2, 4, 8, 9, 12, 14 and 15 of Article IV be
22 amended to read:

23 § 2. Duties of Governor; election procedure; tie or contest.

24 The supreme executive power shall be vested in the Governor,
25 who shall take care that the laws be faithfully executed; he
26 shall be chosen on the day of the general election, by the
27 qualified electors of the Commonwealth, at the places where they
28 shall vote for [Representatives] delegates. The returns of every
29 election for Governor shall be sealed up and transmitted to the
30 seat of government, directed to the [President of the Senate]

1 Speaker of the General Assembly, who shall open and publish them
2 in the presence of the [members of both Houses] delegates of the
3 General Assembly. The person having the highest number of votes
4 shall be Governor, but if two or more be equal and highest in
5 votes, one of them shall be chosen Governor by the [joint] vote
6 of the [members of both Houses] delegates of the General
7 Assembly. Contested elections shall be determined by a
8 committee, to be selected from [both Houses of] the General
9 Assembly, and formed and regulated in such manner as shall be
10 directed by law.

11 § 4. Lieutenant Governor.

12 A Lieutenant Governor shall be chosen jointly with the
13 Governor by the casting by each voter of a single vote
14 applicable to both offices, for the same term, and subject to
15 the same provisions as the Governor[; he shall be President of
16 the Senate. As such, he may vote in case of a tie on any
17 question except the final passage of a bill or joint resolution,
18 the adoption of a conference report or the concurrence in
19 amendments made by the House of Representatives].

20 § 8. Appointing power.

21 (a) The Governor shall appoint a Secretary of Education and
22 such other officers as he shall be authorized by law to appoint.
23 The appointment of the Secretary of Education and of such other
24 officers as may be specified by law, shall be subject to the
25 consent of two-thirds or a majority of the [members elected to
26 the Senate] delegates elected to the General Assembly as is
27 specified by law.

28 (b) The Governor shall fill vacancies in offices to which he
29 appoints by nominating to the [Senate] General Assembly a proper
30 person to fill the vacancy within 90 days of the first day of

1 the vacancy and not thereafter. The [Senate] General Assembly
2 shall act on each executive nomination within 25 legislative
3 days of its submission. If the [Senate] General Assembly has not
4 voted upon a nomination within 15 legislative days following
5 such submission, any five [members of the Senate] delegates of
6 the General Assembly may, in writing, request the [presiding
7 officer of the Senate] Speaker of the General Assembly to place
8 the nomination before the entire [Senate body] General Assembly
9 whereby the nomination must be voted upon prior to the
10 expiration of five legislative days or 25 legislative days
11 following submission by the Governor, whichever occurs first. If
12 the nomination is made during a recess or after adjournment sine
13 die, the [Senate] General Assembly shall act upon it within 25
14 legislative days after its return or reconvening. If the
15 [Senate] General Assembly for any reason fails to act upon a
16 nomination submitted to it within the required 25 legislative
17 days, the nominee shall take office as if the appointment had
18 been consented to by the [Senate] General Assembly. The Governor
19 shall in a similar manner fill vacancies in the offices of
20 Auditor General, State Treasurer, justice, judge, justice of the
21 peace and in any other elective office he is authorized to fill.
22 In the case of a vacancy in an elective office, a person shall
23 be elected to the office on the next election day appropriate to
24 the office unless the first day of the vacancy is within two
25 calendar months immediately preceding the election day in which
26 case the election shall be held on the second succeeding
27 election day appropriate to the office.

28 (c) In acting on executive nominations, the [Senate] General
29 Assembly shall sit with open doors. The votes shall be taken by
30 yeas and nays and shall be entered on the journal.

1 § 9. Pardoning power; Board of Pardons.

2 (a) In all criminal cases except impeachment the Governor
3 shall have power to remit fines and forfeitures, to grant
4 reprieves, commutation of sentences and pardons; but no pardon
5 shall be granted, nor sentence commuted, except on the
6 recommendation in writing of a majority of the Board of Pardons,
7 after full hearing in open session, upon due public notice. The
8 recommendation, with the reasons therefor at length, shall be
9 delivered to the Governor and a copy thereof shall be kept on
10 file in the office of the Lieutenant Governor in a docket kept
11 for that purpose.

12 (b) The Board of Pardons shall consist of the Lieutenant
13 Governor who shall be chairman, the Attorney General and three
14 members appointed by the Governor with the consent of two-thirds
15 or a majority of the [members elected to the Senate] delegates
16 of the General Assembly as is specified by law for terms of six
17 years. The three members appointed by the Governor shall be
18 residents of Pennsylvania and shall be recognized leaders in
19 their fields; one shall be a member of the bar, one a
20 penologist, and the third a doctor of medicine, psychiatrist or
21 psychologist. The board shall keep records of its actions, which
22 shall at all times be open for public inspection.

23 § 12. Power to convene and adjourn the General Assembly.

24 He may, on extraordinary occasions, convene the General
25 Assembly [, and in case of disagreement between the two Houses,
26 with respect to the time of adjournment, adjourn them to such
27 time as he shall think proper, not exceeding four months. He
28 shall have power to convene the Senate in extraordinary session
29 by proclamation for the transaction of Executive business].

30 § 14. Vacancy in office of Lieutenant Governor.

1 In case of the death, conviction on impeachment, failure to
2 qualify or resignation of the Lieutenant Governor, or in case he
3 should become Governor under section 13 of this article, the
4 [President pro tempore of the Senate] Speaker of the General
5 Assembly shall become Lieutenant Governor for the remainder of
6 the term. In case of the disability of the Lieutenant Governor,
7 the powers, duties and emoluments of the office shall devolve
8 upon the [President pro tempore of the Senate] Speaker of the
9 General Assembly until the disability is removed. Should there
10 be no Lieutenant Governor, the [President pro tempore of the
11 Senate] Speaker of the General Assembly shall become Governor if
12 a vacancy shall occur in the office of Governor and in case of
13 the disability of the Governor, the powers, duties and
14 emoluments of the office shall devolve upon the [President pro
15 tempore of the Senate] Speaker of the General Assembly until the
16 disability is removed. [His seat as Senator] The speaker's seat
17 as delegate shall become vacant whenever he shall become
18 Governor and shall be filled by election as any other vacancy in
19 the [Senate] General Assembly.

20 § 15. Approval of bills; vetoes.

21 Every bill which shall have passed [both Houses] the General
22 Assembly shall be presented to the Governor; if he approves he
23 shall sign it, but if he shall not approve he shall return it
24 with his objections to [the House in which it shall have
25 originated, which House] the General Assembly which shall enter
26 the objections at large upon their journal, and proceed to re-
27 consider it. If after such re-consideration, two-thirds of all
28 the [members] delegates elected to [that House] the General
29 Assembly shall agree to pass the bill, [it shall be sent with
30 the objections to the other House by which likewise it shall be

1 re-considered, and if approved by two-thirds of all the members
2 elected to that House] it shall be a law; but in such cases the
3 votes of [both Houses] the General Assembly shall be determined
4 by yeas and nays, and the names of the [members] delegates
5 voting for and against the bill shall be entered on the
6 [journals of each House, respectively] journal. If any bill
7 shall not be returned by the Governor within ten days after it
8 shall have been presented to him, the same shall be a law in
9 like manner as if he had signed it, unless the General Assembly,
10 by their adjournment, prevent its return, in which case it shall
11 be a law, unless he shall file the same, with his objections, in
12 the office of the Secretary of the Commonwealth, and give notice
13 thereof by public proclamation within 30 days after such
14 adjournment.

15 (4) That sections 13, 14, 15 and subsection (n) of section
16 18 of Article V be amended to read:

17 § 13. Election of justices, judges and justices of the peace;
18 vacancies.

19 (a) Justices, judges and justices of the peace shall be
20 elected at the municipal election next preceding the
21 commencement of their respective terms of office by the electors
22 of the Commonwealth or the respective districts in which they
23 are to serve.

24 (b) A vacancy in the office of justice, judge or justice of
25 the peace shall be filled by appointment by the Governor. The
26 appointment shall be with the advice and consent of two-thirds
27 of the members elected to the [Senate] General Assembly, except
28 in the case of justices of the peace which shall be by a
29 majority. The person so appointed shall serve for a term ending
30 on the first Monday of January following the next municipal

1 election more than ten months after the vacancy occurs or for
2 the remainder of the unexpired term whichever is less.

3 (c) The provisions of section 13 (b) shall not apply either
4 in the case of a vacancy to be filled by retention election as
5 provided in section 15 (b), or in the case of a vacancy created
6 by failure of a justice or judge to file a declaration for
7 retention election as provided in section 15 (b). In the case of
8 a vacancy occurring at the expiration of an appointive term
9 under section 13 (b), the vacancy shall be filled by election as
10 provided in section 13 (a).

11 [(d) At the primary election in 1969, the electors of the
12 Commonwealth may elect to have the justices and judges of the
13 Supreme, Superior, Commonwealth and all other statewide courts
14 appointed by the Governor from a list of persons qualified for
15 the offices submitted to him by the Judicial Qualifications
16 Commission. If a majority vote of those voting on the question
17 is in favor of this method of appointment, then whenever any
18 vacancy occurs thereafter for any reason in such court, the
19 Governor shall fill the vacancy by appointment in the manner
20 prescribed in this subsection. Such appointment shall not
21 require the consent of the Senate.

22 (e) Each justice or judge appointed by the Governor under
23 section 13 (d) shall hold office for an initial term ending the
24 first Monday of January following the next municipal election
25 more than 24 months following the appointment.]

26 [§ 14. Judicial Qualifications Commission.

27 (a) Should the method of judicial selection be adopted as
28 provided in section 13 (d), there shall be a Judicial
29 Qualifications Commission, composed of four non-lawyer electors
30 appointed by the Governor and three non-judge members of the bar

1 of the Supreme Court appointed by the Supreme Court. No more
2 than four members shall be of the same political party. The
3 members of the commission shall serve for terms of seven years,
4 with one member being selected each year. The commission shall
5 consider all names submitted to it and recommend to the Governor
6 not fewer than ten nor more than 20 of those qualified for each
7 vacancy to be filled.

8 (b) During his term, no member shall hold a public office or
9 public appointment for which he receives compensation, nor shall
10 he hold office in a political party or political organization.

11 (c) A vacancy on the commission shall be filled by the
12 appointing authority for the balance of the term.]

13 § 15. Tenure of justices, judges and justices of the peace.

14 (a) The regular term of office of justices and judges shall
15 be ten years and the regular term of office for judges of the
16 municipal court and traffic court in the City of Philadelphia
17 and of justices of the peace shall be six years. The tenure of
18 any justice or judge shall not be affected by changes in
19 judicial districts or by reduction in the number of judges.

20 (b) A justice or judge elected under section 13 (a)[,
21 appointed under section 13 (d)] or retained under this section
22 15 (b) may file a declaration of candidacy for retention
23 election with the officer of the Commonwealth who under law
24 shall have supervision over elections on or before the first
25 Monday of January of the year preceding the year in which his
26 term of office expires. If no declaration is filed, a vacancy
27 shall exist upon the expiration of the term of office of such
28 justice or judge, to be filled by election under section 13 (a)
29 [or by appointment under section 13 (d) if applicable]. If a
30 justice or judge files a declaration, his name shall be

1 submitted to the electors without party designation, on a
2 separate judicial ballot or in a separate column on voting
3 machines, at the municipal election immediately preceding the
4 expiration of the term of office of the justice or judge, to
5 determine only the question whether he shall be retained in
6 office. If a majority is against retention, a vacancy shall
7 exist upon the expiration of his term of office, to be filled by
8 appointment under section 13 (b) [or under section 13 (d) if
9 applicable]. If a majority favors retention, the justice or
10 judge shall serve for the regular term of office provided
11 herein, unless sooner removed or retired. At the expiration of
12 each term a justice or judge shall be eligible for retention as
13 provided herein, subject only to the retirement provisions of
14 this article.

15 § 18. Suspension, removal, discipline and compulsory
16 retirement.

17 * * *

18 (n) This section is in addition to and not in substitution
19 for the provisions for impeachment for misbehavior in office
20 contained in Article VI. No justice, judge or justice of the
21 peace against whom impeachment proceedings are pending in the
22 [Senate] General Assembly shall exercise any of the duties of
23 his office until he has been acquitted.

24 (5) That sections 3, 4, 5 and 7 of Article VI be amended to
25 read:

26 § 3. Oath of office.

27 [Senators, Representatives] Delegates of the General Assembly
28 and all judicial, State and county officers shall, before
29 entering on the duties of their respective offices, take and
30 subscribe the following oath or affirmation before a person

1 authorized to administer oaths.

2 "I do solemnly swear (or affirm) that I will support, obey
3 and defend the Constitution of the United States and the
4 Constitution of this Commonwealth and that I will discharge the
5 duties of my office with fidelity."

6 The oath or affirmation shall be administered to [a member of
7 the Senate or to a member of the House of Representatives in the
8 hall of the House to which he shall have been elected] the
9 delegates of the General Assembly in the hall of the General
10 Assembly.

11 Any person refusing to take the oath or affirmation shall
12 forfeit his office.

13 § 4. Power of impeachment.

14 The [House of Representatives] General Assembly shall have
15 the sole power of impeachment.

16 § 5. Trial of impeachments.

17 All impeachments shall be tried by the [Senate] Supreme
18 Court. When sitting for that purpose the [Senators] Justices
19 shall be upon oath or affirmation. No person shall be convicted
20 without the concurrence of two-thirds of the [members] Justices
21 present.

22 § 7. Removal of civil officers.

23 All civil officers shall hold their offices on the condition
24 that they behave themselves well while in office, and shall be
25 removed on conviction of misbehavior in office or of any
26 infamous crime. Appointed civil officers, other than judges of
27 the courts of record, may be removed at the pleasure of the
28 power by which they shall have been appointed. All civil
29 officers elected by the people, except the Governor, the
30 Lieutenant Governor, [members] delegates of the General Assembly

1 and judges of the courts of record, shall be removed by the
2 Governor for reasonable cause, after due notice and full
3 hearing, on the address of two-thirds of the [Senate] General
4 Assembly.

5 (6) That sections 2, 3 and 14 of Article VII be amended to
6 read:

7 § 2. General election day.

8 The general election shall be held biennially on the Tuesday
9 next following the first Monday of November in each even-
10 numbered year, but the General Assembly may by law fix a
11 different day, two-thirds of all the [members of each House]
12 delegates of the General Assembly consenting thereto: Provided,
13 That such election shall always be held in an even-numbered
14 year.

15 § 3. Municipal election day; offices to be filled on election
16 days.

17 All judges elected by the electors of the State at large may
18 be elected at either a general or municipal election, as
19 circumstances may require. All elections for delegates of the
20 General Assembly, judges of the courts for the several judicial
21 districts, and for county, city, ward, borough, and township
22 officers, for regular terms of service, shall be held on the
23 municipal election day; namely, the Tuesday next following the
24 first Monday of November in each odd-numbered year, but the
25 General Assembly may by law fix a different day, two-thirds of
26 all the [members of each House] delegates of the General
27 Assembly consenting thereto: Provided, That such elections shall
28 be held in an odd-numbered year: Provided further, That all
29 judges for the courts of the several judicial districts holding
30 office at the present time, whose terms of office may end in an

1 odd-numbered year, shall continue to hold their offices until
2 the first Monday of January in the next succeeding even-numbered
3 year.

4 § 14. Absentee voting.

5 The [Legislature] General Assembly shall, by general law,
6 provide a manner in which, and the time and place at which,
7 qualified electors who may, on the occurrence of any election,
8 be absent from the State or county of their residence, because
9 their duties, occupation or business require them to be
10 elsewhere or who, on the occurrence of any election, are unable
11 to attend at their proper polling places because of illness or
12 physical disability, may vote, and for the return and canvass of
13 their votes in the election district in which they respectively
14 reside.

15 (7) That section 1 of Article XI be amended to read:

16 § 1. Proposal of amendments by the General Assembly and their
17 adoption.

18 Amendments to this Constitution may be proposed in the
19 [Senate or House of Representatives] General Assembly; and if
20 the same shall be agreed to by a majority of the [members]
21 delegates elected [to each House] thereto, such proposed
22 amendment or amendments shall be entered on [their journals] the
23 journal with the yeas and nays taken thereon, and the Secretary
24 of the Commonwealth shall cause the same to be published three
25 months before the next general election, in at least two
26 newspapers in every county in which such newspapers shall be
27 published; and if, in the General Assembly next afterwards
28 chosen, such proposed amendment or amendments shall be agreed to
29 by a majority of the [members] delegates elected [to each House]
30 thereto, the Secretary of the Commonwealth shall cause the same

1 again to be published in the manner aforesaid; and such proposed
2 amendment or amendments shall be submitted to the qualified
3 electors of the State in such manner, and at such time at least
4 three months after being so agreed [to by the two Houses] and,
5 as the General Assembly shall prescribe; and, if such amendment
6 or amendments shall be approved by a majority of those voting
7 thereon, such amendment or amendments shall become a part of the
8 Constitution; but no amendment or amendments shall be submitted
9 oftener than once in five years. When two or more amendments
10 shall be submitted they shall be voted upon separately.

11 (a) In the event a major emergency threatens or is about to
12 threaten the Commonwealth and if the safety or welfare of the
13 Commonwealth requires prompt amendment of this Constitution,
14 such amendments to this Constitution may be proposed [in the
15 Senate or House of Representatives] in the General Assembly at
16 any regular or special session of the General Assembly, and if
17 agreed to by at least two-thirds of the [members elected to each
18 House] delegates elected thereto, a proposed amendment shall be
19 entered on the journal [of each House] with the yeas and nays
20 taken thereon and the official in charge of statewide elections
21 shall promptly publish such proposed amendment in at least two
22 newspapers in every county in which such newspapers are
23 published. Such amendment shall then be submitted to the
24 qualified electors of the Commonwealth in such manner, and at
25 such time, at least one month after being agreed to by [both
26 Houses] and as the General Assembly prescribes.

27 (b) If an emergency amendment is approved by a majority of
28 the qualified electors voting thereon, it shall become part of
29 this Constitution. When two or more emergency amendments are
30 submitted they shall be voted on separately.

Schedule:

The foregoing amendments to the Constitution of the Commonwealth of Pennsylvania if approved by the electorate, shall take effect immediately and shall be implemented after reapportionment by selecting delegates for the General Assembly Session of 1984 at the elections to be held in 1983 or by selecting delegates at the appropriate elections for a session to begin 20 months after the approval of the electorate, whichever date is later.

Section 2. These proposed amendments shall be submitted by the Secretary of the Commonwealth to the qualified electors of the State at the municipal election or general election next held after the advertising requirements of Article XI of the Constitution of the Commonwealth of Pennsylvania have been satisfied.