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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 105      Session of  
1997

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INTRODUCED BY NAILOR, NICKOL, MASLAND, TULLI, LYNCH, FLICK,  
KREBS, COWELL, CLARK, PLATTS, ARMSTRONG, RUBLEY, ALLEN,  
E. Z. TAYLOR, FICHTER, CORRIGAN, STEIL, ARGALL, EGOLF, WAUGH,  
MILLER, BOSCOLA AND DALEY, JANUARY 28, 1997

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 28, 1997

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A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, further providing for oaths of office.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby resolves as follows:

5 Section 1. The following amendment to the Constitution of  
6 Pennsylvania is proposed in accordance with Article XI:

7 That section 3 of Article VI be amended to read:

8 § 3. Oath of office.

9 Senators, Representatives and all judicial, State and county  
10 officers shall, before entering on the duties of their  
11 respective offices, take and subscribe the following oath or  
12 affirmation before a person authorized to administer oaths.

13 "I do solemnly swear (or affirm) that I will support, obey  
14 and defend the Constitution of the United States and the  
15 Constitution of this Commonwealth and that I will discharge the  
16 duties of my office with fidelity."

1       The oath or affirmation shall be administered to a member of  
2 the Senate or to a member of the House of Representatives in the  
3 hall of the House to which he shall have been elected[.] when  
4 that House is in session. If the House has not returned to  
5 session since the issuance of a certificate of election for a  
6 special election and the deadline for filing an election contest  
7 has expired, a justice or a judge may administer the oath of  
8 office to a member-elect of the Senate or House anywhere in this  
9 Commonwealth if the member-elect presents an election  
10 certificate and an affidavit stating that the special election  
11 is not the subject of a judicial challenge and stating that the  
12 member-elect has provided the offices of the presiding officer  
13 and the minority leader with at least 48 hours' written notice  
14 of the date and location of the taking of the oath of office and  
15 the name of the judge or justice administering the oath. The  
16 member elected in such special election may be sworn and  
17 qualified outside the presence of the presiding officer, and the  
18 taking of the oath shall qualify such member as a Senator or  
19 Representative. Nothing in this section shall preclude each  
20 House from subsequently judging the election or qualifications  
21 of such member.

22       Any person refusing to take the oath or affirmation shall  
23 forfeit his office.

24       Section 2. (a) Upon the first passage by the General  
25 Assembly of this proposed constitutional amendment, the  
26 Secretary of the Commonwealth shall proceed immediately to  
27 comply with the advertising requirements of section 1 of Article  
28 XI of the Constitution of Pennsylvania and shall transmit the  
29 required advertisements to two newspapers in every county in  
30 which such newspapers are published in sufficient time after

1 passage of this proposed constitutional amendment.

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