

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 324 Session of  
2013

INTRODUCED BY VOGEL, KASUNIC, ERICKSON, TOMLINSON, VULAKOVICH,  
BROWNE, WHITE, FERLO, SOLOBAY, YUDICHAK, WAUGH, BOSCOLA,  
ALLOWAY, BRUBAKER, TEPLITZ, PILEGGI, BREWSTER AND SMITH,  
JANUARY 25, 2013

SENATOR SMUCKER, STATE GOVERNMENT, AS AMENDED, JUNE 3, 2014

A JOINT RESOLUTION

1 Proposing ~~an amendment~~ INTEGRATED AMENDMENTS AND SEPARATE AND <--  
2 DISTINCT AMENDMENTS to the Constitution of the Commonwealth  
3 of Pennsylvania, ABOLISHING THE OFFICE OF LIEUTENANT <--  
4 GOVERNOR; reducing the size of the General Assembly; AND <--  
5 REDUCING THE SIZE OF THE SUPREME COURT AND THE SUPERIOR  
6 COURT.

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 16 of Article II be amended to read:~~

12 ~~§ 16. Legislative districts.~~

13 ~~The Commonwealth shall be divided into [50] 30 senatorial and~~  
14 ~~{203} 121 representative districts, which shall be composed of~~  
15 ~~compact and contiguous territory as nearly equal in population~~  
16 ~~as practicable. Each senatorial district shall elect one~~  
17 ~~Senator, and each representative district one Representative.~~  
18 ~~Unless absolutely necessary no county, city, incorporated town,~~

1 ~~borough, township or ward shall be divided in forming either a~~  
2 ~~senatorial or representative district.~~

3 SECTION 1. THE FOLLOWING INTEGRATED AMENDMENTS TO THE <--  
4 CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH  
5 ARTICLE XI:

6 (1) THAT SECTION 9 OF ARTICLE II BE AMENDED TO READ:  
7 § 9. ELECTION OF OFFICERS; JUDGE OF ELECTION AND QUALIFICATIONS  
8 OF MEMBERS.

9 THE SENATE SHALL, AT THE BEGINNING AND CLOSE OF EACH REGULAR  
10 SESSION AND AT SUCH OTHER TIMES AS MAY BE NECESSARY, ELECT ONE  
11 OF ITS MEMBERS PRESIDENT PRO TEMPORE[, WHO SHALL PERFORM THE  
12 DUTIES OF THE LIEUTENANT GOVERNOR, IN ANY CASE OF ABSENCE OR  
13 DISABILITY OF THAT OFFICER, AND WHENEVER THE SAID OFFICE OF  
14 LIEUTENANT GOVERNOR SHALL BE VACANT]. THE HOUSE OF  
15 REPRESENTATIVES SHALL ELECT ONE OF ITS MEMBERS AS SPEAKER. EACH  
16 HOUSE SHALL CHOOSE ITS OTHER OFFICERS, AND SHALL JUDGE OF THE  
17 ELECTION AND QUALIFICATIONS OF ITS MEMBERS.

18 (2) THAT SECTION 1 OF ARTICLE IV BE AMENDED TO READ:  
19 § 1. EXECUTIVE DEPARTMENT.

20 THE EXECUTIVE DEPARTMENT OF THIS COMMONWEALTH SHALL CONSIST  
21 OF A GOVERNOR, [LIEUTENANT GOVERNOR,] ATTORNEY GENERAL, AUDITOR  
22 GENERAL, STATE TREASURER, AND SUPERINTENDENT OF PUBLIC  
23 INSTRUCTION AND SUCH OTHER OFFICERS AS THE GENERAL ASSEMBLY MAY  
24 FROM TIME TO TIME PRESCRIBE.

25 (3) THAT SECTION 4 OF ARTICLE IV BE AMENDED TO READ:  
26 [§ 4. LIEUTENANT GOVERNOR.

27 A LIEUTENANT GOVERNOR SHALL BE CHOSEN JOINTLY WITH THE  
28 GOVERNOR BY THE CASTING BY EACH VOTER OF A SINGLE VOTE  
29 APPLICABLE TO BOTH OFFICES, FOR THE SAME TERM, AND SUBJECT TO  
30 THE SAME PROVISIONS AS THE GOVERNOR; HE SHALL BE PRESIDENT OF

1 THE SENATE. AS SUCH, HE MAY VOTE IN CASE OF A TIE ON ANY  
2 QUESTION EXCEPT THE FINAL PASSAGE OF A BILL OR JOINT RESOLUTION,  
3 THE ADOPTION OF A CONFERENCE REPORT OR THE CONCURRENCE IN  
4 AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES.]

5 (4) THAT SECTION 5 OF ARTICLE IV BE AMENDED TO READ:

6 § 5. QUALIFICATIONS OF GOVERNOR[, LIEUTENANT GOVERNOR] AND  
7 ATTORNEY GENERAL.

8 NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF GOVERNOR[,  
9 LIEUTENANT GOVERNOR] OR ATTORNEY GENERAL EXCEPT A CITIZEN OF THE  
10 UNITED STATES, WHO SHALL HAVE ATTAINED THE AGE OF 30 YEARS, AND  
11 HAVE BEEN SEVEN YEARS NEXT PRECEDING HIS ELECTION AN INHABITANT  
12 OF THIS COMMONWEALTH, UNLESS HE SHALL HAVE BEEN ABSENT ON THE  
13 PUBLIC BUSINESS OF THE UNITED STATES OR OF THIS COMMONWEALTH. NO  
14 PERSON SHALL BE ELIGIBLE TO THE OFFICE OF ATTORNEY GENERAL  
15 EXCEPT A MEMBER OF THE BAR OF THE SUPREME COURT OF PENNSYLVANIA.

16 (5) THAT SECTION 6 OF ARTICLE IV BE AMENDED TO READ:

17 § 6. DISQUALIFICATION FOR OFFICES OF GOVERNOR[, LIEUTENANT  
18 GOVERNOR] AND ATTORNEY GENERAL.

19 NO MEMBER OF CONGRESS OR PERSON HOLDING ANY OFFICE (EXCEPT OF  
20 ATTORNEY-AT-LAW OR IN THE NATIONAL GUARD OR IN A RESERVE  
21 COMPONENT OF THE ARMED FORCES OF THE UNITED STATES) UNDER THE  
22 UNITED STATES OR THIS COMMONWEALTH SHALL EXERCISE THE OFFICE OF  
23 GOVERNOR[, LIEUTENANT GOVERNOR] OR ATTORNEY GENERAL.

24 (6) THAT SECTION 9 OF ARTICLE IV BE AMENDED TO READ:

25 § 9. PARDONING POWER; BOARD OF PARDONS.

26 (A) IN ALL CRIMINAL CASES EXCEPT IMPEACHMENT THE GOVERNOR  
27 SHALL HAVE POWER TO REMIT FINES AND FORFEITURES, TO GRANT  
28 REPRIEVES, COMMUTATION OF SENTENCES AND PARDONS; BUT NO PARDON  
29 SHALL BE GRANTED, NOR SENTENCE COMMUTED, EXCEPT ON THE  
30 RECOMMENDATION IN WRITING OF A MAJORITY OF THE BOARD OF PARDONS,

1 AND, IN THE CASE OF A SENTENCE OF DEATH OR LIFE IMPRISONMENT, ON  
2 THE UNANIMOUS RECOMMENDATION IN WRITING OF THE BOARD OF PARDONS,  
3 AFTER FULL HEARING IN OPEN SESSION, UPON DUE PUBLIC NOTICE. THE  
4 RECOMMENDATION, WITH THE REASONS THEREFOR AT LENGTH, SHALL BE  
5 DELIVERED TO THE GOVERNOR AND A COPY THEREOF SHALL BE KEPT ON  
6 FILE IN THE OFFICE OF THE [LIEUTENANT] GOVERNOR IN A DOCKET KEPT  
7 FOR THAT PURPOSE.

8 (B) THE BOARD OF PARDONS SHALL CONSIST OF THE [LIEUTENANT  
9 GOVERNOR] ATTORNEY GENERAL WHO SHALL BE CHAIRMAN[, THE ATTORNEY  
10 GENERAL AND THREE] AND FOUR MEMBERS APPOINTED BY THE GOVERNOR  
11 WITH THE CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE  
12 SENATE FOR TERMS OF SIX YEARS. THE [THREE] MEMBERS APPOINTED BY  
13 THE GOVERNOR SHALL BE RESIDENTS OF PENNSYLVANIA. ONE SHALL BE A  
14 CRIME VICTIM, ONE A CORRECTIONS EXPERT [AND THE THIRD], ONE A  
15 DOCTOR OF MEDICINE, PSYCHIATRIST OR PSYCHOLOGIST AND ONE A LAW  
16 ENFORCEMENT OFFICER. THE BOARD SHALL KEEP RECORDS OF ITS  
17 ACTIONS, WHICH SHALL AT ALL TIMES BE OPEN FOR PUBLIC INSPECTION.

18 (7) THAT SECTION 13 OF ARTICLE IV BE AMENDED TO READ:  
19 § 13. WHEN [LIEUTENANT GOVERNOR] PRESIDENT PRO TEMPORE OF THE  
20 SENATE TO ACT AS GOVERNOR.

21 (A) IN THE CASE OF THE DEATH, CONVICTION ON IMPEACHMENT,  
22 FAILURE TO QUALIFY OR RESIGNATION OF THE GOVERNOR, THE  
23 [LIEUTENANT GOVERNOR] PRESIDENT PRO TEMPORE OF THE SENATE SHALL  
24 BECOME GOVERNOR FOR THE REMAINDER OF THE TERM [AND IN] IF THERE  
25 ARE FEWER THAN 60 DAYS REMAINING TO THAT TERM OR, IF THERE ARE  
26 60 DAYS OR MORE REMAINING TO THAT TERM, THE PRESIDENT PRO  
27 TEMPORE OF THE SENATE SHALL BECOME GOVERNOR UNTIL A SPECIAL  
28 ELECTION IS CONVENED AND A GOVERNOR IS SWORN IN AS PROVIDED BY  
29 LAW.

30 (B) IN THE CASE OF THE DISABILITY OF THE GOVERNOR, THE

1 POWERS, DUTIES AND EMOLUMENTS OF THE OFFICE SHALL DEVOLVE UPON  
2 THE [LIEUTENANT GOVERNOR] PRESIDENT PRO TEMPORE OF THE SENATE  
3 UNTIL THE DISABILITY IS REMOVED OR IF THERE ARE FEWER THAN 60  
4 DAYS REMAINING TO THE TERM OF OFFICE FOR THE GOVERNOR OR, IF  
5 THERE ARE 60 DAYS OR MORE REMAINING TO THE TERM OF OFFICE FOR  
6 THE GOVERNOR, THE PRESIDENT PRO TEMPORE OF THE SENATE SHALL  
7 BECOME GOVERNOR UNTIL A SPECIAL ELECTION IS CONVENED AND A  
8 GOVERNOR IS SWORN IN AS PROVIDED BY LAW.

9 (8) THAT SECTION 17 OF ARTICLE IV BE AMENDED TO READ:

10 § 17. CONTESTED ELECTIONS OF GOVERNOR[, LIEUTENANT GOVERNOR]  
11 AND ATTORNEY GENERAL; WHEN SUCCEEDED.

12 THE CHIEF JUSTICE OF THE SUPREME COURT SHALL PRESIDE UPON THE  
13 TRIAL OF ANY CONTESTED ELECTION OF GOVERNOR[, LIEUTENANT  
14 GOVERNOR] OR ATTORNEY GENERAL AND SHALL DECIDE QUESTIONS  
15 REGARDING THE ADMISSIBILITY OF EVIDENCE, AND SHALL, UPON REQUEST  
16 OF THE COMMITTEE, PRONOUNCE HIS OPINION UPON OTHER QUESTIONS OF  
17 LAW INVOLVED IN THE TRIAL. THE GOVERNOR[, LIEUTENANT GOVERNOR]  
18 AND ATTORNEY GENERAL SHALL EXERCISE THE DUTIES OF THEIR  
19 RESPECTIVE OFFICES UNTIL THEIR SUCCESSORS SHALL BE DULY  
20 QUALIFIED.

21 (9) THAT SECTION 7 OF ARTICLE VI BE AMENDED TO READ:

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 OF THE GENERAL ASSEMBLY AND JUDGES

1 OF THE COURTS OF RECORD, SHALL BE REMOVED BY THE GOVERNOR FOR  
2 REASONABLE CAUSE, AFTER DUE NOTICE AND FULL HEARING, ON THE  
3 ADDRESS OF TWO-THIRDS OF THE SENATE.

4 SECTION 2. THE FOLLOWING SEPARATE AND DISTINCT AMENDMENTS TO  
5 THE CONSTITUTION ARE PROPOSED IN ACCORDANCE WITH ARTICLE XI:

6 (1) THAT SECTION 16 OF ARTICLE II BE AMENDED TO READ:

7 § 16. LEGISLATIVE DISTRICTS.

8 THE COMMONWEALTH SHALL BE DIVIDED INTO [50] 45 SENATORIAL AND  
9 203 REPRESENTATIVE DISTRICTS, WHICH SHALL BE COMPOSED OF COMPACT  
10 AND CONTIGUOUS TERRITORY AS NEARLY EQUAL IN POPULATION AS  
11 PRACTICABLE. EACH SENATORIAL DISTRICT SHALL ELECT ONE SENATOR,  
12 AND EACH REPRESENTATIVE DISTRICT ONE REPRESENTATIVE. UNLESS  
13 ABSOLUTELY NECESSARY NO COUNTY, CITY, INCORPORATED TOWN,  
14 BOROUGH, TOWNSHIP OR WARD SHALL BE DIVIDED IN FORMING EITHER A  
15 SENATORIAL OR REPRESENTATIVE DISTRICT.

16 (2) THAT SECTION 2 OF ARTICLE V BE AMENDED TO READ:

17 § 2. SUPREME COURT.

18 THE SUPREME COURT (A) SHALL BE THE HIGHEST COURT OF THE  
19 COMMONWEALTH AND IN THIS COURT SHALL BE REPOSED THE SUPREME  
20 JUDICIAL POWER OF THE COMMONWEALTH;

21 (B) SHALL CONSIST OF [SEVEN] FIVE JUSTICES, ONE OF WHOM  
22 SHALL BE THE CHIEF JUSTICE; AND

23 (C) SHALL HAVE SUCH JURISDICTION AS SHALL BE PROVIDED BY  
24 LAW.

25 (3) THAT SECTION 3 OF ARTICLE V BE AMENDED TO READ:

26 § 3. SUPERIOR COURT.

27 THE SUPERIOR COURT SHALL BE A STATEWIDE COURT, AND SHALL  
28 CONSIST OF THE NUMBER OF JUDGES, WHICH SHALL BE NOT LESS THAN  
29 SEVEN JUDGES AND NOT MORE THAN ELEVEN JUDGES, AND HAVE SUCH  
30 JURISDICTION AS SHALL BE PROVIDED BY THIS CONSTITUTION OR BY THE

1 GENERAL ASSEMBLY. ONE OF ITS JUDGES SHALL BE THE PRESIDENT  
2 JUDGE.

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

12 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THE  
13 PROPOSED INTEGRATED CONSTITUTIONAL AMENDMENTS UNDER SECTION 1,  
14 THE SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO  
15 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE  
16 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE  
17 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN  
18 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER  
19 PASSAGE OF THE PROPOSED CONSTITUTIONAL AMENDMENTS UNDER SECTION  
20 1. THE SECRETARY OF THE COMMONWEALTH SHALL SUBMIT THE PROPOSED  
21 CONSTITUTIONAL AMENDMENTS UNDER SECTION 1 AS A SINGLE BALLOT  
22 QUESTION TO THE QUALIFIED ELECTORS OF THIS COMMONWEALTH AT THE  
23 FIRST PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
24 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF ARTICLE  
25 XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH OCCURS AT LEAST  
26 THREE MONTHS AFTER THE PROPOSED INTEGRATED CONSTITUTIONAL  
27 AMENDMENTS UNDER SECTION 1 ARE PASSED BY THE GENERAL ASSEMBLY.

28 (C) UPON APPROVAL OF THE PROPOSED INTEGRATED CONSTITUTIONAL  
29 AMENDMENTS UNDER SECTION 1 BY THE QUALIFIED ELECTORS OF THIS  
30 COMMONWEALTH, ANY ACT OR PART OF AN ACT OF THE GENERAL ASSEMBLY

1 THAT IS IN EFFECT UPON SUCH APPROVAL AND THAT REFERS TO THE  
2 LIEUTENANT GOVERNOR SHALL NOT BE DEEMED TO INCLUDE THE  
3 LIEUTENANT GOVERNOR, AND WHERE SUCH ACT OR PART OF AN ACT  
4 REQUIRES THE LIEUTENANT GOVERNOR TO HAVE ANY POWER OR TO  
5 EXERCISE ANY DUTY, SUCH POWER OR DUTY SHALL BE ABOLISHED  
6 FOLLOWING THE EXPIRATION OF THE CURRENT LIEUTENANT GOVERNOR'S  
7 TERM OF OFFICE.

8 Section ~~2~~ 4. (a) Upon the first passage by the General <--  
9 Assembly of ~~this~~ THE SEPARATE AND DISTINCT proposed <--  
10 constitutional ~~amendment~~ AMENDMENTS UNDER SECTION 2, the <--  
11 Secretary of the Commonwealth shall proceed immediately to  
12 comply with the advertising requirements of section 1 of Article  
13 XI of the Constitution of Pennsylvania and shall transmit the  
14 required advertisements to two newspapers in every county in  
15 which such newspapers are published in sufficient time after  
16 passage of ~~this~~ THE SEPARATE AND DISTINCT proposed <--  
17 constitutional ~~amendment~~ AMENDMENTS UNDER SECTION 2. <--

18 (b) Upon the second passage by the General Assembly of ~~this~~ <--  
19 THE SEPARATE AND DISTINCT proposed constitutional ~~amendment~~ <--  
20 AMENDMENTS UNDER SECTION 2, the Secretary of the Commonwealth <--  
21 shall proceed immediately to comply with the advertising  
22 requirements of section 1 of Article XI of the Constitution of  
23 Pennsylvania and shall transmit the required advertisements to  
24 two newspapers in every county in which such newspapers are  
25 published in sufficient time after passage of ~~this~~ THE SEPARATE <--  
26 AND DISTINCT proposed constitutional ~~amendment~~ AMENDMENTS UNDER <--  
27 SECTION 2. The Secretary of the Commonwealth shall submit ~~this~~ <--  
28 THE SEPARATE AND DISTINCT proposed constitutional ~~amendment~~ <--  
29 AMENDMENTS UNDER SECTION 2 AS SEPARATE BALLOT QUESTIONS to the <--  
30 qualified electors of this Commonwealth at the first primary,



1 general or municipal election which meets the requirements of  
2 and is in conformance with section 1 of Article XI of the  
3 Constitution of Pennsylvania and which occurs at least three  
4 months after ~~the~~ THE SEPARATE AND DISTINCT proposed <--  
5 constitutional ~~amendment is~~ AMENDMENTS UNDER SECTION 2 ARE <--  
6 passed by the General Assembly.

7 ~~Section 3. The amendment of section 16 of Article II of the~~ <--  
8 ~~Constitution of Pennsylvania shall become effective after the~~  
9 ~~2010 Federal census reapportionment.~~

10 SECTION 5. UPON RATIFICATION BY THE ELECTORS, THE GENERAL <--  
11 ASSEMBLY SHALL ENACT LEGISLATION TO IMPLEMENT THE AMENDMENT OF  
12 SECTION 16 OF ARTICLE II OF THE CONSTITUTION OF PENNSYLVANIA SO  
13 THAT IT APPLIES FOR THE FIRST TIME TO THE FIRST SESSION OF THE  
14 GENERAL ASSEMBLY WHICH BEGINS AFTER THE 2020 REAPPORTIONMENT.

15 Section ~~4~~ 6. The Senate and House of Representatives, upon <--  
16 the effective date of the amendment of section 16 of Article II  
17 of the Constitution of Pennsylvania, shall each reduce their  
18 budgets by 40% compared to the budgets of the prior year.