
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1749 Session of
2015

INTRODUCED BY PYLE, M. K. KELLER, SANTORA, SANKEY, EVANKOVICH,
BARRAR, HELM, HEFFLEY, DIAMOND, KAUFFMAN, STEPHENS, METCALFE,
MARSHALL, PHILLIPS-HILL, GROVE, RAPP, TRUITT, MALONEY,
KNOWLES, JAMES, KLUNK, REGAN, SAYLOR, REESE, FARRY, SONNEY,
WATSON AND JOZWIAK, DECEMBER 9, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, DECEMBER 9, 2015

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for action by
3 Lieutenant Governor as Governor and for vacancy in office of
4 Lieutenant Governor; and providing for an initiative to
5 recall elected Statewide officers.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The following integrated amendments to the
9 Constitution of Pennsylvania are proposed in accordance with
10 Article XI:

11 (1) That sections 13 and 14 of Article IV be amended to
12 read:

13 § 13. When Lieutenant Governor to act as Governor.

14 In the case of the death, conviction on impeachment, failure
15 to qualify or resignation of the Governor, the Lieutenant
16 Governor shall become Governor for the remainder of the term
17 [and in]. In the case of the recall of the Governor, the

1 Lieutenant Governor shall become Governor until a Governor is
2 sworn in after a successor election under section 20(c). In the
3 case of the disability of the Governor, the powers, duties and
4 emoluments of the office shall devolve upon the Lieutenant
5 Governor until the disability is removed.

6 § 14. Vacancy in office of Lieutenant Governor.

7 In case of the death, conviction on impeachment, failure to
8 qualify or resignation of the Lieutenant Governor, or in case he
9 should become Governor under section 13 of this article, the
10 President pro tempore of the Senate shall become Lieutenant
11 Governor for the remainder of the term. In case of the recall of
12 the Lieutenant Governor, the President pro tempore of the Senate
13 shall become Lieutenant Governor until a Lieutenant Governor is
14 sworn in after a successor election under section 20(c). In case
15 of the disability of the Lieutenant Governor, the powers, duties
16 and emoluments of the office shall devolve upon the President
17 pro tempore of the Senate until the disability is removed.
18 Should there be no Lieutenant Governor, the President pro
19 tempore of the Senate shall become Governor if a vacancy shall
20 occur in the office of Governor and in case of the disability of
21 the Governor, the powers, duties and emoluments of the office
22 shall devolve upon the President pro tempore of the Senate until
23 the disability is removed. His seat as Senator shall become
24 vacant whenever he shall become Governor and shall be filled by
25 election as any other vacancy in the Senate.

26 (2) That Article IV be amended by adding a section to read:
27 § 20. Initiative to recall elected Statewide officers.

28 (a) The recall of the Governor, Lieutenant Governor,
29 Attorney General, Auditor General or State Treasurer may be
30 proposed by a petition signed by a number of electors equal in

number to at least 25% of the total votes cast for that position in the preceding election, with at least 200 signatures from each of at least 34 separate counties. A petition must have been signed by the petitioning electors not more than 150 days after an affidavit has been filed with the Bureau of Commissions, Elections and Legislation providing notice of intent to circulate a petition to recall. The affidavit may be filed no sooner than six months after the beginning of the term of office for that position.

(b) The form of the petition, circulation and procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the petition is valid and sufficient, the Bureau of Commissions, Elections and Legislation shall certify the petition not more than 100 days after the date the petition was filed, and the question "Shall (name) be recalled from the office of (position)?" must be submitted to the electors at a special election called by the Bureau of Commissions, Elections and Legislation, which must occur not more than 100 days after certification of the petition. A recall petition certified by the Bureau of Commissions, Elections and Legislation may not be withdrawn and another recall petition may not be initiated against the elected Statewide officer during the remainder of the current term of office. A recall petition or recall election pending on the date of the next general election at which a candidate for the office is elected is moot.

(c) If a petition to recall the Governor, Lieutenant Governor, Attorney General, Auditor General or State Treasurer has been filed with the Bureau of Commissions, Elections and Legislation, a person eligible to serve in the position may propose his or her candidacy by a petition signed by a number of

electors equal in number to the requirement for petitions for an
established party candidate for the office, signed by
petitioning electors not more than 50 days after a recall
petition has been filed with the Bureau of Commissions,
Elections and Legislation. The form of a successor election
petition, circulation and procedure for determining the validity
and sufficiency of a petition shall be as provided by law. If
the successor election petition is valid and sufficient, the
Bureau of Commissions, Elections and Legislation shall certify
the petition not more than 100 days after the date the recall
petition was filed. Names of candidates for nomination to serve
as the candidate of an established political party must be
submitted to the electors at a special primary election, if
necessary, called by the Bureau of Commissions, Elections and
Legislation to be held at the same time as the special election
on the question of recall established under subsection (b).
Names of candidates for the successor election must be submitted
to the electors at a special successor election called by the
Bureau of Commissions, Elections and Legislation, which must
occur not more than 60 days after the date of the special
primary election or on a date established by law.

(d) The Governor, Lieutenant Governor, Attorney General,
Auditor General or State Treasurer shall be immediately removed
upon certification of the recall election results if a majority
of the electors voting on the question vote to recall the
elected Statewide officer.

Section 2. (a) Upon the first passage by the General
Assembly of these proposed constitutional amendments, the
Secretary of the Commonwealth shall proceed immediately to
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 these proposed constitutional amendments.

5 (b) Upon the second passage by the General Assembly of these
6 proposed constitutional amendments, 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 these proposed constitutional amendments. The Secretary of the
13 Commonwealth shall submit the proposed constitutional amendments
14 under section 1 of this resolution to the qualified electors of
15 this Commonwealth as a single ballot question at the first
16 primary, general or municipal election which meets the
17 requirements of and is in conformance with section 1 of Article
18 XI of the Constitution of Pennsylvania and which occurs at least
19 three months after the proposed constitutional amendments are
20 passed by the General Assembly.