
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 783 Session of
2015

INTRODUCED BY HARPER AND MARSICO, APRIL 4, 2016

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 4, 2016

A CONCURRENT RESOLUTION

1 Further providing for submission to the electorate of a
2 constitutional amendment on retirement for justices, judges
3 and justices of the peace.

4 WHEREAS, Pursuant to Article XI of the Constitution of
5 Pennsylvania, the General Assembly has proposed an amendment to
6 section 16(b) of Article V of the Constitution of Pennsylvania
7 providing that justices, judges and justices of the peace be
8 retired on the last day of the calendar year in which they
9 attain the age of 75; and

10 WHEREAS, In October 2013, a majority of both houses of the
11 General Assembly passed Joint Resolution No. 2013-JR3 and
12 presented it to the Secretary of the Commonwealth, who published
13 it pursuant to section 1 of Article XI of the Constitution of
14 Pennsylvania; and

15 WHEREAS, In November 2015, in the General Assembly next
16 afterwards chosen, a majority of both houses of the General
17 Assembly passed Joint Resolution No. 2015-JR1 and presented it
18 to the secretary; and

19 WHEREAS, Pursuant to section 201(c) of the act of June 3,

1 1937 (P.L.1333, No.320), known as the Pennsylvania Election
2 Code, the secretary prepared a ballot question as Proposed
3 Constitutional Amendment 1, which was approved by the Attorney
4 General, and published along with the proposed amendment and the
5 plain English statement prepared by the Office of Attorney
6 General pursuant to section 1 of Article XI of the Constitution
7 of Pennsylvania; and

8 WHEREAS, Proposed Constitutional Amendment 1 is scheduled to
9 appear on the ballot for primary election on April 26, 2016; and

10 WHEREAS, The General Assembly believes that the ballot
11 question as prepared by the secretary contains unnecessary
12 language and consequently may be confusing to electors; and

13 WHEREAS, On March 6, 2016, the General Assembly filed an
14 application asking the Pennsylvania Supreme Court to order that
15 the ballot question be amended; and

16 WHEREAS, On March 23, 2016, the Supreme Court denied approval
17 of a stipulated resolution between the parties, noting that
18 "such denial shall not be construed as condoning or constraining
19 any future legislative or executive action by the parties"; and

20 WHEREAS, The General Assembly has prepared a revised ballot
21 question for Proposed Constitutional Amendment 1 which avoids
22 confusion and more accurately reflects the language of Joint
23 Resolution No. 2013-JR3 and Joint Resolution No. 2015-JR1; and

24 WHEREAS, There is insufficient time to publish the revised
25 ballot question before primary election on April 26, 2016, as
26 required by section 1 of Article XI of the Constitution of
27 Pennsylvania; and

28 WHEREAS, Under section 802 of the Pennsylvania Election Code,
29 only persons registered and enrolled as members of a political
30 party are entitled to vote in any primary election of that

1 party; and

2 WHEREAS, More than 1 million Pennsylvania registered voters
3 are not registered and enrolled as members of one of the two
4 major political parties and therefore are not entitled to vote
5 in the primary election of either of those political parties;
6 and

7 WHEREAS, Many of those registered voters may be unaware of
8 their right to vote on Proposed Constitutional Amendment 1
9 during the primary election on April 26, 2016, and consequently
10 may not cast a vote on the ballot question; and

11 WHEREAS, Proposed Constitutional Amendment 1 is a matter of
12 Statewide importance to all citizens of the Commonwealth, not
13 merely registered members of the two major political parties;
14 and

15 WHEREAS, If Proposed Constitutional Amendment 1 were to be
16 placed on the ballot for the general election on November 8,
17 2016, the secretary will have sufficient time to publish the
18 revised ballot question as required under the Constitution of
19 Pennsylvania and registered voters who are not members of one of
20 the two major political parties will be more likely to
21 participate in the decision to approve or disapprove Proposed
22 Constitutional Amendment 1; and

23 WHEREAS, Under section 1 of Article XI of the Constitution of
24 Pennsylvania, it is within the authority of the General Assembly
25 to prescribe the manner and time at which proposed amendments to
26 the Constitution are submitted to the qualified electors of the
27 Commonwealth for approval; therefore be it

28 RESOLVED (the Senate concurring), That the General Assembly
29 direct the Secretary of the Commonwealth to remove the ballot
30 question for Proposed Constitutional Amendment 1 from the ballot

1 certification for the primary election on April 26, 2016; and be
2 it further

3 RESOLVED, That the General Assembly direct the secretary to
4 direct the county boards of election to remove, to the extent
5 possible, the ballot question for Proposed Constitutional
6 Amendment 1 from the ballot; and be it further

7 RESOLVED, That the General Assembly direct the secretary to
8 disregard any vote on Proposed Constitutional Amendment 1 in the
9 primary election on April 26, 2016, and prohibit the secretary
10 from making a tally of votes cast on Proposed Constitutional
11 Amendment 1; and be it further

12 RESOLVED, That the General Assembly direct the secretary to
13 place Proposed Constitutional Amendment 1 on the ballot for the
14 general election on November 8, 2016, in the following form:

15 Shall the Pennsylvania Constitution be amended to require
16 that justices of the Supreme Court, judges, and
17 magisterial district judges be retired on the last day of
18 the calendar year in which they attain the age of 75
19 years?;

20 and be it further

21 RESOLVED, That, to ensure compliance with section 1 of
22 Article XI of the Constitution of Pennsylvania, the General
23 Assembly direct the secretary to publish the ballot question for
24 Proposed Constitutional Amendment 1 as revised along with the
25 proposed amendment and the plain English statement previously
26 prepared by the Office of Attorney General, in each of the three
27 months prior to the general election on November 8, 2016; and be
28 it further

29 RESOLVED, That, upon passage by a majority of both houses of
30 the General Assembly, this concurrent resolution be transmitted

1 to the Secretary of the Commonwealth for implementation.