

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 822 Session of 2021

INTRODUCED BY WHITE, STAATS, COOK, JONES, RYAN, KAUFFMAN, GLEIM, DUNBAR, ZIMMERMAN, WARNER, GAYDOS, MOUL, SANKEY, WHEELAND, ROWE, SAYLOR, KEEFER, METCALFE AND ARMANINI, MARCH 8, 2021

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 15, 2021

A JOINT RESOLUTION

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

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby resolves as follows:

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

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

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

15 ~~In the case of the death, conviction on impeachment, failure~~
16 ~~to qualify or resignation of the Governor, the Lieutenant~~
17 ~~Governor shall become Governor for the remainder of the term~~
18 ~~[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 CERTAIN elected Statewide and local <--
28 officers.

29 (a) The recall of the Governor, Lieutenant Governor, <--
30 Attorney General, Auditor General, State Treasurer or a mayor or

1 ~~district attorney~~ AN ELECTED OFFICER IN A CITY OF THE FIRST <--
2 CLASS OR A COUNTY OF THE FIRST CLASS may be proposed by a
3 petition signed by a number of electors equal in number to at
4 least 25% of the total votes cast for that position in the
5 preceding election. A recall petition for a mayor or district <--
6 attorney cannot contain signatures from any one election
7 district in excess of one fifth of the total number required. A
8 petition must be signed by the petitioning electors not more
9 than 150 days after an affidavit has been filed with the Bureau
10 of Commissions, Elections and Legislation providing notice of
11 intent to circulate a petition to recall. The affidavit may be
12 filed no sooner than one year after the beginning of the term of
13 office nor within the last six months of the term of office for
14 that position.

15 (b) The form of the petition, circulation and procedure for
16 determining the validity and sufficiency of a petition shall be
17 as provided by law. If the petition is valid and sufficient, the
18 Bureau of Commissions, Elections and Legislation shall certify
19 the petition and notify the Statewide or local officer ELECTED <--
20 OFFICER IN THE CITY OF THE FIRST CLASS OR COUNTY OF THE FIRST
21 CLASS named in the petition that the petition has been
22 certified. Upon receipt of the notice the Statewide or local <--
23 officer ELECTED OFFICER IN THE CITY OF THE FIRST CLASS OR COUNTY <--
24 OF THE FIRST CLASS may resign from office and the recall
25 proceeding shall terminate.

26 (c) If the Statewide or local officer ELECTED OFFICER IN THE <--
27 CITY OF THE FIRST CLASS OR COUNTY OF THE FIRST CLASS against
28 whom a recall petition is directed does not resign from office
29 within 10 days after notice of the certification of the
30 petition, the Bureau of Commissions, Elections and Legislation

1 shall arrange a recall election. If a general, municipal,
2 primary or special election is to be held not less than 60 days
3 nor more than 90 days after the resignation period has expired,
4 the recall question "Shall (name) be recalled from the office of
5 (position)?" must be placed before the electors at that
6 election. Otherwise a special recall election shall be fixed for
7 a date not earlier than 60 days nor later than 90 days after the
8 expiration period has expired. The ~~Statewide or local officer~~ <--
9 ELECTED OFFICER IN THE CITY OF THE FIRST CLASS OR COUNTY OF THE <--
10 FIRST CLASS against whom a recall petition is directed may
11 resign at any time prior to the recall election and the election
12 shall not be held.

13 (d) A recall petition certified by the Bureau of
14 Commissions, Elections and Legislation may not be withdrawn and
15 another recall petition may not be initiated against the elected
16 ~~Statewide or local officer~~ OFFICER IN THE CITY OF THE FIRST <--
17 CLASS OR COUNTY OF THE FIRST CLASS during the remainder of the
18 current term of office. A recall petition or recall election
19 pending on the date of the next general election at which a
20 candidate for the office is elected is moot.

21 (e) If a petition to recall the ~~Governor, Lieutenant~~ <--
22 ~~Governor, Attorney General, Auditor General or State Treasurer~~
23 ~~or a mayor or district attorney~~ ELECTED OFFICER IN THE CITY OF <--
24 THE FIRST CLASS OR COUNTY OF THE FIRST CLASS has been filed with
25 the Bureau of Commissions, Elections and Legislation, a person
26 eligible to serve in the position may propose his candidacy by a
27 petition signed by a number of electors equal in number to the
28 requirement for petitions for an established party candidate for
29 the office, signed by petitioning electors not more than 50 days
30 after a recall petition has been filed with the Bureau of

1 Commissions, Elections and Legislation. The form of a successor
2 election petition, circulation and procedure for determining the
3 validity and sufficiency of a petition shall be as provided by
4 law. If the successor election petition is valid and sufficient,
5 the Bureau of Commissions, Elections and Legislation shall
6 certify the petition not more than 100 days after the date the
7 recall petition was filed. Names of candidates for nomination to
8 serve as the candidate of an established political party must be
9 submitted to the electors at a special primary election, if
10 necessary, called by the Bureau of Commissions, Elections and
11 Legislation to be held at the same time as the special election
12 on the question of recall established under subsection (b).
13 Names of candidates for the successor election must be submitted
14 to the electors at a special successor election called by the
15 Bureau of Commissions, Elections and Legislation, which must
16 occur not more than 60 days after the date of the special
17 primary election or on a date established by law.

18 (f) ~~The Governor, Lieutenant Governor, Attorney General,~~ <--
19 ~~Auditor General, State Treasurer or a mayor or district attorney~~
20 ~~ELECTED OFFICER IN THE CITY OF THE FIRST CLASS OR COUNTY OF THE~~ <--
21 ~~FIRST CLASS shall be immediately removed upon certification of~~
22 ~~the recall election results if a majority of the electors voting~~
23 ~~on the question vote to recall the elected Statewide or local~~ <--
24 ~~officer IN THE CITY OF THE FIRST CLASS OR COUNTY OF THE FIRST~~ <--
25 ~~CLASS.~~

26 (g) ~~No person who has been removed from the office under~~
27 ~~this section or who has resigned from the office after a recall~~
28 ~~petition directed to him has been filed may be eligible for~~
29 ~~election or appointment to any State or local office IN A CITY~~ <--
30 ~~OF THE FIRST CLASS OR A COUNTY OF THE FIRST CLASS within two~~

1 years after removal or resignation.

2 Section 2. (a) Upon the first passage by the General
3 Assembly of ~~these~~ THIS proposed constitutional ~~amendments~~ <--
4 AMENDMENT, the Secretary of the Commonwealth shall proceed <--
5 immediately to comply with the advertising requirements of
6 section 1 of Article XI of the Constitution of Pennsylvania and
7 shall transmit the required advertisements to two newspapers in
8 every county in which such newspapers are published in
9 sufficient time after passage of ~~these~~ THIS proposed <--
10 constitutional ~~amendments~~ AMENDMENT. <--

11 (b) Upon the second passage by the General Assembly of ~~these~~ <--
12 THIS proposed constitutional ~~amendments~~ AMENDMENT, the Secretary <--
13 of the Commonwealth shall proceed immediately to comply with the
14 advertising requirements of section 1 of Article XI of the
15 Constitution of Pennsylvania and shall transmit the required
16 advertisements to two newspapers in every county in which such
17 newspapers are published in sufficient time after passage of
18 these proposed constitutional amendments. The Secretary of the
19 Commonwealth shall submit the proposed constitutional ~~amendments~~ <--
20 AMENDMENT under section 1 of this resolution to the qualified <--
21 electors of this Commonwealth as a single ballot question at the
22 first primary, general or municipal election which meets the
23 requirements of and is in conformance with section 1 of Article
24 XI of the Constitution of Pennsylvania and which occurs at least
25 three months after the proposed constitutional ~~amendments are~~ <--
26 AMENDMENT IS passed by the General Assembly. <--