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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 324 Session of  
2013

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

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SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 9,  
2014

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A JOINT RESOLUTION

1 Proposing integrated amendments and separate and distinct  
2 amendments to the Constitution of the Commonwealth of  
3 Pennsylvania, abolishing the Office of Lieutenant Governor  
4 AND REORGANIZING EXECUTIVE FUNCTIONS; reducing the size of <--  
5 the General Assembly; and reducing the size of the Supreme  
6 Court and the Superior Court.

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 section 9 of Article II be amended to read:

13 § 9. Election of officers; judge of election and qualifications  
14 of members.

15 The Senate shall, at the beginning and close of each regular  
16 session and at such other times as may be necessary, elect one  
17 of its members President pro tempore[, who shall perform the

1 duties of the Lieutenant Governor, in any case of absence or  
2 disability of that officer, and whenever the said office of  
3 Lieutenant Governor shall be vacant]. The House of  
4 Representatives shall elect one of its members as Speaker. Each  
5 House shall choose its other officers, and shall judge of the  
6 election and qualifications of its members.

7 (2) That section 1 of Article IV be amended to read:

8 § 1. Executive Department.

9 The Executive Department of this Commonwealth shall consist  
10 of a Governor, [Lieutenant Governor,] Attorney General, Auditor  
11 General, State Treasurer, and Superintendent of Public  
12 Instruction and such other officers as the General Assembly may  
13 from time to time prescribe.

14 (3) That section 4 of Article IV be amended to read:

15 [§ 4. Lieutenant Governor.

16 A Lieutenant Governor shall be chosen jointly with the  
17 Governor by the casting by each voter of a single vote  
18 applicable to both offices, for the same term, and subject to  
19 the same provisions as the Governor; he shall be President of  
20 the Senate. As such, he may vote in case of a tie on any  
21 question except the final passage of a bill or joint resolution,  
22 the adoption of a conference report or the concurrence in  
23 amendments made by the House of Representatives.]

24 (4) That section 5 of Article IV be amended to read:

25 § 5. Qualifications of Governor[, Lieutenant Governor] and  
26 Attorney General.

27 No person shall be eligible to the office of Governor[,  
28 Lieutenant Governor] or Attorney General except a citizen of the  
29 United States, who shall have attained the age of 30 years, and  
30 have been seven years next preceding his election an inhabitant

1 of this Commonwealth, unless he shall have been absent on the  
2 public business of the United States or of this Commonwealth. No  
3 person shall be eligible to the office of Attorney General  
4 except a member of the bar of the Supreme Court of Pennsylvania.

5 (5) That section 6 of Article IV be amended to read:

6 § 6. Disqualification for offices of Governor[, Lieutenant  
7 Governor] and Attorney General.

8 No member of Congress or person holding any office (except of  
9 attorney-at-law or in the National Guard or in a reserve  
10 component of the armed forces of the United States) under the  
11 United States or this Commonwealth shall exercise the office of  
12 Governor[, Lieutenant Governor] or Attorney General.

13 (6) That section 9 of Article IV be amended to read:

14 § 9. Pardoning power; Board of Pardons.

15 (a) In all criminal cases except impeachment the Governor  
16 shall have power to remit fines and forfeitures, to grant  
17 reprieves, commutation of sentences and pardons; but no pardon  
18 shall be granted, nor sentence commuted, except on the  
19 recommendation in writing of a majority of the Board of Pardons,  
20 and, in the case of a sentence of death or life imprisonment, on  
21 the unanimous recommendation in writing of the Board of Pardons,  
22 after full hearing in open session, upon due public notice. The  
23 recommendation, with the reasons therefor at length, shall be  
24 delivered to the Governor and a copy thereof shall be kept on  
25 file in the office of the [Lieutenant] Governor in a docket kept  
26 for that purpose.

27 (b) The Board of Pardons shall consist of the [Lieutenant  
28 Governor] Attorney General who shall be chairman[, the Attorney  
29 General and three] and four members appointed by the Governor  
30 with the consent of a majority of the members elected to the

1 Senate for terms of six years. The [three] members appointed by  
2 the Governor shall be residents of Pennsylvania. One shall be a  
3 crime victim, one a corrections expert [and the third], one a  
4 doctor of medicine, psychiatrist or psychologist and one a law  
5 enforcement officer. The board shall keep records of its  
6 actions, which shall at all times be open for public inspection.

7 (7) That section 13 of Article IV be amended to read:

8 § 13. When [Lieutenant Governor] President ~~pro tempore~~ of the <--  
9 Senate to act as Governor.

10 (a) In the case of the death, conviction on impeachment,  
11 failure to qualify or resignation of the Governor, the  
12 [Lieutenant Governor] President ~~pro tempore~~ of the Senate shall <--  
13 become Governor for the remainder of the term [and in] if there  
14 are fewer than 60 days remaining to that term or, if there are  
15 60 days or more remaining to that term, the President ~~pro-~~ <--  
16 tempore of the Senate shall become Governor until a special  
17 election is convened and a Governor is sworn in as provided by  
18 law.

19 (b) In the case of the disability of the Governor, the  
20 powers, duties and emoluments of the office shall devolve upon  
21 the [Lieutenant Governor] President ~~pro tempore~~ of the Senate <--  
22 until the disability is removed or if there are fewer than 60 <--  
23 days remaining to the term of office for the Governor or, if  
24 there are 60 days or more remaining to the term of office for  
25 the Governor, the President ~~pro tempore~~ of the Senate shall  
26 become Governor until a special election is convened and a  
27 Governor is sworn in as provided by law.

28 (8) THAT SECTION 14 OF ARTICLE IV BE AMENDED TO READ: <--

29 [§ 14. VACANCY IN OFFICE OF LIEUTENANT GOVERNOR.

30 IN CASE OF THE DEATH, CONVICTION ON IMPEACHMENT, FAILURE TO

1 QUALIFY OR RESIGNATION OF THE LIEUTENANT GOVERNOR, OR IN CASE HE  
2 SHOULD BECOME GOVERNOR UNDER SECTION 13 OF THIS ARTICLE, THE  
3 PRESIDENT PRO TEMPORE OF THE SENATE SHALL BECOME LIEUTENANT  
4 GOVERNOR FOR THE REMAINDER OF THE TERM. IN CASE OF THE  
5 DISABILITY OF THE LIEUTENANT GOVERNOR, THE POWERS, DUTIES AND  
6 EMOLUMENTS OF THE OFFICE SHALL DEVOLVE UPON THE PRESIDENT PRO  
7 TEMPORE OF THE SENATE UNTIL THE DISABILITY IS REMOVED. SHOULD  
8 THERE BE NO LIEUTENANT GOVERNOR, THE PRESIDENT PRO TEMPORE OF  
9 THE SENATE SHALL BECOME GOVERNOR IF A VACANCY SHALL OCCUR IN THE  
10 OFFICE OF GOVERNOR AND IN CASE OF THE DISABILITY OF THE  
11 GOVERNOR, THE POWERS, DUTIES AND EMOLUMENTS OF THE OFFICE SHALL  
12 DEVOLVE UPON THE PRESIDENT PRO TEMPORE OF THE SENATE UNTIL THE  
13 DISABILITY IS REMOVED. HIS SEAT AS SENATOR SHALL BECOME VACANT  
14 WHENEVER HE SHALL BECOME GOVERNOR AND SHALL BE FILLED BY  
15 ELECTION AS ANY OTHER VACANCY IN THE SENATE.]

16 ~~(8)~~ (9) That section 17 of Article IV be amended to read: <--  
17 § 17. Contested elections of Governor[, Lieutenant Governor]  
18 and Attorney General; when succeeded.

19 The Chief Justice of the Supreme Court shall preside upon the  
20 trial of any contested election of Governor[, Lieutenant  
21 Governor] or Attorney General and shall decide questions  
22 regarding the admissibility of evidence, and shall, upon request  
23 of the committee, pronounce his opinion upon other questions of  
24 law involved in the trial. The Governor[, Lieutenant Governor]  
25 and Attorney General shall exercise the duties of their  
26 respective offices until their successors shall be duly  
27 qualified.

28 ~~(9)~~ (10) That section 7 of Article VI be amended to read: <--  
29 § 7. Removal of civil officers.

30 All civil officers shall hold their offices on the condition

1 that they behave themselves well while in office, and shall be  
2 removed on conviction of misbehavior in office or of any  
3 infamous crime. Appointed civil officers, other than judges of  
4 the courts of record, may be removed at the pleasure of the  
5 power by which they shall have been appointed. All civil  
6 officers elected by the people, except the Governor, [the  
7 Lieutenant Governor,] members of the General Assembly and judges  
8 of the courts of record, shall be removed by the Governor for  
9 reasonable cause, after due notice and full hearing, on the  
10 address of two-thirds of the Senate.

11 Section 2. The following separate and distinct amendments to  
12 the Constitution are proposed in accordance with Article XI:

13 (1) That section 16 of Article II be amended to read:

14 § 16. Legislative districts.

15 The Commonwealth shall be divided into [50] 45 senatorial and  
16 203 representative districts, which shall be composed of compact  
17 and contiguous territory as nearly equal in population as  
18 practicable. Each senatorial district shall elect one Senator,  
19 and each representative district one Representative. Unless  
20 absolutely necessary no county, city, incorporated town,  
21 borough, township or ward shall be divided in forming either a  
22 senatorial or representative district.

23 (2) That section 2 of Article V be amended to read:

24 § 2. Supreme Court.

25 The Supreme Court (a) shall be the highest court of the  
26 Commonwealth and in this court shall be reposed the supreme  
27 judicial power of the Commonwealth;

28 (b) shall consist of [seven] five justices, one of whom  
29 shall be the Chief Justice; and

30 (c) shall have such jurisdiction as shall be provided by

1 law.

2 (3) That section 3 of Article V be amended to read:

3 § 3. Superior Court.

4 The Superior Court shall be a statewide court, and shall  
5 consist of the number of judges, which shall be not less than  
6 seven judges and not more than eleven judges, and have such  
7 jurisdiction as shall be provided by this Constitution or by the  
8 General Assembly. One of its judges shall be the president  
9 judge.

10 Section 3. (a) Upon the first passage by the General  
11 Assembly of the proposed integrated constitutional amendments  
12 under section 1, the Secretary of the Commonwealth shall proceed  
13 immediately to comply with the advertising requirements of  
14 section 1 of Article XI of the Constitution of Pennsylvania and  
15 shall transmit the required advertisements to two newspapers in  
16 every county in which such newspapers are published in  
17 sufficient time after passage of these proposed constitutional  
18 amendments.

19 (b) Upon the second passage by the General Assembly of the  
20 proposed integrated constitutional amendments under section 1,  
21 the Secretary of the Commonwealth shall proceed immediately to  
22 comply with the advertising requirements of section 1 of Article  
23 XI of the Constitution of Pennsylvania and shall transmit the  
24 required advertisements to two newspapers in every county in  
25 which such newspapers are published in sufficient time after  
26 passage of the proposed constitutional amendments under section  
27 1. The Secretary of the Commonwealth shall submit the proposed  
28 constitutional amendments under section 1 as a single ballot  
29 question to the qualified electors of this Commonwealth at the  
30 first primary, general or municipal election which meets the

1 requirements of and is in conformance with section 1 of Article  
2 XI of the Constitution of Pennsylvania and which occurs at least  
3 three months after the proposed integrated constitutional  
4 amendments under section 1 are passed by the General Assembly.

5 (c) Upon ~~approval~~ RATIFICATION BY THE ELECTORS of the <--  
6 proposed integrated constitutional amendments under section 1 ~~by~~<--  
7 ~~the qualified electors of this Commonwealth,~~ any act or part of  
8 an act of the General Assembly that is in effect upon such  
9 approval and that refers to the Lieutenant Governor shall not be  
10 deemed to include the Lieutenant Governor, and where such act or  
11 part of an act requires the Lieutenant Governor to have any  
12 power or to exercise any duty, such power or duty shall be  
13 abolished following the expiration of the current Lieutenant  
14 Governor's term of office.

15 Section 4. (a) Upon the first passage by the General  
16 Assembly of the THREE separate and distinct proposed <--  
17 constitutional amendments under section 2, the Secretary of the  
18 Commonwealth shall proceed immediately to comply with the  
19 advertising requirements of section 1 of Article XI of the  
20 Constitution of Pennsylvania and shall transmit the required  
21 advertisements to two newspapers in every county in which such  
22 newspapers are published in sufficient time after passage of  
23 the THREE separate and distinct proposed constitutional <--  
24 amendments under section 2.

25 (b) Upon the second passage by the General Assembly of the  
26 THREE separate and distinct proposed constitutional amendments <--  
27 under section 2, the Secretary of the Commonwealth shall proceed  
28 immediately to comply with the advertising requirements of  
29 section 1 of Article XI of the Constitution of Pennsylvania and  
30 shall transmit the required advertisements to two newspapers in



1 every county in which such newspapers are published in  
2 sufficient time after passage of the THREE separate and distinct <--  
3 proposed constitutional amendments under section 2. The  
4 Secretary of the Commonwealth shall submit the THREE separate <--  
5 and distinct proposed constitutional amendments under section 2  
6 as separate ballot questions to the qualified electors of this  
7 Commonwealth at the first primary, general or municipal election  
8 which meets the requirements of and is in conformance with  
9 section 1 of Article XI of the Constitution of Pennsylvania and  
10 which occurs at least three months after the THREE separate and <--  
11 distinct proposed constitutional amendments under section 2 are  
12 passed by the General Assembly.

13 Section 5. Upon ratification by the electors, the General  
14 Assembly shall enact legislation to implement the amendment of  
15 section 16 of article ii of the Constitution of Pennsylvania so  
16 that it applies for the first time to the first session of the  
17 General Assembly which begins after the 2020 reapportionment <--  
18 FOLLOWING THE 2020 FEDERAL DECENNIAL CENSUS. <--

19 Section 6. ~~The Senate and House of Representatives, upon~~ <--  
20 ~~the effective date of the amendment of section 16 of Article II~~  
21 ~~of the Constitution of Pennsylvania, shall each reduce their~~  
22 ~~budgets by 40% compared to the budgets of the prior year. UPON~~ <--  
23 RATIFICATION BY THE ELECTORS, THE GENERAL ASSEMBLY SHALL ENACT  
24 LEGISLATION TO IMPLEMENT THE AMENDMENT OF SECTION 2 OF ARTICLE V  
25 OF THE CONSTITUTION OF PENNSYLVANIA SO THAT IT APPLIES FOR THE  
26 FIRST TIME WHEN A VACANCY EXISTS ON THE SUPREME COURT AND DOES  
27 NOT APPLY TO ANY CURRENT MEMBER OF THE SUPREME COURT.

28 SECTION 7. UPON RATIFICATION BY THE ELECTORS, THE GENERAL  
29 ASSEMBLY SHALL ENACT LEGISLATION TO IMPLEMENT THE AMENDMENT OF  
30 SECTION 3 OF ARTICLE V OF THE CONSTITUTION OF PENNSYLVANIA SO

1 THAT IT APPLIES FOR THE FIRST TIME WHEN A VACANCY EXISTS ON THE  
2 SUPERIOR COURT AND DOES NOT APPLY TO ANY CURRENT MEMBER OF THE  
3 SUPERIOR COURT.