

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 413 Session of 2019

INTRODUCED BY MARTIN, FOLMER, SCHWANK, KILLION, STEFANO, ARGALL, BARTOLOTTA, COSTA, K. WARD, YUDICHAK, GORDNER, J. WARD, BROWNE AND BREWSTER, MARCH 19, 2019

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 6, 2020

A JOINT RESOLUTION

1 Proposing ~~an amendment~~ SEPARATE AND DISTINCT AMENDMENTS to the  
2 Constitution of the Commonwealth of Pennsylvania, further  
3 providing for tenure of justices, judges and justices of the  
4 peace; AND FURTHER PROVIDING FOR ABSENTEE VOTING. <--

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby resolves as follows:

7 ~~Section 1. The following amendment to the Constitution of~~ <--  
8 ~~Pennsylvania is proposed in accordance with Article XI:~~

9 SECTION 1. THE FOLLOWING SEPARATE AND DISTINCT AMENDMENTS TO <--  
10 THE CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH  
11 ARTICLE XI:

12 (1) That section 15(b) of Article V be amended to read:

13 § 15. Tenure of justices, judges and justices of the peace.

14 \* \* \*

15 (b) A justice or judge elected under section 13(a),  
16 appointed under section 13(d) or retained under this section  
17 15(b) may file a declaration of candidacy for retention election

1 with the officer of the Commonwealth who under law shall have  
2 supervision over elections on or before the first Monday of  
3 January of the year preceding the year in which his term of  
4 office expires. If no declaration is filed, a vacancy shall  
5 exist upon the expiration of the term of office of such justice  
6 or judge, to be filled by election under section 13(a) or by  
7 appointment under section 13(d) if applicable. If a justice or  
8 judge files a declaration, his name shall be submitted to the  
9 electors without party designation, [on a separate judicial  
10 ballot or in a separate column on voting machines,] at the  
11 municipal election immediately preceding the expiration of the  
12 term of office of the justice or judge, to determine only the  
13 question whether he shall be retained in office. If a majority  
14 is against retention, a vacancy shall exist upon the expiration  
15 of his term of office, to be filled by appointment under section  
16 13(b) or under section 13(d) if applicable. If a majority favors  
17 retention, the justice or judge shall serve for the regular term  
18 of office provided herein, unless sooner removed or retired. At  
19 the expiration of each term a justice or judge shall be eligible  
20 for retention as provided herein, subject only to the retirement  
21 provisions of this article.

22 ~~Section 2. (a) Upon the first passage by the General~~ <--  
23 ~~Assembly of this proposed constitutional amendment, the~~  
24 ~~Secretary of the Commonwealth shall proceed immediately to~~  
25 ~~comply with the advertising requirements of section 1 of Article~~  
26 ~~XI of the Constitution of Pennsylvania and shall transmit the~~  
27 ~~required advertisements to two newspapers in every county in~~  
28 ~~which such newspapers are published in sufficient time after~~  
29 ~~passage of this proposed constitutional amendment.~~

30 ~~(b) Upon the second passage by the General Assembly of this~~

1 ~~proposed constitutional amendment, the Secretary of the~~  
2 ~~Commonwealth shall proceed immediately to comply with the~~  
3 ~~advertising requirements of section 1 of Article XI of the~~  
4 ~~Constitution of Pennsylvania and shall transmit the required~~  
5 ~~advertisements to two newspapers in every county in which such~~  
6 ~~newspapers are published in sufficient time after passage of~~  
7 ~~this proposed constitutional amendment. The Secretary of the~~  
8 ~~Commonwealth shall submit this proposed constitutional amendment~~  
9 ~~to the qualified electors of this Commonwealth at the first~~  
10 ~~primary, general or municipal election which meets the~~  
11 ~~requirements of and is in conformance with section 1 of Article~~  
12 ~~XI of the Constitution of Pennsylvania and which occurs at least~~  
13 ~~three months after the proposed constitutional amendment is~~  
14 ~~passed by the General Assembly.~~

15 (2) THAT SECTION 14 OF ARTICLE VII BE AMENDED TO READ: <--

16 § 14. ABSENTEE VOTING.

17 (A) THE LEGISLATURE SHALL, BY GENERAL LAW, PROVIDE A MANNER  
18 IN WHICH, AND THE TIME AND PLACE AT WHICH, QUALIFIED ELECTORS  
19 [WHO MAY, ON THE OCCURRENCE OF ANY ELECTION, BE ABSENT FROM THE  
20 MUNICIPALITY OF THEIR RESIDENCE, BECAUSE THEIR DUTIES,  
21 OCCUPATION OR BUSINESS REQUIRE THEM TO BE ELSEWHERE OR WHO, ON  
22 THE OCCURRENCE OF ANY ELECTION, ARE UNABLE TO ATTEND AT THEIR  
23 PROPER POLLING PLACES BECAUSE OF ILLNESS OR PHYSICAL DISABILITY  
24 OR WHO WILL NOT ATTEND A POLLING PLACE BECAUSE OF THE OBSERVANCE  
25 OF A RELIGIOUS HOLIDAY OR WHO CANNOT VOTE BECAUSE OF ELECTION  
26 DAY DUTIES, IN THE CASE OF A COUNTY EMPLOYEE,] MAY VOTE, AND FOR  
27 THE RETURN AND CANVASS OF THEIR VOTES IN THE ELECTION DISTRICT  
28 IN WHICH THEY RESPECTIVELY RESIDE. A LAW UNDER THIS SUBSECTION  
29 MAY NOT REQUIRE A QUALIFIED ELECTOR TO PHYSICALLY APPEAR AT A  
30 DESIGNATED POLLING PLACE ON THE DAY OF THE ELECTION.

1 (B) FOR PURPOSES OF THIS SECTION, "MUNICIPALITY" MEANS A  
2 CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP OR ANY SIMILAR  
3 GENERAL PURPOSE UNIT OF GOVERNMENT WHICH MAY BE CREATED BY THE  
4 GENERAL ASSEMBLY.

5 SECTION 2. (A) UPON THE FIRST PASSAGE BY THE GENERAL  
6 ASSEMBLY OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS, THE  
7 SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO  
8 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE  
9 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE  
10 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN  
11 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER  
12 PASSAGE OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS.

13 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THESE  
14 PROPOSED CONSTITUTIONAL AMENDMENTS, THE SECRETARY OF THE  
15 COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE  
16 ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE XI OF THE  
17 CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED  
18 ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH  
19 NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF  
20 THESE PROPOSED CONSTITUTIONAL AMENDMENTS. THE SECRETARY OF THE  
21 COMMONWEALTH SHALL:

22 (1) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER  
23 SECTION 1(1) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF  
24 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST  
25 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
26 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF  
27 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH  
28 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED  
29 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

30 (2) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER

1 SECTION 1(2) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF  
2 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST  
3 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
4 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF  
5 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH  
6 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED  
7 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.