

PROPOSED AMENDMENTS TO THE CONSTITUTION OF PENNSYLVANIA

This notice contains information about proposed amendments to the Constitution of Pennsylvania, based on joint resolutions of the General Assembly of Pennsylvania.

The General Assembly of Pennsylvania first proposed these amendments during the 2019-2020 session of the legislature. If a majority of the Senators and Representatives elected at the upcoming November 3, 2020 General Election approve any of the proposed amendments for a second time during the 2021-2022 session, the approved proposed amendment(s) will be published again and submitted to the voters of Pennsylvania as a ballot question(s), as required by Article XI, Section 1 of the Constitution. If a ballot question is approved by a majority of the people voting on it, the amendment will become law.

This public notice is part of the process of amending the Constitution of Pennsylvania. The Secretary of the Commonwealth is required to publish a copy of the joint resolutions proposing the amendments. The text of the joint resolutions is included below this notice.

Words that appear in **bold print** are the changes to the words of the Constitution that are proposed by the General Assembly. If the amendment is approved, the words **underlined** would be added to the Constitution and the words in **[brackets]** would be deleted.

If you need help reading this advertisement or need the text of the proposed amendments in an alternative format, call or write the Pennsylvania Department of State, Bureau of Elections and Notaries, Room 210 North Office Building, Harrisburg, PA 17120, 1-877-868-3772 (option 3), ra-elections@pa.gov.

Kathy Boockvar
Secretary of the Commonwealth

JOINT RESOLUTION NO. 2020 - 3

Proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, organizing the Judiciary into representative districts and further providing for residency requirements.

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

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

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

§ 2. Supreme Court.

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

(b) shall consist of seven justices, **to be elected from seven judicial districts which shall be established by law**, one of whom shall be the Chief Justice; and

(c) shall have such jurisdiction as shall be provided by law.

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

§ 3. Superior Court.

The Superior Court shall be a statewide court, and shall consist of the number of judges, which shall be not less than seven judges, **to be elected from judicial districts which shall be established by law**, and have such jurisdiction as shall be provided by this Constitution or by the General Assembly. One of its judges shall be the president judge.

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

§ 4. Commonwealth Court.

The Commonwealth Court shall be a statewide court, and shall consist of the number of judges, **to be elected from judicial districts which shall be established by law**, and have such jurisdiction as shall be provided by law. One of its judges shall be the president judge.

(4) That section 11 of Article V be amended to read:

§ 11. Judicial districts; boundaries.

[The number and boundaries of judicial districts shall be changed by the General Assembly only with the advice and consent of the Supreme Court.]

(a) The number of judges and justices of the Supreme Court, the Superior Court and the Commonwealth Court elected from each judicial district shall provide every resident of the Commonwealth with approximately equal representation on a court. Each judicial district shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each judicial district shall elect one judge or justice. Unless absolutely necessary, no county, city, incorporated town, borough, township or ward may be divided in forming a judicial district.

(b) The General Assembly shall, by law, establish:

(1) The judicial districts from which justices of the Supreme Court and the judges of the Superior Court and the Commonwealth Court are elected.

(2) A transition to an appellate court judiciary elected from judicial districts.

(3) The effect of set judicial districts upon eligibility to seek retention election.

(4) The order in which judicial districts shall elect justices of the Supreme Court and judges of the Superior Court and the Commonwealth Court.

(5) The decennial realignment of the appellate judicial districts based on the Federal decennial census, beginning in 2021 and occurring each ten years thereafter.

(c) Except as provided under subsection (b) and section 7(b), the number and boundaries of all other judicial districts shall be established by the General Assembly by law, with the advice and consent of the Supreme Court.

(5) That section 12 of Article V be amended to read:

§ 12. Qualifications of justices, judges and justices of the peace.

(a) Justices, judges and justices of the peace shall be citizens of the Commonwealth. Justices and judges, except the judges of the traffic court in the City of Philadelphia, shall be members of the bar of the Supreme Court. Justices **[and judges of statewide courts, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within the Commonwealth. Other]**, judges and justices of the peace, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within their respective districts, except as provided in this article for temporary assignments.

(b) Justices of the peace shall be members of the bar of the Supreme Court or shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office. Such courses and examinations shall be as provided by law.

Section 3. (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 XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second 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 XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question as provided under subsection (c) at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

(c) The Secretary of the Commonwealth shall place these proposed constitutional amendments on the ballot as a single ballot question in the following form:

Shall sections 2, 3, 4, 11 and 12 of Article V of the Pennsylvania Constitution be amended to require that judges and justices of the Supreme Court, the Superior Court and the Commonwealth Court be elected from judicial districts established by the General Assembly which must be compact, contiguous and nearly equal in population as practicable and to require that all justices, judges and justices of the peace to be residents of their judicial districts for one year preceding election or appointment and during service?

JOINT RESOLUTION NO. 2020 - 4

Proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; in legislation, further providing for action on concurrent orders and resolutions; and, in the executive, providing for disaster emergency declaration and management.

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

Section 1. The following separate and distinct amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That Article I of the Constitution of Pennsylvania be amended by adding a section to read:

§ 29. Prohibition against denial or abridgment of equality of rights because of race and ethnicity.

Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the race or ethnicity of the individual.

(1.1) That section 9 of Article III be amended to read:

§ 9. Action on concurrent orders and resolutions.

Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the **[question of adjournment] questions of adjournment or termination or extension of a disaster emergency declaration as declared by an executive order or proclamation, or portion of a disaster emergency declaration as declared by an executive order or proclamation,** shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

(2) That Article IV be amended by adding a section to read:

§ 20. Disaster emergency declaration and management.

(a) A disaster emergency declaration may be declared by executive order or proclamation of the Governor upon finding that a disaster has occurred or that the occurrence or threat of a disaster is imminent that threatens the health, safety or welfare of this Commonwealth.

(b) Each disaster emergency declaration issued by the Governor under subsection (a) shall indicate the nature, each area threatened and the conditions of the disaster, including whether the disaster is a natural disaster, military emergency, public health emergency, technological disaster or other general emergency, as defined by statute. The General Assembly shall, by statute, provide for the manner in which each type of disaster enumerated under this subsection shall be managed.

(c) A disaster emergency declaration under subsection (a) shall be in effect for no more than twenty-one (21) days, unless otherwise extended in whole or part by concurrent resolution of the General Assembly.

(d) Upon the expiration of a disaster emergency declaration under subsection (a), the Governor may not issue a new disaster emergency declaration based upon the same or substantially similar facts and circumstances without the passage of a concurrent resolution of the General Assembly expressly approving the new disaster emergency declaration.

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 XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second 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 XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. the Secretary of the Commonwealth shall:

(1) submit the proposed constitutional amendment under section 1(1) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

(1.1) Submit the proposed constitutional amendment under section 1(1.1) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

(2) submit the proposed constitutional amendment under section 1(2) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.