

(This Joint Resolution No. 10 was passed for the first time at the Legislative Session of 1964 and for the second time at the Legislative Session of 1965.)

No. 10

A JOINT RESOLUTION

SB 534

Proposing that articles six, seven and twelve of the Constitution of the Commonwealth of Pennsylvania relating to Public Officers be amended and consolidated into a single article.

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

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That articles six, seven and twelve of the Constitution of the Commonwealth of Pennsylvania be consolidated and amended to read:

ARTICLE

Public Officers

(Formerly Article XII, Section 1.)

Section 1. Selection of Officers Not Otherwise Provided for in Constitution.—All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law. [Provided, That elections of State officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when, in either case, special elections may be required to fill unexpired terms.]

(Formerly Article XII, Section 2.)

Section 2. Incompatible Offices.—No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Section 3. Oath of Office.—Senators, Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation before a person authorized to administer oaths.

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.”

The oath or affirmation shall be administered to a member of the Senate or to a member of the House of Representatives in the hall of the House to which he shall have been elected.

Any person refusing to take the oath or affirmation shall forfeit his office.

(Formerly Article VI, Section 1.)

Section 4. Power of Impeachment.—The House of Representatives shall have the sole power of impeachment.

(Formerly Article VI, Section 2.)

Section 5. Trial of Impeachments.—All impeachments shall be tried by the Senate [when]. When sitting for that purpose the Senators shall be upon oath or affirmation [no]. No person shall be convicted without the concurrence of two-thirds of the members present.

(Formerly Article VI, Section 3.)

Section 6. Officers Liable to Impeachment.—The Governor and all other civil officers shall be liable to impeachment for any [misdemeanor] misbehavior in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth. [the] The person accused, whether convicted or acquitted, shall nevertheless be

liable to indictment, trial, judgment and punishment according to law.

(Formerly Article VI, Section 4.)

Section 7. Removal of Civil Officers.—All civil officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed civil officers, other than judges of the courts of record, [and the Superintendent of Public Instruction] may be removed at the pleasure of the power by which they shall have been appointed. All civil officers elected by the people, except the Governor, the Lieutenant Governor, members of the General Assembly and judges of the courts of record, [learned in the law] shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

Section 2. The article heading of existing article six, the complete article seven and the article heading and section three of article twelve of the Constitution of the Commonwealth of Pennsylvania, which read as hereinafter set forth, are hereby repealed.

#### [ARTICLE VI

#### Impeachment and Removal from Office]

#### [ARTICLE VII

#### Oath of Office]

[Section 1. Senators and Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.”

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the

Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or of a court of common pleas learned in the law, in the hall of the House to which the members shall be elected.]

\* \* \*

[ARTICLE XII  
Public Officers]

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[Section 3. Any person who shall fight a duel or send a challenge for that purpose or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.]

Section 2. This proposed amendment shall be submitted by the Secretary of the Commonwealth to the qualified electors of the State, at the primary election next held after the advertising requirements of article eighteen, section 1 of the Constitution of the Commonwealth of Pennsylvania have been satisfied.