

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2055 Session of
1976

INTRODUCED BY ECKENSBERGER, DOYLE, ZORD, DAVIS, GIAMMARCO,
PRATT, REED, TAYLOR, ZELLER, BRANDT, CIMINI, CUMBERLAND,
LEHR, PITTS, POLITE, BUTERA, O'CONNELL AND DiCARLO,
JANUARY 14, 1976

REFERRED TO COMMITTEE ON LAW AND JUSTICE, JANUARY 14, 1976

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for the election of the Attorney
3 General and his qualifications and term of office; providing
4 for the appointment of a Solicitor General and making him a
5 member of the Board of Pardons.

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

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

11 That sections five and six, subsections (a) and (b) of
12 section eight, subsection (b) of section nine and section
13 seventeen of article four of the Constitution of the
14 Commonwealth of Pennsylvania be amended and a new section be
15 added to the article to read:

16 Section 5. Qualifications of Governor [and], Lieutenant
17 Governor and Attorney General.--No person shall be eligible to
18 the office of Governor or Lieutenant Governor except a citizen

1 of the United States, who shall have attained the age of thirty
2 years, and have been seven years next preceding his election an
3 inhabitant of this Commonwealth, unless he shall have been
4 absent on the public business of the United States or of this
5 Commonwealth. No person shall be eligible to the office of
6 Attorney General except a member of the bar of the Supreme Court
7 of Pennsylvania.

8 Section 6. Disqualification for Offices of Governor, [and]
9 Lieutenant Governor and Attorney General.--No member of Congress
10 or person holding any office (except of attorney-at-law or in
11 the National Guard or in a reserve component of the armed forces
12 of the United States) under the United States or this
13 Commonwealth shall exercise the office of Governor, [or]
14 Lieutenant Governor or Attorney General.

15 Section 8. Appointing Power.--(a) The Governor shall appoint
16 [an Attorney General,] a Solicitor General, Secretary of
17 Education and such other officers as he shall be authorized by
18 law to appoint. The appointment of the [Attorney General,]
19 Solicitor General, the Secretary of Education and of such other
20 officers as may be specified by law, shall be subject to the
21 consent of two-thirds or a majority of the members elected to
22 the Senate as is specified by law. The Solicitor General shall
23 be the legal advisor to the Governor when the Governor is acting
24 in his official capacity.

25 (b) The Governor shall fill vacancies in offices to which he
26 appoints by nominating to the Senate a proper person to fill the
27 vacancy within ninety days of the first day of the vacancy and
28 not thereafter. The Senate shall act on each executive
29 nomination within twenty-five legislative days of its
30 submission. If the Senate has not voted upon a nomination within

1 fifteen legislative days following such submission, any five
2 members of the Senate may, in writing, request the presiding
3 officer of the Senate to place the nomination before the entire
4 Senate body whereby the nomination must be voted upon prior to
5 the expiration of five legislative days or twenty-five
6 legislative days following submission by the Governor, whichever
7 occurs first. If the nomination is made during a recess or after
8 adjournment sine die, the Senate shall act upon it within
9 twenty-five legislative days after its return or reconvening. If
10 the Senate for any reason fails to act upon a nomination
11 submitted to it within the required twenty-five legislative
12 days, the nominee shall take office as if the appointment had
13 been consented to by the Senate. The Governor shall in a similar
14 manner fill vacancies in the offices of Auditor General, State
15 Treasurer, Attorney General, justice, judge, justice of the
16 peace and in any other elective office he is authorized to fill.
17 In the case of a vacancy in an elective office, a person shall
18 be elected to the office on the next election day appropriate to
19 the office unless the first day of the vacancy is within two
20 calendar months immediately preceding the election day in which
21 case the election shall be held on the second succeeding
22 election day appropriate to the office.

23 * * *

24 Section 9. Pardoning Power; Board of Pardons.--* * *

25 (b) The Board of Pardons shall consist of the Lieutenant
26 Governor who shall be chairman, the [Attorney] Solicitor General
27 and three members appointed by the Governor with the consent of
28 two-thirds or a majority of the members elected to the Senate as
29 is specified by law for terms of six years. The three members
30 appointed by the Governor shall be residents of Pennsylvania and

1 shall be recognized leaders in their fields; one shall be a
2 member of the bar, one a penologist, and the third a doctor of
3 medicine, psychiatrist or psychologist. The board shall keep
4 records of its actions, which shall at all times be open for
5 public inspection.

6 Section 17. Contested Elections of Lieutenant Governor,
7 [and] Governor and Attorney General; When Succeeded.--The Chief
8 Justice of the Supreme Court shall preside upon the trial of any
9 contested election of Governor, [or] Lieutenant Governor or
10 Attorney General and shall decide questions regarding the
11 admissibility of evidence, and shall, upon request of the
12 committee, pronounce his opinion upon other questions of law
13 involved in the trial. The Governor, [and] Lieutenant Governor
14 and Attorney General shall exercise the duties of their
15 respective offices until their successors shall be duly
16 qualified.

17 Section 18.1. Attorney General.--An Attorney General shall
18 be chosen by the qualified electors of the Commonwealth on the
19 day the general election is held for the Auditor General and
20 State Treasurer; he shall hold his office during four years from
21 the third Tuesday of January next ensuing his election and shall
22 not be eligible to serve continuously for more than two
23 successive terms; he shall be the chief law enforcement officer
24 of the Commonwealth and shall exercise such powers and perform
25 such duties as may be imposed by law. Before the Attorney
26 General may file nominating petitions as a candidate for any
27 other elective office, he shall resign his position as Attorney
28 General.

29 Section 2. Upon approval of this amendment by the electors,
30 the Attorney General shall continue in office as heretofore

1 provided until the regular election for Attorney General at a
2 general election as provided in section 18.1 of this amendment
3 at which time the Attorney General shall be elected.