

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1523 Session of
2003

INTRODUCED BY FLICK, WEBER, HENNESSEY, BUNT, BEBKO-JONES,
CALTAGIRONE, CAPPELLI, COLEMAN, CRAHALLA, DALEY, FICHTER,
GERGELY, GOODMAN, HARHAI, McCALL, McILHATTAN, McILHINNEY,
MELIO, NICKOL, ROBERTS, SCAVELLO, SHANER, SOLOBAY, TANGRETTI,
E. Z. TAYLOR, WATERS, WATSON AND KIRKLAND, JUNE 3, 2003

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 judicial retention elections.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3153 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3153. Retention elections after regular term.

9 (a) General rule.--A judge or district justice elected under
10 section 3131 (relating to selection of judicial officers for
11 regular terms) or retained under this section may file a
12 declaration of candidacy for retention election with the
13 Secretary of the Commonwealth on or before the first Monday of
14 January of the year preceding the year in which his term of
15 office expires. If no declaration is filed, a vacancy shall
16 exist upon the expiration of the term of office [of such judge]
17 to be filled by election under section 3131(c).

1 (b) Judicial ballot.--If a judge or district justice files a
2 declaration, his name shall be submitted to the electors without
3 party designation, as a separate judicial question or in a
4 separate column or line on voting machines, at the municipal
5 election immediately preceding the expiration of the term of
6 office [of the judge] to determine only the question whether he
7 shall be retained in office.

8 (c) Results of election.--If a majority is against retention
9 of a judge or district justice, a vacancy shall exist upon the
10 expiration of his term of office, to be filled by appointment
11 under section 3132(a) (relating to vacancies in office). If a
12 majority favors retention, the judge or district justice shall
13 serve for the regular term of office provided for in section
14 3152 (relating to tenure of judicial officers), unless sooner
15 removed or retired. At the expiration of each term a judge or
16 district justice shall be eligible for retention as provided in
17 this section, subject only to the retirement provisions of this
18 part.

19 Section 2. If the electorate ratifies an amendment to the
20 Constitution of Pennsylvania permitting retention elections for
21 district justices, the Secretary of the Commonwealth shall
22 transmit notice of the ratification to the Legislative Reference
23 Bureau for publication in the Pennsylvania Bulletin.

24 Section 3. This act shall take effect as follows:

25 (1) The amendment of 42 Pa.C.S. § 3153 shall take effect
26 upon publication of the notice under section 2 of this act.

27 (2) The remainder of this act shall take effect
28 immediately.