

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 285

Session of  
1975

INTRODUCED BY MESSRS. SALOOM, STAPLETON, O'KEEFE, McCUE,  
SHELHAMER, MRS. KERNICK, MESSRS. YAHNER, RENWICK, GALLEN,  
NOYE, MRS. FAWCETT AND MR. DORR, FEBRUARY 4, 1975

REFERRED TO COMMITTEE ON LAW AND JUSTICE, FEBRUARY 4, 1975

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 qualifications for such office.

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

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

9 That sections 5 and 6, subsections (a) and (b) of section  
10 eight and section seventeen of article four of the Constitution  
11 of the Commonwealth of Pennsylvania be amended and a new section  
12 be added to the article to read:

13 Section 5. Qualifications of Governor [and], Lieutenant  
14 Governor and Attorney General.--No person shall be eligible to  
15 the office of Governor, [or] Lieutenant Governor or Attorney  
16 General except a citizen of the United States, who shall have  
17 attained the age of thirty years, and have been seven years next  
18 preceding his election an inhabitant of this Commonwealth,

1 unless he shall have been absent on the public business of the  
2 United States or of this Commonwealth. No person shall be  
3 eligible to the office of Attorney General except a member of  
4 the bar of the Supreme Court of Pennsylvania.

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

12 Section 8. Appointing Power.--(a) The Governor shall appoint  
13 [an Attorney General, a Superintendent of Public Instruction] a  
14 Secretary of Education and such other officers as he shall be  
15 authorized by law to appoint. The appointment of the [Attorney  
16 General, the Superintendent of Public Instruction] Secretary of  
17 Education and of such other officers as may be specified by law,  
18 shall be subject to the consent of two-thirds of the members  
19 elected to the Senate.

20 (b) Except as may now or hereafter be otherwise provided in  
21 this Constitution as to appellate and other judges, he may,  
22 during the recess of the Senate, fill vacancies happening in  
23 offices to which he appoints by granting commissions expiring at  
24 the end of its session and fill vacancies happening in the  
25 office of Auditor General, [or] State Treasurer or Attorney  
26 General or in any other elective office he is authorized to  
27 fill. If the vacancy happens during the session of the Senate  
28 except as otherwise provided in this Constitution, he shall  
29 nominate to the Senate, before its final adjournment, a proper  
30 person to fill the vacancy. In the case of a vacancy in an

1 elective office, a person shall be elected to the office on the  
2 next election day appropriate to the office unless the vacancy  
3 happens within two calendar months immediately preceding the  
4 election day in which case the election shall be held on the  
5 second succeeding election day appropriate to the office.

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7 Section 8.1. Attorney General.--An Attorney General shall be  
8 chosen by the qualified electors of the Commonwealth on the day  
9 the general election is held for the Auditor General and State  
10 Treasurer; he shall hold his office during four years from the  
11 third Tuesday of January next ensuing his election and shall not  
12 be eligible to serve continuously for more than two successive  
13 terms; he shall be the chief law officer of the Commonwealth and  
14 shall exercise such powers and perform such duties as may be  
15 imposed by law.

16 Section 17. Contested Elections of Lieutenant Governor,  
17 [and] Governor and Attorney General; When Succeeded.--The Chief  
18 Justice of the Supreme Court shall preside upon the trial of any  
19 contested election of Governor, [or] Lieutenant Governor or  
20 Attorney General and shall decide questions regarding the  
21 admissibility of evidence, and shall, upon request of the  
22 committee, pronounce his opinion upon other questions of law  
23 involved in the trial. The Governor, [and] Lieutenant Governor  
24 and Attorney General shall exercise the duties of their  
25 respective offices until their successors shall be duly  
26 qualified.

27 Section 2. Upon approval of this amendment by the electors,  
28 there shall be a vacancy in the office of Attorney General which  
29 shall be filled as provided herein.