
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 178

Session of
1977

INTRODUCED BY MESSRS. D. S. HAYES, LEHR, BURNS, HALVERSON,
WEIDNER, MISS SIRIANNI AND MR. E. H. SMITH, FEBRUARY 9, 1977

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 1977

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 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 amendments to the Constitution of
7 the Commonwealth of Pennsylvania are proposed in accordance with
8 the provisions of Article XI thereof:

9 That sections 5, 6, 8 and 17 of Article IV be amended and a
10 section be added to read:

11 § 5. Qualifications of Governor [and], Lieutenant Governor,
12 and Attorney General.

13 No person shall be eligible to the office of Governor [or],
14 Lieutenant Governor or Attorney General except a citizen of the
15 United States, who shall have attained the age of 30 years, and
16 have been seven years next preceding his election an inhabitant
17 of this Commonwealth, unless he shall have been absent on the
18 public business of the United States or of this Commonwealth. No

person shall be eligible to the office of Attorney General
except a member of the bar of the Supreme Court of Pennsylvania.

§ 6. Disqualification for offices of Governor [and], Lieutenant
Governor and Attorney General.

No member of Congress or person holding any office (except of
attorney-at-law or in the National Guard or in a reserve
component of the armed forces of the United States) under the
United States or this Commonwealth shall exercise the office of
Governor [or], Lieutenant Governor or Attorney General.

§ 8. Appointing power.

(a) The Governor shall appoint [an Attorney General,] a
Secretary of Education and such other officers as he shall be
authorized by law to appoint. The appointment of [the Attorney
General,] the Secretary of Education and of such other officers
as may be specified by law, shall be subject to the consent of
two-thirds or a majority of the members elected to the Senate as
is specified by law.

(b) The Governor shall fill vacancies in offices to which he
appoints by nominating to the Senate a proper person to fill the
vacancy within 90 days of the first day of the vacancy and not
thereafter. The Senate shall act on each executive nomination
within 25 legislative days of its submission. If the Senate has
not voted upon a nomination within 15 legislative days following
such submission, any five members of the Senate may, in writing,
request the presiding officer of the Senate to place the
nomination before the entire Senate body whereby the nomination
must be voted upon prior to the expiration of five legislative
days or 25 legislative days following submission by the
Governor, whichever occurs first. If the nomination is made
during a recess or after adjournment sine die, the Senate shall

1 act upon it within 25 legislative days after its return or
2 reconvening. If the Senate for any reason fails to act upon a
3 nomination submitted to it within the required 25 legislative
4 days, the nominee shall take office as if the appointment had
5 been consented to by the Senate. The Governor shall in a similar
6 manner fill vacancies in the offices of Auditor General, State
7 Treasurer, Attorney General, justice, judge, justice of the
8 peace and in any other elective office he is authorized to fill.
9 In the case of a vacancy in an elective office, a person shall
10 be elected to the office on the next election day appropriate to
11 the office unless the first day of the vacancy is within two
12 calendar months immediately preceding the election day in which
13 case the election shall be held on the second succeeding
14 election day appropriate to the office.

15 (c) In acting on executive nominations, the Senate shall sit
16 with open doors. The votes shall be taken by yeas and nays and
17 shall be entered on the journal.

18 § 8.1. Attorney General.

19 An Attorney General shall be chosen by the qualified electors
20 of the Commonwealth on the day the general election is held for
21 the Auditor General and State Treasurer; he shall hold his
22 office during four years from the third Tuesday of January next
23 ensuing his election and shall not be eligible to serve
24 continuously for more than two successive terms; he shall be the
25 chief law officer of the Commonwealth and shall exercise such
26 powers and perform such duties as may be imposed by law.

27 § 17. Contested elections of Lieutenant Governor [and],
28 Governor and Attorney General; when succeeded.

29 The Chief Justice of the Supreme Court shall preside upon the
30 trial of any contested election of Governor [or], Lieutenant

1 Governor or Attorney General and shall decide questions
2 regarding the admissibility of evidence, and shall, upon request
3 of the committee, pronounce his opinion upon other questions of
4 law involved in the trial. The Governor [and], Lieutenant
5 Governor and Attorney General shall exercise the duties of their
6 respective offices until their successors shall be duly
7 qualified.

8 Section 2. Upon approval of these amendments by the
9 electors, there shall be a vacancy in the office of Attorney
10 General which shall be filled as provided herein.