

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 726 Session of
1999

INTRODUCED BY ARGALL, CIVERA, CURRY, DEMPSEY, FAIRCHILD,
FORCIER, HALUSKA, HENNESSEY, MAHER, McCALL, PLATTS, SEYFERT,
TIGUE, TRELLO, VANCE AND ZUG, MARCH 8, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 1999

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for tenure of justices,
3 judges and justices of the peace.

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 Pennsylvania is proposed in accordance with Article XI:

8 That section 15 of Article V be amended to read:

9 § 15. Tenure of justices, judges and justices of the peace.

10 (a) The regular term of office of justices and judges shall
11 be ten years and the regular term of office for judges of the
12 municipal court and traffic court in the City of Philadelphia
13 and of justices of the peace shall be six years. The tenure of
14 any justice or judge shall not be affected by changes in
15 judicial districts or by reduction in the number of judges.

16 (b) A justice or judge elected under section 13(a),
17 appointed under section 13(d) or retained under this section

1 15(b) may file a declaration of candidacy for retention election
2 with the officer of the Commonwealth who under law shall have
3 supervision over elections on or before the first Monday of
4 January of the year preceding the year in which his term of
5 office expires. If no declaration is filed, a vacancy shall
6 exist upon the expiration of the term of office of such justice
7 or judge, to be filled by election under section 13(a) or by
8 appointment under section 13(d) if applicable. If a justice or
9 judge files a declaration, his name shall be submitted to the
10 electors without party designation, [on a separate judicial
11 ballot or in a separate column on voting machines,] at the
12 municipal election immediately preceding the expiration of the
13 term of office of the justice or judge, to determine only the
14 question whether he shall be retained in office. If a majority
15 is against retention, a vacancy shall exist upon the expiration
16 of his term of office, to be filled by appointment under section
17 13(b) or under section 13(d) if applicable. If a majority favors
18 retention, the justice or judge shall serve for the regular term
19 of office provided herein, unless sooner removed or retired. At
20 the expiration of each term a justice or judge shall be eligible
21 for retention as provided herein, subject only to the retirement
22 provisions of this article.

23 Section 2. (a) Upon the first passage by the General
24 Assembly of this proposed constitutional amendment, the
25 Secretary of the Commonwealth shall proceed immediately to
26 comply with the advertising requirements of section 1 of Article
27 XI of the Constitution of Pennsylvania and shall transmit the
28 required advertisements to two newspapers in every county in
29 which such newspapers are published in sufficient time after
30 passage of this proposed constitutional amendment.

1 (b) Upon the second passage by the General Assembly of this
2 proposed constitutional amendment, the Secretary of the
3 Commonwealth shall proceed immediately to comply with the
4 advertising requirements of section 1 of Article XI of the
5 Constitution of Pennsylvania and shall transmit the required
6 advertisements to two newspapers in every county in which such
7 newspapers are published in sufficient time after passage of
8 this proposed constitutional amendment. The Secretary of the
9 Commonwealth shall submit this proposed constitutional amendment
10 to the qualified electors of this Commonwealth at the first
11 primary, general or municipal election occurring at least three
12 months after the proposed constitutional amendment is passed by
13 the General Assembly which meets the requirements of and is in
14 conformance with section 1 of Article XI of the Constitution of
15 Pennsylvania.