

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 55 Session of 2011

INTRODUCED BY GREENLEAF, PICCOLA AND ALLOWAY, JANUARY 12, 2011

REFERRED TO STATE GOVERNMENT, JANUARY 12, 2011

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, providing for retention
3 election of justices of the peace.

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

6 Section 1. The following integrated amendments to the
7 Constitution of Pennsylvania are proposed in accordance with
8 Article XI:

9 (1) That section 13(c) of Article V be amended to read:

10 § 13. Election of justices, judges and justices of the peace;
11 vacancies.

12 * * *

13 (c) The provisions of section 13(b) shall not apply either
14 in the case of a vacancy to be filled by retention election as
15 provided in section 15(b), or in the case of a vacancy created
16 by failure of a [justice or judge] justice, judge or justice of
17 the peace to file a declaration for retention election as
18 provided in section 15(b). In the case of a vacancy occurring at
19 the expiration of an appointive term under section 13(b), the

1 vacancy shall be filled by election as provided in section
2 13(a).

3 * * *

4 (2) That section 15(b) of Article V be amended to read:

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

6 * * *

7 (b) A [justice or judge] justice, judge or justice of the
8 peace elected under section 13(a) [, appointed under section
9 13(d)] or retained under this section 15(b) may file a
10 declaration of candidacy for retention election with the officer
11 of the Commonwealth who under law shall have supervision over
12 elections on or before the first Monday of January of the year
13 preceding the year in which his term of office expires. If no
14 declaration is filed, a vacancy shall exist upon the expiration
15 of the term of office of such [justice or judge] justice, judge
16 or justice of the peace, to be filled by election under section
17 13(a) [or by appointment under section 13(d) if applicable]. If
18 a [justice or judge] justice, judge or justice of the peace
19 files a declaration, his name shall be submitted to the electors
20 without party designation, on a separate judicial ballot or in a
21 separate column on voting machines, at the municipal election
22 immediately preceding the expiration of the term of office of
23 the [justice or judge] justice, judge or justice of the peace,
24 to determine only the question whether he shall be retained in
25 office. If a majority is against retention, a vacancy shall
26 exist upon the expiration of his term of office, to be filled by
27 appointment under section 13(b) [or under section 13(d) if
28 applicable]. If a majority favors retention, the [justice or
29 judge] justice, judge or justice of the peace shall serve for
30 the regular term of office provided herein, unless sooner

1 removed or retired. At the expiration of each term a [justice or
2 judge] justice, judge or justice of the peace shall be eligible
3 for retention as provided herein, subject only to the retirement
4 provisions of this article.

5 Section 2. (a) Upon the first passage by the General
6 Assembly of these proposed constitutional amendments, the
7 Secretary of the Commonwealth shall proceed immediately to
8 comply with the advertising requirements of section 1 of Article
9 XI of the Constitution of Pennsylvania and shall transmit the
10 required advertisements to two newspapers in every county in
11 which such newspapers are published in sufficient time after
12 passage of these proposed constitutional amendments.

13 (b) Upon the second passage by the General Assembly of these
14 proposed constitutional amendments, the Secretary of the
15 Commonwealth shall proceed immediately to comply with the
16 advertising requirements of section 1 of Article XI of the
17 Constitution of Pennsylvania and shall transmit the required
18 advertisements to two newspapers in every county in which such
19 newspapers are published in sufficient time after passage of
20 these proposed constitutional amendments. The Secretary of the
21 Commonwealth shall submit the proposed constitutional amendments
22 under section 1 to the qualified electors of this Commonwealth
23 as a single ballot question at the first primary, general or
24 municipal election occurring at least three months after the
25 proposed constitutional amendments are passed by the General
26 Assembly.