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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 217 Session of  
2005

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INTRODUCED BY GREENLEAF, LEMMOND, LOGAN, PICCOLA AND WOZNIAK,  
FEBRUARY 8, 2005

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REFERRED TO STATE GOVERNMENT, FEBRUARY 8, 2005

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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 That sections 13(c) and 15(b) of Article V be amended to  
10 read:

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

13 \* \* \*

14 (c) The provisions of section 13(b) shall not apply either  
15 in the case of a vacancy to be filled by retention election as  
16 provided in section 15(b), or in the case of a vacancy created  
17 by failure of a [justice or judge] justice, judge or justice of

1 the peace to file a declaration for retention election as  
2 provided in section 15(b). In the case of a vacancy occurring at  
3 the expiration of an appointive term under section 13(b), the  
4 vacancy shall be filled by election as provided in section  
5 13(a).

6 \* \* \*

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

8 \* \* \*

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

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

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

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