
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 616 Session of
2007

INTRODUCED BY GREENLEAF, PICCOLA, COSTA, McILHINNEY, FONTANA AND
WASHINGTON, MARCH 21, 2007

REFERRED TO STATE GOVERNMENT, MARCH 21, 2007

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.