

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 7

Session of
1977

INTRODUCED BY BUTERA AND RYAN, JANUARY 19, 1977

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 19, 1977

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for the election of the Attorney
3 General and providing for his qualifications.

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 the Commonwealth of Pennsylvania is proposed in accordance with
8 the provisions of Article XI thereof:

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

11 § 4.1. Attorney General.

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

1 § 5. Qualifications of Governor, [and] Lieutenant Governor
2 and Attorney General.

3 No person shall be eligible to the office of Governor [or],
4 Lieutenant Governor or Attorney General except a citizen of the
5 United States, who shall have attained the age of 30 years, and
6 have been seven years next preceding his election an inhabitant
7 of this Commonwealth, unless he shall have been absent on the
8 public business of the United States or of this Commonwealth. No
9 person shall be eligible to the office of Attorney General
10 except a member of the bar of the Supreme Court of Pennsylvania.

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

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

18 § 8. Appointing power.

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

26 (b) The Governor shall fill vacancies in offices to which he
27 appoints by nominating to the Senate a proper person to fill the
28 vacancy within 90 days of the first day of the vacancy and not
29 thereafter. The Senate shall act on each executive nomination
30 within 25 legislative days of its submission. If the Senate has

1 not voted upon a nomination within 15 legislative days following
2 such submission, any five members of the Senate may, in writing,
3 request the presiding officer of the Senate to place the
4 nomination before the entire Senate body whereby the nomination
5 must be voted upon prior to the expiration of five legislative
6 days or 25 legislative days following submission by the
7 Governor, whichever occurs first. If the nomination is made
8 during a recess or after adjournment sine die, the Senate shall
9 act upon it within 25 legislative days after its return or
10 reconvening. If the Senate for any reason fails to act upon a
11 nomination submitted to it within the required 25 legislative
12 days, the nominee shall take office as if the appointment had
13 been consented to by the Senate. The Governor shall in a similar
14 manner fill vacancies in the offices of Auditor General, State
15 Treasurer, justice, judge, justice of the peace and in any other
16 elective office he is authorized to fill. In the case of a
17 vacancy in an elective office, a person shall be elected to the
18 office on the next election day appropriate to the office unless
19 the first day of the vacancy is within two calendar months
20 immediately preceding the election day in which case the
21 election shall be held on the second succeeding election day
22 appropriate to the office.

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

26 § 17. Contested elections of [Lieutenant Governor and]
27 Governor, Lieutenant Governor and Attorney General;
28 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 this amendment by the electors,
9 there shall be a vacancy in the office of Attorney General which
10 shall be filled as provided herein.

11 Section 3. This proposed amendment shall be submitted by the
12 Secretary of the Commonwealth to the qualified electors of the
13 Commonwealth, at the primary, municipal, or general election
14 next held after the advertising requirements of section 1 of
15 Article XI of the Constitution of the Commonwealth of
16 Pennsylvania have been satisfied.