
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 189

Session of
1977

INTRODUCED BY MESSRS. ZORD, COWELL, LEHR, POTT, BURD, KNEPPER,
PARKER AND CESSAR, FEBRUARY 9, 1977

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 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 his qualifications and term of office; providing
4 for the appointment of a Solicitor General and making him a
5 member of the Board of Pardons.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby resolves as follows:

8 Section 1. The following amendment to the Constitution of
9 the Commonwealth of Pennsylvania is proposed in accordance with
10 the provisions of Article XI thereof:

11 That sections 5 and 6, subsections (a) and (b) of section 8,
12 subsection (b) of section 9 and section 17 of Article IV be
13 amended and a section be added to read:

14 § 5. Qualifications of Governor [and], Lieutenant Governor
15 and Attorney General.

16 No person shall be eligible to the office of Governor or
17 Lieutenant Governor except a citizen of the United States, who
18 shall have attained the age of 30 years, and have been seven
19 years next preceding his election an inhabitant of this

1 Commonwealth, unless he shall have been absent on the public
2 business of the United States or of this Commonwealth. No person
3 shall be eligible to the office of Attorney General except a
4 member of the bar of the Supreme Court of Pennsylvania.

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

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

12 § 8. Appointing power.

13 (a) The Governor shall appoint [an Attorney General,] a
14 Solicitor General, Secretary of Education and such other
15 officers as he shall be authorized by law to appoint. The
16 appointment of the [Attorney General,] Solicitor General, the
17 Secretary of Education and of such other officers as may be
18 specified by law, shall be subject to the consent of two-thirds
19 or a majority of the members elected to the Senate as is
20 specified by law. The Solicitor General shall be the legal
21 advisor to the Governor when the Governor is acting in his
22 official capacity.

23 (b) The Governor shall fill vacancies in offices to which he
24 appoints by nominating to the Senate a proper person to fill the
25 vacancy within 90 days of the first day of the vacancy and not
26 thereafter. The Senate shall act on each executive nomination
27 within 25 legislative days of its submission. If the Senate has
28 not voted upon a nomination within 15 legislative days following
29 such submission, any five members of the Senate may, in writing,
30 request the presiding officer of the Senate to place the

1 nomination before the entire Senate body whereby the nomination
2 must be voted upon prior to the expiration of five legislative
3 days or 25 legislative days following submission by the
4 Governor, whichever occurs first. If the nomination is made
5 during a recess or after adjournment sine die, the Senate shall
6 act upon it within 25 legislative days after its return or
7 reconvening. If the Senate for any reason fails to act upon a
8 nomination submitted to it within the required 25 legislative
9 days, the nominee shall take office as if the appointment had
10 been consented to by the Senate. The Governor shall in a similar
11 manner fill vacancies in the offices of Auditor General, State
12 Treasurer, Attorney General, justice, judge, justice of the
13 peace and in any other elective office he is authorized to fill.
14 In the case of a vacancy in an elective office, a person shall
15 be elected to the office on the next election day appropriate to
16 the office unless the first day of the vacancy is within two
17 calendar months immediately preceding the election day in which
18 case the election shall be held on the second succeeding
19 election day appropriate to the office.

20 * * *

21 § 9. Pardoning power; Board of Pardons.

22 * * *

23 (b) The Board of Pardons shall consist of the Lieutenant
24 Governor who shall be chairman, the [Attorney] Solicitor General
25 and three members appointed by the Governor with the consent of
26 two-thirds or a majority of the members elected to the Senate as
27 is specified by law for terms of six years. The three members
28 appointed by the Governor shall be residents of Pennsylvania and
29 shall be recognized leaders in their fields; one shall be a
30 member of the bar, one a penologist, and the third a doctor of

1 medicine, psychiatrist or psychologist. The board shall keep
2 records of its actions, which shall at all times be open for
3 public inspection.

4 § 17. Contested elections of Lieutenant Governor, [and]
5 Governor and Attorney General; When Succeeded.

6 The Chief Justice of the Supreme Court shall preside upon the
7 trial of any contested election of Governor, [or] Lieutenant
8 Governor or Attorney General and shall decide questions
9 regarding the admissibility of evidence, and shall, upon request
10 of the committee, pronounce his opinion upon other questions of
11 law involved in the trial. The Governor, [and] Lieutenant
12 Governor and Attorney General shall exercise the duties of their
13 respective offices until their successors shall be duly
14 qualified.

15 § 18.1. Attorney General.

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

25 Section 2. Upon approval of this amendment by the electors,
26 the Attorney General shall continue in office as heretofore
27 provided until the regular election for Attorney General at a
28 general election as provided in section 18.1 at which time the
29 Attorney General shall be elected.