

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 281

Session of  
1979

INTRODUCED BY CALTAGIRONE, FEBRUARY 13, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 14, 1979

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, removing judges of the courts of common  
3 pleas from the retention election system.

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 section 15 of Article V be amended to read:

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

11 (a) The regular term of office of justices and judges shall  
12 be ten years and the regular term of office for judges of the  
13 municipal court and traffic court in the City of Philadelphia  
14 and of justices of the peace shall be six years. The tenure of  
15 any justice or judge shall not be affected by changes in  
16 judicial districts or by reduction in the number of judges.

17 (b) A justice or judge other than a judge of a court of  
18 common pleas elected under section 13 (a), appointed under  
19 section 13 (d) or retained under this section 15 (b) may file a

1 declaration of candidacy for retention election with the officer  
2 of the Commonwealth who under law shall have supervision over  
3 elections on or before the first Monday of January of the year  
4 preceding the year in which his term of office expires. If no  
5 declaration is filed, a vacancy shall exist upon the expiration  
6 of the term of office of such justice or judge, to be filled by  
7 election under section 13 (a) or by appointment under section 13  
8 (d) if applicable. If a justice or judge files a declaration,  
9 his name shall be submitted to the electors without party  
10 designation, on a separate judicial ballot or in a separate  
11 column on voting machines, at the municipal election immediately  
12 preceding the expiration of the term of office of the justice or  
13 judge, to determine only the question whether he shall be  
14 retained in office. If a majority is against retention, a  
15 vacancy shall exist upon the expiration of his term of office,  
16 to be filled by appointment under section 13 (b) or under  
17 section 13 (d) if applicable. If a majority favors retention,  
18 the justice or judge shall serve for the regular term of office  
19 provided herein, unless sooner removed or retired. At the  
20 expiration of each term a justice or judge shall be eligible for  
21 retention as provided herein, subject only to the retirement  
22 provisions of this article.