

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1533

Session of
1983

INTRODUCED BY FRYER, GALLEN, DeLUCA, GAMBLE, A. C. FOSTER, JR.,
SALOOM, HUTCHINSON, LIVENGOD, PETRARCA, LEVI, PRATT AND
BELFANTI, OCTOBER 3, 1983

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 1983

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, eliminating judicial retention for appellate
3 court judges; and forbidding Supreme Court rules or canons
4 from inhibiting judicial expression of opinions on legal and
5 political issues.

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

8 Section 1. The following amendments to the Constitution of
9 Pennsylvania are proposed in accordance with Article XI:

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

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

14 * * *

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

1 common pleas 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]
4 subsection (b), the vacancy shall be filled by election as
5 provided in [section 13] subsection (a).

6 * * *

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

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

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

1 retention, a vacancy shall exist upon the expiration of his term
2 of office, to be filled by appointment under section 13(b) or
3 under section 13(d) if applicable. If a majority favors
4 retention, the [justice or] judge shall serve for the regular
5 term of office provided herein, unless sooner removed or
6 retired. At the expiration of each term a [justice or] judge of
7 a court of common pleas shall be eligible for retention as
8 provided herein, subject only to the retirement provisions of
9 this article.

10 (2) That section 17(b) of Article V be amended to read:

11 § 17. Prohibited activities.

12 * * *

13 (b) Justices and judges shall not engage in any activity
14 prohibited by law and shall not violate any canon of legal or
15 judicial ethics prescribed by the Supreme Court. Justices of the
16 peace shall be governed by rules or canons which shall be
17 prescribed by the Supreme Court. However, no rule or canon shall
18 prohibit or restrict any justice, judge or justice of the peace
19 from expressing an opinion on a legal or political issue.

20 * * *