
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 909 Session of
2001

INTRODUCED BY FLICK, L. I. COHEN, WOGAN, HARPER, BARRAR,
CALTAGIRONE, CAPPELLI, COLAFELLA, HENNESSEY, LEDERER, McCALL,
McILHATTAN, McILHINNEY, MELIO, R. MILLER, NICKOL, PETRARCA,
PIPPY, SCHULER, SHANER, SOLOBAY, TRELLO AND WILT,
MARCH 12, 2001

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 12, 2001

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, providing for retention
3 election and tenure 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

1 by failure of a [justice or judge] justice, judge or justice of
2 the peace to file a declaration for retention election as
3 provided in section 15(b). In the case of a vacancy occurring at
4 the expiration of an appointive term under section 13(b), the
5 vacancy shall be filled by election as provided in section
6 13(a).

7 * * *

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

9 * * *

10 (b) A [justice or judge] justice, judge or justice of the
11 peace elected under section 13(a)[, appointed under section
12 13(d)] or retained under this section 15(b) may file a
13 declaration of candidacy for retention election with the officer
14 of the Commonwealth who under law shall have supervision over
15 elections on or before the first Monday of January of the year
16 preceding the year in which his term of office expires. If no
17 declaration is filed, a vacancy shall exist upon the expiration
18 of the term of office of such [justice or judge] justice, judge
19 or justice of the peace, to be filled by election under section
20 13(a) [or by appointment under section 13(d) if applicable]. If
21 a [justice or judge] justice, judge or justice of the peace
22 files a declaration, his name shall be submitted to the electors
23 without party designation, on a separate judicial ballot or in a
24 separate column on voting machines, at the municipal election
25 immediately preceding the expiration of the term of office of
26 the [justice or judge] justice, judge or justice of the peace,
27 to determine only the question whether he shall be retained in
28 office. If a majority is against retention, a vacancy shall
29 exist upon the expiration of his term of office, to be filled by
30 appointment under section 13(b) [or under section 13(d) if

1 applicable]. If a majority favors retention, the [justice or
2 judge] justice, judge or justice of the peace shall serve for
3 the regular term of office provided herein, unless sooner
4 removed or retired. At the expiration of each term a [justice or
5 judge] justice, judge or justice of the peace shall be eligible
6 for retention as provided herein, subject only to the retirement
7 provisions of this article.

8 Section 2. (a) Upon the first passage by the General
9 Assembly of these proposed integrated constitutional amendments,
10 the Secretary of the Commonwealth shall proceed immediately to
11 comply with the advertising requirements of section 1 of Article
12 XI of the Constitution of Pennsylvania and shall transmit the
13 required advertisements to two newspapers in every county in
14 which such newspapers are published in sufficient time after
15 passage of these proposed integrated constitutional amendments.

16 (b) Upon the second passage by the General Assembly of these
17 proposed integrated constitutional amendments, the Secretary of
18 the Commonwealth shall proceed immediately to comply with the
19 advertising requirements of section 1 of Article XI of the
20 Constitution of Pennsylvania and shall transmit the required
21 advertisements to two newspapers in every county in which such
22 newspapers are published in sufficient time after passage of
23 these proposed integrated constitutional amendments. The
24 Secretary of the Commonwealth shall submit these proposed
25 integrated constitutional amendments to the qualified electors
26 of this Commonwealth at the first primary, general or municipal
27 election occurring at least three months after these proposed
28 integrated constitutional amendments are passed by the General
29 Assembly.