
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 366 Session of
2001

INTRODUCED BY GERLACH, HELFRICK, THOMPSON, CONTI, PUNT, WAUGH,
EARLL AND M. WHITE, FEBRUARY 7, 2001

REFERRED TO JUDICIARY, FEBRUARY 7, 2001

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for the Supreme Court and
3 for the election of justices, judges and justices of the
4 peace.

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

7 Section 1. The following amendment to the Constitution of
8 Pennsylvania is proposed in accordance with Article XI:

9 That sections 2(b) and 13(a) and (b) of Article V be amended
10 to read:

11 § 2. Supreme Court.

12 The Supreme Court * * *

13 (b) shall consist of seven justices, one of whom shall be
14 the Chief Justice. Two justices shall be elected from each of
15 the three appellate court electoral districts established in
16 section 13. The Chief Justice shall be appointed by the Governor
17 with the advice and consent of two-thirds of the members elected
18 to the Senate; and

1 * * *

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

4 (a) [Justices, judges] (1) Judges of the courts of common
5 pleas, judges of the municipal court and traffic court in the
6 City of Philadelphia, and justices of the peace shall be elected
7 at the municipal election next preceding the commencement of
8 their respective terms of office by the electors of the
9 Commonwealth or the respective districts in which they are to
10 serve.

11 (2) In accordance with the following, all justices and
12 judges of the Supreme, Superior and Commonwealth Courts, with
13 the exception of the Chief Justice of the Supreme Court, shall
14 be elected from the southeastern, central or western appellate
15 court electoral districts, according to their place of
16 residence. The southeastern appellate court electoral district
17 shall be composed of the following counties: Bucks, Chester,
18 Delaware, Montgomery, Northampton and Philadelphia. Two Supreme
19 Court justices and one-third of the full complement of Superior
20 and Commonwealth Court judges shall be elected from and shall be
21 residents of the southeastern appellate court electoral
22 district. The central appellate court electoral district shall
23 consist of the following counties: Adams, Bedford, Berks, Blair,
24 Bradford, Carbon, Centre, Clinton, Columbia, Cumberland,
25 Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna,
26 Lancaster, Lebanon, Lehigh, Luzerne, Mifflin, Monroe, Montour,
27 Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan,
28 Susquehanna, Tioga, Union, Wayne, Wyoming and York. Two Supreme
29 Court justices and one-third of the full complement of Superior
30 and Commonwealth Court judges shall be elected from and shall be

1 residents of the central appellate court electoral district. The
2 western appellate court electoral district shall consist of the
3 following counties: Allegheny, Armstrong, Beaver, Butler,
4 Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie,
5 Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Lycoming,
6 McKean, Mercer, Potter, Somerset, Venango, Warren, Washington
7 and Westmoreland. Two Supreme Court justices and one-third of
8 the full complement of Superior and Commonwealth Court judges
9 shall be elected from and shall be residents of the western
10 appellate court electoral district.

11 (3) The Chief Justice of the Supreme Court shall be
12 appointed by the Governor with the advice and consent of two-
13 thirds of the members elected to the Senate, beginning with the
14 January seating of the newly elected justices elected in the
15 first November general election following the adoption of this
16 paragraph. The regular term of the Chief Justice shall be for
17 ten years from the time of appointment. In making the
18 appointment, the Governor shall consider the qualifications and
19 experience of the appointee to Chief Justice, including, but not
20 limited to, the appointee's administrative qualifications and
21 experience.

22 (b) A vacancy in the office of justice, judge or justice of
23 the peace shall be filled by appointment by the Governor. Except
24 for the Chief Justice of the Supreme Court, appointees to the
25 Supreme, Superior and Commonwealth Courts shall be residents of
26 the appellate court electoral district wherein the vacancy has
27 occurred. The appointment shall be with the advice and consent
28 of two-thirds of the members elected to the Senate, except in
29 the case of justices of the peace which shall be by a majority.
30 The person so appointed shall serve for a term ending on the

1 first Monday of January following the next municipal election
2 more than ten months after the vacancy occurs or for the
3 remainder of the unexpired term whichever is less, except in the
4 case of persons selected as additional judges to the Superior
5 Court, where the General Assembly may stagger and fix the length
6 of the initial terms of such additional judges by reference to
7 any of the first, second and third municipal elections more than
8 ten months after the additional judges are selected. The manner
9 by which any additional judges are selected shall be provided by
10 this section for the filling of vacancies in judicial offices.

11 * * *

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

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

1 months after the proposed constitutional amendment is passed by
2 the General Assembly.