
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1880 Session of
2021

INTRODUCED BY RYAN, BROOKS, GROVE, HAMM, MOUL, PENNYCUICK,
SMITH, METCALFE, KEEFER AND JONES, SEPTEMBER 20, 2021

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 13, 2021

A JOINT RESOLUTION

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

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 Pennsylvania is proposed in accordance with Article XI:

8 That section 15 of Article V be amended to read:

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

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

16 (b) [A] Except as provided under this section 15(c), a
17 justice or judge elected under section 13(a), appointed under

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

24 (c) A justice of the Supreme Court, JUDGE OF THE SUPERIOR <--
25 COURT OR JUDGE OF THE COMMONWEALTH COURT shall be eligible to
26 serve two terms ON EACH COURT. A justice of the Supreme Court, <--
27 JUDGE OF THE SUPERIOR COURT OR JUDGE OF THE COMMONWEALTH COURT
28 who shall have exceeded the term limitation prescribed under
29 this subsection shall be permitted to complete their current
30 term in office.

1 Section 2. (a) Upon the first passage by the General
2 Assembly of this proposed constitutional amendment, the
3 Secretary of the Commonwealth shall proceed immediately to
4 comply with the advertising requirements of section 1 of Article
5 XI of the Constitution of Pennsylvania and shall transmit the
6 required advertisements to two newspapers in every county in
7 which such newspapers are published in sufficient time after
8 passage of this proposed constitutional amendment.

9 (b) Upon the second passage by the General Assembly of this
10 proposed constitutional amendment, the Secretary of the
11 Commonwealth shall proceed immediately to comply with the
12 advertising requirements of section 1 of Article XI of the
13 Constitution of Pennsylvania and shall transmit the required
14 advertisements to two newspapers in every county in which such
15 newspapers are published in sufficient time after passage of
16 this proposed constitutional amendment. The Secretary of the
17 Commonwealth shall submit this proposed constitutional amendment
18 as a single ballot question to the qualified electors of this
19 Commonwealth at the first primary, general or municipal election
20 which meets the requirements of and is in conformance with
21 section 1 of Article XI of the Constitution of Pennsylvania and
22 which occurs at least three months after the proposed
23 constitutional amendment is passed by the General Assembly.