
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2141 Session of
2021

INTRODUCED BY KAUFFMAN, DIAMOND, HAMM, RYAN, GROVE, METCALFE,
SMITH, ROWE, JONES AND ZIMMERMAN, DECEMBER 7, 2021

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 7, 2021

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, in the judiciary, further
3 providing for election of justices, judges and justices of
4 the peace and vacancies and for tenure of justices, judges
5 and justices of the peace.

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 section 13(c) of Article V be amended to 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
17 by failure of a justice or judge to file a declaration for
18 retention election as provided in section 15(b).] In the case of
19 a vacancy occurring at the expiration of an appointive term

1 under section 13(b), the vacancy shall be filled by election as
2 provided in section 13(a).

3 * * *

4 (2) That section 15(b) of Article V be amended to read:

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

6 * * *

7 (b) [A justice or judge elected under section 13(a),
8 appointed under section 13(d) or retained under this section
9 15(b) may file a declaration of candidacy for retention election
10 with the officer of the Commonwealth who under law shall have
11 supervision over elections on or before the first Monday of
12 January of the year preceding the year in which his term of
13 office expires. If no declaration is filed, a vacancy shall
14 exist upon the expiration of the term of office of such justice
15 or judge, to be filled by election under section 13(a) or by
16 appointment under section 13(d) if applicable. If a justice or
17 judge files a declaration, his name shall be submitted to the
18 electors without party designation, on a separate judicial
19 ballot or in a separate column on voting machines, at the
20 municipal election immediately preceding the expiration of the
21 term of office of the justice or judge, to determine only the
22 question whether he shall be retained in office. If a majority
23 is against retention, a vacancy shall exist upon the expiration
24 of his term of office, to be filled by appointment under section
25 13(b) or under section 13(d) if applicable. If a majority favors
26 retention, the justice or judge shall serve for the regular term
27 of office provided herein, unless sooner removed or retired.] At
28 the expiration of each term a justice or judge shall be eligible
29 for [retention as provided herein] re-election, subject only to
30 the retirement provisions of this article.

1 Section 2. (a) Upon the first passage by the General
2 Assembly of these proposed constitutional amendments, 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 these proposed constitutional amendments.

9 (b) Upon the second passage by the General Assembly of these
10 proposed constitutional amendments, 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 these proposed constitutional amendments. The Secretary of the
17 Commonwealth shall submit the proposed constitutional amendments
18 under section 1 of this resolution to the qualified electors of
19 this Commonwealth as a single ballot question at the first
20 primary, general or municipal election which meets the
21 requirements of and is in conformance with section 1 of Article
22 XI of the Constitution of Pennsylvania and which occurs at least
23 three months after the proposed constitutional amendments are
24 passed by the General Assembly.