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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 551 Session of  
2021

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INTRODUCED BY MARTIN, K. WARD, GORDNER, BARTOLOTTA, STEFANO,  
PITTMAN AND SCHWANK, APRIL 13, 2021

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REFERRED TO STATE GOVERNMENT, APRIL 13, 2021

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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(b) of Article V be amended to read:

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

10 \* \* \*

11 (b) A justice or judge elected under section 13(a),  
12 appointed under section 13(d) or retained under this section  
13 15(b) may file a declaration of candidacy for retention election  
14 with the officer of the Commonwealth who under law shall have  
15 supervision over elections on or before the first Monday of  
16 January of the year preceding the year in which his term of  
17 office expires. If no declaration is filed, a vacancy shall  
18 exist upon the expiration of the term of office of such justice

1 or judge, to be filled by election under section 13(a) or by  
2 appointment under section 13(d) if applicable. If a justice or  
3 judge files a declaration, his name shall be submitted to the  
4 electors without party designation, [on a separate judicial  
5 ballot or in a separate column on voting machines,] at the  
6 municipal election immediately preceding the expiration of the  
7 term of office of the justice or judge, to determine only the  
8 question whether he shall be retained in office. If a majority  
9 is against retention, a vacancy shall exist upon the expiration  
10 of his term of office, to be filled by appointment under section  
11 13(b) or under section 13(d) if applicable. If a majority favors  
12 retention, the justice or judge shall serve for the regular term  
13 of office provided herein, unless sooner removed or retired. At  
14 the expiration of each term a justice or judge shall be eligible  
15 for retention as provided herein, subject only to the retirement  
16 provisions of this article.

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

25 (b) Upon the second passage by the General Assembly of this  
26 proposed constitutional amendment, the Secretary of the  
27 Commonwealth shall proceed immediately to comply with the  
28 advertising requirements of section 1 of Article XI of the  
29 Constitution of Pennsylvania and shall transmit the required  
30 advertisements to two newspapers in every county in which such

1 newspapers are published in sufficient time after passage of  
2 this proposed constitutional amendment. The Secretary of the  
3 Commonwealth shall submit this proposed constitutional amendment  
4 to the qualified electors of this Commonwealth at the first  
5 primary, general or municipal election which meets the  
6 requirements of and is in conformance with section 1 of Article  
7 XI of the Constitution of Pennsylvania and which occurs at least  
8 three months after the proposed constitutional amendment is  
9 passed by the General Assembly.