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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 733 Session of  
2023

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INTRODUCED BY BROOKS, JUNE 2, 2023

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REFERRED TO STATE GOVERNMENT, JUNE 2, 2023

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A JOINT RESOLUTION

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

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

7 Section 1. The following integrated amendments to the  
8 Constitution of Pennsylvania are proposed in accordance with  
9 Article XI:

10 (1) That section 13 of Article V be amended to read:

11 § 13. Election of justices, judges and justices of the peace;  
12 vacancies.

13 (a) Justices, judges and justices of the peace shall be  
14 elected at the municipal election next preceding the  
15 commencement of their respective terms of office by the electors  
16 of the Commonwealth or the respective districts in which they  
17 are to serve.

18 (b) A vacancy in the office of justice, judge or justice of  
19 the peace shall be filled by appointment by the Governor. The

1 appointment shall be with the advice and consent of two-thirds  
2 of the members elected to the Senate, except in the case of  
3 justices of the peace which shall be by a majority. The person  
4 so appointed shall serve for a term ending on the first Monday  
5 of January following the next municipal election more than ten  
6 months after the vacancy occurs or for the remainder of the  
7 unexpired term whichever is less, except in the case of persons  
8 selected as additional judges to the Superior Court, where the  
9 General Assembly may stagger and fix the length of the initial  
10 terms of such additional judges by reference to any of the  
11 first, second and third municipal elections more than ten months  
12 after the additional judges are selected. The manner by which  
13 any additional judges are selected shall be provided by this  
14 section for the filling of vacancies in judicial offices.

15 (c) The provisions of section 13(b) shall not apply either  
16 in the case of a vacancy to be filled by retention election as  
17 provided in section 15(b), or in the case of a vacancy created  
18 by failure of a [justice or] judge to file a declaration for  
19 retention election as provided in section 15(b). In the case of  
20 a vacancy occurring at the expiration of an appointive term  
21 under section 13(b), the vacancy shall be filled by election as  
22 provided in section 13(a).

23 (d) At the primary election in 1969, the electors of the  
24 Commonwealth may elect to have the justices and judges of the  
25 Supreme, Superior, Commonwealth and all other statewide courts  
26 appointed by the Governor from a list of persons qualified for  
27 the offices submitted to him by the Judicial Qualifications  
28 Commission. If a majority vote of those voting on the question  
29 is in favor of this method of appointment, then whenever any  
30 vacancy occurs thereafter for any reason in such court, the

1 Governor shall fill the vacancy by appointment in the manner  
2 prescribed in this subsection. Such appointment shall not  
3 require the consent of the Senate.

4 (e) Each justice or judge appointed by the Governor under  
5 section 13(d) shall hold office for an initial term ending the  
6 first Monday of January following the next municipal election  
7 more than 24 months following the appointment.

8 (2) 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]  
11 shall be [ten] four years [and the]. The regular term of office  
12 for judges shall be ten years and the regular term of office for  
13 judges of the municipal court in the City of Philadelphia and of  
14 justices of the peace shall be six years. The tenure of any  
15 justice or judge shall not be affected by changes in judicial  
16 districts or by reduction in the number of judges.  
17 Notwithstanding any other provision of law, no justice of the  
18 Supreme Court may be eligible for retention under subsection  
19 (b).

20 (b) A [justice or] judge elected under section 13(a),  
21 appointed under section 13(d) or retained under this section  
22 15(b) may file a declaration of candidacy for retention election  
23 with the officer of the Commonwealth who under law shall have  
24 supervision over elections on or before the first Monday of  
25 January of the year preceding the year in which his term of  
26 office expires. If no declaration is filed, a vacancy shall  
27 exist upon the expiration of the term of office of such [justice  
28 or] judge, to be filled by election under section 13(a) or by  
29 appointment under section 13(d) if applicable. If a [justice or]  
30 judge files a declaration, his name shall be submitted to the

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

14 Section 2. The following procedure applies to the proposed  
15 constitutional amendments in this joint resolution:

16 (1) Upon the first passage by the General Assembly of  
17 the amendments, the Secretary of the Commonwealth shall  
18 proceed immediately to comply with the advertising  
19 requirements of section 1 of Article XI of the Constitution  
20 of Pennsylvania.

21 (2) Upon the second passage by the General Assembly of  
22 the amendments, the Secretary of the Commonwealth shall  
23 proceed immediately to comply with the advertising  
24 requirements of section 1 of Article XI of the Constitution  
25 of Pennsylvania. The Secretary of the Commonwealth shall  
26 submit the amendments to the qualified electors of this  
27 Commonwealth as a single ballot question at the first  
28 primary, general or municipal election which meets the  
29 requirements of section 1 of Article XI of the Constitution  
30 of Pennsylvania.