

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1273 Session of
1976

INTRODUCED BY NOLAN, SMITH AND MESSINGER, FEBRUARY 2, 1976

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, FEBRUARY 2, 1976

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania providing for the election of the Attorney
3 General and providing for his qualifications.

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 the provisions of
8 the eleventh article thereof:

9 That a section be added to article four and sections five,
10 six, eight and seventeen of article four of the Constitution of
11 the Commonwealth of Pennsylvania be amended to read:

12 Section 4.1. Attorney General.--An Attorney General shall be
13 chosen by the qualified electors of the Commonwealth on the day
14 the general election is held for the Auditor General and State
15 Treasurer; he shall hold his office during four years from the
16 third Tuesday of January next ensuing his election and shall not
17 be eligible to serve continuously for more than two successive
18 terms; he shall be the chief law officer of the Commonwealth and
19 shall exercise such powers and perform such duties as may be

1 imposed by law.

2 Section 5. Qualifications of Governor [and] Lieutenant
3 Governor and Attorney General.-- No person shall be eligible to
4 the office of Governor [or], Lieutenant Governor or Attorney
5 General except a citizen of the United States, who shall have
6 attained the age of thirty years, and have been seven years next
7 preceding his election an inhabitant of this Commonwealth,
8 unless he shall have been absent on the public business of the
9 United States or of this Commonwealth. No person shall be
10 eligible to the office of Attorney General except a member of
11 the bar of the Supreme Court of Pennsylvania.

12 Section 6. Disqualification for Offices of Governor [and]
13 Lieutenant Governor and Attorney General.-- No member of
14 Congress or person holding any office (except of attorney-at-law
15 or in the National Guard or in a reserve component of the armed
16 forces of the United States) under the United States or this
17 Commonwealth shall exercise the office of Governor [or],
18 Lieutenant Governor or Attorney General.

19 Section 8. Appointing Power.--(a) The Governor shall appoint
20 [an Attorney General,] a Secretary of Education and such other
21 officers as he shall be authorized by law to appoint. The
22 appointment of [the Attorney General,] the Secretary of
23 Education and of such other officers as may be specified by law,
24 shall be subject to the consent of two-thirds or a majority of
25 the members elected to the Senate as is specified by law.

26 (b) The Governor shall fill vacancies in offices to which he
27 appoints by nominating to the Senate a proper person to fill the
28 vacancy within ninety days of the first day of the vacancy and
29 not thereafter. The Senate shall act on each executive
30 nomination within twenty-five legislative days of its

1 submission. If the Senate has not voted upon a nomination within
2 fifteen legislative days following such submission, any five
3 members of the Senate may, in writing, request the presiding
4 officer of the Senate to place the nomination before the entire
5 Senate body whereby the nomination must be voted upon prior to
6 the expiration of five legislative days or twenty-five
7 legislative days following submission by the Governor, whichever
8 occurs first. If the nomination is made during a recess or after
9 adjournment sine die, the Senate shall act upon it within
10 twenty-five legislative days after its return or reconvening. If
11 the Senate for any reason fails to act upon a nomination
12 submitted to it within the required twenty-five legislative
13 days, the nominee shall take office as if the appointment had
14 been consented to by the Senate. The Governor shall in a similar
15 manner fill vacancies in the offices of Auditor General, State
16 Treasurer, justice, judge, justice of the peace and in any other
17 elective office he is authorized to fill. In the case of a
18 vacancy in an elective office, a person shall be elected to the
19 office on the next election day appropriate to the office unless
20 the first day of the vacancy is within two calendar months
21 immediately preceding the election day in which case the
22 election shall be held on the second succeeding election day
23 appropriate to the office.

24 (c) In acting on executive nominations, the Senate shall sit
25 with open doors. The votes shall be taken by yeas and nays and
26 shall be entered on the journal.

27 Section 17. Contested Elections of [Lieutenant Governor and]
28 Governor; Lieutenant Governor and Attorney General; When
29 Succeeded.--The Chief Justice of the Supreme Court shall preside
30 upon the trial of any contested election of Governor [or],

1 Lieutenant Governor or Attorney General and shall decide
2 questions regarding the admissibility of evidence, and shall,
3 upon request of the committee, pronounce his opinion upon other
4 questions of law involved in the trial. The Governor [and],
5 Lieutenant Governor and Attorney General shall exercise the
6 duties of their respective offices until their successors shall
7 be duly qualified.

8 Section 2. Upon approval of this amendment by the electors,
9 there shall be a vacancy in the office of Attorney General which
10 shall be filled as provided herein.