

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 84

Session of  
1977

INTRODUCED BY MESSRS. DOYLE, CIMINI, GIAMMARCO, MRKONIC, PITTS,  
POLITE, PRATT, ZELLER, ZORD, MELUSKEY, PRENDERGAST, BUTERA,  
O'CONNELL, MRS. TAYLOR, MESSRS. BRANDT, AND MANDERINO,  
FEBRUARY 7, 1977

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 1977

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 the Commonwealth of Pennsylvania is proposed in accordance with  
8 the provisions of Article XI thereof:

9 That a section be added to Article IV and sections 5, 6, 8  
10 and 17 of Article IV of the Constitution of the Commonwealth of  
11 Pennsylvania be amended to read:

12 § 4.1. Attorney General.

13 An Attorney General shall be chosen by the qualified electors  
14 of the Commonwealth on the day the general election is held for  
15 the Auditor General and State Treasurer; he shall hold his  
16 office during four years from the third Tuesday of January next  
17 ensuing his election and shall not be eligible to serve

1 continuously for more than two successive terms; he shall be the  
2 chief law officer of the Commonwealth and shall exercise such  
3 powers and perform such duties as may be imposed by law.

4 § 5. Qualifications of Governor, [and] Lieutenant Governor  
5 and Attorney General.

6 No person shall be eligible to the office of Governor [or],  
7 Lieutenant Governor or Attorney General except a citizen of the  
8 United States, who shall have attained the age of 30 years, and  
9 have been seven years next preceding his election an inhabitant  
10 of this Commonwealth, unless he shall have been absent on the  
11 public business of the United States or of this Commonwealth. No  
12 person shall be eligible to the office of Attorney General  
13 except a member of the bar of the Supreme Court of Pennsylvania.

14 § 6. Disqualification for offices of Governor, [and] Lieutenant  
15 Governor and Attorney General.

16 No member of Congress or person holding any office (except of  
17 attorney-at-law or in the National Guard or in a reserve  
18 component of the armed forces of the United States) under the  
19 United States or this Commonwealth shall exercise the office of  
20 Governor [or], Lieutenant Governor or Attorney General.

21 § 8. Appointing power.

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

29 (b) The Governor shall fill vacancies in offices to which he  
30 appoints by nominating to the Senate a proper person to fill the

1 vacancy within 90 days of the first day of the vacancy and not  
2 thereafter. The Senate shall act on each executive nomination  
3 within 25 legislative days of its submission. If the Senate has  
4 not voted upon a nomination within 15 legislative days following  
5 such submission, any five members of the Senate may, in writing,  
6 request the presiding officer of the Senate to place the  
7 nomination before the entire Senate body whereby the nomination  
8 must be voted upon prior to the expiration of five legislative  
9 days or 25 legislative days following submission by the  
10 Governor, whichever occurs first. If the nomination is made  
11 during a recess or after adjournment sine die, the Senate shall  
12 act upon it within 25 legislative days after its return or  
13 reconvening. If the Senate for any reason fails to act upon a  
14 nomination submitted to it within the required 25 legislative  
15 days, the nominee shall take office as if the appointment had  
16 been consented to by the Senate. The Governor shall in a similar  
17 manner fill vacancies in the offices of Auditor General, State  
18 Treasurer, justice, judge, justice of the peace and in any other  
19 elective office he is authorized to fill. In the case of a  
20 vacancy in an elective office, a person shall be elected to the  
21 office on the next election day appropriate to the office unless  
22 the first day of the vacancy is within two calendar months  
23 immediately preceding the election day in which case the  
24 election shall be held on the second succeeding election day  
25 appropriate to the office.

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

29 § 17. Contested elections of [Lieutenant Governor and]

30 Governor, Lieutenant Governor and Attorney General;

1           when succeeded.

2           The Chief Justice of the Supreme Court shall preside upon the  
3 trial of any contested election of Governor [or], Lieutenant  
4 Governor or Attorney General and shall decide questions  
5 regarding the admissibility of evidence, and shall, upon request  
6 of the committee, pronounce his opinion upon other questions of  
7 law involved in the trial. The Governor [and], Lieutenant  
8 Governor and Attorney General shall exercise the duties of their  
9 respective offices until their successors shall be duly  
10 qualified.

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

14          Section 3. This proposed amendment shall be submitted by the  
15 Secretary of the Commonwealth to the qualified electors of the  
16 Commonwealth, at the primary, municipal, or general election  
17 next held after the advertising requirements of Article XI,  
18 section 1, of the Constitution of the Commonwealth of  
19 Pennsylvania have been satisfied.