
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 22

Session of
1975

INTRODUCED BY KURY, NOLAN, FRAME, MESSINGER, FLEMING, AMMERMAN,
MURRAY, EWING, WOOD, HOWARD, MYERS, STAPLETON, JUBELIRER,
BELL AND DOUGHERTY, JANUARY 20, 1975

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, JANUARY 27, 1975

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, further providing for the appointing power of
3 the Governor relating to appointive and elective offices.

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

6 Section 1. The following amendments to the Constitution of
7 the Commonwealth of Pennsylvania are proposed in accordance with
8 the provisions of the eleventh article thereof.

9 That subsections (a) and (b) of section eight and subsection
10 (b) of section nine, article four, and subsection (b) of section
11 thirteen, article five of the Constitution of the Commonwealth
12 of Pennsylvania be amended to read:

13 Article IV

14 THE EXECUTIVE

15 Section 8. Appointing Power.--(a) The Governor shall appoint
16 an Attorney General, a [Superintendent of Public Instruction]
17 Secretary of Education and such other officers as he shall be
18 authorized by law to appoint. The appointment of the Attorney

1 General, the [Superintendent of Public Instruction] Secretary of
2 Education and of such other officers as may be specified by law,
3 shall be subject to the consent of two-thirds or a majority of
4 the members elected to the Senate as is specified by law.

5 (b) [Except as may now or hereafter be otherwise provided in
6 this Constitution as to appellate and other judges, he may,
7 during the recess of the Senate,] The Governor shall fill
8 vacancies [happening] in offices to which he appoints by
9 [granting commissions expiring at the end of its session and
10 fill vacancies happening in the office of Auditor General or
11 State Treasurer or in any other elective office he is authorized
12 to fill. If the vacancy happens during the session of the Senate
13 except as otherwise provided in this Constitution, he shall
14 nominate to the Senate, before its final adjournment, a proper
15 person to fill the vacancy.] nominating to the Senate a proper
16 person to fill the vacancy within ninety days of the first day
17 of the vacancy and not thereafter. The Senate shall act on each
18 executive nomination within twenty-five legislative days of its
19 submission. If the Senate has not voted upon a nomination within
20 fifteen legislative days following such submission, any five
21 members of the Senate may, in writing, request the presiding
22 officer of the Senate to place the nomination before the entire
23 Senate body whereby the nomination must be voted upon prior to
24 the expiration of five legislative days or twenty-five
25 legislative days following submission by the Governor, whichever
26 occurs first. If the nomination is made during a recess or after
27 adjournment sine die, the Senate shall act upon it within
28 twenty-five legislative days after its return or reconvening. If
29 the Senate for any reason fails to act upon a nomination
30 submitted to it within the required twenty-five legislative

1 days, the nominee shall take office as if the appointment had
2 been consented to by the Senate. The Governor shall in a similar
3 manner fill vacancies in the offices of Auditor General, State
4 Treasurer, justice, judge, justice of the peace and in any other
5 elective office he is authorized to fill. In the case of a
6 vacancy in an elective office, a person shall be elected to the
7 office on the next election day appropriate to the office unless
8 the [vacancy happens] first day of the vacancy is within two
9 calendar months immediately preceding the election day in which
10 case the election shall be held on the second succeeding
11 election day appropriate to the office.

12 * * *

13 Section 9. Pardoning Power; Board of Pardons.--* * *

14 (b) The Board of Pardons shall consist of the Lieutenant
15 Governor who shall be chairman, the Attorney General and three
16 members appointed by the Governor with the consent of two-thirds
17 or a majority of the members elected to the Senate [, one for
18 two years, one for four years, and one for six years and
19 thereafter for full] as is specified by law for terms of six
20 years. The three members appointed by the Governor shall be
21 residents of Pennsylvania and shall be recognized leaders in
22 their fields; one shall be a member of the bar, one a
23 penologist, and the third a doctor of medicine, psychiatrist or
24 psychologist. The board shall keep records of its actions, which
25 shall at all times be open for public inspection.

26 Article V

27 THE JUDICIARY

28 Section 13. Election of Justices, Judges and Justices of the
29 Peace; Vacancies.--* * *

30 (b) A vacancy in the office of justice, judge or justice of

1 the peace shall be filled by appointment by the Governor. [If
2 the vacancy occurs during the session of the Senate, the] The
3 appointment shall be with the advice and consent of two-thirds
4 of the members elected to the Senate, except in the case of
5 justices of the peace which shall be by a majority. [If the
6 vacancy occurs during sine die adjournment of the Senate such
7 appointment shall not require the advice and consent of the
8 Senate.] The person so appointed shall serve for an initial term
9 ending on the first Monday of January following the next
10 municipal election more than ten months after the vacancy
11 occurs.

12 * * *

13 Section 2. This proposed amendment shall be submitted by the
14 Secretary of the Commonwealth to the qualified electors of the
15 State, at the primary or general election next held after the
16 advertising requirements of article eleven, section one of the
17 Constitution of the Commonwealth of Pennsylvania have been
18 satisfied.