THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1409 Session of 1974

INTRODUCED BY KURY, MESSINGER, AMMERMAN, ORLANDO, McCREESH, LAMB AND MURRAY, JANUARY 21, 1974

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, JANUARY 21, 1974

A JOINT RESOLUTION

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

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

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

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

Article IV

THE EXECUTIVE

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

(b) [Except as may now or hereafter be otherwise provided in
this Constitution as to appellate and other judges, he may,
during the recess of the Senate,] The Governor shall fill
vacancies [happening] in offices to which he appoints by
[granting commissions expiring at the end of its session and
fill vacancies happening in the office of Auditor General or
State Treasurer or in any other elective office he is authorized
to fill. If the vacancy happens during the session of the Senate
except as otherwise provided in this Constitution, he shall
nominate to the Senate, before its final adjournment, a proper
person to fill the vacancy.] nominating to the Senate a proper
person to fill the vacancy within ninety days of the first day
of the vacancy and not thereafter. The Senate shall act on each
executive nomination within twenty-five legislative days of its
submission. If the nomination is made during a recess or after
adjournment sine die, the Senate shall act upon it within
twenty-five legislative days after its return or reconvening. If
the Senate for any reason fails to act upon a nomination
submitted to it within the required twenty-five legislative
days, the nominee shall take office as if the appointment had
been consented to by the Senate. The Governor shall in a similar
manner fill vacancies in the offices of Auditor General, State
Treasurer, justice, judge, justice of the peace and in any other
elective office he is authorized to fill. In the case of a
vacancy in an elective office, a person shall be elected to the
office on the next election day appropriate to the office unless
the [vacancy happens] first day of the vacancy is within two
calendar months immediately preceding the election day in which
case the election shall be held on the second succeeding
election day appropriate to the office.
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Section 9. Pardoning Power; Board of Pardons.--* * *
(b) The Board of Pardons shall consist of the Lieutenant
Governor who shall be chairman, the Attorney General and three
members appointed by the Governor with the consent of two-thirds
or a majority of the members elected to the Senate [, one for
two years, one for four years, and one for six years and
thereafter for full] as is specified by law for terms of six
years. The three members appointed by the Governor shall be
residents of Pennsylvania and shall be recognized leaders in
their fields; one shall be a member of the bar, one a
penologist, and the third a doctor of medicine, psychiatrist or
psychologist. The board shall keep records of its actions, which
shall at all times be open for public inspection.

Article V

THE JUDICIARY

Section 13. Election of Justices, Judges and Justices of the
Peace; Vacancies.--* * *
(b) A vacancy in the office of justice, judge or justice of
the peace shall be filled by appointment by the Governor. [If
the vacancy occurs during the session of the Senate, the
appointment shall be with the advice and consent of two-thirds
of the members elected to the Senate, except in the case of
justices of the peace which shall be by a majority. If the
vacancy occurs during sine die adjournment of the Senate such
appointment shall not require the advice and consent of the
Senate.] The person so appointed shall serve for an initial term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs.

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