

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 1409** Session of  
1974

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

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SENATOR LAMB, RULES AND EXECUTIVE NOMINATIONS, RE-REPORTED AS  
AMENDED, MARCH 26, 1974

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## 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:

## Article IV

## 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 nomination is made during a recess or after  
20 adjournment sine die, the Senate shall act upon it within  
21 twenty-five legislative days after its return or reconvening. If  
22 the Senate for any reason fails to act upon a nomination  
23 submitted to it within the required twenty-five legislative  
24 days, the nominee shall take office as if the appointment had  
25 been consented to by the Senate. The Governor shall in a similar  
26 manner fill vacancies in the offices of Auditor General, State  
27 Treasurer, justice, judge, justice of the peace and in any other  
28 elective office he is authorized to fill. In the case of a  
29 vacancy in an elective office, a person shall be elected to the  
30 office on the next election day appropriate to the office unless

1 the [vacancy happens] first day of the vacancy is within two  
2 calendar months immediately preceding the election day in which  
3 case the election shall be held on the second succeeding  
4 election day appropriate to the office.

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6 Section 9. Pardoning Power; Board of Pardons.--\* \* \*

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

19 Article V

20 THE JUDICIARY

21 Section 13. Election of Justices, Judges and Justices of the  
22 Peace; Vacancies.--\* \* \*

23 (b) A vacancy in the office of justice, judge or justice of  
24 the peace shall be filled by appointment by the Governor. [If  
25 the vacancy occurs during the session of the Senate, the] THE ←  
26 appointment shall be with the advice and consent of two-thirds  
27 of the members elected to the Senate, except in the case of  
28 justices of the peace which shall be by a majority. [If the ←  
29 vacancy occurs during sine die adjournment of the Senate such  
30 appointment shall not require the advice and consent of the

1 Senate.] The person so appointed shall serve for an initial term  
2 ending on the first Monday of January following the next  
3 municipal election more than ten months after the vacancy  
4 occurs.

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