INTRODUCED BY EARLY, MCKINNEY, ROMANELLI, STAPLETON, GEKAS, SCANLON AND KELLEY, DECEMBER 7, 1977

REFERRED TO CONSTITUTIONAL CHANGES AND FEDERAL RELATIONS, DECEMBER 7, 1977

A JOINT RESOLUTION

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for retention election of justices of the peace.

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

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of Article XI thereof:

That subsection (c) of section 13 and subsection (b) of section 15 of Article V be amended to read:

§ 13. Election of justices, judges and justices of the peace; vacancies.

* * *

(c) the provisions of section 13(b) shall not apply either in the case of a vacancy to be filled by retention election as provided in section 15(b), or in the case of a vacancy created by failure of a [justice or judge] justice, judge or justice of the peace to file a declaration for retention election as
provided in section 15(b). In the case of a vacancy occurring at
the expiration of an appointive term under section 13(b), the
vacancy shall be filled by election as provided in section
13(a).
* * *
§ 15. Tenure of justices, judges and justices of the peace.
* * *
(b) A justice or judge or justice of the peace elected
under section 13(a), [appointed under section 13(d)] or retained
under this section 15(b) may file a declaration of candidacy for
retention election with the officer of the Commonwealth who
under law shall have supervision over elections on or before the
first Monday of January of the year preceding the year in which
his term of office expires. If no declaration is filed, a
vacancy shall exist upon the expiration of the term of office of
such justice, judge or justice of the peace, to be filled by election under section 13(a) [or by appointment
under section 13(d) if applicable]. If a justice, judge or justice of the peace, files a declaration, his
name shall be submitted to the electors without party
designation, on a separate judicial ballot or in a separate
column on voting machines, at the municipal election immediately
preceding the expiration of the term of office of the justice, judge or justice of the peace, to determine
only the question whether he shall be retained in office. If a
majority is against retention, a vacancy shall exist upon the
expiration of his term of office, to be filled by appointment
under section 13(b) or under section 13(d) if applicable. If a
majority favors retention, the justice, judge or justice of the peace shall serve for the regular term of
office provided herein, unless sooner removed or retired. At the
expiration of each term a [justice or judge] justice, judge or
justice of the peace shall be eligible for retention as provided
herein, subject only to the retirement provisions of this
article.

Section 2. The proposed amendment shall be submitted by the
Secretary of the Commonwealth to the qualified electors of the
State, at the primary or general election next held after the
advertising requirements of Article XI, section 1 of the
Constitution of the Commonwealth of Pennsylvania have been
satisfied.