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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1239** Session of  
1977

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

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

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A JOINT RESOLUTION

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

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

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

13 \* \* \*

14 (c) the provisions of section 13(b) shall not apply either  
15 in the case of a vacancy to be filled by retention election as  
16 provided in section 15(b), or in the case of a vacancy created  
17 by failure of a [justice or judge] justice, judge or justice of  
18 the peace to file a declaration for retention election as

1 provided in section 15(b). In the case of a vacancy occurring at  
2 the expiration of an appointive term under section 13(b), the  
3 vacancy shall be filled by election as provided in section  
4 13(a).

5 \* \* \*

6 § 15. Tenure of justices, judges and justices of the peace.

7 \* \* \*

8 (b) A justice [or], judge or justice of the peace elected  
9 under section 13(a), [appointed under section 13(d)] or retained  
10 under this section 15(b) may file a declaration of candidacy for  
11 retention election with the officer of the Commonwealth who  
12 under law shall have supervision over elections on or before the  
13 first Monday of January of the year preceding the year in which  
14 his term of office expires. If no declaration is filed, a  
15 vacancy shall exist upon the expiration of the term of office of  
16 such [justice or judge] justice, judge or justice of the peace,  
17 to be filled by election under section 13(a) [or by appointment  
18 under section 13(d) if applicable]. If a [justice or judge]  
19 justice, judge or justice of the peace, files a declaration, his  
20 name shall be submitted to the electors without party  
21 designation, on a separate judicial ballot or in a separate  
22 column on voting machines, at the municipal election immediately  
23 preceding the expiration of the term of office of the [justice  
24 or judge] justice, judge or justice of the peace, to determine  
25 only the question whether he shall be retained in office. If a  
26 majority is against retention, a vacancy shall exist upon the  
27 expiration of his term of office, to be filled by appointment  
28 under section 13(b) or under section 13(d) if applicable. If a  
29 majority favors retention, the [justice or judge] justice, judge  
30 or justice of the peace shall serve for the regular term of

1 office provided herein, unless sooner removed or retired. At the  
2 expiration of each term a [justice or judge] justice, judge or  
3 justice of the peace shall be eligible for retention as provided  
4 herein, subject only to the retirement provisions of this  
5 article.

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