

(This Joint Resolution No. 2 was passed for the first time at the Legislative Session of 1974.)

No. 2

A JOINT RESOLUTION

SB 1409

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 by law*.

(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 Senate has not voted upon a nomination within fifteen legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of**

the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or twenty-five legislative days following submission by the Governor, whichever occurs first. 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] 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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