

(This Joint Resolution No. 2 was passed for the first time at the Legislative Session of 1978.)

No. 1978-2

A JOINT RESOLUTION

SB 1239

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).

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

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(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 or judge] 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 or judge] 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 or judge] 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 or judge] 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.