

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

PROCLAMATION

CONSTITUTIONAL AMENDMENT - ARTICLE V

WHEREAS, Joint Resolution No. 3 of the 1977 session of the General Assembly of Pennsylvania (Senate Bill No. 280, Printer's No. 282) proposed to amend Article V, Section 13, subsection (b) of the Constitution of Pennsylvania, providing for the appointment by the Governor of justices, judges and justices of the peace to vacant judicial offices, the said amended section was to read as follows:

**ARTICLE V
THE JUDICIARY**

§ 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. 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. The person so appointed shall serve for a term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs or for the remainder of the unexpired term whichever is less.

* * *

WHEREAS, The said Joint Resolution was passed, pursuant to Article XI, Section 1 of said Constitution, by the General Assembly of Pennsylvania, and

WHEREAS, The aforesaid Constitutional Amendment was submitted for approval to the qualified electors of this Commonwealth at an election held on May 16, 1978, and

WHEREAS, The Secretary of the Commonwealth has certified to me that the aforesaid proposed Constitutional Amendment was approved by the electorate on the aforesaid day,

NOW, THEREFORE, I, Milton J. Shapp, Governor of the Commonwealth of Pennsylvania, do proclaim and pronounce that the aforesaid Constitutional Amendment was adopted, on May 16, 1978, by a majority of the electors voting thereon.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this seventh day of June, in the year one thousand nine hundred and seventy-eight and of the Commonwealth the two hundred and second.

MILTON J. SHAPP
Governor

BY THE GOVERNOR:

EDWARD W. ROBINSON, JR.
Deputy Secretary of the Commonwealth

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

PROCLAMATION

CONSTITUTIONAL AMENDMENT - ARTICLE IV

WHEREAS, Joint Resolution No. 4 of the 1977 session of The General Assembly of Pennsylvania (House Bill No. 84, Printer's No. 94) proposed to amend Article IV of the Constitution of Pennsylvania by adding a new section, Section 4.1, and amending Sections 5, 6, 8 and 17 to provide for the election of the Attorney General, the said new and amended sections were to read as follows:

**ARTICLE IV
THE EXECUTIVE**

§ 4.1. Attorney General.

An Attorney General shall be chosen by the qualified electors of the Commonwealth on the day the general election is held for the Auditor General and State Treasurer; he shall hold his office during four years from the third Tuesday of January next ensuing his election and shall not be eligible to serve continuously for more than two successive terms; he shall be the chief law officer of the Commonwealth and shall exercise such powers and perform such duties as may be imposed by law.

§ 5. Qualifications of Governor, Lieutenant Governor and Attorney General.

No person shall be eligible to the office of Governor, Lieutenant Governor or Attorney General except a citizen of the United States, who shall have attained the age of 30 years, and have been seven years next preceding his election an inhabitant of this Commonwealth, unless he shall have been absent on the public business of the United States or of this Commonwealth. No person shall be eligible to the office of Attorney General except a member of the bar of the Supreme Court of Pennsylvania.

§ 6. Disqualification for offices of Governor, Lieutenant Governor and Attorney General.

No member of Congress or person holding any office (except of attorney-at-law or in the National Guard or in a reserve component of the armed forces of the United States) under the United States or this Commonwealth shall exercise the office of Governor, Lieutenant Governor or Attorney General.

§ 8. Appointing power.

(a) The Governor shall appoint a Secretary of Education and such other officers as he shall be authorized by law to appoint. The appointment of the 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) The Governor shall fill vacancies in offices to which he appoints by nominating to the Senate a proper person to fill the vacancy within 90 days of the first day of the vacancy and not thereafter. The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 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 25 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 25 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 25 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 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.

(c) In acting on executive nominations, the Senate shall sit with open doors. The votes shall be taken by yeas and nays and shall be entered on the journal

§ 17. Contested elections of Governor, Lieutenant Governor and Attorney General; when succeeded.

The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor, Lieutenant Governor or Attorney General and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor, Lieutenant Governor and Attorney General shall exercise the duties of their respective offices until their successors shall be duly qualified.

WHEREAS, The said Joint Resolution was passed, pursuant to Article XI, Section 1 of said Constitution, by the General Assembly of Pennsylvania, and

WHEREAS, The aforesaid Constitutional Amendment was submitted for approval to the qualified electors of this Commonwealth at an election held on May 16, 1978, and

WHEREAS, The Secretary of the Commonwealth has certified to me that the aforesaid proposed Constitutional Amendment was approved by the electorate on the aforesaid day,

NOW, THEREFORE, I, Milton J. Shapp, Governor of the

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EDWARD W. ROBINSON, JR.
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