

(This Joint Resolution No. 4 was passed for the first time at the Legislative Session of 1976 as Joint Resolution No. 3 and for the second time at the Legislative Session of 1977.)

No. 1977-4

A JOINT RESOLUTION

HB 84

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the election of the Attorney General and providing for his qualifications.

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 a section be added to Article IV and sections 5, 6, 8 and 17 of Article IV of the Constitution of the Commonwealth of Pennsylvania be amended to read:

§ 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, [and] Lieutenant Governor and Attorney General.

No person shall be eligible to the office of Governor [or], 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, [and] 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 [or], Lieutenant Governor *or Attorney General*.

§ 8. Appointing power.

(a) The Governor shall appoint [an Attorney General,] a Secretary of

Education and such other officers as he shall be authorized by law to appoint. The appointment of **[the Attorney General,]** 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 **[Lieutenant Governor and]** 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 **[or]**, 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 **[and]**, Lieutenant Governor **and Attorney General** shall exercise the duties of their respective offices until their successors shall be duly qualified.

Section 2. Upon approval of this amendment by the electors, there shall be a vacancy in the office of Attorney General which shall be filled as provided herein.

Section 3. This proposed amendment shall be submitted by the Secretary of the Commonwealth to the qualified electors of the Commonwealth, at the primary, municipal, 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.

