

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
HARRISBURG

**PROCLAMATION**

CONSTITUTIONAL AMENDMENT - ARTICLE V

WHEREAS, Joint Resolution No. 1 of the 1979 session of the General Assembly of Pennsylvania (Senate Bill No.3, Printer's No.3) proposed to amend Section 3 and subsection (b) of Section 13 of Article V and Section 11 of the Schedule to Article V of the Constitution of Pennsylvania to provide for additional judges for the Superior Court, changing certain provisions relating to initial terms, and further providing for the president judge of the Superior Court, the said amended sections were to read as follows:

ARTICLE V  
THE JUDICIARY

§ 3. Superior Court.

The Superior Court shall be a statewide court, and shall consist of the number of judges, which shall be not less than seven judges, and have such jurisdiction as shall be provided by this Constitution or by the General Assembly. One of its judges shall be the president judge.

§ 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, except in the case of persons selected as additional judges to the Superior Court, where the General Assembly may stagger and fix the length of the initial terms of such additional judges by reference to any of the first, second and third municipal elections more than ten months after the additional judges are selected. The manner by which any additional judges are selected shall be provided by this section for the filling of vacancies in judicial offices.

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SCHEDULE TO JUDICIARY ARTICLE

§ 11. Selection of president judges.

(a) Except in the City of Philadelphia, section 10(d) of the article shall become effective upon the expiration of the term of the present president judge, or upon earlier vacancy.

(b) Notwithstanding section 10(d) of the article the president judge of the Superior Court shall be the judge longest in continuous service on such court if such judge was a member of such court on the first Monday of January 1977. If no such judge exists or is willing to serve as president judge the president judge shall be selected as provided by this article.

WHEREAS, The said Joint Resolution was passed, pursuant to Article XI, Section 1 of the 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 November 6, 1979, 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, Dick Thornburgh, Governor of the Commonwealth of Pennsylvania, do proclaim and pronounce that the aforesaid Constitutional Amendment was adopted, on November 6, 1979, 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 fourth day of February, in the year of our Lord one thousand nine hundred and eighty, and of the Commonwealth the two hundred and fourth.

DICK THORNBURGH  
Governor

BY THE GOVERNOR:

WILLIAM R. DAVIS  
Secretary of the Commonwealth

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
HARRISBURG

**PROCLAMATION**

CONSTITUTIONAL AMENDMENT - ARTICLE V

WHEREAS, Joint Resolution No. 2 of the 1979 session of the General Assembly of Pennsylvania (Senate Bill No.4, Printer's No.439) proposed to amend subsection (c) of Section 13 and subsection (b) of Section 15 of Article V of the Constitution of Pennsylvania to provide for retention election of justices of the peace, the said amended sections were to read as follows:

ARTICLE V  
THE JUDICIARY

§ 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, 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).

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

\* \* \*

(b) A justice, judge or justice of the peace elected under section 13(a), 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, judge or justice of the peace, to be filled by election under section 13(a). If a 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, 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, 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, judge or justice of the peace shall be eligible for retention as provided herein, subject only to the retirement provisions of this article.

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

WHEREAS, The aforesaid Constitutional Amendment was submitted to the qualified electors of this Commonwealth at an election held on November 6, 1979, and

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

NOW, THEREFORE, I, Dick Thornburgh, Governor of the Commonwealth of Pennsylvania, do proclaim and pronounce that the aforesaid Constitutional Amendment was rejected, on November 6, 1979, 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 fourth day of February, in the year of our Lord one thousand nine hundred and eighty, and of the Commonwealth the two hundred and fourth.

DICK THORNBURGH  
Governor

BY THE GOVERNOR:

WILLIAM R. DAVIS  
Secretary of the Commonwealth