
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1904 Session of
2021

INTRODUCED BY DIAMOND, GROVE, HAMM, KAUFFMAN, METCALFE, RYAN AND
SMITH, SEPTEMBER 27, 2021

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 27, 2021

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, in the judiciary, further providing for
3 tenure of justices, judges and justices of the peace.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 15(b) of Article V be amended to read:

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

10 * * *

11 (b) [A justice or judge elected under section 13(a),
12 appointed under section 13(d) or retained under this section
13 15(b) may file a declaration of candidacy for retention election
14 with the officer of the Commonwealth who under law shall have
15 supervision over elections on or before the first Monday of
16 January of the year preceding the year in which his term of
17 office expires. If no declaration is filed, a vacancy shall
18 exist upon the expiration of the term of office of such justice

1 or judge, to be filled by election under section 13(a) or by
2 appointment under section 13(d) if applicable. If a justice or
3 judge files a declaration, his name shall be submitted to the
4 electors without party designation, on a separate judicial
5 ballot or in a separate column on voting machines, at the
6 municipal election immediately preceding the expiration of the
7 term of office of the justice or judge, to determine only the
8 question whether he shall be retained in office. If a majority
9 is against retention, a vacancy shall exist upon the expiration
10 of his term of office, to be filled by appointment under section
11 13(b) or under section 13(d) if applicable. If a majority favors
12 retention, the justice or judge shall serve for the regular term
13 of office provided herein, unless sooner removed or retired.] At
14 the expiration of each term a justice or judge shall be eligible
15 for [retention as provided herein] re-election, subject only to
16 the retirement provisions of this article.

17 Section 2. (a) Upon the first passage by the General
18 Assembly of this proposed constitutional amendment, the
19 Secretary of the Commonwealth shall proceed immediately to
20 comply with the advertising requirements of section 1 of Article
21 XI of the Constitution of Pennsylvania and shall transmit the
22 required advertisements to two newspapers in every county in
23 which such newspapers are published in sufficient time after
24 passage of this proposed constitutional amendment.

25 (b) Upon the second passage by the General Assembly of this
26 proposed constitutional amendment, the Secretary of the
27 Commonwealth shall proceed immediately to comply with the
28 advertising requirements of section 1 of Article XI of the
29 Constitution of Pennsylvania and shall transmit the required
30 advertisements to two newspapers in every county in which such

1 newspapers are published in sufficient time after passage of
2 this proposed constitutional amendment. The Secretary of the
3 Commonwealth shall submit this proposed constitutional amendment
4 to the qualified electors of this Commonwealth at the first
5 primary, general or municipal election which meets the
6 requirements of and is in conformance with section 1 of Article
7 XI of the Constitution of Pennsylvania and which occurs at least
8 three months after the proposed constitutional amendment is
9 passed by the General Assembly.