
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1909 Session of
2021

INTRODUCED BY DOWLING, RYAN, KAUFFMAN, GROVE, DIAMOND, SMITH,
STAMBAUGH AND KEEFER, SEPTEMBER 27, 2021

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 27, 2021

A JOINT RESOLUTION

1 Proposing separate and distinct amendments to the Constitution
2 of the Commonwealth of Pennsylvania, in the judiciary,
3 further providing for suspension, removal, discipline and
4 other sanctions.

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

7 Section 1. The following separate and distinct amendments to
8 the Constitution of Pennsylvania are proposed in accordance with
9 Article XI:

10 (1) That section 18(a)(1), (2) and (3) of Article V be
11 amended to read:

12 § 18. Suspension, removal, discipline and other sanctions.

13 (a) There shall be an independent board within the Judicial
14 Branch, known as the Judicial Conduct Board, the composition,
15 powers and duties of which shall be as follows:

16 (1) The board shall be composed of [12] 18 members, as
17 follows: two judges, other than senior judges, one from the
18 courts of common pleas and the other from either the Superior

1 Court or the Commonwealth Court, one justice of the peace who
2 need not be a member of the bar of the Supreme Court, three non-
3 judge members of the bar of the Supreme Court and [six] 12 non-
4 lawyer electors.

5 (2) The judge from either the Superior Court or the
6 Commonwealth Court, the justice of the peace, one non-judge
7 member of the bar of the Supreme Court and three non-lawyer
8 electors shall be appointed to the board by the Supreme Court.
9 The judge from the courts of common pleas, two non-judge members
10 of the bar of the Supreme Court and three non-lawyer electors
11 shall be appointed to the board by the Governor. Three non-
12 lawyer electors shall be appointed by the President pro tempore
13 of the Senate. Three non-lawyer electors shall be appointed by
14 the Speaker of the House of Representatives.

15 (3) Except for the initial appointees whose terms shall be
16 provided by the schedule to this article, the members shall
17 serve for terms of four years. All members must be residents of
18 this Commonwealth. No more than three of the six members
19 appointed by the Supreme Court may be registered in the same
20 political party. No more than three of the six members appointed
21 by the Governor may be registered in the same political party.
22 Membership of a judge or justice of the peace shall terminate if
23 the member ceases to hold the judicial position that qualified
24 the member for the appointment. No more than two of the three
25 members appointed by the President pro tempore may be registered
26 in the same political party. No more than two of the three
27 members appointed by the Speaker of the House of Representatives
28 may be registered in the same political party. Membership shall
29 terminate if a member attains a position that would have
30 rendered the member ineligible for appointment at the time of

1 the appointment. A vacancy shall be filled by the respective
2 appointing authority for the remainder of the term to which the
3 member was appointed. No member may serve more than four
4 consecutive years but may be reappointed after a lapse of one
5 year. The Governor shall convene the board for its first
6 meeting. At that meeting and annually thereafter, the members of
7 the board shall elect a chairperson. The board shall act only
8 with the concurrence of a majority of its members.

9 * * *

10 (2) That section 18(b)(1) of Article V be amended to read:

11 § 18. Suspension, removal, discipline and other sanctions.

12 * * *

13 (b) There shall be a Court of Judicial Discipline, the
14 composition, powers and duties of which shall be as follows:

15 (1) The court shall be composed of a total of [eight] 12
16 members as follows: three judges other than senior judges from
17 the courts of common pleas, the Superior Court or the
18 Commonwealth Court, one justice of the peace, [two] four non-
19 judge members of the bar of the Supreme Court and [two] four
20 non-lawyer electors. Two judges, the justice of the peace and
21 one non-lawyer elector shall be appointed to the court by the
22 Supreme Court. One judge, [the] two non-judge members of the bar
23 of the Supreme Court and one non-lawyer elector shall be
24 appointed to the court by the Governor. One non-judge member of
25 the bar of the Supreme Court and one non-lawyer elector shall be
26 appointed by the President pro tempore of the Senate. One non-
27 judge member of the bar of the Supreme Court and one non-lawyer
28 elector shall be appointed by the Speaker of the House of
29 Representatives.

30 * * *

1 Section 2. (a) Upon the first passage by the General
2 Assembly of these proposed constitutional amendments, the
3 Secretary of the Commonwealth shall proceed immediately to
4 comply with the advertising requirements of section 1 of Article
5 XI of the Constitution of Pennsylvania and shall transmit the
6 required advertisements to two newspapers in every county in
7 which such newspapers are published in sufficient time after
8 passage of these proposed constitutional amendments.

9 (b) Upon the second passage by the General Assembly of these
10 proposed constitutional amendments, the Secretary of the
11 Commonwealth shall proceed immediately to comply with the
12 advertising requirements of section 1 of Article XI of the
13 Constitution of Pennsylvania and shall transmit the required
14 advertisements to two newspapers in every county in which such
15 newspapers are published in sufficient time after passage of
16 these proposed constitutional amendments. The Secretary of the
17 Commonwealth shall:

18 (1) Submit the proposed constitutional amendment under
19 section 1(1) of this resolution to the qualified electors of
20 this Commonwealth as a separate ballot question at the first
21 primary, general or municipal election which meets the
22 requirements of and is in conformance with section 1 of
23 Article XI of the Constitution of Pennsylvania and which
24 occurs at least three months after the proposed
25 constitutional amendment is passed by the General Assembly.

26 (2) Submit the proposed constitutional amendment under
27 section 1(2) of this resolution to the qualified electors of
28 this Commonwealth as a separate ballot question at the first
29 primary, general or municipal election which meets the
30 requirements of and is in conformance with section 1 of

1 Article XI of the Constitution of Pennsylvania and which
2 occurs at least three months after the proposed
3 constitutional amendment is passed by the General Assembly.