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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1144 Session of  
2018

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INTRODUCED BY AUMENT, CORMAN, SCARNATI, FOLMER, MARTIN, GORDNER,  
HUTCHINSON, LANGERHOLC, RESCHENTHALER, WHITE, WARD, BAKER,  
MENSCH AND BROWNE, MAY 18, 2018

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REFERRED TO STATE GOVERNMENT, MAY 18, 2018

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A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, organizing the Judiciary into  
3 representative districts and further providing for residency  
4 requirements.

5 This resolution may be referred to as the "Fair Judicial  
6 Districts Law."

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby resolves as follows:

9 Section 1. The following integrated amendments to the  
10 Constitution of Pennsylvania are proposed in accordance with  
11 Article XI:

12 (1) That section 2 of Article V be amended to read:

13 § 2. Supreme Court.

14 The Supreme Court (a) shall be the highest court of the  
15 Commonwealth and in this court shall be reposed the supreme  
16 judicial power of the Commonwealth;

17 (b) shall consist of seven justices, to be elected from  
18 seven judicial districts which shall be established by law, one

1 of whom shall be the Chief Justice; and

2 (c) shall have such jurisdiction as shall be provided by  
3 law.

4 (2) That section 3 of Article V be amended to read:

5 § 3. Superior Court.

6 The Superior Court shall be a statewide court, and shall  
7 consist of the number of judges, which shall be not less than  
8 seven judges, to be elected from judicial districts which shall  
9 be established by law, and have such jurisdiction as shall be  
10 provided by this Constitution or by the General Assembly. One of  
11 its judges shall be the president judge.

12 (3) That section 4 of Article V be amended to read:

13 § 4. Commonwealth Court.

14 The Commonwealth Court shall be a statewide court, and shall  
15 consist of the number of judges, to be elected from judicial  
16 districts which shall be established by law, and have such  
17 jurisdiction as shall be provided by law. One of its judges  
18 shall be the president judge.

19 (4) That section 11 of Article V be amended to read:

20 § 11. Judicial districts; boundaries.

21 [The number and boundaries of judicial districts shall be  
22 changed by the General Assembly only with the advice and consent  
23 of the Supreme Court.]

24 (a) The number of judges and justices of the Supreme Court,  
25 the Superior Court and the Commonwealth Court elected from each  
26 judicial district shall provide every resident of the  
27 Commonwealth with approximately equal representation on a court.  
28 Each judicial district shall be composed of compact and  
29 contiguous territory as nearly equal in population as  
30 practicable. Each judicial district shall elect one judge or

1 justice. Unless absolutely necessary, no county, city,  
2 incorporated town, borough, township or ward may be divided in  
3 forming a judicial district.

4 (b) The General Assembly shall, by law, establish:

5 (1) The judicial districts from which justices of the  
6 Supreme Court and the judges of the Superior Court and the  
7 Commonwealth Court are elected.

8 (2) A transition to an appellate court judiciary elected  
9 from judicial districts.

10 (3) The effect of set judicial districts upon eligibility to  
11 seek retention election.

12 (4) The order in which judicial districts shall elect  
13 justices of the Supreme Court and judges of the Superior Court  
14 and the Commonwealth Court.

15 (5) The decennial realignment of the appellate judicial  
16 districts based on the Federal decennial census, beginning in  
17 2021 and occurring each ten years thereafter.

18 (c) Except as provided under subsection (b) and section  
19 7(b), the number and boundaries of all other judicial districts  
20 shall be established by the General Assembly by law, with the  
21 advice and consent of the Supreme Court.

22 (5) That section 12 of Article V be amended to read:

23 § 12. Qualifications of justices, judges and justices of the  
24 peace.

25 (a) Justices, judges and justices of the peace shall be  
26 citizens of the Commonwealth. Justices and judges, except the  
27 judges of the traffic court in the City of Philadelphia, shall  
28 be members of the bar of the Supreme Court. Justices [and judges  
29 of statewide courts, for a period of one year preceding their  
30 election or appointment and during their continuance in office,

1 shall reside within the Commonwealth. Other], judges and  
2 justices of the peace, for a period of one year preceding their  
3 election or appointment and during their continuance in office,  
4 shall reside within their respective districts, except as  
5 provided in this article for temporary assignments.

6 (b) Justices of the peace shall be members of the bar of the  
7 Supreme Court or shall complete a course of training and  
8 instruction in the duties of their respective offices and pass  
9 an examination prior to assuming office. Such courses and  
10 examinations shall be as provided by law.

11 Section 2. (a) Upon the first passage by the General  
12 Assembly of these proposed constitutional amendments, the  
13 Secretary of the Commonwealth shall proceed immediately to  
14 comply with the advertising requirements of section 1 of Article  
15 XI of the Constitution of Pennsylvania and shall transmit the  
16 required advertisements to two newspapers in every county in  
17 which such newspapers are published in sufficient time after  
18 passage of these proposed constitutional amendments.

19 (b) Upon the second passage by the General Assembly of these  
20 proposed constitutional amendments, the Secretary of the  
21 Commonwealth shall proceed immediately to comply with the  
22 advertising requirements of section 1 of Article XI of the  
23 Constitution of Pennsylvania and shall transmit the required  
24 advertisements to two newspapers in every county in which such  
25 newspapers are published in sufficient time after passage of  
26 these proposed constitutional amendments. The Secretary of the  
27 Commonwealth shall submit the proposed constitutional amendments  
28 under section 1 of this resolution to the qualified electors of  
29 this Commonwealth as a single ballot question as provided under  
30 subsection (c) at the first primary, general or municipal

1 election which meets the requirements of and is in conformance  
2 with section 1 of Article XI of the Constitution of Pennsylvania  
3 and which occurs at least three months after the proposed  
4 constitutional amendments are passed by the General Assembly.

5 (c) The Secretary of the Commonwealth shall place these  
6 proposed constitutional amendments on the ballot as a single  
7 ballot question in the following form:

8 Shall sections 2, 3, 4, 11 and 12 of Article V of the  
9 Pennsylvania Constitution be amended to require that  
10 judges and justices of the Supreme Court, the Superior  
11 Court and the Commonwealth Court be elected from judicial  
12 districts established by the General Assembly which must  
13 be compact, contiguous and nearly equal in population as  
14 practicable and to require that all justices, judges and  
15 justices of the peace to be residents of their judicial  
16 districts for one year preceding election or appointment  
17 and during service?