
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1325 Session of
2022

INTRODUCED BY BROOKS, SEPTEMBER 13, 2022

REFERRED TO STATE GOVERNMENT, SEPTEMBER 13, 2022

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for election
3 of justices, judges and justices of the peace and vacancies
4 and for tenure of justices, judges and justices of the peace.

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

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

9 (1) That section 13 of Article V be amended to read:

10 § 13. Election of justices, judges and justices of the peace;
11 vacancies.

12 (a) Justices, judges and justices of the peace shall be
13 elected at the municipal election next preceding the
14 commencement of their respective terms of office by the electors
15 of the Commonwealth or the respective districts in which they
16 are to serve.

17 (b) A vacancy in the office of justice, judge or justice of
18 the peace shall be filled by appointment by the Governor. The
19 appointment shall be with the advice and consent of two-thirds

1 of the members elected to the Senate, except in the case of
2 justices of the peace which shall be by a majority. The person
3 so appointed shall serve for a term ending on the first Monday
4 of January following the next municipal election more than ten
5 months after the vacancy occurs or for the remainder of the
6 unexpired term whichever is less, except in the case of persons
7 selected as additional judges to the Superior Court, where the
8 General Assembly may stagger and fix the length of the initial
9 terms of such additional judges by reference to any of the
10 first, second and third municipal elections more than ten months
11 after the additional judges are selected. The manner by which
12 any additional judges are selected shall be provided by this
13 section for the filling of vacancies in judicial offices.

14 (c) The provisions of section 13(b) shall not apply either
15 in the case of a vacancy to be filled by retention election as
16 provided in section 15(b), or in the case of a vacancy created
17 by failure of a [justice or] judge to file a declaration for
18 retention election as provided in section 15(b). In the case of
19 a vacancy occurring at the expiration of an appointive term
20 under section 13(b), the vacancy shall be filled by election as
21 provided in section 13(a).

22 (d) At the primary election in 1969, the electors of the
23 Commonwealth may elect to have the justices and judges of the
24 Supreme, Superior, Commonwealth and all other statewide courts
25 appointed by the Governor from a list of persons qualified for
26 the offices submitted to him by the Judicial Qualifications
27 Commission. If a majority vote of those voting on the question
28 is in favor of this method of appointment, then whenever any
29 vacancy occurs thereafter for any reason in such court, the
30 Governor shall fill the vacancy by appointment in the manner

1 prescribed in this subsection. Such appointment shall not
2 require the consent of the Senate.

3 (e) Each justice or judge appointed by the Governor under
4 section 13(d) shall hold office for an initial term ending the
5 first Monday of January following the next municipal election
6 more than 24 months following the appointment.

7 (2) That section 15 of Article V be amended to read:

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

9 (a) The regular term of office of justices [and judges]
10 shall be [ten] four years [and the]. The regular term of office
11 for judges shall be ten years and the regular term of office for
12 judges of the municipal court in the City of Philadelphia and of
13 justices of the peace shall be six years. The tenure of any
14 justice or judge shall not be affected by changes in judicial
15 districts or by reduction in the number of judges.
16 Notwithstanding any other provision of law, no justice of the
17 Supreme Court may be eligible for retention under subsection
18 (b).

19 (b) A [justice or] judge elected under section 13(a),
20 appointed under section 13(d) or retained under this section
21 15(b) may file a declaration of candidacy for retention election
22 with the officer of the Commonwealth who under law shall have
23 supervision over elections on or before the first Monday of
24 January of the year preceding the year in which his term of
25 office expires. If no declaration is filed, a vacancy shall
26 exist upon the expiration of the term of office of such [justice
27 or] judge, to be filled by election under section 13(a) or by
28 appointment under section 13(d) if applicable. If a [justice or]
29 judge files a declaration, his name shall be submitted to the
30 electors without party designation, on a separate judicial

1 ballot or in a separate column on voting machines, at the
2 municipal election immediately preceding the expiration of the
3 term of office of the [justice or] judge, to determine only the
4 question whether he shall be retained in office. If a majority
5 is against retention, a vacancy shall exist upon the expiration
6 of his term of office, to be filled by appointment under section
7 13(b) or under section 13(d) if applicable. If a majority favors
8 retention, the [justice or] judge shall serve for the regular
9 term of office provided herein, unless sooner removed or
10 retired. At the expiration of each term a [justice or] judge
11 shall be eligible for retention as provided herein, subject only
12 to the retirement provisions of this article.

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

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

1 ballot question at the first primary, general or municipal
2 election which meets the requirements of and is in conformance
3 with section 1 of Article XI of the Constitution of Pennsylvania
4 and which occurs at least three months after the proposed
5 constitutional amendments are passed by the General Assembly.