
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 432 Session of
2023

INTRODUCED BY DIAMOND, R. MACKENZIE, KAUFFMAN, HAMM,
M. MACKENZIE, ZIMMERMAN, ROWE AND WARNER, MARCH 15, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 15, 2023

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 integrated amendments to the
8 Constitution of Pennsylvania are proposed in accordance with
9 Article XI:

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

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

13 * * *

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

1 a vacancy occurring at the expiration of an appointive term
2 under section 13(b), the vacancy shall be filled by election as
3 provided in section 13(a).

4 * * *

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

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

7 * * *

8 (b) [A justice or judge elected under section 13(a),
9 appointed under section 13(d) or retained under this section
10 15(b) may file a declaration of candidacy for retention election
11 with the officer of the Commonwealth who under law shall have
12 supervision over elections on or before the first Monday of
13 January of the year preceding the year in which his term of
14 office expires. If no declaration is filed, a vacancy shall
15 exist upon the expiration of the term of office of such justice
16 or judge, to be filled by election under section 13(a) or by
17 appointment under section 13(d) if applicable. If a justice or
18 judge files a declaration, his name shall be submitted to the
19 electors without party designation, on a separate judicial
20 ballot or in a separate column on voting machines, at the
21 municipal election immediately preceding the expiration of the
22 term of office of the justice or judge, to determine only the
23 question whether he shall be retained in office. If a majority
24 is against retention, a vacancy shall exist upon the expiration
25 of his term of office, to be filled by appointment under section
26 13(b) or under section 13(d) if applicable. If a majority favors
27 retention, the justice or judge shall serve for the regular term
28 of office provided herein, unless sooner removed or retired.] At
29 the expiration of each term a justice or judge shall be eligible
30 for [retention as provided herein] re-election, subject only to

1 the retirement provisions of this article.

2 Section 2. The following procedure applies to the proposed
3 constitutional amendments in this joint resolution:

4 (1) Upon the first passage by the General Assembly of
5 the amendments, the Secretary of the Commonwealth shall
6 proceed immediately to comply with the advertising
7 requirements of section 1 of Article XI of the Constitution
8 of Pennsylvania.

9 (2) Upon the second passage by the General Assembly of
10 the amendments, the Secretary of the Commonwealth shall
11 proceed immediately to comply with the advertising
12 requirements of section 1 of Article XI of the Constitution
13 of Pennsylvania. The Secretary of the Commonwealth shall
14 submit the amendments to the qualified electors of this
15 Commonwealth as a single ballot question at the first general
16 election which meets the requirements of section 1 of Article
17 XI of the Constitution of Pennsylvania.