

No. 371

AN ACT

SB 1575

Amending the act of January 6, 1970 (P.L.434), entitled "An act relating to the Commonwealth Court, implementing section 4 of Article V of the Constitution of the Commonwealth of Pennsylvania," further providing for the election of judges of the Commonwealth Court.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The last sentence of subsection (c), the second paragraph of subsection (d), and subsection (e) of section 3, act of January 6, 1970 (P.L.434), known as "The Commonwealth Court Act," are hereby repealed absolutely.

Section 2. Section 3 of the act is amended by adding subsections to read:

Section 3. Appointment and Election of Judges; Terms.—* * *

(g) A judge appointed pursuant to subsection (a) of this section may file a declaration for candidacy for retention election with the Secretary of the Commonwealth on or before the first Monday of January of the year preceding the year in which his term of office expires. If no declaration is filed, a vacancy shall exist upon the expiration of the term of office of such judge, to be filled by election under subsection (i) of this section. If a judge files a declaration, his name shall be submitted to the electors without party designation, on a separate judicial ballot or in a separate column on voting machines, at the municipal election immediately preceding the expiration of the term of office of the judge, to determine only the question whether he shall be retained in office. If a majority is against retention, a vacancy shall exist upon the expiration of his term of office, to be filled by appointment under subsection (d) of this section. If a majority favors retention, the judge shall serve for a regular term of office of ten years. Subsection (i) of this section shall not be applicable to an election conducted pursuant to this subsection. The election of a judge pursuant to this subsection shall be election under subsection (a) of section 13 of Article V of the Constitution of Pennsylvania for the purposes of subsection (b) of section 15 of Article V of said Constitution.

(h) No judge appointed pursuant to subsection (d) of this section shall be authorized prior to the expiration of his appointive term to file a declaration of candidacy for retention as provided in section 15 of Article V of the Constitution of Pennsylvania.

(i) Elections for judges of the court shall be held at the times and in the manner prescribed by section 13 of Article V of the Constitution of Pennsylvania and, to the extent not inconsistent therewith, pursuant to

the election laws of this Commonwealth applicable to the election of judges of the Superior Court, except that whenever two or more judges of the Commonwealth Court are to be elected at the same election, each qualified elector shall vote for no more than:

(1) One-half of the number of judges to be elected, if the total number to be elected is even; or

(2) The smallest number constituting a majority of the total number of judges to be elected, if the total number to be elected is odd. The persons having the highest number of votes, up to the total number of judges to be elected, shall be elected.

Section 3. This act shall take effect immediately and shall apply to the primary and municipal elections held in 1973 and thereafter.

APPROVED—The 29th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 371.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.