

Judicial Elections and Retention

How do judges initially win a seat on the bench and how do they continue to hold those seats?

When first selected for full terms of office, justices of the Supreme Court, judges of the statewide Superior and Commonwealth courts and judges of county Common Pleas courts run as a member of a political party.

After serving initial 10-year terms, those jurists who seek reelection do so through “retention elections” in which they are not affiliated with any political party. Retention is a nonpolitical method of reelecting Pennsylvania judges and is intended to be politically neutral as they do not require judges to engage in campaigning against other candidates.

Retention is specifically designed to keep judges out of the political fray while at the same time holding them accountable to the voters based on their overall records and performance in office. The intent is to provide a fair and nonpartisan way for the public to judge its judges.

In retention elections, judicial candidates do not participate in spring primary elections. Their names appear on the ballot only in November general elections. Voters are asked to vote “yes” or “no” on whether to reelect each judge seeking retention. The names of the candidates are listed on a separate area of the ballot, apart from individuals running for executive and legislative offices. No political affiliation is listed for retention candidates.

The Pennsylvania Bar Association seeks to help voters in retention elections by rating incumbent judges who are on the statewide ballot. Candidates are rated with “recommended” or “not recommended.” Those recommendations are based on investigations by the bar association’s Judicial Evaluation Commission, which reviews the record of each retention candidate and interviews lawyers and others familiar with the judge’s work and temperament. Some county bar associations provide similar ratings on Common Pleas court judges in their counties.

Retention does not apply to magisterial district judges. Those judges, who hear minor criminal cases and small claims cases, are elected to six-year terms and must be reelected to each new term in partisan contests. In Philadelphia, judges of the Municipal Court also serve six-year terms, but are reelected by retention.

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