

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 423 Session of 2017

INTRODUCED BY GABLER, GILLEN, IRVIN, LONGIETTI, PICKETT, WARD
AND WHEELAND, FEBRUARY 10, 2017

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 10, 2017

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," in election of officers
5 and vacancies in office, further providing for vacancies in
6 general.

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

9 Section 1. Section 407 of the act of May 1, 1933 (P.L.103,
10 No.69), known as The Second Class Township Code, is amended to
11 read:

12 Section 407. Vacancies in General.--(a) If the electors of
13 any township fail to choose a supervisor, tax collector or
14 auditor, or if any person elected to any office fails to serve
15 in the office, or if a vacancy occurs in the office by death,
16 resignation under subsection (b), removal from the township or
17 otherwise, the board of supervisors may appoint a successor who
18 is [an] a registered elector of the township and has resided in
19 that township continuously for at least one year prior to their
20 appointment_[, and, upon their failure to make the appointment

1 within thirty days after the vacancy occurs, the vacancy shall
2 be filled within fifteen additional days by the vacancy board.
3 The vacancy board shall consist of the board of supervisors and
4 one elector of the township, who shall be appointed by the board
5 of supervisors at the board's first meeting each calendar year
6 or as soon after that as practical and who shall act as chairman
7 of the vacancy board. If the vacancy board fails to fill the
8 position within fifteen days, the chairman shall, or if there is
9 a vacancy in the chairmanship the remaining members of the
10 vacancy board shall, petition the court of common pleas to fill
11 the vacancy. If two or more vacancies in the office of
12 supervisor occur on a three-member board or three or more
13 vacancies on a five-member board, the court of common pleas
14 shall fill the vacancies upon presentation of petition signed by
15 not less than fifteen electors of the township. The successor so
16 appointed shall hold the office until the first Monday in
17 January after the first municipal election which occurs more
18 than sixty days after the vacancy occurs, at which election an
19 eligible person shall be elected for the unexpired term.]

20 (b) A resignation:

21 (1) Shall not create a vacancy until the date that the
22 resignation is accepted by a majority vote of the board of
23 supervisors at a public meeting or the effective date of the
24 tendered resignation, whichever is later. The board of
25 supervisors must accept a tendered resignation no later than
26 forty-five days after the resignation has been tendered to the
27 board of supervisors, unless the resignation is withdrawn in
28 writing prior to acceptance.

29 (2) That is not accepted as under paragraph (1) shall be
30 deemed accepted forty-five days after the resignation has been

1 tendered to the board of supervisors.

2 (c) If, for any reason, the board of supervisors refuses,
3 fails, neglects or is unable to fill a vacancy within thirty
4 days after the vacancy occurs, as under this section, the
5 vacancy shall be filled within fifteen additional days by the
6 vacancy board. The vacancy board shall consist of the board of
7 supervisors and one registered elector of the township, who
8 shall be appointed by the board of supervisors at the board's
9 first meeting each calendar year or as soon thereafter as is
10 practical. The appointed elector shall act as the chairperson of
11 the vacancy board.

12 (d) If the vacancy board fails to fill the position within
13 fifteen days, the chairperson, or if the position of the
14 chairperson is vacant, the remaining members of the vacancy
15 board shall petition the court of common pleas to fill the
16 vacancy.

17 (e) If two or more vacancies in the office of supervisor
18 occur on a three-member board, or three or more vacancies occur
19 on a five-member board, the court of common pleas shall fill the
20 vacancies upon presentation of a petition signed by at least
21 fifteen registered electors of the township.

22 (f) A successor appointed under this section shall hold
23 office until the first Monday in January after the first
24 municipal election which occurs at least sixty days after the
25 vacancy occurs, at which election an eligible person shall be
26 elected for the unexpired term.

27 Section 2. This act shall take effect in 60 days.