

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1856

Session of  
1984

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INTRODUCED BY LIVENGOD, LEVI, FRYER, WASS, PETERSON AND  
HUTCHINSON, JANUARY 24, 1984

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AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 15, 1984

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## AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled  
2 "An act relating to counties of the third, fourth, fifth,  
3 sixth, seventh and eighth classes; amending, revising,  
4 consolidating and changing the laws relating thereto,"  
5 further providing for vacancies in office.

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

8 Section 1. Section 401(b) of the act of August 9, 1955  
9 (P.L.323, No.130), known as The County Code, is amended to read:

10 Section 401. Enumeration of Elected Officers.--\* \* \*

11 (b) All such officers shall be elected at the municipal  
12 election next preceding the expiration of the terms of the  
13 officers now in office, and quadrennially thereafter, and shall  
14 hold their offices for a term of four years from the first  
15 Monday of January next after their election and until their  
16 successors shall be duly qualified, but in the event that any  
17 such officer so elected, excepting a county commissioner or  
18 auditor, shall fail to qualify, or if no successor shall be

1 elected, then the [officer then in office shall continue in  
2 office only until the first Monday of January following the next  
3 municipal election, at which time his successor shall be elected  
4 for a term of four years] chief deputy, FIRST ASSISTANT, FIRST <—  
5 DEPUTY OR PRINCIPAL DEPUTY in office at the time the vacancy  
6 occurred shall assume the office until a successor has been  
7 appointed pursuant to section 409. In the case of a county  
8 commissioner or auditor, there shall be a vacancy which shall be  
9 filled as provided in this act.

10 \* \* \*

11 Section 2. Section 408(a) of the act, amended May 3, 1968  
12 (P.L.115, No.59), is amended to read:

13 Section 408. Deputies to Act in Certain Cases.--(a)  
14 Whenever any county officer is authorized or required to appoint  
15 a deputy or deputies, such deputy or principal deputy, where  
16 there are more than one, shall, during the necessary or  
17 temporary absence of his principal, perform all duties of such  
18 principal, and also, in case of a vacancy or as provided in  
19 section 401(b), until a successor is qualified.

20 \* \* \*

21 Section 3. Section 409 of the act is amended to read:

22 Section 409. Vacancies Not Otherwise Provided For.--In case  
23 of a vacancy, happening by death, resignation or otherwise, in  
24 any county office created by the Constitution or laws of this  
25 Commonwealth, and where no other provision is made by the  
26 Constitution, or by the provisions of this act, to fill the  
27 vacancy, it shall be the duty of the {Governor} ~~court of common~~ <—  
28 ~~pleas~~ to appoint a suitable person to fill such office, who  
29 shall continue therein and discharge the duties thereof UNTIL <—  
30 THE FIRST MONDAY IN JANUARY FOLLOWING THE NEXT MUNICIPAL

1 ELECTION OCCURRING NOT LESS THAN NINETY DAYS AFTER THE  
2 OCCURRENCE OF THE VACANCY, OR for the balance of the unexpired  
3 term , WHICHEVER PERIOD IS SHORTER. IF THERE IS A MUNICIPAL <—  
4 ELECTION OCCURRING NOT LESS THAN NINETY DAYS AFTER THE  
5 OCCURRENCE OF THE VACANCY, OTHER THAN THE ONE AT WHICH THE  
6 OFFICE ORDINARILY IS FILLED, THEN THE OFFICE SHALL BE FILLED AT  
7 THAT ELECTION FOR THE BALANCE OF THE UNEXPIRED TERM. †Such <—  
8 appointee shall be confirmed by the Senate if in session.‡ NO <—  
9 PERSON SHALL BE APPOINTED UNDER THIS SECTION UNLESS HE IS AND  
10 HAS BEEN, SINCE THE LAST ELECTION FOR THE OFFICE, A REGISTERED  
11 VOTER AND ENROLLED IN THE SAME POLITICAL PARTY, BODY OR  
12 AFFILIATION AS WAS THE PERSON WHOSE PLACE IS TO BE FILLED, AS OF  
13 THAT ELECTION.

14 Section 4. This act shall take effect immediately.