PRINTER'S NO. 1559

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1227 Session of 2013

INTRODUCED BY GINGRICH, ROSS, HARPER, FREEMAN AND M. DALEY, APRIL 22, 2013

REFERRED TO COMMITEE ON LOCAL GOVERNMENT, APRIL 22, 2013

AN ACT

Amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, "An act relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives," further providing for vacancy in the office of county commissioner.

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

Section 1. Section 501 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended to read:

Section 501. Election[; Vacancies].--[(a)] Three county commissioners shall be elected in each county in the year one thousand nine hundred and fifty-five, and every fourth year thereafter. In the election of commissioners, each qualified elector shall vote for no more than two persons. The three persons having the highest number of votes shall be elected.

[(b) Any casual vacancy in the office of county commissioners shall be filled, for the balance of the unexpired

term, by the court of common pleas of the county in which such vacancy shall occur by the appointment of a registered elector of the county who was a member of the same political party as the commissioner whose place is to be filled at the time the commissioner was elected.]

Section 2. The act is amended by adding a section to read:

Section 501.1. Vacancies.--(a) If any vacancy shall occur in the office of county commissioner by death, resignation, removal from the county or by failure to take the required oath or to give bond as provided by law or ordinance or in any other manner, the following shall apply:

(1) The two remaining commissioners shall direct the chief clerk to request that the county committee of the political party or political body of the vacated commissioner at the time the vacated commissioner was elected submit a list of three names to be chosen through a conference process or any other process as provided in the bylaws of the political party or political body. The committee shall submit the names within thirty days of the vacancy and may rank them in order of preference. The names provided in accordance with this paragraph shall constitute the exclusive candidates for appointment to fill the vacancy by the two remaining commissioners, the vacancy board and the court. As used in this paragraph, the terms "political party" or "political body" shall have the meanings given to them in section 801 of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(2) The two remaining county commissioners shall appoint a successor within forty-five days after the vacancy occurs. If the two remaining county commissioners fail to make the appointment within forty-five days, the appointment shall be

made by the vacancy board within fifteen days after the expiration of the forty-five day period. The vacancy board shall consist of the two remaining county commissioners and the one elector of the county, who shall be appointed by the county commissioners at the board's first meeting each calendar year or as soon after that is practical and who shall act as chairperson of the vacancy board. If the vacancy board fails to fill the position within fifteen days after the expiration of the forty-five day period, the chairperson or, if there is a vacancy in the position of chairperson, the remaining members of the vacancy board shall petition the court of common pleas to fill the vacancy.

(3) If two or more vacancies exist in the office of county commissioner, the court of common pleas shall fill the vacancies upon presentation of a petition signed by not less than fifteen electors of the county. Upon receipt of the petition, the court shall request names from the appropriate county committee as provided under paragraph (1).

(b) If a county committee has not provided names in accordance with subsection (a), or if the commissioner whose office is vacant is not a member of a political party or a political body, any successor qualified under subsection (c) may be appointed to fill the vacancy.

(c) A successor appointed to fill a vacancy in accordance with this section shall:

(1) Be at least eighteen years of age, a citizen of the United States and a resident of the county.

(2) Have resided within the county for one year next preceding the successor's appointment.

(3) Be a registered elector of the county and a member of

the same political party or political body as the commissioner whose place is to be filled at the time the commissioner was elected. If the commissioner vacating office was independent of any political affiliation or was affiliated with any political organization other than a political party or political body, the successor shall be of the same affiliation if an available candidate is otherwise qualified under this subsection.

(4) Hold the office for the balance of the unexpired term.

Section 3. This act shall take effect in 60 days.