

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 422 Session of 2017

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

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 10, 2017

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," in election of officers and vacancies in office,
5 further providing for electors only eligible and for
6 vacancies in general.

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

9 Section 1. Sections 501 and 530 of the act of June 24, 1931
10 (P.L.1206, No.331), known as The First Class Township Code, are
11 amended to read:

12 Section 501. [Electors Only Eligible.--No person shall be
13 eligible to any elective office in any township unless he is a
14 registered elector of the township for which he is chosen.]

15 Eligibility.--(a) Only a registered elector of a township may
16 be eligible to an elective office in the township. Before being
17 sworn into office each elected township officer, or appointed
18 township officer in case of a vacancy, shall present a signed
19 affidavit to the township secretary stating that the officer
20 resides in the township, or within the ward in the case of a

1 ward office, from which elected and has resided in the township
2 or ward continuously for at least one year immediately prior to
3 the officer's election or appointment. In the case of a newly
4 created ward in existence for less than one year at the time of
5 a township officer's election or appointment, the affidavit
6 shall state that the officer has resided within the township
7 continuously for at least one year immediately prior to the
8 officer's election or appointment and within the ward from the
9 date of the ward's creation continuously until the officer's
10 election or appointment.

11 (b) If an individual elected to office fails to give the
12 required bond, take the required oath or provide a signed
13 affidavit, a vacancy is created in the office for which the
14 individual was elected and the vacancy shall be filled as
15 provided in section 530.

16 Section 530. Vacancies in General.--(a) [When a] If a
17 vacancy occurs in the office of township commissioner[, auditor,
18 controller,] or tax collector[, or assistant auditor by reason
19 of] by death, resignation, removal provided in section 604,
20 termination of residency from the township or ward in the case
21 of a ward office, or by failure to take the required oath, give
22 required bond or provide the affidavit required under section
23 501, or otherwise, the board of township commissioners [of such
24 township shall fill such] shall fill the vacancy within thirty
25 (30) days by appointing by resolution a registered [voter]
26 elector of the [ward or township, as the case may be,] township
27 or ward in the case of a ward office, in which the vacancy
28 occurs.

29 (b) If the board of township commissioners of any township
30 shall refuse, fail, or neglect, or be unable for any reason

1 whatsoever, to fill [such] a vacancy within thirty (30) days
2 after the vacancy occurs, then the vacancy board shall fill the
3 vacancy within fifteen (15) additional days by appointing a
4 registered elector of the [ward or township, as the case may
5 be,] township or ward in which the vacancy occurs. The vacancy
6 board shall consist of the board of commissioners and one
7 registered elector of the township, who shall be appointed by
8 the board of township commissioners at the board's first meeting
9 each calendar year or as soon thereafter as practical[, and
10 who]. The registered elector shall act as [chairman] chairperson
11 of the vacancy board and shall serve as the chairperson until
12 the chairperson's successor is appointed.

13 (b.1) If the vacancy board does not fill the vacancy within
14 [the prescribed time, the chairman] fifteen (15) days, the
15 chairperson shall, or in the case of a vacancy in the
16 [chairmanship] chairperson the remaining members of the vacancy
17 board shall, petition the court of common pleas to fill the
18 vacancy by appointing a registered elector of the [ward or
19 township, as the case may be] township or ward, in which the
20 vacancy occurs.

21 (b.2) [In the case where] If there are vacancies in a
22 majority of the offices of commissioners, the court of common
23 pleas shall fill [such] the vacancies upon presentation of a
24 petition signed by not less than fifteen (15) registered
25 electors of the township.

26 (b.3) [In all cases, the person so appointed] The registered
27 elector appointed to fill a vacancy shall hold the office [if
28 the term thereof continues so long,] until the first Monday in
29 January after the first municipal election occurring more than
30 sixty (60) days after the vacancy occurs, at which election an

1 eligible person shall be elected to the office for the remainder
2 of the term [and]. The appointed registered elector shall have
3 been a resident of the township or ward continuously for at
4 least one (1) year [before his] immediately prior to the
5 appointment. [In townships divided into wards, all appointed
6 commissioners shall reside in the ward in which the vacancy
7 occurred and shall have resided in said ward continuously for at
8 least one (1) year before appointment.

9 (c) No person who was convicted of or pled guilty or no
10 contest to a felony shall be eligible for appointment to fill a
11 vacancy on the board of commissioners for a period of three (3)
12 years from the date of the conviction or plea.]

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