

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1226 Session of
2013

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

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 22, 2013

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," further providing for
5 vacancy in the office of county commissioner.

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

8 Section 1. Section 501 of the act of July 28, 1953 (P.L.723,
9 No.230), known as the Second Class County Code, is amended to
10 read:

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

17 [(b) Any vacancy in the office of county commissioners shall
18 be filled for the balance of the unexpired term by the court of
19 common pleas of the county, by the appointment of an elector of

1 the county who voted for the commissioner whose place is to be
2 filled.]

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

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

9 (1) The two remaining commissioners shall direct the chief
10 clerk to request that the county committee of the political
11 party or political body of the vacated commissioner at the time
12 the vacated commissioner was elected submit a list of three
13 names to be chosen through a conference process or any other
14 process as provided in the bylaws of the political party or
15 political body. The committee shall submit the names within
16 thirty (30) days of the vacancy and may rank them in order of
17 preference. The names provided in accordance with this paragraph
18 shall constitute the exclusive candidates for appointment to
19 fill the vacancy by the two remaining commissioners, the vacancy
20 board and the court. As used in this paragraph, the terms
21 "political party" or "political body" shall have the meanings
22 given to them in section 801 of the act of June 3, 1937
23 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

24 (2) The two remaining county commissioners shall appoint a
25 successor within forty-five (45) days after the vacancy occurs.
26 If the two remaining county commissioners fail to make the
27 appointment within forty-five (45) days, the appointment shall
28 be made by the vacancy board within fifteen (15) days after the
29 expiration of the forty-five (45) day period. The vacancy board
30 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 (15) days after the expiration of the forty-five (45) 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

1 any political affiliation or was affiliated with any political
2 organization other than a political party or political body, the
3 successor shall be of the same affiliation if an available
4 candidate is otherwise qualified under this subsection.

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

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