
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1856 Session of
1984

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

SENATOR CORMAN, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
SEPTEMBER 18, 1984

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; AND FURTHER
6 PROVIDING FOR THE EXPENSES OF COUNTY OFFICERS ATTENDING
7 ANNUAL MEETINGS. <—

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

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

12 Section 401. Enumeration of Elected Officers.--* * *

13 (b) All such officers shall be elected at the municipal
14 election next preceding the expiration of the terms of the
15 officers now in office, and quadrennially thereafter, and shall
16 hold their offices for a term of four years from the first
17 Monday of January next after their election and until their
18 successors shall be duly qualified, but in the event that any
19 such officer so elected, excepting a county commissioner or

1 auditor, shall fail to qualify, or if no successor shall be
2 elected, then the [officer then in office shall continue in
3 office only until the first Monday of January following the next
4 municipal election, at which time his successor shall be elected
5 for a term of four years] chief deputy, first assistant, first
6 deputy or principal deputy in office at the time the vacancy
7 occurred shall assume the office until a successor has been
8 appointed pursuant to section 409. In the case of a county
9 commissioner or auditor, there shall be a vacancy which shall be
10 filled as provided in this act.

11 * * *

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

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

21 * * *

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

23 Section 409. Vacancies Not Otherwise Provided For.--In case
24 of a vacancy, happening by death, resignation or otherwise, in
25 any county office created by the Constitution or laws of this
26 Commonwealth, and where no other provision is made by the
27 Constitution, or by the provisions of this act, to fill the
28 vacancy, it shall be the duty of the Governor to appoint a
29 suitable person to fill such office, who shall continue therein
30 and discharge the duties thereof until the first Monday in

1 January following the next municipal election occurring not less
2 than ninety days after the occurrence of the vacancy, or for the
3 balance of the unexpired term, whichever period is shorter. If
4 there is a municipal election occurring not less than ninety
5 days after the occurrence of the vacancy, other than the one at
6 which the office ordinarily is filled, then the office shall be
7 filled at that election for the balance of the unexpired term.

8 Such appointee shall be confirmed by the Senate if in session.

9 ~~No 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. SECTION 443(A) OF THE ACT, AMENDED DECEMBER 12, <—
15 1980 (P.L.1174, NO.216), IS AMENDED TO READ:

16 SECTION 443. EXPENSES OF ATTENDING MEMBERS TO BE PAID BY
17 COUNTY; TIME LIMIT ON MEETINGS.--(A) THE EXPENSES OF ALL
18 AUTHORIZED COUNTY OFFICERS ATTENDING THE ANNUAL MEETINGS OF
19 THEIR ASSOCIATIONS SHALL BE PAID BY THE SEVERAL COUNTIES OUT OF
20 GENERAL COUNTY FUNDS. EACH OF THESE OFFICERS, EXCEPT THE COUNTY
21 COMMISSIONERS, SHALL BE ALLOWED FOR HIS EXPENSES NOT TO EXCEED
22 [SEVENTY-FIVE DOLLARS (\$75)] NINETY DOLLARS (\$90) PER DAY FOR
23 THE NUMBER OF DAYS SPECIFIED IN SUBSECTION (B) OF THIS SECTION,
24 TOGETHER WITH MILEAGE GOING TO AND RETURNING FROM SUCH MEETING.
25 THE EXPENSE ALLOWANCE SHALL BE PAID FOR EACH DAY NOT IN EXCESS
26 OF TWO IN GOING TO AND RETURNING FROM SUCH MEETING.

27 * * *

28 Section 4 5. This act shall take effect immediately. <—