

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 270

Session of  
1983

INTRODUCED BY O'CONNELL, SNYDER, MUSTO, CORMAN AND HAGER,  
FEBRUARY 15, 1983

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 15, 1983

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 the filling of vacancies in certain  
6 circumstances.

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

9 Section 1. Section 408(a) of the act of August 9, 1955  
10 (P.L.323, No.130), known as The County Code, amended May 3, 1968  
11 (P.L.115, No.59), is amended to read:

12 Section 408. Deputies to Act in Certain Cases.--(a)  
13 Whenever any county officer is authorized or required to appoint  
14 a deputy or deputies, such deputy or principal deputy, where  
15 there are more than one, shall, during the necessary or  
16 temporary absence of his principal, perform all duties of such  
17 principal, and also, in case of a vacancy, until a successor is  
18 qualified. Whenever a vacancy shall happen in any county office  
19 to which the Governor may appoint under section 409, and for

1 which there is no deputy to serve in an acting capacity, the  
2 board of county commissioners shall within thirty days of the  
3 date the vacancy occurred appoint and designate an appropriate  
4 resident of such county to act in the capacity of such officer  
5 until a successor is qualified by appointment or election. If  
6 the board of county commissioners fails to appoint and designate  
7 an appropriate resident within the time provided, the court of  
8 common pleas of the county shall within thirty days after the  
9 failure of the board of county commissioners to act, appoint and  
10 designate an appropriate resident of such county to act in the  
11 capacity of such officer until a successor is qualified by  
12 appointment or election.

13 \* \* \*

14 Section 2. Section 409 of the act is amended to read:

15 Section 409. Vacancies Not Otherwise Provided For.--In case  
16 of a vacancy, happening by death, resignation or otherwise, in  
17 any county office created by the Constitution or laws of this  
18 Commonwealth, and where no other provision is made by the  
19 Constitution, or by the provisions of this act, to fill the  
20 vacancy, it shall be the duty of the Governor to appoint a  
21 suitable person to fill such office, who shall continue therein  
22 and discharge the duties thereof [for the balance of the  
23 unexpired term] until the first Monday of January next  
24 succeeding the first municipal election which shall occur two or  
25 more months after the happening of such vacancy or for the  
26 balance of the unexpired term whichever is less. Such appointee  
27 shall be [confirmed by the Senate if in session] subject to  
28 confirmation by the Senate.

29 Section 3. This act shall take effect immediately.