
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 270

Session of
1983

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 1, 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

1 to which the Governor may appoint under section 409, and for
2 which there is no deputy to serve in an acting capacity, the
3 board of county commissioners shall within thirty days of the
4 date the vacancy occurred appoint and designate an appropriate
5 resident of such county ~~WHO WAS A REGISTERED VOTER AND ENROLLED~~ <—
6 ~~IN THE SAME POLITICAL PARTY OR THE SAME AFFILIATION OF~~
7 ~~REGISTRATION AS THE PERSON WHOSE PLACE IS TO BE FILLED AT THE~~
8 ~~TIME THAT PERSON WAS ELECTED~~ to act in the capacity of such
9 officer until a successor is qualified by appointment or
10 election. If the board of county commissioners fails to appoint
11 and designate an appropriate resident within the time provided,
12 the court of common pleas of the county shall within thirty days
13 after the failure of the board of county commissioners to act,
14 appoint and designate an appropriate resident of such county to
15 act in the capacity of such officer until a successor is
16 qualified by appointment or election. NO ONE SHALL BE APPOINTED <—
17 PURSUANT TO THIS SECTION UNLESS HE WAS A REGISTERED VOTER AND
18 ENROLLED IN THE SAME POLITICAL PARTY OR THE SAME AFFILIATION OF
19 REGISTRATION AS THE PERSON WHOSE PLACE IS TO BE FILLED AT THE
20 TIME THAT PERSON WAS ELECTED.

21 * * *

22 Section 2. 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 ~~WHO WAS A REGISTERED VOTER AND ENROLLED IN THE~~ <—
30 ~~SAME POLITICAL PARTY OR THE SAME AFFILIATION OF REGISTRATION AS~~

1 ~~THE PERSON WHOSE PLACE IS TO BE FILLED AT THE TIME THAT PERSON~~
2 ~~WAS ELECTED~~ to fill such office, who shall continue therein and
3 discharge the duties thereof [for the balance of the unexpired
4 term] until the first Monday of January next succeeding the
5 first municipal election which shall occur two or more months
6 after the happening of such vacancy or for the balance of the
7 unexpired term whichever is less. Such appointee shall be
8 [confirmed by the Senate if in session] subject to confirmation
9 by the Senate. NO ONE SHALL BE APPOINTED PURSUANT TO THIS <—
10 SECTION UNLESS HE WAS A REGISTERED VOTER AND ENROLLED IN THE
11 SAME POLITICAL PARTY OR THE SAME AFFILIATION OF REGISTRATION AS
12 THE PERSON WHOSE PLACE IS TO BE FILLED AT THE TIME THAT PERSON
13 WAS ELECTED.

14 Section 3. This act shall take effect immediately.