

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1444 Session of  
2011

INTRODUCED BY ROSS, GINGRICH, CREIGHTON, FREEMAN AND  
SANTARSIERO, MAY 3, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 3, 2011

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.] If any vacancy shall occur in the office of county  
3 commissioner by death, resignation, removal from the county or  
4 by failure to take the required oath or to give bond as provided  
5 by law or ordinance, or in any other manner whatsoever, the  
6 remaining county commissioners may appoint a successor and, upon  
7 the failure of the remaining county commissioners to make the  
8 appointment within thirty days after the vacancy occurs, the  
9 vacancy shall be filled within fifteen additional days by the  
10 vacancy board. The vacancy board shall consist of the remaining  
11 county commissioners and one elector of the county, who shall be  
12 appointed by the county commissioners at the board's first  
13 meeting each calendar year or as soon after that as practical  
14 and who shall act as chairperson of the vacancy board. If the  
15 vacancy board fails to fill the position within fifteen days,  
16 the chairperson or, if there is a vacancy in the position of  
17 chairperson, the remaining members of the vacancy board shall  
18 petition the court of common pleas to fill the vacancy. If two  
19 or more vacancies exist in the office of county commissioner,  
20 the court of common pleas shall fill the vacancies upon  
21 presentation of a petition signed by not less than fifteen  
22 electors of the county.

23 (c) With regard to the successor appointed in accordance  
24 with subsection (b) to fill a vacancy in the office of county  
25 commissioner, the following shall apply:

26 (1) The successor shall be at least eighteen years of age, a  
27 citizen of the United States and a resident of the county, and  
28 shall have resided within the county for one year next preceding  
29 appointment.

30 (2) The successor shall be a registered elector of the

1 county and shall be a member of the same political party as was  
2 the commissioner whose place is to be filled at the time the  
3 commissioner was elected.

4 (3) The successor shall hold the office for the balance of  
5 the unexpired term.

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