

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," in election of officers and vacancies in office,
5 further providing for electors only eligible and for
6 vacancies in general.

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

9 Section 1. Sections 501 and 530 of the act of June 24, 1931
10 (P.L.1206, No.331), known as The First Class Township Code, are
11 amended to read:

12 Section 501. [Electors Only Eligible.--No person shall be
13 eligible to any elective office in any township unless he is a
14 registered elector of the township for which he is chosen.]
15 Eligibility.--(a) Only a registered elector of a township may
16 be eligible to an elective office in the township. Before being
17 sworn into office each elected township officer, or appointed
18 township officer in case of a vacancy, shall present a signed
19 affidavit to the township secretary stating that the officer

1 resides in the township, or within the ward in the case of a
2 ward office, from which elected and has resided in the township
3 or ward continuously for at least one year immediately prior to
4 the officer's election or appointment. In the case of a newly
5 created ward in existence for less than one year at the time of
6 a township officer's election or appointment, the affidavit
7 shall state that the officer has resided within the township
8 continuously for at least one year immediately prior to the
9 officer's election or appointment and within the ward from the
10 date of the ward's creation continuously until the officer's
11 election or appointment.

12 (b) If an individual elected to office fails to give the
13 required bond, take the required oath or provide a signed
14 affidavit, a vacancy is created in the office for which the
15 individual was elected and the vacancy shall be filled as
16 provided in section 530.

17 Section 530. Vacancies in General.--(a) [When a] If a
18 vacancy occurs in the office of township commissioner[, auditor,
19 controller,] or tax collector[, or assistant auditor by reason
20 of] by death, resignation, removal provided in section 604,
21 termination of residency from the township or ward in the case
22 of a ward office, or by failure to take the required oath, give
23 required bond or provide the affidavit required under section
24 501, or otherwise, the board of township commissioners [of such
25 township shall fill such] shall fill the vacancy within thirty
26 (30) days by appointing by resolution a registered [voter]
27 elector of the [ward or township, as the case may be,] township
28 or ward in the case of a ward office, in which the vacancy
29 occurs.

30 (b) If the board of township commissioners of any township

1 shall refuse, fail, or neglect, or be unable for any reason
2 whatsoever, to fill [such] a vacancy within thirty (30) days
3 after the vacancy occurs, then the vacancy board shall fill the
4 vacancy within fifteen (15) additional days by appointing a
5 registered elector of the [ward or township, as the case may
6 be,] township or ward in which the vacancy occurs. The vacancy
7 board shall consist of the board of commissioners and one
8 registered elector of the township, who shall be appointed by
9 the board of township commissioners at the board's first meeting
10 each calendar year or as soon thereafter as practical[, and
11 who]. The registered elector shall act as [chairman] chairperson
12 of the vacancy board and shall serve as the chairperson until
13 the chairperson's successor is appointed.

14 (b.1) If the vacancy board does not fill the vacancy within
15 [the prescribed time, the chairman] fifteen (15) days, the
16 chairperson shall, or in the case of a vacancy in the
17 [chairmanship] chairperson the remaining members of the vacancy
18 board shall, petition the court of common pleas to fill the
19 vacancy by appointing a registered elector of the [ward or
20 township, as the case may be] township or ward, in which the
21 vacancy occurs.

22 (b.2) [In the case where] If there are vacancies in a
23 majority of the offices of commissioners, the court of common
24 pleas shall fill [such] the vacancies upon presentation of a
25 petition signed by not less than fifteen (15) registered
26 electors of the township.

27 (b.3) [In all cases, the person so appointed] The registered
28 elector appointed to fill a vacancy shall hold the office [if
29 the term thereof continues so long,] until the first Monday in
30 January after the first municipal election occurring more than

1 sixty (60) days after the vacancy occurs, at which election an
2 eligible person shall be elected to the office for the remainder
3 of the term [and]. The appointed registered elector shall have
4 been a resident of the township or ward continuously for at
5 least one (1) year [before his] immediately prior to the
6 appointment. [In townships divided into wards, all appointed
7 commissioners shall reside in the ward in which the vacancy
8 occurred and shall have resided in said ward continuously for at
9 least one (1) year before appointment.

10 (c) No person who was convicted of or pled guilty or no
11 contest to a felony shall be eligible for appointment to fill a
12 vacancy on the board of commissioners for a period of three (3)
13 years from the date of the conviction or plea.]

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