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House Bill 913, Printer's Number 1107

**Amending the County Code –
Changing the method by which a vacancy is filled
in the office of county commissioner**

PROPOSAL/SUMMARY: This bill would amend the County Code to adopt a vacancy board process for filling vacancies in the office of county commissioner. The bill would require that the two remaining commissioners request that the county committee of the same political party or political body of the commissioner whose office is vacant, select and submit a list of three names, which may be ranked by the committee's preference, to the two remaining commissioners within 30 days after the vacancy occurs. The two remaining commissioners would be required to appoint a successor within 45 days of the vacancy.

Upon the failure of the remaining commissioners to fill the vacancy within the prescribed time, the vacancy would be filled within 15 additional days by the vacancy board. The vacancy board would consist of the remaining county commissioners and one elector of the county, who would be appointed by the commissioners at the board's first meeting each calendar year or as soon thereafter as practical. The elector would serve as the chairperson of the vacancy board.

If the vacancy board failed to fill the position within the prescribed time, the chairperson would then petition the court of common pleas to fill the vacancy. In the case of a vacancy in the position of chairperson, the remaining members of the vacancy board would petition the court to fill the vacancy.

If two or more vacancies occur, and after receiving the petition of 15 or more electors, the court of common pleas would request a list of three names from the same political party or political body of each of the commissioners whose office is vacant as outlined above, and would fill each vacancy.

Unless the county political committee fails to provide a list of names, or the commissioner whose office is vacant is not a member of a political party or political body, the names provided by the county political committee constitute the only candidates for appointment to fill the vacancy by the remaining commissioners, vacancy board or court of common pleas.

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The successor appointed to fill the vacancy must be at least 18 years of age, a citizen of the United States, and a resident of the county for one year next preceding the appointment. The successor must be a registered elector of the county and be a member of the same political party as the commissioner whose position is being filled when he or she was elected. The successor would hold office for the balance of the unexpired term.

A companion bill amends the Second Class County Code in the same manner as this bill.

EXISTING LAW: Currently, any vacancy in the office of county commissioner is filled for the balance of the unexpired term by the court of common pleas of the county. The court appoints an elector of the county who voted for the commissioner whose place is to be filled.