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SB 1289 (Printer's No. 1830) Analysis

Date: July 12, 2024

Amending Section 407 of the Second Class Township Code to provide for an expedited process to fill vacancies.

Prime Sponsor: Senator Kearney

A. Synopsis of Bill

Provides for an expedited process to fill township supervisor vacancies under Section 407 of the act of May 1, 1933 (P.L. 103, No. 69), otherwise known as Second Class Township Code, when there are one or more vacancies on the vacancy board, and specifies conflict of interest provisions for vacancy board chairs.

B. Summary and Analysis of Bill

This bill amends Section 407 of the Second Class Township Code by clarifying that if a majority of seats on a township's board of supervisors are vacant, the Court of Common Pleas shall fill the vacancies upon petition by either the remaining supervisors or fifteen registered electors of the township.

Section 407 is further amended by providing for an expedited vacancy board process. As amended, after the vacancy board has convened, the proceedings may be ended within fifteen days if the position of chairman is vacant, and the two remaining board members publicly vote to disband after providing their justification as to why they cannot fill a vacancy. The vacancy board chair is prohibited from voting for themselves to fill any vacancy.

C. Relevant Current Law

Section 407 of the Second Class Township Code provides for the process by which township supervisors may fill vacancies due to death, resignation or removal, among other things. This section stipulates when a resignation becomes effective and, upon the establishment of a vacancy, directs the township's board of supervisors to appoint a replacement.

If a board of supervisors is unable to make an appointment within 30 days, a vacancy board is convened comprising of two supervisors and one elector of the township to serve as chairperson. The vacancy board has fifteen days to then make an appointment to fill the vacancy; if they are unable to do so, they may petition the Court of Common Pleas.

Additionally, Section 407 provides for the electors of a township to petition the Court of Common Pleas to fill vacancies if a majority of seats on the board of supervisors are vacant.

D. Background of Bill

The Local Government Commission staff received feedback from the various municipal associations that, on occasion, vacancies on a municipal governing board can result in gridlock between the remaining officers: effectively halting municipal decision-making. The associations further emphasized the need to provide a more expedient process to address this issue. The Commission also received feedback indicating that ousted members of governing bodies could be attempting to vote for themselves to fill vacancies through a position as vacancy board chair.

E. Effect of Bill

This bill would result in vacancies being resolved at a more efficient pace when supervisors are gridlocked.

F. Issues, Policy Questions and Stakeholder Feedback

This legislation is supported by the Pennsylvania State Association of Township Supervisors.

G. Bill History

This bill was not introduced in any previous session.