

COUNTY CODE, THE - AMEND ELECTED OFFICERS

Act of May. 9, 2002, P.L. 301, No. 41

Cl. 16

Session of 2002

No. 2002-41

HB 2305

AN ACT

Amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, "An act relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives," further providing for elected officers.

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

Section 1. Section 401 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended November 26, 1968 (P.L.1099, No.341), December 18, 1984 (P.L.1065, No.211) and June 18, 1998 (P.L.619, No.79), is amended to read:

Section 401. Enumeration of Elected Officers.--(a) In each county, there shall be the following officers elected by the qualified electors of the county:

- (1) Three county commissioners.
- (2) Three auditors or, in all counties where the office of auditor has heretofore been or shall hereafter be abolished, one controller.
- (3) One treasurer.
- (4) One coroner.
- (5) One recorder of deeds.
- (6) One prothonotary.
- (7) One clerk of the court of quarter sessions and of the court of oyer and terminer.
- (8) One clerk of the orphans' court.
- (9) One register of wills.
- (10) One sheriff.
- (11) One district attorney.
- (12) Two jury commissioners.

(b) All such officers shall be elected at the municipal election next preceding the expiration of the terms of the officers now in office, and quadrennially thereafter, and shall hold their offices for a term of four years from the first Monday of January next after their election and until their successors shall be duly qualified, but in the event that any such officer so elected, excepting a county commissioner or auditor, shall fail to qualify, or if no successor shall be elected, then the chief deputy, first assistant, first deputy or principal deputy in office at the time the vacancy occurred shall assume the office until a successor has been appointed pursuant to section 409 or until the first Monday in January following the next municipal election, whichever period is shorter. In the case of a county commissioner or auditor, there shall be a vacancy which shall be filled as provided in this act.

(c) All the county officers enumerated in this section shall remain as now constituted. This section does not create any office in any county where such office does not now exist.

(d) The office of jury commissioner may be abolished by referendum at the option of each county which on the effective date of this subsection is a county of the third class having a population under the 1990 Federal decennial census in excess of 237,000 residents, but less than 240,000 residents, or a population under the 1990 Federal decennial census in excess of 337,000 residents, but less than 341,000 residents, whenever electors equal to at least five per centum of the highest vote cast for any office in the county at the last preceding general election shall file a petition with the county board of elections, or the governing body of the county adopts, by a majority vote, a resolution to place such a question on the ballot and a copy of the resolution is filed with the county board of elections for a referendum on the question of abolishing the office of jury commissioner. Proceedings under this subsection shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code." Upon approval of the referendum the office of jury commissioner shall expire at the completion of the current jury commissioners' terms of office. The referendum shall not take place in any year in which the office of jury commissioners is on the ballot.

**(e) The office of jury commissioner may be abolished in a county of the third class having a population during the 2000 decennial census of not less than 371,000 and not more than 380,000 if the governing body of the county adopts, by a majority vote, a resolution abolishing the office of jury commissioner. Upon approval of the resolution, the office of jury commissioner shall expire at the completion of the current jury commissioners' terms of office.**

Section 2. The amendment of section 401 of the act shall apply to jury commissioners holding office on or after the effective date of this act.

Section 3. This act shall take effect immediately.

APPROVED--The 9th day of May, A. D. 2002.

MARK S. SCHWEIKER