

FIRST CLASS TOWNSHIP CODE - ELECTORS ONLY ELIGIBLE AND VACANCIES
IN GENERAL

Act of Jul. 20, 2017, P.L. 315, No. 23

Cl. 73

Session of 2017

No. 2017-23

HB 422

AN ACT

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

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

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

Section 501. [Electors Only Eligible.--No person shall be eligible to any elective office in any township unless he is a registered elector of the township for which he is chosen.]

Eligibility.--(a) Only a registered elector of a township may be eligible to an elective office in the township. Before being sworn into office, each elected township officer, or appointed township officer in case of a vacancy in an elective office, shall present a signed affidavit to the township secretary stating that the officer resides in the township, or within the ward in the case of a ward office, from which elected or appointed and has resided in the township or ward continuously for at least one year immediately prior to the officer's election or appointment. In the case of a newly created ward in existence for less than one year at the time of a township officer's election or appointment, the affidavit shall state that the officer has resided within the township continuously for at least one year immediately prior to the officer's election or appointment and within the ward from the date of the ward's creation continuously until the officer's election or appointment.

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

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

or ward in the case of a ward office, in which the vacancy occurs.

(a.1) The following shall apply:

(1) A vacancy shall not be created by a resignation until the date that the resignation is accepted by a majority vote of a quorum of the commissioners at a public meeting or the effective date of the tendered resignation, whichever is later. The commissioners must accept a resignation no later than forty-five (45) days after it has been tendered in writing to the commissioners, unless it is withdrawn in writing prior to acceptance.

(2) A resignation that is not accepted as provided under paragraph (1) shall be deemed accepted after forty-five (45) days.

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

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

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

(b.3) [In all cases, the person so appointed] **The registered elector appointed to fill a vacancy** shall hold the office [if the term thereof continues so long,] until the first Monday in January after the first municipal election occurring more than sixty (60) days after the vacancy occurs, at which election an eligible person shall be elected **to the office** for the remainder of the term [and]. **The appointed registered elector** shall have been a resident of the township **or ward** continuously for at least one (1) year [before his] **immediately prior to the** appointment. [In townships divided into wards, all appointed commissioners shall reside in the ward in which the vacancy occurred and shall have resided in said ward continuously for at least one (1) year before appointment.

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

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

APPROVED--The 20th day of July, A.D. 2017.

TOM WOLF