

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2305 Session of  
2002

INTRODUCED BY LEH, ARGALL, CALTAGIRONE, S. MILLER, ROHRER,  
SEMMELE, SANTONI, BARRAR, EGOLF, STEIL, HANNA AND KREBS,  
JANUARY 24, 2002

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 24, 2002

AN ACT

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

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

12 Section 1. Section 401 of the act of August 9, 1955  
13 (P.L.323, No.130), known as The County Code, amended November  
14 26, 1968 (P.L.1099, No.341), December 18, 1984 (P.L.1065,  
15 No.211) and June 18, 1998 (P.L.619, No.79), is amended to read:

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

19 (1) Three county commissioners.

20 (2) Three auditors or, in all counties where the office of  
21 auditor has heretofore been or shall hereafter be abolished, one

1 controller.

2 (3) One treasurer.

3 (4) One coroner.

4 (5) One recorder of deeds.

5 (6) One prothonotary.

6 (7) One clerk of the court of quarter sessions and of the  
7 court of oyer and terminer.

8 (8) One clerk of the orphans' court.

9 (9) One register of wills.

10 (10) One sheriff.

11 (11) One district attorney.

12 (12) Two jury commissioners.

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

29 (c) All the county officers enumerated in this section shall  
30 remain as now constituted. This section does not create any

1 office in any county where such office does not now exist.

2 (d) The office of jury commissioner may be abolished by  
3 referendum at the option of each county which on the effective  
4 date of this subsection is a county of the third class having a  
5 population under the 1990 Federal decennial census in excess of  
6 237,000 residents, but less than 240,000 residents, or a  
7 population under the 1990 Federal decennial census in excess of  
8 337,000 residents, but less than 341,000 residents, whenever  
9 electors equal to at least five per centum of the highest vote  
10 cast for any office in the county at the last preceding general  
11 election shall file a petition with the county board of  
12 elections, or the governing body of the county adopts, by a  
13 majority vote, a resolution to place such a question on the  
14 ballot and a copy of the resolution is filed with the county  
15 board of elections for a referendum on the question of  
16 abolishing the office of jury commissioner. Proceedings under  
17 this subsection shall be in accordance with the provisions of  
18 the act of June 3, 1937 (P.L.1333, No.320), known as the  
19 "Pennsylvania Election Code." Upon approval of the referendum  
20 the office of jury commissioner shall expire at the completion  
21 of the current jury commissioners' terms of office. The  
22 referendum shall not take place in any year in which the office  
23 of jury commissioners is on the ballot.

24 (e) The office of jury commissioner may be abolished in a  
25 county of the third class if the governing body of the county  
26 adopts, by a majority vote, a resolution abolishing the office  
27 of jury commissioner. Upon approval of the resolution, the  
28 office of jury commissioner shall expire.

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

1 of this act.

2 Section 3. This act shall take effect immediately.