

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 984 Session of
2011

INTRODUCED BY BLAKE, ERICKSON, ROBBINS, EICHELBERGER AND
WOZNIAK, APRIL 25, 2011

REFERRED TO LOCAL GOVERNMENT, APRIL 25, 2011

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 vacancy in the office of county commissioner.

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

12 Section 1. Section 501 of the act of August 9, 1955
13 (P.L.323, No.130), known as The County Code, is amended to read:

14 Section 501. Election; Vacancies.--(a) Three county
15 commissioners shall be elected in each county in the year one
16 thousand nine hundred and fifty-five, and every fourth year
17 thereafter. In the election of commissioners, each qualified
18 elector shall vote for no more than two persons. The three
19 persons having the highest number of votes shall be elected.

20 (b) [Any casual vacancy in the office of county
21 commissioners shall be filled, for the balance of the unexpired

1 term, by the court of common pleas of the county in which such
2 vacancy shall occur by the appointment of a registered elector
3 of the county who was a member of the same political party as
4 the commissioner whose place is to be filled at the time the
5 commissioner was elected.] If any vacancy shall occur in the
6 office of county commissioner, by death, resignation, removal
7 from the county or by failure to take the required oath or to
8 give bond as provided by law or ordinance, or in any other
9 manner whatsoever, the remaining county commissioners may
10 appoint a successor, and, upon the failure of the remaining
11 county commissioners to make the appointment within thirty days
12 after the vacancy occurs, the vacancy shall be filled within
13 fifteen additional days by the vacancy board. The vacancy board
14 shall consist of the remaining county commissioners and one
15 elector of the county, who shall be appointed by the county
16 commissioners at the board's first meeting each calendar year or
17 as soon after that as practical and who shall act as chairperson
18 of the vacancy board. If the vacancy board fails to fill the
19 position within fifteen days, the chairperson or, if there is a
20 vacancy in the position of chairperson, the remaining members of
21 the vacancy board shall petition the court of common pleas to
22 fill the vacancy. If two or more vacancies exist in the office
23 of county commissioner, the court of common pleas shall fill the
24 vacancies upon presentation of a petition signed by not less
25 than fifteen electors of the county.

26 (c) With regard to the successor appointed in accordance
27 with subsection (b) to fill a vacancy in the office of county
28 commissioner, the following shall apply:

29 (1) The successor shall be at least eighteen years of age, a
30 citizen of the United States and a resident of the county and

1 shall have resided within the county for one year next preceding
2 the successor's appointment.

3 (2) The successor shall be a registered elector of the
4 county and shall be a member of the same political party as was
5 the commissioner whose place is to be filled at the time the
6 commissioner was elected.

7 (3) The successor shall hold the office for the balance of
8 the unexpired term.

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