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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 783 Session of  
2015

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INTRODUCED BY WOZNIAK, MCGARRIGLE, BLAKE AND EICHELBERGER,  
MAY 15, 2015

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REFERRED TO LOCAL GOVERNMENT, MAY 15, 2015

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AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,  
2 as amended, "An act relating to counties of the second class  
3 and second class A; amending, revising, consolidating and  
4 changing the laws relating thereto," in county commissioners  
5 and chief clerk, further providing for vacancy in the office  
6 of county commissioner.

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

9 Section 1. Section 501 of the act of July 28, 1953 (P.L.723,  
10 No.230), known as the Second Class County Code, is amended to  
11 read:

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

18 [(b) Any vacancy in the office of county commissioners shall  
19 be filled for the balance of the unexpired term by the court of  
20 common pleas of the county, by the appointment of an elector of

1 the county who voted for the commissioner whose place is to be  
2 filled.]

3 Section 2. The act is amended by adding a section to read:

4 Section 501.1. Vacancies.--(a) If a vacancy occurs in the  
5 office of county commissioner by death, resignation, removal  
6 from the county or by failure to take the required oath or to  
7 give bond as provided by law or ordinance, or in another manner,  
8 the following shall apply:

9 (1) The two remaining commissioners shall direct the chief  
10 clerk to request that the county committee of the political  
11 party or political body of the vacated commissioner at the time  
12 the vacated commissioner was elected submit a list of three  
13 names to be chosen through a conference process or another  
14 process as provided in the bylaws of the political party or  
15 political body. The committee shall submit the names within  
16 thirty (30) days of the vacancy and may rank them in order of  
17 preference. The names provided in accordance with this paragraph  
18 shall constitute the exclusive candidates for appointment to  
19 fill the vacancy by the two remaining commissioners, the vacancy  
20 board and the court. As used in this paragraph, the terms  
21 "political party" or "political body" shall have the meanings  
22 given to them in section 801 of the act of June 3, 1937

23 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

24 (2) The two remaining county commissioners shall appoint a  
25 successor within forty-five (45) days after the vacancy occurs.  
26 If the two remaining county commissioners fail to make the  
27 appointment within forty-five (45) days, the appointment shall  
28 be made by the vacancy board within fifteen (15) days after the  
29 expiration of the forty-five (45) day period. The vacancy board  
30 shall consist of the two remaining county commissioners and the

1 one elector of the county, who shall be appointed by the county  
2 commissioners at the board's first meeting each calendar year or  
3 as soon after that is practical and who shall act as chairperson  
4 of the vacancy board. If the vacancy board fails to fill the  
5 position within fifteen (15) days after the expiration of the  
6 forty-five (45) day period, the chairperson or, if there is a  
7 vacancy in the position of chairperson, the remaining members of  
8 the vacancy board shall petition the court of common pleas to  
9 fill the vacancy.

10 (3) If two or more vacancies exist in the office of county  
11 commissioner, the court of common pleas shall fill the vacancies  
12 upon presentation of a petition signed by not less than fifteen  
13 electors of the county. Upon receipt of the petition, the court  
14 shall request names from the appropriate county committee as  
15 provided under paragraph (1).

16 (b) If a county committee has not provided names in  
17 accordance with subsection (a), or if the commissioner whose  
18 office is vacant is not a member of a political party or a  
19 political body, a successor qualified under subsection (c) may  
20 be appointed to fill the vacancy.

21 (c) A successor appointed to fill a vacancy in accordance  
22 with this section shall:

23 (1) Be at least eighteen years of age, a citizen of the  
24 United States and a resident of the county.

25 (2) Have resided within the county for one year next  
26 preceding the successor's appointment.

27 (3) Be a registered elector of the county and a member of  
28 the same political party or political body as the commissioner  
29 whose place is to be filled at the time the commissioner was  
30 elected. If the commissioner vacating office was independent of

1 a political affiliation or was affiliated with a political  
2 organization other than a political party or political body, the  
3 successor shall be of the same affiliation if an available  
4 candidate is otherwise qualified under this subsection.

5 (4) Hold the office for the balance of the unexpired term.

6 Section 3. This act shall take effect in 60 days.