

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 422 Session of 2017

INTRODUCED BY GABLER, ENGLISH, GILLEN, IRVIN, LONGIETTI, WARD AND WHEELAND, FEBRUARY 10, 2017

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 22, 2017

AN ACT

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

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

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

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

15 Eligibility.--(a) Only a registered elector of a township may
16 be eligible to an elective office in the township. Before being
17 sworn into office each elected township officer, or appointed
18 township officer in case of a vacancy IN AN ELECTIVE OFFICE, <--
19 shall present a signed affidavit to the township secretary

1 stating that the officer resides in the township, or within the
2 ward in the case of a ward office, from which elected OR <--
3 APPOINTED and has resided in the township or ward continuously
4 for at least one year immediately prior to the officer's
5 election or appointment. In the case of a newly created ward in
6 existence for less than one year at the time of a township
7 officer's election or appointment, the affidavit shall state
8 that the officer has resided within the township continuously
9 for at least one year immediately prior to the officer's
10 election or appointment and within the ward from the date of the
11 ward's creation continuously until the officer's election or
12 appointment.

13 (b) If an individual elected to office, OR APPOINTED TO AN <--
14 ELECTIVE OFFICE, fails to give the required bond, take the
15 required oath or provide a signed affidavit, a vacancy is
16 created in the office for which the individual was elected OR <--
17 APPOINTED and the vacancy shall be filled as provided in section
18 530.

19 Section 530. Vacancies in General.--(a) [When a] If a
20 vacancy occurs in the office of township commissioner†, auditor, <--
21 controller,† or tax collector[, or assistant auditor by reason <--
22 of] by death, resignation, removal provided in section 604,
23 termination of residency from the township or ward in the case
24 of a ward office, or by failure to take the required oath, give
25 required bond or provide the affidavit required under section
26 501, or otherwise, the board of township commissioners [of such
27 township shall fill such] shall fill the vacancy within thirty
28 (30) days by appointing by resolution a registered [voter]
29 elector of the [ward or township, as the case may be,] township
30 or ward in the case of a ward office, in which the vacancy

1 occurs.

2 (A.1) VACANCY BY RESIGNATION.--THE FOLLOWING SHALL APPLY: <--

3 (1) A VACANCY SHALL NOT BE CREATED BY A RESIGNATION UNTIL
4 THE DATE THAT THE RESIGNATION IS ACCEPTED BY A MAJORITY VOTE OF
5 A QUORUM OF THE COMMISSIONERS AT A PUBLIC MEETING OR THE
6 EFFECTIVE DATE OF THE TENDERED RESIGNATION, WHICHEVER IS LATER.
7 THE COMMISSIONERS MUST ACCEPT A RESIGNATION NO LATER THAN FORTY-
8 FIVE (45) DAYS AFTER IT HAS BEEN TENDERED IN WRITING TO THE
9 COMMISSIONERS, UNLESS IT IS WITHDRAWN IN WRITING PRIOR TO
10 ACCEPTANCE.

11 (2) A RESIGNATION THAT IS NOT ACCEPTED AS PROVIDED UNDER
12 PARAGRAPH (1) SHALL BE DEEMED ACCEPTED AFTER FORTY-FIVE (45)
13 DAYS.

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

28 (b.1) If the vacancy board does not fill the vacancy within
29 [the prescribed time, the chairman] fifteen (15) days, the
30 chairperson shall, or in the case of a vacancy in the

1 [chairmanship] chairperson the remaining members of the vacancy
2 board shall, petition the court of common pleas to fill the
3 vacancy by appointing a registered elector of the [ward or
4 township, as the case may be] township or ward, in which the
5 vacancy occurs.

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

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

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

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