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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1905 Session of  
2013

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INTRODUCED BY GINGRICH, ROSS, FREEMAN AND M. DALEY,  
DECEMBER 11, 2013

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, DECEMBER 11, 2013

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AN ACT

1 Amending the act of May 3, 1850 (P.L.654, No.385), entitled "An  
2 act providing for the election of district attorneys,"  
3 further providing for the filling of vacancies in the office  
4 of district attorney.

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

7 Section 1. Section 3 of the act of May 3, 1850 (P.L.654,  
8 No.385), entitled "An act providing for the election of district  
9 attorneys," is amended to read:

10 Section 3. Contested elections and filling of vacancies

11 All elections of district attorneys shall be contested and  
12 decided in the same manner as is now provided by law for  
13 contesting the election of county officers; and if any vacancy  
14 shall occur, either by death, resignation, removal from office  
15 or from the county, or otherwise, [the judges of the court of  
16 common pleas shall supply such vacancy, by the appointment of a  
17 competent person to fill the office until the next general  
18 election: Provided, Such vacancy happens thirty days before; if  
19 not, then until the next general election thereafter, and until

1 a successor is duly elected and qualified.] the first assistant  
2 district attorney shall become district attorney and shall  
3 discharge the duties of the district attorney until the first  
4 Monday in January following the next municipal election  
5 occurring not less than ninety days after the occurrence of the  
6 vacancy. If the first assistant district attorney is unwilling  
7 or unable to serve, the judges of the court of common pleas  
8 shall fill the vacancy by the appointment of a competent person  
9 to fill the office until the first Monday in January following  
10 the next municipal election occurring not less than ninety days  
11 after the occurrence of the vacancy.

12 Section 2. The amendment of section 3 of the act shall apply  
13 to vacancies occurring after the effective date of this section.

14 Section 3. This act shall take effect immediately.