

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2164 Session of 2015

INTRODUCED BY GABLER, HELM, IRVIN, LONGIETTI, MILLARD, MUSTIO,  
SANKEY, WARD AND ZIMMERMAN, JUNE 15, 2016

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 15, 2016

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as  
2 reenacted and amended, "An act concerning townships of the  
3 second class; and amending, revising, consolidating and  
4 changing the law relating thereto," in elections of officers  
5 and vacancies in office, further providing for vacancies in  
6 general.

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

9 Section 1. Section 407 of the act of May 1, 1933 (P.L.103,  
10 No.69), known as The Second Class Township Code, reenacted and  
11 amended November 9, 1995 (P.L.350, No.60) and amended November  
12 29, 2006 (P.L.1473, No.166), is amended to read:

13 Section 407. Vacancies in General.--(a) If the electors of  
14 any township fail to choose a supervisor, tax collector or  
15 auditor, or if any person elected to any office fails to serve  
16 in the office, or if a vacancy occurs in the office by death,  
17 resignation under subsection (b), removal from the township or  
18 otherwise, the board of supervisors may appoint a successor who  
19 is [an] a registered elector of the township and has resided in  
20 that township continuously for at least one year prior to their

1 appointment.[, and, upon their failure to make the appointment  
2 within thirty days after the vacancy occurs, the vacancy shall  
3 be filled within fifteen additional days by the vacancy board.  
4 The vacancy board shall consist of the board of supervisors and  
5 one elector of the township, who shall be appointed by the board  
6 of supervisors at the board's first meeting each calendar year  
7 or as soon after that as practical and who shall act as chairman  
8 of the vacancy board. If the vacancy board fails to fill the  
9 position within fifteen days, the chairman shall, or if there is  
10 a vacancy in the chairmanship the remaining members of the  
11 vacancy board shall, petition the court of common pleas to fill  
12 the vacancy. If two or more vacancies in the office of  
13 supervisor occur on a three-member board or three or more  
14 vacancies on a five-member board, the court of common pleas  
15 shall fill the vacancies upon presentation of petition signed by  
16 not less than fifteen electors of the township. The successor so  
17 appointed shall hold the office until the first Monday in  
18 January after the first municipal election which occurs more  
19 than sixty days after the vacancy occurs, at which election an  
20 eligible person shall be elected for the unexpired term.]

21 (b) A resignation:

22 (1) Shall not create a vacancy until the date that the  
23 resignation is accepted by a majority vote of the board of  
24 supervisors at a public meeting or the effective date of the  
25 tendered resignation, whichever is later. The board of  
26 supervisors must accept a tendered resignation no later than  
27 forty-five days after the resignation has been tendered to the  
28 board of supervisors, unless the resignation is withdrawn in  
29 writing prior to acceptance.

30 (2) That is not accepted as under paragraph (1) shall be

1 deemed accepted forty-five days after the resignation has been  
2 tendered to the board of supervisors.

3 (c) If, for any reason, the board of supervisors refuses,  
4 fails, neglects or is unable to fill a vacancy within thirty  
5 days after the vacancy occurs, as under this section, the  
6 vacancy shall be filled within fifteen additional days by the  
7 vacancy board. The vacancy board shall consist of the board of  
8 supervisors and one registered elector of the township, who  
9 shall be appointed by the board of supervisors at the board's  
10 first meeting each calendar year or as soon thereafter as is  
11 practical. The appointed elector shall act as the chairperson of  
12 the vacancy board.

13 (d) If the vacancy board fails to fill the position within  
14 fifteen days, the chairperson, or if the position of the  
15 chairperson is vacant, the remaining members of the vacancy  
16 board shall petition the court of common pleas to fill the  
17 vacancy.

18 (e) If two or more vacancies in the office of supervisor  
19 occur on a three-member board, or three or more vacancies occur  
20 on a five-member board, the court of common pleas shall fill the  
21 vacancies upon presentation of a petition signed by at least  
22 fifteen registered electors of the township.

23 (f) A successor appointed under this section shall hold  
24 office until the first Monday in January after the first  
25 municipal election which occurs at least sixty days after the  
26 vacancy occurs, at which election an eligible person shall be  
27 elected for the unexpired term.

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