

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1131 Session of 2024

INTRODUCED BY COMMITTEE, HUTCHINSON, DUSH, BROWN AND KEARNEY, APRIL 5, 2024

SENATOR BROWN, LOCAL GOVERNMENT, AS AMENDED, SEPTEMBER 17, 2024

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in vacancies in office,
3 further providing for filling vacancies in elective borough
4 offices.

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

7 Section 1. Section 901 of Title 8 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 901. Filling vacancies in elective borough offices.

10 (a) Vacancies.--If any vacancy occurs in the office of the
11 mayor, member of council, auditor, controller or tax collector,
12 by death, resignation under subsection (a.1) or termination of
13 residency from the borough, or from a ward in the case of a ward
14 office, or by failure to take the required oath, to give bond as
15 provided by law or ordinance or to provide the affidavit
16 required under section 801 (relating to eligibility), or in any
17 other manner whatsoever, the council shall fill the vacancy
18 within 30 days by appointing, by resolution, a registered
19 elector of the borough, or of the ward in the case of a ward

1 office, to hold the office, if the term continues that long,  
2 until the first Monday in January after the first municipal  
3 election occurring more than 60 days after the vacancy occurs,  
4 at which election an eligible individual shall be elected to the  
5 office for the remainder of the term. Except as provided in  
6 section 801(c), no individual shall be appointed to fill a  
7 vacancy in an elected borough or ward office unless the  
8 individual has resided within the borough, or within the ward in  
9 the case of a ward office, continuously for at least one year  
10 immediately prior to the individual's appointment.

11 (a.1) Vacancy by resignation.--Except as provided under  
12 subsection (e), the following shall apply:

13 (1) A vacancy shall not be created by a resignation  
14 until the date that the resignation is accepted by a majority  
15 vote of a quorum of council at a public meeting or the  
16 effective date of the tendered resignation, whichever is  
17 later. A council must accept a resignation no later than 45  
18 days after it has been tendered in writing to council, unless  
19 it is withdrawn in writing prior to acceptance.

20 (2) A resignation which is not accepted as provided  
21 under paragraph (1) shall be deemed accepted after 45 days.

22 (b) Bond.--The individual appointed shall give bond if  
23 required by law or ordinance. If the individual elected to the  
24 office fails to give any bond required, to provide the affidavit  
25 required under section 801 or to take the required oath, the  
26 council, before making the appointment, shall declare the office  
27 vacant.

28 (c) [Unfilled vacancies.--If the council of any borough  
29 refuses, fails, neglects or is unable, for any reason  
30 whatsoever, to fill any vacancy within 30 days after the vacancy

1 happens, as provided in this section, the vacancy shall be  
2 filled within 15 additional days by the vacancy board.] Vacancy  
3 board.--

4 (1) A vacancy board shall be convened to fill any  
5 vacancy within 15 days if the council of any borough, for any  
6 reason, fails to fill a vacancy after 30 days. Council may  
7 vote to convene the vacancy board within 30 days of a vacancy  
8 if the council is unable, for any reason, to fill the vacancy  
9 and provides the justification in a public meeting.

10 (2) The vacancy board shall consist of the council,  
11 exclusive of the mayor, and one registered elector of the  
12 borough who shall be appointed by the council at the  
13 council's first meeting each calendar year or as soon as  
14 practical and who shall act as chair of the vacancy board.  
15 THE CHAIR OF THE VACANCY BOARD SHALL NOT VOTE FOR HIMSELF OR <--  
16 HERSELF TO FILL THE VACANCY IN AN ELECTIVE BOROUGH OFFICE.

17 (3) The vacancy board shall appoint a registered elector  
18 of the borough, or ward in the case of a ward office, to hold  
19 the office, if the term continues that long, until the first  
20 Monday in January after the first municipal election  
21 occurring more than 60 days after the vacancy occurs, at  
22 which election an eligible individual shall be elected to the  
23 office for the remainder of the term.

24 (d) [Board petition.--If the vacancy is not filled by the  
25 vacancy board within 15 days, the] Vacancy board petition.--The  
26 vacancy board chair shall, or, in the case of a vacancy in the  
27 chair, the remaining members of the vacancy board shall,  
28 petition the court of common pleas to fill the vacancy by the  
29 appointment of a registered elector of the borough, or ward in  
30 the case of a ward, to hold the office, if the term continues

1 that long, until the first Monday in January after the first  
2 municipal election occurring more than 60 days after the vacancy  
3 occurs, at which election an eligible individual shall be  
4 elected to the office for the remainder of the term[.]

5 (e) Elector petition.--If vacancies exist in more than a  
6 majority of the offices of council, the court of common pleas  
7 shall fill the vacancies upon presentation of petition signed by  
8 not less than 15 registered electors of the borough.] if either  
9 of the following occur:

10 (1) the vacancy board fails to fill the position within  
11 15 days; or

12 (2) the position of chairperson is vacant and the  
13 remaining members of the vacancy board provide a  
14 justification as to why the remaining members cannot fill the  
15 position sooner than 15 days and vote publicly to disband.

16 (e) General vacancy petition.--Notwithstanding any other  
17 provision of this section, if vacancies exist in more than a  
18 majority of the offices of council, the court of common pleas  
19 shall fill the vacancies upon presentation of petition signed by  
20 not less than 15 registered electors of the borough or the  
21 remaining council members. A resignation that precludes a  
22 majority of council members from acting to accept the  
23 resignation shall create a vacancy on the date specified in the  
24 tendered resignation or, if no date is specified, the second  
25 business day after the day tendered, unless sooner withdrawn in  
26 writing.

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