

No. 1978-67

AN ACT

HB 1069

Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An act concerning townships of the second class; and amending, consolidating, and changing the law relating thereto," changing the method of filling vacancies in certain township offices.

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

Section 1. Section 420, act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P.L.1481, No.567) and amended October 21, 1975 (P.L.428, No.120), is amended to read:

Section 420. **[Supervisors] Vacancies in General.**—If the electors of any township shall fail to choose a supervisor, *tax collector, auditor or assessor*, or if any person elected to such office shall neglect or refuse to serve therein, or if a vacancy shall occur in the office by death, resignation, removal from the township, or otherwise, a majority of the remaining supervisors may appoint a successor who is a registered voter and upon their failure to make such appointment within thirty days after the vacancy occurs, the **[court of common pleas shall appoint a successor who is a registered voter, upon the presentation of a petition signed by a supervisor and not less than five registered electors. In either case,]** *vacancy shall be filled within fifteen additional days by a vacancy board consisting of the board of supervisors and one registered elector of the township, who shall be elected by the board of supervisors at each reorganizational meeting and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within the time prescribed, the chairman shall petition the court of common pleas to fill the vacancy. In all cases,* the successor so appointed shall hold the office **[if the term thereof continues so long,]** until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term. **[When a vacancy is so filled by a majority of the remaining supervisors they shall, within fifteen days thereafter, certify such appointment to the clerk of the court of common pleas.**

If the electors of any township shall fail to choose two or more supervisors, or if two or more persons elected to such offices shall neglect or refuse to serve therein, or if vacancies shall occur in two or more such offices by death, resignation, removal from the township, or otherwise, the court of common pleas shall appoint successors upon the presentation of a petition signed by not less than five registered electors. The successors so

appointed shall be registered voters and hold the offices, if the terms thereof continue so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs; at which election eligible persons shall be elected for the unexpired terms.]

Section 2. Sections 421, 422 and 423 of the act are repealed.

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

APPROVED—The 15th day of June, A. D. 1978.

MILTON J. SHAPP