

No. 1978-69

AN ACT

HB 1071

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," changing provisions relating to filling vacancies in certain township offices and making repeals.

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

Section 1. Section 530, act of June 24, 1931 (P.L.1206, No.331), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P.L.1955, No.569), and amended February 11, 1976 (P.L.11, No.8), is amended to read:

Section 530. **[Township Commissioners] Vacancies in General.**—When a vacancy occurs in the office of township commissioner, auditor, controller, treasurer, assessor, assistant auditor, or assistant triennial assessor in any township, by reason of death, resignation, removal from the township or ward, or otherwise, the board of township commissioners of such township shall fill such vacancy by appointing by resolution a registered voter of the ward or township, as the case may be, in which the vacancy occurs. If the board of township commissioners of any township shall refuse, fail, or neglect, or be unable for any reason whatsoever, to fill such vacancy within thirty (30) days after the vacancy occurs, then the **[court of common pleas shall upon the petition of twenty registered voters of the ward or township, as the case may be, in which the vacancy occurs appoint a registered voter of the township to fill the vacancy. In either event,] vacancy board shall fill the vacancy within fifteen (15) additional days by appointing a registered elector of the ward or township, as the case may be, in which the vacancy occurs. The vacancy board shall consist of the board of commissioners and one registered elector of the township, who shall be elected by the board of township commissioners at each reorganizational meeting, and who shall act as chairman of the vacancy board. If the vacancy board does not fill the vacancy within the prescribed time, the chairman shall petition the court of common pleas to fill the vacancy by appointing a registered elector of the ward or township, as the case may be, in which the vacancy occurs. In all cases,** the person 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 (60) days after the vacancy occurs, at which election an eligible person shall be elected for the remainder of the term and shall have been a resident of the township continuously for at least one (1) year before his appointment. In townships

divided into wards, [a commissioner appointed by either the board of commissioners or the court of common pleas] *all appointed commissioners* shall reside in the ward in which the vacancy occurred and shall have resided in said ward continuously for at least one (1) year before [his] appointment.

Section 2. Sections 531, 532 and 533 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