

No. 1981-13

## AN ACT

HB 23

Amending the act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," further providing for the filling of certain vacancies.

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

Section 1. Section 2.1, act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," added February 11, 1976 (P.L.12, No.9), is amended to read:

Section 2.1. **[If the council of any incorporated town shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill any vacancy within thirty days after the vacancy happens, as provided in this act, then the court of common pleas shall, upon petition of the town council or five citizens of the town, fill the vacancy in such office, by the appointment of a qualified elector of the town to hold such 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 to the office for the remainder of the term.] *If the electors of any incorporated town shall fail to choose a councilman or auditor, provided that such office exists, 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 incorporated town, or otherwise, a majority of the remaining councilmen 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 vacancy shall be filled within fifteen additional days by the vacancy board. Such board shall consist of the town council and one registered elector of the town, who shall be appointed by town council at the council's first meeting each calendar year or as soon thereafter as practical 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, or in the case of a vacancy in the chairmanship, the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy. In the case where there are vacancies in a majority of town council, the court of common pleas shall fill such vacancies upon presentation of petition***

*signed by not less than fifteen registered electors of the town. In all cases, the successors so appointed shall hold the office 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.*

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

APPROVED—The 1st day of May, A. D. 1981.

DICK THORNBURGH