

## No. 2015-53

## AN ACT

## HB 910

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 removal of town officers and for vacancies.

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

Section 1. Section 2 of 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," amended February 11, 1976 (P.L.12, No.9), is amended to read:

Section 2. **[Whenever any member of the town council or the president of the town council of any incorporated town shall neglect or refuse to attend two successive regular meetings, unless detained by sickness or prevented by necessary absence from the town; or if a councilman in attendance at any meeting shall neglect or refuse to vote or by his withdrawal from council or otherwise refuse to act in his official capacity as a member of council; or if the president of the town council in attendance at any meeting shall neglect or refuse to cast the deciding vote; the town council acting without such person may declare his office as member of the town council or president of the town council vacant and such vacancy shall be filled by the town council, by appointing, by resolution, a registered 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. For such actions a majority of the remaining members of the town council shall constitute a quorum.]** *Whether elected or duly appointed to fill a vacancy in elective office, a town officer shall be removable from office only by impeachment, or by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or upon conviction of misbehavior in office or of an infamous crime in accordance with the Constitution of Pennsylvania, but the officer's title to office may be tried by proceedings of quo warranto as provided by law.*

Section 2. Section 2.1 of the act, amended May 1, 1981 (P.L.34, No.13), is amended to read:

Section 2.1. If the electors of any incorporated town shall fail to choose a **mayor**, 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 3. This act shall take effect in 60 days.

APPROVED—The 30th day of October, A.D. 2015

TOM WOLF