

No. 2017-16

AN ACT

HB 423

Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," in election of officers and vacancies in office, further providing for vacancies in general.

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

Section 1. Section 407 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, is amended to read:

Section 407. Vacancies in General.—*(a)* If the electors of any township fail to choose a supervisor, tax collector or auditor, or if any person elected to any office fails to serve in the office, or if a vacancy occurs in the office by death, resignation *under subsection (b)*, removal from the township or otherwise, the board of supervisors may appoint a successor who is **[an] a registered** elector of the township and has resided in that township continuously for at least one year prior to their appointment.**[, and, upon their failure to make the appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. The vacancy board shall consist of the board of supervisors and one elector of the township, who shall be appointed by the board of supervisors at the board's first meeting each calendar year or as soon after that as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within fifteen days, the chairman shall, or if there is a vacancy in the chairmanship the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy. If two or more vacancies in the office of supervisor occur on a three-member board or three or more vacancies on a five-member board, the court of common pleas shall fill the vacancies upon presentation of petition signed by not less than fifteen electors of the township. The successor so appointed shall hold the office until the first Monday in January after the first municipal election which occurs more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.]**

(b) A resignation:

(1) Shall not create a vacancy until the date that the resignation is accepted by a majority vote of the board of supervisors at a public meeting or the effective date of the tendered resignation, whichever is later. The board of supervisors must accept a tendered resignation no later than forty-five days after the resignation has been tendered to the board of supervisors, unless the resignation is withdrawn in writing prior to acceptance.

(2) That is not accepted as under paragraph (1) shall be deemed accepted forty-five days after the resignation has been tendered to the board of supervisors.

(c) If, for any reason, the board of supervisors refuses, fails, neglects or is unable to fill a vacancy within thirty days after the vacancy occurs, as under this section, the vacancy shall be filled within fifteen additional days by the vacancy board. The vacancy board shall consist of the board of supervisors and one registered elector of the township, who shall be appointed by the board of supervisors at the board's first meeting each calendar year or as soon thereafter as is practical. The appointed elector shall act as the chairperson of the vacancy board.

(d) If the vacancy board fails to fill the position within fifteen days, the chairperson, or if the position of the chairperson is vacant, the remaining members of the vacancy board shall petition the court of common pleas to fill the vacancy.

(e) If two or more vacancies in the office of supervisor occur on a three-member board, or three or more vacancies occur on a five-member board, the court of common pleas shall fill the vacancies upon presentation of a petition signed by at least fifteen registered electors of the township.

(f) A successor appointed under this section shall hold office until the first Monday in January after the first municipal election which occurs at least 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 7th day of July, A.D. 2017

TOM WOLF