
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1289 Session of
2024

INTRODUCED BY KEARNEY, HUTCHINSON, DUSH, BROWN AND COMITTA,
JULY 12, 2024

REFERRED TO LOCAL GOVERNMENT, JULY 12, 2024

AN ACT

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

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

8 Section 1. Section 407(b) introductory paragraph, (c), (d)
9 and (e) of the act of May 1, 1933 (P.L.103, No.69), known as The
10 Second Class Township Code, are amended and the section is
11 amended by adding a subsection to read:

12 Section 407. Vacancies in General.--* * *

13 (b) [A] Except as provided under subsection (e), a
14 resignation:

15 * * *

16 (c) Except as provided under subsection (c.1), the following
17 shall apply:

18 (1) If, for any reason, the board of supervisors refuses,
19 fails, neglects or is unable to fill a vacancy within thirty

1 days after the vacancy occurs, as under this section, the
2 vacancy shall be filled within fifteen additional days by the
3 vacancy board.

4 (2) The vacancy board shall consist of the board of
5 supervisors and one registered elector of the township, who
6 shall be appointed by the board of supervisors at the board's
7 first meeting each calendar year or as soon thereafter as is
8 practical.

9 (3) The appointed elector shall act as the chairperson of
10 the vacancy board, and may not vote for themselves to fill any
11 vacancy.

12 (c.1) Notwithstanding the provisions of subsection (c), if
13 the board of supervisors cannot fill a vacancy, the board of
14 supervisors may, by a majority vote at a public meeting, convene
15 the vacancy board at any time after the occurrence of the
16 vacancy for proceedings in accordance with subsection (d).

17 (d) [If the vacancy board fails to fill the position within
18 fifteen days, the chairperson] The chairperson of the vacancy
19 board, or if the position of the chairperson is vacant, the
20 remaining members of the vacancy board shall petition the court
21 of common pleas to fill the vacancy[.] if either of the
22 following occur:

23 (1) the vacancy board fails to fill the position within
24 fifteen days; or

25 (2) the position of chairperson is vacant and the remaining
26 members of the vacancy board provide their justification during
27 a public meeting as to why they cannot fill the position within
28 fifteen days.

29 (e) [If two or more vacancies in the office of supervisor
30 occur on a three-member board, or three or more vacancies occur

1 on a five-member board] Notwithstanding any other provision of
2 this section, if the majority of seats on the board of
3 supervisors are vacant, the court of common pleas shall fill the
4 vacancies upon presentation of a petition signed by the
5 remaining supervisors or at least fifteen registered electors of
6 the township. A resignation on the board of supervisors that
7 would preclude a majority of supervisors from acting shall
8 create a vacancy on the date specified in the tendered
9 resignation or, if no date is specified due to a lack of a
10 quorum, the second business day after the day tendered,
11 whichever is later, unless sooner withdrawn in writing.

12 * * *

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