
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 931 Session of
2013

INTRODUCED BY ERICKSON, EICHELBERGER, ROBBINS, WOZNIAK AND
BLAKE, MAY 31, 2013

REFERRED TO LOCAL GOVERNMENT, MAY 31, 2013

AN ACT

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

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

10 Section 1. Section 2 of the act of May 27, 1953 (P.L.249,
11 No.35), entitled "An act providing that the town councils of
12 incorporated towns shall have the right to declare vacant the
13 seats of councilmen or presidents of town councils for failure
14 to qualify and for failure to attend meetings or vote upon
15 questions before the council," amended February 11, 1976
16 (P.L.12, No.9), is amended to read:

17 Section 2. [Whenever any member of the town council or the
18 president of the town council of any incorporated town shall
19 neglect or refuse to attend two successive regular meetings,
20 unless detained by sickness or prevented by necessary absence

1 from the town; or if a councilman in attendance at any meeting
2 shall neglect or refuse to vote or by his withdrawal from
3 council or otherwise refuse to act in his official capacity as a
4 member of council; or if the president of the town council in
5 attendance at any meeting shall neglect or refuse to cast the
6 deciding vote; the town council acting without such person may
7 declare his office as member of the town council or president of
8 the town council vacant and such vacancy shall be filled by the
9 town council, by appointing, by resolution, a registered elector
10 of the town, to hold such office, if the term thereof continues
11 so long, until the first Monday in January after the first
12 municipal election occurring more than sixty days after the
13 vacancy occurs, at which election an eligible person shall be
14 elected to the office for the remainder of the term. For such
15 actions a majority of the remaining members of the town council
16 shall constitute a quorum.] Any town officer, whether elected or
17 duly appointed to fill a vacancy in elective office, shall be
18 removable from office only by impeachment, or by the Governor
19 for reasonable cause after due notice and full hearing on the
20 advice of two-thirds of the Senate, or upon conviction of
21 misbehavior in office, or of any infamous crime in accordance
22 with the Constitution of Pennsylvania, but his title to office
23 may be tried by proceedings of quo warranto as provided by law.

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

26 Section 2.1. If the electors of any incorporated town shall
27 fail to choose a mayor, councilman or auditor, provided that
28 such office exists, or if any person elected to such office
29 shall neglect or refuse to serve therein, or if a vacancy shall
30 occur in the office by death, resignation, removal from the

1 incorporated town, or otherwise, a majority of the remaining
2 councilmen may appoint a successor who is a registered voter and
3 upon their failure to make such appointment within thirty days
4 after the vacancy occurs, the vacancy shall be filled within
5 fifteen additional days by the vacancy board. Such board shall
6 consist of the town council and one registered elector of the
7 town, who shall be appointed by town council at the council's
8 first meeting each calendar year or as soon thereafter as
9 practical and who shall act as chairman of the vacancy board. If
10 the vacancy board fails to fill the position within the time
11 prescribed, the chairman shall, or in the case of a vacancy in
12 the chairmanship, the remaining members of the vacancy board
13 shall, petition the court of common pleas to fill the vacancy.
14 In the case where there are vacancies in a majority of town
15 council, the court of common pleas shall fill such vacancies
16 upon presentation of petition signed by not less than fifteen
17 registered electors of the town. In all cases, the successors so
18 appointed shall hold the office until the first Monday in
19 January after the first municipal election occurring more than
20 sixty days after the vacancy occurs, at which election an
21 eligible person shall be elected for the unexpired term.

22 Section 3. This act shall take effect in 60 days.