

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 934 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 August 9, 1955 (P.L.323, No.130), entitled,  
2 as amended, "An act relating to counties of the first, third,  
3 fourth, fifth, sixth, seventh and eighth classes; amending,  
4 revising, consolidating and changing the laws relating  
5 thereto; relating to imposition of excise taxes by counties,  
6 including authorizing imposition of an excise tax on the  
7 rental of motor vehicles by counties of the first class; and  
8 providing for regional renaissance initiatives," further  
9 providing for vacancy in the office of county commissioner.

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

12 Section 1. Section 501 of the act of August 9, 1955  
13 (P.L.323, No.130), known as The County Code, is amended to read:

14 Section 501. Election[; Vacancies].--[(a)] Three county  
15 commissioners shall be elected in each county in the year one  
16 thousand nine hundred and fifty-five, and every fourth year  
17 thereafter. In the election of commissioners, each qualified  
18 elector shall vote for no more than two persons. The three  
19 persons having the highest number of votes shall be elected.

20 [(b) Any casual vacancy in the office of county  
21 commissioners shall be filled, for the balance of the unexpired

1 term, by the court of common pleas of the county in which such  
2 vacancy shall occur by the appointment of a registered elector  
3 of the county who was a member of the same political party as  
4 the commissioner whose place is to be filled at the time the  
5 commissioner was elected.]

6 Section 2. The act is amended by adding a section to read:

7 Section 501.1. Vacancies.--(a) If any vacancy shall occur  
8 in the office of county commissioner by death, resignation,  
9 removal from the county or by failure to take the required oath  
10 or to give bond as provided by law or ordinance or in any other  
11 manner, the following shall apply:

12 (1) The two remaining commissioners shall direct the chief  
13 clerk to request that the county committee of the political  
14 party or political body of the vacated commissioner at the time  
15 the vacated commissioner was elected submit a list of three  
16 names to be chosen through a conference process or any other  
17 process as provided in the bylaws of the political party or  
18 political body. The committee shall submit the names within  
19 thirty days of the vacancy and may rank them in order of  
20 preference. The names provided in accordance with this paragraph  
21 shall constitute the exclusive candidates for appointment to  
22 fill the vacancy by the two remaining commissioners, the vacancy  
23 board and the court. As used in this paragraph, the terms  
24 "political party" or "political body" shall have the meanings  
25 given to them in section 801 of the act of June 3, 1937

26 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

27 (2) The two remaining county commissioners shall appoint a  
28 successor within forty-five days after the vacancy occurs. If  
29 the two remaining county commissioners fail to make the  
30 appointment within forty-five days, the appointment shall be

1 made by the vacancy board within fifteen days after the  
2 expiration of the forty-five day period. The vacancy board shall  
3 consist of the two remaining county commissioners and the one  
4 elector of the county, who shall be appointed by the county  
5 commissioners at the board's first meeting each calendar year or  
6 as soon after that is practical and who shall act as chairperson  
7 of the vacancy board. If the vacancy board fails to fill the  
8 position within fifteen days after the expiration of the forty-  
9 five day period, the chairperson or, if there is a vacancy in  
10 the position of chairperson, the remaining members of the  
11 vacancy board shall petition the court of common pleas to fill  
12 the vacancy.

13 (3) If two or more vacancies exist in the office of county  
14 commissioner, the court of common pleas shall fill the vacancies  
15 upon presentation of a petition signed by not less than fifteen  
16 electors of the county. Upon receipt of the petition, the court  
17 shall request names from the appropriate county committee as  
18 provided under paragraph (1).

19 (b) If a county committee has not provided names in  
20 accordance with subsection (a), or if the commissioner whose  
21 office is vacant is not a member of a political party or a  
22 political body, any successor qualified under subsection (c) may  
23 be appointed to fill the vacancy.

24 (c) A successor appointed to fill a vacancy in accordance  
25 with this section shall:

26 (1) Be at least eighteen years of age, a citizen of the  
27 United States and a resident of the county.

28 (2) Have resided within the county for one year next  
29 preceding the successor's appointment.

30 (3) Be a registered elector of the county and a member of

1 the same political party or political body as the commissioner  
2 whose place is to be filled at the time the commissioner was  
3 elected. If the commissioner vacating office was independent of  
4 any political affiliation or was affiliated with any political  
5 organization other than a political party or political body, the  
6 successor shall be of the same affiliation if an available  
7 candidate is otherwise qualified under this subsection.

8 (4) Hold the office for the balance of the unexpired term.

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