

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 790 Session of  
2015

---

INTRODUCED BY EICHELBERGER, HUTCHINSON, MCGARRIGLE, WOZNIAK AND  
BLAKE, MAY 15, 2015

---

REFERRED TO LOCAL GOVERNMENT, MAY 15, 2015

---

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.] Whether elected or duly appointed to  
17 fill a vacancy in elective office, a town officer 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 an infamous crime in accordance with  
22 the Constitution of Pennsylvania, but the officer's title to  
23 office may be tried by proceedings of quo warranto as provided  
24 by law.

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

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

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

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