

TO: Lester K. Fryer, Chairman, Local Government Committee

FROM: John H. Broujos, Counsel

SUBJECT: H.B. 2053, Printer's No. 2687 - Filling vacancy of supervisor in 2nd class township

REFERENCE: 53 PS 65420

MUNICIPALITY AND LAW AFFECTED: 2nd class township code

PROVISIONS:

1. Purpose: To provide that when a successor is appointed to fill a vacancy, he shall hold the office until a successor is elected.

2. Section 1 (Sec. 420): Provides that the successor appointed to fill a vacancy shall hold the office until the first Monday in December after the first municipal election occurring more than 60 days after his appointment. The person elected shall then fill the vacancy, taking the place of the successor appointed.

COMMENT: Apparently this is to insure that when a person is elected to fill the place of the successor, he shall take the place of the appointed successor. This apparently is more in keeping with the nature of our government to elect officers rather than to have them appointed.

COMMENT: The amendment does not specifically state that the elected person shall hold office immediately, although this is implied, since the appointed officer will only serve until the first Monday in December. The intent is apparently that the elected person shall hold office the first Monday in December. The Act should be amended to specifically state that the eligible person elected for the unexpired term shall hold office from the first Monday in December.

COMMENT: In addition, taking office on the first Monday in December will permit him to participate in the tax and budget enactments of the body rather than to be saddled with the actions of a predecessor appointed and leaving office after he has cast a vote for the major tax enactments.

COMMENT: Considering appeals which may be filed in an election, taking office in December rather than January may conflict with certain appeal and recanvassing procedures in contested elections. The Election Code should be reviewed to provide consistency.

August 3, 1972