

## No. 312

## AN ACT

SB 400

Relating to municipal reapportionment.

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

Section 1. This act shall be known and may be cited as the "Municipal Reapportionment Act."

Section 2. As used in this act:

(1) "District" includes ward whenever wards are used as the subdivision of a municipality for the election of members of the governing body.

(2) "Municipality" means a county, city, borough, incorporated town, township, any unit of government created and existing pursuant to the provisions of the "Home Rule Charter and Optional Plans Law" or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

(3) "Governing body" means a board of county commissioners, city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, the governing council of any unit of government created and existing pursuant to the provisions of the "Home Rule Charter and Optional Plans Law" or the governing council of any similar general purpose unit of government which may hereafter be created by the General Assembly.

Section 3. Within the year following that in which the Federal census, decennial or special, is officially and finally reported, and at such other times as the governing body of any municipality shall deem necessary, each municipality having a governing body not entirely elected at large shall be reapportioned into districts by its governing body. The governing body shall number the districts.

Districts shall be composed of compact and contiguous territory as nearly equal in population as practicable as officially and finally reported in the most recent Federal census, decennial or special.

Section 4. In the event a municipality has not been reapportioned by its governing body within the year following that in which the Federal census, decennial or special is officially and finally reported, a petition, signed by one or more electors who are residents of the municipality may be submitted to the court of common pleas which may then reapportion the municipality in accordance with the provisions of this act.

Upon receiving the petition to reapportion, the court may appoint three impartial persons as commissioners.

The commissioners appointed by the court or any two of them shall make a report to the court within such time as the court shall direct, and

shall include with it a plot showing the boundaries of the present districts and a plot showing the districts as proposed by them, along with pertinent information relating to population and area of the proposed districts.

Upon presentation, the court shall confirm the report nisi, and shall direct that notice of the filing of the report shall be given by publication once in a newspaper of general circulation stating that exceptions may be filed to such report within thirty days after the same was filed. If no exceptions are filed, or if the court dismisses the exceptions, the court shall confirm the report absolutely and issue a decree.

The court in its decree shall designate a number for each of the districts of the municipality.

Section 5. The commissioners appointed by the court shall each receive compensation for their services as the court shall fix.

All cost and expenses incurred in the proceedings to reapportionment shall be paid by the municipality.

Section 6. In the event a municipality has been reapportioned by its governing body within one year following that in which the Federal census, decennial or special, is officially and finally reported, or because the governing body deemed it necessary, such reapportionment may be contested as not being in compliance with the criteria for reapportionment as set forth in section 3 of this act.

In order to contest a reapportionment, a petition signed by ten electors who are residents of the municipality shall be submitted to the court of common pleas.

The court shall review the reapportionment plan and either accept the reapportionment plan and dismiss the petition or reject the reapportionment plan and return it to the local governing body for correction and resubmission to the court.

In the event the court sets the reapportionment aside, the court may appoint three impartial persons as commissioners.

The commissioners appointed by the court or any two of them shall make a report to the court within such time as the court shall direct, and shall include with it a plot showing the boundaries of the present districts and a plot showing the districts as proposed by them, along with pertinent information relating to population and area of the proposed districts.

Upon presentation, the court shall confirm the report nisi, and shall direct that notice of the filing of the report shall be given by publication once in a newspaper of general circulation stating that exceptions may be filed to such report within thirty days after the same was filed. If no exceptions are filed, or if the court dismisses the exceptions, the court shall confirm the report absolutely and issue a decree.

The court in its decree shall designate a number for each of the districts of the municipality.

Section 7. All cost and expenses incurred in a proceeding described in section 6 of this act challenging a reapportionment shall be paid by the municipality or the petitioners as the court shall direct; but, if the court reapportions the municipality, the costs and expenses shall be paid by the municipality.

In the event a reapportionment is challenged by petition as described in section 6 the petitioners may be required to post a bond set by the court to secure the payment of costs and expenses.

Section 8. The members of the governing body of the municipality in office at the time of the reapportionment shall retain their offices until the end of their term.

The election of members of the governing body under the reapportionment shall be held in accordance with law relating to the municipality and the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

Section 9.—(a) The following acts and parts of acts are repealed only in so far as they are inconsistent herewith:

(1) Section 2, act of May 23, 1874 (P.L.230, No.152), entitled "An act dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same, defining and punishing certain offences in all of said cities, and providing for the incorporation and government of cities of the third class."

(2) The act of February 12, 1889 (P.L.3, No.1), entitled "An act to provide for the commencement of the terms of office of councilmen, constables and school directors in new wards, when erected in cities of the first class under existing laws and where the several wards constitute separate school districts, to provide for the supervision of the public schools in such new wards until the organization of the board of school directors of the new school section, and to provide for the term of councilmen and constables already elected by the voters of the old ward."

(3) The act of April 24, 1905 (P.L.307, No.213), entitled "An act authorizing the creation, division and consolidation of wards, in cities of the second class; providing a method therefor, and fixing the minimum number of inhabitants in each ward."

(4) Sections 401, 402, 403, 404, 405, 406, 407 and 408, act of June 23, 1931 (P.L.932, No.317), reenacted and amended June 28, 1951 (P.L.662, No.164), known as "The Third Class City Code."

(5) Sections 401, 402, 403, 404, 405, 406, 407 and 408, act of June 24, 1931 (P.L.1206, No.331), reenacted and amended May 27, 1949 (P.L.1955, No.569), known as "The First Class Township Code."

(6) Subdivision (c) of Article V, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(7) Sections 601, 602, 603, 604, 605, 606 and 607, act of February 1, 1966 (P.L.1656, No.581), known as "The Borough Code."

(b) All other acts and parts of acts, general, local, and special, and all Home Rule Charters, are repealed in so far as they are inconsistent herewith.

APPROVED—The 13th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 312.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

*Secretary of the Commonwealth.*