

No. 1984-36

AN ACT

HB 502

Amending the act of April 13, 1972 (P.L.184, No.62), entitled "An act giving municipalities the right and power to adopt home rule charters or one of several optional plans of government and to exercise the powers and authority of local self-government subject to certain restrictions and limitations; providing procedures for such adoption and defining the effect thereof," regulating time of petitions.

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

Section 1. Section 201(b) of the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law, amended July 3, 1974 (P.L.421, No.149), is amended to read:

Section 201. * * *

(b) A referendum petition under this section shall be filed not later than the thirteenth Tuesday prior to the election, and the petition and the proceedings therein shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions in so far as such provisions are applicable, except that *no referendum petition shall be signed or circulated prior to the twentieth Tuesday before the election nor later than the thirteenth Tuesday before the election and no candidate's nomination petition shall be signed or circulated prior to the thirteenth Tuesday before the election nor later than the tenth Tuesday before the election and shall be filed on or before the tenth Tuesday before the election.*

Section 2. Sections 232 and 233 of the act, amended December 13, 1974 (P.L.958, No.314), are amended to read:

Section 232. A petition containing a proposal for referendum on the question of amending a home rule charter or an optional plan of government signed by electors comprising ten per cent of the number of electors voting for the Office of Governor in the last gubernatorial general election in the municipality, or an ordinance of the municipal governing body proposing amendment of a home rule charter or an optional plan, [may] shall be filed with the election officials [at least ninety days] *not later than the thirteenth Tuesday prior to the next primary, municipal or general election. The petition and the proceedings therein shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions insofar as such provisions are applicable, except that no referendum petition shall be signed or circulated prior to the twentieth Tuesday before the election nor later than the thirteenth Tuesday before the election.* The name and address of the person filing the petition shall be clearly stated on the petition.

The election officials shall review the initiative petition as the number and qualifications of signers. If the petition appears to be defective, the election officials shall immediately notify the persons filing the petition of the defect. When the election officials find that the petition as submitted is in proper order, they shall send copies of the initiative petition without signatures thereon to the governing body of the municipality and to the Secretary of Community Affairs. The initiative petition as submitted to the election officials, along with a list of signatories, shall be open to inspection in the office of the election officials.

Section 233. A referendum on the question of the amendment of a home rule charter or an optional plan of government shall be held when the election officials find that the initiative petition or ordinance of the governing body is in proper order, and the referendum shall be governed by the provisions of the Pennsylvania Election Code. The election officials shall cause the question to be submitted to the electors of the municipality at the next primary, general or municipal election occurring not less than **[sixty days] *the thirteenth Tuesday*** following the filing of the initiative petition or ordinance with the election board. At such election, the question shall be submitted to the voters in the same manner as other questions are submitted under the provisions of the Pennsylvania Election Code. The election board shall frame the question to be placed upon the ballot.

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

APPROVED—The 4th day of April, A. D. 1984.

DICK THORNBURGH