

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 502

Session of  
1983

INTRODUCED BY TRELLO, McVERRY, PISTELLA, MICHLOVIC, MARKOSEK AND  
MAYERNIK, MARCH 21, 1983

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 21, 1983

AN ACT

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

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

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

14 Section 201. \* \* \*

15 (b) A referendum petition under this section shall be filed  
16 not later than the thirteenth Tuesday prior to the election, and  
17 the petition and the proceedings therein shall be in the manner  
18 and subject to the provisions of the election laws which relate  
19 to the signing, filing and adjudication of nomination petitions  
20 in so far as such provisions are applicable, except that no

1 referendum petition shall be signed or circulated prior to the  
2 twentieth Tuesday before the election nor later than the  
3 thirteenth Tuesday before the election and no candidate's  
4 nomination petition shall be signed or circulated prior to the  
5 thirteenth Tuesday before the election nor later than the tenth  
6 Tuesday before the election and shall be filed on or before the  
7 tenth Tuesday before the election.

8 Section 2. Sections 232 and 233 of the act, amended December  
9 13, 1974 (P.L.958, No.314), are amended to read:

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

28 The election officials shall review the initiative petition  
29 as the number and qualifications of signers. If the petition  
30 appears to be defective, the election officials shall

1 immediately notify the persons filing the petition of the  
2 defect. When the election officials find that the petition as  
3 submitted is in proper order, they shall send copies of the  
4 initiative petition without signatures thereon to the governing  
5 body of the municipality and to the Secretary of Community  
6 Affairs. The initiative petition as submitted to the election  
7 officials, along with a list of signatories, shall be open to  
8 inspection in the office of the election officials.

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

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