

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1731

Session of  
1985

INTRODUCED BY MURPHY, DAWIDA AND LEVDANSKY, OCTOBER 7, 1985

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, DECEMBER 9, 1985

## 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," providing for election district  
8 amendments; AND MAKING A REPEAL. <—

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

11 Section 1. Section 221 of the act of April 13, 1972  
12 (P.L.184, No.62), known as the Home Rule Charter and Optional  
13 Plans Law, amended December 13, 1974 (P.L.958, No.314), is  
14 amended to read:

15 Section 221. (a) The procedure for amending a home rule  
16 charter or optional plan of government shall be through the  
17 initiative procedure and referendum or ordinance of the  
18 governing body as hereinafter provided for in this act.

19 ~~(b) Changes in the method of election of a municipal~~ <—  
20 ~~governing body from at large elections to elections by district,~~

~~may be implemented by amending a home rule charter or optional plan without creation of a government study commission. If an amendment to change the method of election of a municipal governing body does not provide necessary procedures for apportionment, apportionment shall be governed by the act of December 13, 1974 (P.L.947, No.312), known as the Municipal Reapportionment Act.~~

~~Section 2. This act shall take effect in 60 days.~~

~~(B) IN CITIES WHICH WOULD BE CLASSIFIED SECOND CLASS BUT HAVE ADOPTED A HOME RULE CHARTER, CHANGES IN THE METHOD OF ELECTION OF THE GOVERNING BODY OF ANY SUCH CITY FROM ELECTIONS AT LARGE TO EITHER ELECTIONS BY DISTRICT OR ELECTIONS PARTIALLY BY DISTRICT AND PARTIALLY AT LARGE OR CHANGES IN THE NUMBER OF MEMBERS OF THE GOVERNING BODY MAY BE IMPLEMENTED BY AMENDING A HOME RULE CHARTER THROUGH THE INITIATIVE PROCEDURE AND REFERENDUM OR THROUGH AN ORDINANCE OF THE GOVERNING BODY PROPOSING AN AMENDMENT BY REFERENDUM ON THE QUESTION WITHOUT CREATION OF A GOVERNMENT STUDY COMMISSION. IF TWO OR MORE QUESTIONS APPEAR ON THE BALLOT AT THE SAME ELECTION AND SUCH QUESTIONS ARE IN CONFLICT AND MORE THAN ONE RECEIVES THE APPROVAL OF THE VOTERS, THE QUESTION WHICH RECEIVES THE LARGEST NUMBER OF AFFIRMATIVE VOTES SHALL PREVAIL OVER THE OTHERS.~~

~~IF THE REFERENDUM ON THE QUESTION RESULTS IN THE APPROVAL BY THE VOTERS TO AMEND THE HOME RULE CHARTER TO PROVIDE FOR THE ELECTION OF THE GOVERNING BODY OF SUCH CITY EITHER BY DISTRICTS OR PARTIALLY BY DISTRICTS AND PARTIALLY AT LARGE, OR IN A CHANGE IN THE NUMBER OF MEMBERS OF THE GOVERNING BODY THE INITIAL APPORTIONMENT OF THE DISTRICTS SHALL BE MADE BY AN APPORTIONMENT COMMISSION CONSISTING OF FIVE MEMBERS, THREE TO BE APPOINTED BY THE MAYOR AND TWO TO BE APPOINTED BY THE GOVERNING BODY. SUCH~~

1 APPOINTMENTS SHALL BE MADE WITHIN TEN DAYS AFTER THE  
2 CERTIFICATION OF THE RESULTS OF THE ELECTION BY THE COUNTY BOARD  
3 OF ELECTIONS. IF THE APPOINTMENTS ARE NOT MADE WITHIN SUCH TEN-  
4 DAY PERIOD, THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS OF  
5 THE COUNTY IN WHICH SUCH CITY IS LOCATED SHALL MAKE THE  
6 APPOINTMENTS NOT YET MADE. IF THE QUESTION APPROVED BY THE  
7 VOTERS DOES NOT PROVIDE FOR THE SCHEDULE OF ELECTION OF NEW  
8 MEMBERS OF THE GOVERNING BODY OR THE NUMBER OF MEMBERS OF THE  
9 GOVERNING BODY OR THE STATUS OF MEMBERS OF THE GOVERNING BODY IN  
10 OFFICE ON THE DAY BEFORE THE AMENDMENT TO THE CHARTER BECOMES  
11 EFFECTIVE, SUCH MATTERS SHALL BE MADE BY THE APPORTIONMENT  
12 COMMISSION AS PART OF THE APPORTIONMENT PLAN.

13 THE DUTIES OF THE APPORTIONMENT COMMISSION SHALL BE TO USE  
14 THE OFFICIAL DATA OF THE UNITED STATES BUREAU OF THE CENSUS TO  
15 DEFINE THE LINES THAT DIVIDE THE COUNCIL DISTRICTS, TO MAKE THEM  
16 AS NEARLY EQUAL IN POPULATION AS PRACTICABLE AND AS COMPACT AND  
17 CONTIGUOUS AS POSSIBLE AND TO BEST PROVIDE FOR RACIAL BALANCE ON  
18 THE GOVERNING BODY. THE APPORTIONMENT COMMISSION SHALL MAKE  
19 EVERY EFFORT TO MAINTAIN NEIGHBORHOOD BOUNDARY LINES OF  
20 COMMUNITIES OF LIKE INTEREST WHENEVER PRACTICABLE. THE  
21 APPORTIONMENT COMMISSION SHALL, WITHIN SIXTY DAYS OF THE  
22 APPOINTMENT OF ALL OF ITS MEMBERS, ADOPT A FINAL PLAN FOR  
23 APPORTIONMENT. THE ADOPTION SHALL BE BY A VOTE OF A MAJORITY OF  
24 THE MEMBERS OF THE COMMISSION. NOTICE OF THE ADOPTION OF THE  
25 PLAN SHALL BE MADE IN AT LEAST TWO NEWSPAPERS OF GENERAL  
26 CIRCULATION IN THE CITY FOR AT LEAST TWO TIMES IN EACH OF TWO  
27 CONSECUTIVE WEEKS. THE PLAN SHALL BE EFFECTIVE AT THE NEXT  
28 MUNICIPAL ELECTION FOLLOWING THE EFFECTIVE DATE OF THIS  
29 SUBSECTION. THE PLAN MAY BE APPEALED BY ANY REGISTERED VOTER OF  
30 SUCH CITY TO THE APPROPRIATE COURT OF COMMON PLEAS WITHIN THIRTY

1 DAYS OF THE DATE THE LAST NOTICE APPEARED IN THE NEWSPAPER.

2 NOTWITHSTANDING THE PROVISIONS OF THE ACT OF DECEMBER 13,  
3 1974 (P.L.947, NO.312), KNOWN AS THE "MUNICIPAL REAPPORTIONMENT  
4 ACT," WITHIN THE YEAR FOLLOWING THAT IN WHICH THE FEDERAL  
5 CENSUS, DECENNIAL OR SPECIAL, IS OFFICIALLY AND FINALLY  
6 REPORTED, ANY SUCH CITY WHICH HAS AMENDED ITS HOME RULE CHARTER  
7 TO PROVIDE FOR THE ELECTION OF ITS GOVERNING BODY BY DISTRICTS  
8 OR PARTIALLY BY DISTRICTS SHALL BE REAPPORTIONED BY A  
9 REAPPORTIONMENT COMMISSION APPOINTED IN THE SAME MANNER AND  
10 HAVING THE SAME DUTIES AS THE APPORTIONMENT COMMISSION  
11 ESTABLISHED IN THIS SUBSECTION.

12 ANY COSTS INCURRED IN THE INITIAL APPORTIONMENT OR  
13 REAPPORTIONMENT PROVIDED HEREIN SHALL BE BORNE BY SUCH CITY  
14 BEING APPORTIONED OR REAPPORTIONED.

15 SECTION 2. THE ACT OF DECEMBER 13, 1974 (P.L.947, NO.312),  
16 KNOWN AS THE MUNICIPAL REAPPORTIONMENT ACT, IS REPEALED INSOFAR  
17 AS IT IS INCONSISTENT WITH THIS ACT.

18 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.