

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 400

Session of
1973INTRODUCED BY SCALES, REIBMAN, STAUFFER, EWING AND MURPHY,
FEBRUARY 21, 1973

SENATOR MURPHY, LOCAL GOVERNMENT, AS AMENDED, OCTOBER 23, 1973

AN ACT

1 Relating to municipal reapportionment.

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

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

6 Section 2. As used in this act:

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

10 (2) "Municipality" means a county, city, borough,
11 incorporated town, township, ANY UNIT OF GOVERNMENT CREATED AND <—
12 EXISTING PURSUANT TO THE PROVISIONS OF THE "HOME RULE CHARTER
13 AND OPTIONAL PLANS LAW" or any similar general purpose unit of
14 government which shall hereafter be created by the General
15 Assembly.

16 (3) "Governing body" means a board of county commissioners,
17 city council, borough council, incorporated town council, board

1 of township commissioners, ~~or~~ board of township supervisors, THE <—
2 GOVERNING COUNCIL OF ANY UNIT OF GOVERNMENT CREATED AND EXISTING
3 PURSUANT TO THE PROVISIONS OF THE "HOME RULE CHARTER AND
4 OPTIONAL PLANS LAW" OR THE GOVERNING COUNCIL OF ANY SIMILAR
5 GENERAL PURPOSE UNIT OF GOVERNMENT WHICH MAY HEREAFTER BE
6 CREATED BY THE GENERAL ASSEMBLY.

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

14 ~~Districts shall each comprise an undivided geographic area~~ <—
15 ~~within which all extremities are as nearly as practically~~
16 ~~possible equidistant from the geographical center and which~~
17 shall be composed of compact and contiguous territory as nearly
18 equal in population as practicable as OFFICIALLY AND FINALLY <—
19 reported in the ~~latest~~ MOST RECENT Federal census, decennial or <—
20 special.

21 ~~Section 4. In case the governing body has not complied with~~ <—
22 ~~the requirement for reapportionment as provided in this act~~
23 ~~within the year following that in which the Federal census,~~
24 ~~decennial or special, is officially reported, a petition, signed~~
25 ~~by electors comprising five per cent of the number of electors~~
26 ~~voting for the office of Governor in the last gubernatorial~~
27 ~~general election in the municipality,~~ THE EVENT A MUNICIPALITY <—
28 HAS NOT BEEN REAPPORTIONED BY ITS GOVERNING BODY WITHIN THE YEAR
29 FOLLOWING THAT IN WHICH THE FEDERAL CENSUS, DECENNIAL OR SPECIAL
30 IS OFFICIALLY AND FINALLY REPORTED, A PETITION, SIGNED BY ONE OR

1 MORE ELECTORS WHO ARE RESIDENTS OF THE MUNICIPALITY may be
2 submitted to the court of common pleas which may then
3 reapportion the municipality in accordance with the provisions
4 of this act.

5 Upon receiving the petition to reapportion, the court may
6 appoint three impartial persons as commissioners. ~~none of whom~~ <—
7 ~~shall be residents or property owners in the municipality.~~

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

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

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

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

26 ~~All costs incurred in the proceedings shall be paid by the~~ <—
27 ~~municipality, or the petitioners, as the court shall direct;~~
28 ~~but, if the court reapportions the municipality, the costs shall~~
29 ~~be borne by the municipality.~~

30 Section 6.

ALL COST AND EXPENSES INCURRED IN THE PROCEEDINGS TO
REAPPORTION 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.

IF THE REAPPORTIONMENT DESCRIBED IN THIS SECTION IS SET ASIDE
BY THE COURT, THE COURT SHALL THEN REAPPORTION THE MUNICIPALITY
IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT.

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.

1 THE COURT IN ITS DECREE SHALL DESIGNATE A NUMBER FOR EACH OF
2 THE DISTRICTS OF THE MUNICIPALITY.

3 SECTION 7. ALL COST AND EXPENSES INCURRED IN A PROCEEDING
4 DESCRIBED IN SECTION 6 OF THIS ACT CHALLENGING A REAPPORTIONMENT
5 SHALL BE PAID BY THE MUNICIPALITY OR THE PETITIONERS AS THE
6 COURT SHALL DIRECT; BUT, IF THE COURT REAPPORTIONS THE
7 MUNICIPALITY, THE COSTS AND EXPENSES SHALL BE PAID BY THE
8 MUNICIPALITY.

9 IN THE EVENT A REAPPORTIONMENT IS CHALLENGED BY PETITION AS
10 DESCRIBED IN SECTION 6 THE PETITIONERS MAY BE REQUIRED TO POST A
11 BOND SET BY THE COURT TO SECURE THE PAYMENT OF COSTS AND
12 EXPENSES.

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

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

20 Section ~~7~~. 9.--(a) The following acts and parts of acts are <—
21 repealed ONLY in so far as they are inconsistent herewith: <—

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

30 (2) The act of February 12, 1889 (P.L.3, No.1), entitled "An

1 act to provide for the commencement of the terms of office of
2 councilmen, constables and school directors in new wards, when
3 erected in cities of the first class under existing laws and
4 where the several wards constitute separate school districts, to
5 provide for the supervision of the public schools in such new
6 wards until the organization of the board of school directors of
7 the new school section, and to provide for the term of
8 councilmen and constables already elected by the voters of the
9 old ward."

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

15 (4) Sections 401, 402, 403, 404, 405, 406, 407 and 408, act
16 of June 23, 1931 (P.L.932, No.317), reenacted and amended June
17 28, 1951 (P.L.662, No.164), known as "The Third Class City
18 Code."

19 (5) Sections 401, 402, 403, 404, 405, 406, 407 and 408, act
20 of June 24, 1931 (P.L.1206, No.331), reenacted and amended May
21 27, 1949 (P.L.1955, No.569), known as "The First Class Township
22 Code."

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

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

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

1 ~~Section 8. This act shall take effect immediately.~~

<—