
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 400

Session of
1973

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

AS AMENDED ON SECOND CONSIDERATION, NOVEMBER 19, 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, 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 be composed of compact and contiguous
15 territory as nearly equal in population as practicable as
16 officially and finally reported in the most recent Federal
17 census, decennial or special.

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

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

28 The commissioners appointed by the court or any two of them
29 shall make a report to the court within such time as the court
30 shall direct, and shall include with it a plot showing the

1 boundaries of the present districts and a plot showing the
2 districts as proposed by them, along with pertinent information
3 relating to population and area of the proposed districts.

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

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

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

16 All cost and expenses incurred in the proceedings to
17 reapportion shall be paid by the municipality.

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

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

28 ~~If the reapportionment described in this section is set aside <—~~
29 ~~by the court, the court shall then reapportion the municipality~~
30 ~~in accordance with the provisions of this act.~~

1 THE COURT SHALL REVIEW THE REAPPORTIONMENT PLAN AND EITHER
2 ACCEPT THE REAPPORTIONMENT PLAN AND DISMISS THE PETITION OR
3 REJECT THE REAPPORTIONMENT PLAN AND RETURN IT TO THE LOCAL
4 GOVERNING BODY FOR CORRECTION AND RESUBMISSION TO THE COURT. IF
5 THE LOCAL GOVERNING BODY DOES NOT RESUBMIT THE REAPPORTIONMENT
6 PLAN WITHIN THIRTY DAYS OR THE COURT REJECTS THE RESUBMITTED
7 REAPPORTIONMENT PLAN, THEN THE COURT SHALL REAPPORTION THE
8 MUNICIPALITY IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT.

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

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

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

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

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

1 municipality.

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

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

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

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

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

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

1 councilmen and constables already elected by the voters of the
2 old ward."

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

8 (4) Sections 401, 402, 403, 404, 405, 406, 407 and 408, act
9 of June 23, 1931 (P.L.932, No.317), reenacted and amended June
10 28, 1951 (P.L.662, No.164), known as "The Third Class City
11 Code."

12 (5) Sections 401, 402, 403, 404, 405, 406, 407 and 408, act
13 of June 24, 1931 (P.L.1206, No.331), reenacted and amended May
14 27, 1949 (P.L.1955, No.569), known as "The First Class Township
15 Code."

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

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

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