
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 400

Session of
1973

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

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 21, 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 or any similar general purpose unit
12 of government which shall hereafter be created by the General
13 Assembly.

14 (3) "Governing body" means a board of county commissioners,
15 city council, borough council, incorporated town council, board
16 of township commissioners or board of township supervisors.

17 Section 3. Within the year following that in which the

1 Federal census, decennial or special, is officially reported,
2 and at such other times as the governing body of any
3 municipality shall deem necessary, each municipality having a
4 governing body not entirely elected at large shall be
5 reapportioned into districts by its governing body. The
6 governing body shall number the districts.

7 Districts shall each comprise an undivided geographic area
8 within which all extremities are as nearly as practically
9 possible equidistant from the geographical center and which
10 shall be composed of compact and contiguous territory as nearly
11 equal in population as practicable as reported in the latest
12 Federal census, decennial or special.

13 Section 4. In case the governing body has not complied with
14 the requirement for reapportionment as provided in this act
15 within the year following that in which the Federal census,
16 decennial or special, is officially reported, a petition, signed
17 by electors comprising five per cent of the number of electors
18 voting for the office of Governor in the last gubernatorial
19 general election in the municipality, may be submitted to the
20 court of common pleas which may then reapportion the
21 municipality in accordance with the provisions of this act.

22 Upon receiving the petition to reapportion, the court may
23 appoint three impartial persons as commissioners, none of whom
24 shall be residents or property owners in the municipality.

25 The commissioners appointed by the court or any two of them
26 shall make a report to the court within such time as the court
27 shall direct, and shall include with it a plot showing the
28 boundaries of the present districts and a plot showing the
29 districts as proposed by them, along with pertinent information
30 relating to population and area of the proposed districts.

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

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

10 Section 5. The commissioners appointed by the court shall
11 each receive compensation for their services as the court shall
12 fix.

13 All costs incurred in the proceedings shall be paid by the
14 municipality, or the petitioners, as the court shall direct;
15 but, if the court reapportions the municipality, the costs shall
16 be borne by the municipality.

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

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

24 Section 7.--(a) The following acts and parts of acts are
25 repealed in so far as they are inconsistent herewith:

26 (1) Section 2, act of May 23, 1874 (P.L.230, No.152),
27 entitled "An act dividing the cities of this state into three
28 classes, regulating the passage of ordinances, providing for
29 contracts for supplies and work for said cities, authorizing the
30 increase of indebtedness, and the creation of a sinking fund to

1 redeem the same, defining and punishing certain offences in all
2 of said cities, and providing for the incorporation and
3 government of cities of the third class."

4 (2) The act of February 12, 1889 (P.L.3, No.1), entitled "An
5 act to provide for the commencement of the terms of office of
6 councilmen, constables and school directors in new wards, when
7 erected in cities of the first class under existing laws and
8 where the several wards constitute separate school districts, to
9 provide for the supervision of the public schools in such new
10 wards until the organization of the board of school directors of
11 the new school section, and to provide for the term of
12 councilmen and constables already elected by the voters of the
13 old ward."

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

19 (4) Sections 401, 402, 403, 404, 405, 406, 407 and 408, act
20 of June 23, 1931 (P.L.932, No.317), reenacted and amended June
21 28, 1951 (P.L.662, No.164), known as "The Third Class City
22 Code."

23 (5) Sections 401, 402, 403, 404, 405, 406, 407 and 408, act
24 of June 24, 1931 (P.L.1206, No.331), reenacted and amended May
25 27, 1949 (P.L.1955, No.569), known as "The First Class Township
26 Code."

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

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

1 Code."

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

5 Section 8. This act shall take effect immediately.