

No. 236

AN ACT

HB 484

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," revising and changing provisions for the creation, division, realignment or consolidation of wards in cities of the first class, prescribing procedures therefor, and making editorial corrections.

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

Section 1. Section 532, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," added April 2, 1965 (P.L.7, No.7), is reenacted and amended to read:

Section 532. Wards in Cities of the First Class May be Created, Divided, Realigned, or Consolidated.—

(a) Wards in a city of the first class may be created, divided, realigned or consolidated, by the **[Court of Quarter Sessions]** *court of common pleas* of the county in which said city is located, upon application thereto for those purposes by the petition of at least a total of one hundred qualified electors from the ward or wards sought to be affected, or of the council of such city.

(b) Upon such petition, the said court shall appoint five impartial persons as a commission to inquire into and consider the merits of said petition, by such procedure as said court shall direct, to inspect the ward or wards sought to be affected, and to prepare a plan of the ward or wards proposed to be created, divided, realigned or consolidated.

(c) Said commission shall submit its report and plan within such time as shall be fixed by the said court.

(d) Unless at least four of said commissioners report favorably upon said petition and agree upon an implementing plan, said petition shall be dismissed by said court and the subject or subjects of said petition shall not be reconsidered for at least two years from the date of such dismissal.

(e) **[In the event at least four of said commissioners shall report favorably upon said petition and agree upon an implementing plan, said court shall enter a preliminary order effectuating same: Provided, however, That no] No final [order] plan shall be entered until at least ten days after notice to the electors in the wards to be affected thereby. Such notice shall be in the manner, form and means directed by [said court] the commission, shall state the date of consideration by the [court] commission and shall**

contain a warning that all objections to said report and plan must be set forth in writing and filed with the [clerk of the court] *commission* prior to such date.

(f) On or after such given date, the [court shall enter such final order as to it appears just and reasonable and] *commission shall prepare a final plan which* will best serve the public interest, shall number the new ward or wards and shall cause a certified copy of the whole proceedings to be placed of record among the minutes of the city council and with the Mayor of said city.

(g) *In the event that any final plan shall affect less than fifty (50) per centum of the wards in existence prior to the preparation of said plan, the city council, upon receipt of said plan from the commission, shall cause the same to be placed upon the ballot for the purpose of approval or rejection by vote of the qualified electors of the ward or wards divided, created, consolidated or realigned by said plan at the primary election next following the preparation of said plan.*

(h) *In the event that any final plan shall affect fifty (50) per centum or more of the wards in existence prior to the preparation of said plan, the city council upon receipt of said plan from the commission, shall cause the same to be placed upon the ballot for the purpose of approval or rejection by vote of the qualified electors of the city at the primary election next following the preparation of said plan.*

(i) *No plan dividing, creating, consolidating or realigning any ward shall be valid or take effect unless approved by the vote of the qualified electors as provided by subsections (g) or (h) of this act, whichever is applicable.*

[(g)](j) Upon the appointment of said commission, it shall prepare and submit to the said court, for consideration and approval, a proposed budget of the expenses involved in connection with its duties and functions. After the filing of its report, the commission shall prepare and submit to said court for consideration and approval, its request for allowance of fees and any supplemental expenses. Upon approval of these items, said court shall enter an order directing payment by said city.

Section 2. Section 1 containing the amendatory provisions of section 532 shall take effect immediately, but shall also apply to any commission appointed, or any commission plan pending, or to be submitted, or is submitted, prior to the effective date of this amendatory act, if such plan has not become final in accordance with section 532 of the act in existence prior to the effective date of this amendatory section.

APPROVED—The 23rd day of November, A. D. 1976.

MILTON J. SHAPP