

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," further regulating the preservation of records.

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

Pennsylvania
Election Code.

Section 1. Section 309, act of June 3, 1937 (P. L. 1333), known as the "Pennsylvania Election Code," is amended to read:

Section 309, act
of June 3, 1937,
P. L. 1333,
amended.

Section 309. Preservation of Records.—All documents, papers and records in the office of the county board of elections of each county [, including official ballots and the contents of ballot boxes,] shall be preserved therein for a period of at least eleven (11) months, [and shall be preserved for a greater period if] *and all official ballots and the contents of ballot boxes shall be preserved therein for a period of at least four (4) months; in the event the county board has been notified in writing by the district attorney of the county, or by a judge of a court of record, to preserve said papers or contents of ballot boxes for a longer period of time, for the purposes of pending prosecution or litigation, said records shall be preserved accordingly.*

Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 14th day of July, A. D. 1961.

DAVID L. LAWRENCE

—
No. 335

AN ACT

Amending the act of June 25, 1895 (P. L. 275), entitled "An act dividing the cities of this State into three classes with respect to their population, and designating the mode of ascertaining and changing the classification thereof in accordance therewith," further regulating the change of classification of cities, changing the method of reclassifying cities of the second class A upon a decrease in population, authorizing retention of existing classification, authorizing elections and permitting selection of a form of city government in such cases from among several optional plans.

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

Cities.

Section 1. The title, act of June 25, 1895 (P. L. 275), entitled "An act dividing the cities of this State into three classes with respect to their population, and desig-

Title, act of June
25, 1895, P. L.
275, amended.

nating the mode of ascertaining and changing the classification thereof in accordance therewith," is amended to read:

AN ACT

New title.

Dividing the cities of this State into [three] *four* classes with respect to their population, and designating the mode of ascertaining and changing the classification thereof in accordance therewith.

Section 2 of the act, amended December 8, 1959, P. L. 1719, further amended.

Section 2. Section 2 of the act, amended December 8, 1959 (P. L. 1719), is amended to read:

Classification of cities, to determine whether they shall regress or advance in classification to be ascertained and fixed according to last two United States decennial censuses.

Section 2. The classification of said cities respectively, shall be ascertained and fixed by reference to the last two preceding United States decennial censuses, and whenever it shall appear by both of such censuses, that any city of the first, second or second A class has decreased in population below the minimum population figures prescribed for its current classification, or that any city of the second, second A or third class has increased above the maximum population figure prescribed for its current classification, it shall be the duty of the Governor, under the great seal of the Commonwealth, to certify the fact accordingly, which certificate shall be entered at large upon the minutes of the councils of such city and recorded in the office for recording the deeds of the proper county. *No change in classification or in the existing form of government shall become effective until four years after the certification of the fact of decrease or increase of population by the Governor: Provided, That the court of quarter sessions of the county in which the city is located shall appoint a charter commission to study and make recommendations on the adoption of a form of city government under sections 3, 4, 5, 6 and 7 of this act, and a form of government is adopted within the above four year period. If a form of government is not adopted within the four year period, the city shall automatically become classified according to the provisions of section 1 of this act and be subject to the provisions therein.*

Governor to certify that a city has changed in population.

Effective time of change.

Proviso.

Intent of preceding paragraph.

It is the intent of the preceding paragraph that the classification of any city of the first, *second, second class A and third class shall not be changed because its population has changed at the time of one United States decennial census, because it is recognized that a change in the form of municipal government is attended by certain expense and hardship and such change should not be occasioned by a temporary fluctuation in population but rather only after it is demonstrated by two censuses that

* "class" in original.

the population of a city has remained below the minimum figure or above the maximum figure of its class for at least a decade.

At the municipal election occurring not less than one month after the date of such certificate the proper officers shall be elected to which the said city will become entitled under the change in classification, and upon the first Monday of April next ensuing the terms of all officers of said city then in office whose offices are superseded by reason thereof shall cease and determine, and the city government shall be duly organized and shall thereafter be controlled and regulated by the laws of this Commonwealth applicable to the same under the classification hereby fixed and appointed.

Election of officers.

Terms of office.

Organization of city government.

Until otherwise provided by law, cities of the second class A shall continue to be governed, and shall have all the powers, privileges and prerogatives now provided by the laws of the Commonwealth relating to cities of the second class.

Government of cities of second class A.

Section 3. The act is amended by adding, after section 2, the following new sections to read:

The act, amended by adding new sections 3, 4, 5, 6 and 7.

Section 3. Whenever the population of any city of the second class A has regressed to a figure below the minimum fixed for that classification; the court of quarter sessions of the county in which the city is located shall, upon petition of fifteen per cent of the registered voters of the city or upon petition of the city council, appoint a charter commission to study and make recommendations on the adoption of a form of city government.

When court of quarter sessions to appoint a charter commission.

Section 4. The charter commission so appointed shall consist of not less than nine nor more than fifteen members who shall be qualified electors of the city. In every case at least three members of the charter commission shall be appointed from among the members of city council.

Membership of charter commission.

Section 5. The charter commission shall organize and function in accordance with the provisions of the Optional Third Class City Charter Law and, in so far as the same are applicable, shall exercise the same powers and perform the same duties as are conferred or imposed upon charter commissions elected under the provisions of the Optional Third Class City Charter Law.

Charter commission to operate under provision of optional third class city charter.

Members of the charter commission shall serve without compensation but shall be reimbursed by the city for their necessary expenses incurred in the performance of their duties. The city council shall appropriate reasonable sums of money necessary for such purpose and for the work of the charter commission as provided in the Optional Third Class City Charter Law.

Compensation and expenses.

Report of
commission.

The charter commission shall report its recommendations at the time and in the manner provided in the Optional Third Class City Charter Law. In its report, the charter commission shall recommend retention of the existing classification or adoption of the commission form of government or adoption of one of the optional forms of city government provided in the Optional Third Class City Charter Law.

Certification by
board of election
and submission
of question to
electors.

Section 6. Within five days after the charter commission reports its recommendations, the city council shall certify a copy of the commission's report to the county board of elections which shall cause the question to be placed upon the ballot or voting machines at such time as the commission shall in its report specify. The question shall be submitted to the electors in the manner and at the time provided in the Optional Third Class City Charter Law and shall be framed by city council.

Return of vote
on question by
board of election.

Section 7. The county board of elections shall make return of the vote cast on the question as provided by law. If at such election the electors have voted against retaining the existing classification or have voted in favor of adopting the commission form of government or have voted in favor of adopting one of the optional forms of government provided in the Optional Third Class City Charter Law, the city shall become a city of the third class and shall be governed under the appropriate provisions of the third class city code or the Optional Third Class City Charter Law. The transition to a new form of government shall take effect as provided in the Optional Third Class City Charter Law or in the third class city code, as the case may be.

Retention of
existing classi-
fication and
limitation upon
submission of
question.

Whenever by the return of any such election it shall appear that a majority favor retention of existing classification or there is a majority against the different form of city government recommended by the charter commission, the city shall retain its existing classification, and it shall be unlawful to hold another election on the question in such city within a period of five years.

Act effective
immediately.

Section *4. This act shall take effect immediately.

* "8" in original.

APPROVED—The 14th day of July, A. D. 1961.

DAVID L. LAWRENCE