

## No. 314

## AN ACT

## SB 794

Amending the act of April 13, 1972 (P.L.184, No.62), entitled "An act giving municipalities the right and power to adopt home rule charters or one of several optional plans of government and to exercise the powers and authority of local self-government subject to certain restrictions and limitations; providing procedures for such adoption and defining the effect thereof," further providing for the amendment of home rule charters and optional plans of government.

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

Section 1. Section 221 and subdivision C of Article II, act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," are amended to read:

ARTICLE II  
PROCEDURE FOR ADOPTION OF A HOME RULE CHARTER  
OR OPTIONAL PLAN OF GOVERNMENT

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Section 221. The procedure for amending a home rule charter or optional plan of government shall be **[the same as for the adoption of a home rule charter or optional plan of government, except that an optional plan of government may be amended]** through the initiative procedure *and referendum or ordinance of the governing body* as hereinafter provided for in this act.

C. Amendment of *Home Rule Charter and* Optional Plan  
by Initiative Petition or Ordinance and Referendum

Section 231. A referendum on the question of amendment of *a home rule charter or* an optional plan of government may be initiated by electors of the municipality, and a referendum on the question of amendment of *a home rule charter or* an optional plan of government may be initiated by an ordinance of the governing body. A proposal for amendment of an optional plan shall be limited to the additional options provided for in section 213 of this act.

Section 232. A petition containing a proposal for referendum on the question of amending *a home rule charter or* an optional plan of government signed by electors comprising **[five] ten** per cent of the number of electors voting for the Office of Governor in the last gubernatorial general election in the municipality, or an ordinance of the municipal governing body proposing amendment of *a home rule charter or* an optional plan, may be filed with the election officials at

least ninety days prior to the next primary, municipal or general election. The name and address of the person filing the petition shall be clearly stated on the petition.

The election officials shall review the initiative petition as the number and qualifications of signers. If the petition appears to be defective, the election officials shall immediately notify the persons filing the petition of the defect. When the election officials find that the petition as submitted is in proper order, they shall send copies of the initiative petition without signatures thereon to the governing body of the municipality and to the Secretary of Community Affairs. The initiative petition as submitted to the election officials, along with a list of signatories, shall be open to inspection in the office of the election officials.

Section 233. A referendum on the question of the amendment of *a home rule charter* or an optional plan of government shall be held when the election officials find that the initiative petition or ordinance of the governing body is in proper order, and the referendum shall be governed by the provisions of the Pennsylvania Election Code. The election officials shall cause the question to be submitted to the electors of the municipality at the next primary, general or municipal election occurring not less than sixty days following the filing of the initiative petition or ordinance with the election board. At such election, the question shall be submitted to the voters in the same manner as other questions are submitted under the provisions of the Pennsylvania Election Code. The election board shall frame the question to be placed upon the ballot.

Section 2. This act shall take effect immediately.

APPROVED—The 13th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 314.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

*Secretary of the Commonwealth.*