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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 65 Session of  
2013

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INTRODUCED BY WARD, ARGALL, GREENLEAF AND VULAKOVICH,  
JANUARY 9, 2013

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REFERRED TO LOCAL GOVERNMENT, JANUARY 9, 2013

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, providing for local referenda.

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

5 Section 1. Subchapter A of Chapter 13 of Title 53 of the  
6 Pennsylvania Consolidated Statutes is amended to read:

7 CHAPTER 13

8 GENERAL PROVISIONS

9 SUBCHAPTER A

10 [(Reserved)]

11 LOCAL REFERENDA

12 Sec.

13 1301. Scope of subchapter.

14 1302. Definitions.

15 1303. General authorization.

16 1304. Ordinance.

17 1305. Limitation.

18 § 1301. Scope of subchapter.

1 This subchapter relates to local referenda.

2 § 1302. Definitions.

3 The following words and phrases when used in this subchapter  
4 shall have the meanings given to them in this section unless the  
5 context clearly indicates otherwise:

6 "Department." The Department of State of the Commonwealth.

7 "Election officials." The county board of elections of a  
8 county.

9 "Governing body." Any city council, borough council,  
10 incorporated town council, board of county commissioners or a  
11 home rule successor in function, board of township  
12 commissioners, board of township supervisors, governing council  
13 of an optional plan municipality or governing council of a  
14 similar general purpose unit of government which may be created  
15 by statute after the effective date of this section.

16 "Local referendum." A direct vote in which the electors of a  
17 political subdivision are asked to either accept or reject a  
18 proposal put forth by a governing body.

19 "Pennsylvania Election Code." The act of June 3, 1937  
20 (P.L.1333, No.320), known as the Pennsylvania Election Code.

21 "Political subdivision." A county, city, borough,  
22 incorporated town or township. The term does not include a city  
23 of the third class or a home rule municipality.

24 § 1303. General authorization.

25 The governing body of a political subdivision may by  
26 ordinance submit a local referendum question to the electors of  
27 the political subdivision at the primary or general election.

28 § 1304. Ordinance.

29 (a) Contents.--An ordinance under section 1303 (relating to  
30 general authorization) shall contain the following:

1       (1) The local referendum question, including a nonlegal  
2 interpretative statement in accordance with section 201.1 of  
3 the Pennsylvania Election Code.

4       (2) A statement whether the local referendum is binding  
5 or nonbinding.

6       (3) A statement specifying at which election the local  
7 referendum is to be put before the electors.

8       (b) Filing.--A certified copy of the ordinance shall be  
9 filed with election officials and the department at least 90  
10 days prior to the next primary or general election after the  
11 filing.

12       (c) Notice.--

13       (1) Election officials shall certify the date for the  
14 local referendum and notify the governing bodies of the  
15 political subdivisions involved of the date set for the  
16 referendum election on the proposal at least 30 days before  
17 the election.

18       (2) A copy of the ordinance shall be published once by  
19 election officials in at least one newspaper of general  
20 circulation in the political subdivision involved during the  
21 30-day period prior to the election.

22       (d) Ballot procedure.--

23       (1) The procedure for the local referendum shall be  
24 governed by the Pennsylvania Election Code.

25       (2) If election officials find that the ordinance  
26 authorized by the governing body meets the requirements of  
27 this subchapter, the election officials shall place the  
28 proposal on the ballot in a manner fairly representing the  
29 content of the ordinance for decision by referendum at the  
30 proper election.

1     (e) Approval.--

2             (1) Approval of a local referendum shall be by a  
3     majority vote of those voting in each political subdivision  
4     involved.

5             (2) Election officials shall certify the results of the  
6     local referendum to the governing body and the department.

7     § 1305. Limitation.

8             Nothing under this subchapter shall permit a governing body  
9     to adopt an ordinance under section 1303 (relating to general  
10    authorization) in conflict with a Federal or State law.

11            Section 2. This act shall take effect in 60 days.