

ARTICLE IV

WARDS

Section 401. Creation and Alteration of Wards.--(a) In addition to reapportionment initiated in accordance with 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment) and section 11 of Article IX of the Constitution of Pennsylvania, the board of commissioners may, by ordinance, do any of the following:

- (1) Divide townships into wards.
- (2) Create new wards out of two or more adjoining wards or parts of wards.
- (3) Consolidate two or more wards into one ward.
- (4) Divide any ward already erected into two or more wards.
- (5) Alter the lines of two or more adjoining wards.
- (6) Cause the lines or boundaries of wards to be ascertained or established.
- (7) Abolish all wards.

(b) The following shall apply:

- (1) No township may be divided or redivided into more than 15 wards.
- (2) No ward shall be created containing less than 300 registered electors.

(3) At the discretion of the board of commissioners, any ward which contains less than 350 registered electors may be abolished, and the territory of the ward may be merged into a contiguous existing ward or wards. If two or more contiguous wards have respective populations not meeting the population threshold of 350 registered electors, the commissioners may consolidate those contiguous wards into one ward. All other wards shall remain as established until altered or divided as provided in this article. The composition of the wards shall be subject to subsection (d).

(c) If a ward is abolished under this section and the number of wards in the township is reduced to less than five, then the commissioner or commissioners in the abolished ward or wards shall continue in office for the term for which elected, and shall become a commissioner or commissioners at large from the township.

(d) All wards in the township shall be numbered and composed of compact and contiguous territory as nearly equal in population as practicable as officially and finally reported in the latest official census.

(401 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 401 is repealed insofar as it is inconsistent. Act 312 of 1974, in turn, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment).

Section 402. Signing Petition; Appointment and Powers of Commissioners.--(402 repealed Oct. 4, 1978, P.L.946, No.186)

Section 402.1. Petition of Electors.--(a) At least 5% of registered electors of the township or, for a proposal affecting only a portion of the township, at least 5% of the registered electors of the ward which would be affected by the proposal, may petition the board of commissioners to initiate proceedings under section 401 and may present to the board of commissioners a plot showing the boundaries of the proposed wards of the township. The board of commissioners shall, by motion approved by a majority of the commissioners and within 90 days of presentment of the petition, determine whether to initiate proceedings under section 401.

(b) If the board of commissioners has not approved a motion within 90 days after the presentment of a petition under subsection (a), 10 registered electors may petition the court of common pleas and contest the existing apportionment as violating section 401(b) or (d). The proceedings before the court shall be conducted in accordance with 53 Pa.C.S. §§ 906 (relating to contest of reapportionment by governing body) and 907 (relating to costs and expenses of contest).

(402.1 added Oct. 29, 2020, P.L.782, No.96)

Section 403. Filing and Confirmation of Report; Exceptions.--(403 repealed Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 403 is repealed insofar as it is inconsistent. Act 312 of 1974, in turn, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment).

Section 403.1. County Board of Elections.--A copy of the ordinance enacted pursuant to section 401, along with a plot showing the boundaries of the wards established, shall be forwarded to the county board of elections.

(403.1 added Oct. 29, 2020, P.L.782, No.96)

Section 404. Compensation of Commissioners.--(404 repealed Oct. 29, 2020, P.L.782, No.96)

Section 405. Election Districts.--(405 repealed Oct. 29, 2020, P.L.782, No.96)

Section 406. Numbering of Wards.--(406 repealed Oct. 29, 2020, P.L.782, No.96)

Section 407. Schedule for Election of Commissioners in Townships First Divided into Wards.--When a township is first divided into wards, the township commissioners then in office shall continue in office until the expiration of their respective terms.

At the first municipal election occurring at least 90 days after the division into wards, there shall be elected, by the registered electors of each ward of the township, one township commissioner, who shall reside in the ward for which the commissioner is elected. At the election, the township commissioners elected in even-numbered wards shall be elected for terms of two years each, and those in odd-numbered wards for terms of four years each, or vice versa, as the case may be, in order that the expiration of the terms will harmonize with the expiration of terms of township commissioners elected for the even or odd numbered wards under the provisions of this act. Thereafter, successors to the commissioners shall be elected for terms of four years each at the municipal election immediately preceding the expiration of the terms of ward commissioners.

If the number of wards into which the township has been divided is less than five, then, at the municipal election preceding the expiration of the terms of any commissioner or commissioners elected at large, if the expiration of terms will leave the township with less than five township commissioners, there shall be elected at large a sufficient number of township commissioners so that the total number of commissioners elected by wards and at large in the township shall thereafter be five. If one township commissioner is elected at

large, the commissioner shall be elected for a term of four years. If two township commissioners are elected at large, one shall be elected for a term of two years, and one for a term of four years. If three township commissioners are elected at large, two shall be elected for terms of four years each, and one for a term of two years. Successors to the township commissioners elected at large shall be elected for terms of four years each.

All terms of office of township commissioners, elected at large or by wards, shall commence on the first Monday of January next following their election.

(407 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 407 is repealed insofar as it is inconsistent. Act 312 of 1974, in turn, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment).

Section 408. Schedule of Election of Commissioners in Newly Created Wards.--If a new ward is created in a township previously divided into wards and the number of wards in the township, including the new ward, is less than five, then, at the next municipal election following the expiration of the term of the commissioner or commissioners elected at large whose terms shall first expire after the creation of the new ward, there shall be elected, by the registered electors of the new ward, one township commissioner, who shall reside in the ward for which the commissioner is elected, for a term of two or four years, so that the expiration of the commissioner's term will harmonize with the expiration of terms of commissioners for the even or odd numbered wards under the provisions of this act. Successors to the township commissioners shall be elected for terms of four years. The number of commissioners thereafter elected at large in the township shall be the difference between the number of wards and five, and a sufficient number of commissioners shall be elected at large at each municipal election preceding the expiration of terms of commissioners at large so that the total number of commissioners in the township will at all times be five.

If a new ward is created in any township previously divided into wards and the number of wards thereafter in the township is five, then, at the municipal election preceding the expiration of the term of office of any commissioner or commissioners elected at large, a township commissioner shall be elected for the ward, who shall reside in the ward. The election shall be for a two or four year term so that the expiration of the commissioner's term will harmonize with the expiration of terms of commissioners for the even or odd numbered wards under the provisions of this act. The successor to the ward commissioner shall be elected for a four-year term. No township commissioner shall thereafter be elected at large in the township.

If the number of wards in the township, including the new ward, will be more than five, the court of common pleas shall appoint a township commissioner for the new ward, who shall hold office until the first Monday in January succeeding the first municipal election at which township commissioners are elected in the even or odd numbered wards under the provisions of this act, at which election, and every four years thereafter, a township commissioner, who shall reside in the ward, shall be elected by the qualified electors of the ward for a term of four years.

All township commissioners elected under this section shall take office on the first Monday of January next succeeding their election.

(408 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 408 is repealed insofar as it is inconsistent. Act 312 of 1974, in turn, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment).

Section 409. Pennsylvania Election Code.--Nothing in this article shall be construed as affecting the powers and duties of the court of common pleas, the county board of elections or restrictions on alteration of election districts as provided in Article V of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(409 added Oct. 29, 2020, P.L.782, No.96)