

Shall Sections 3.08 and 6.09 of the Hanover Township Home Rule Charter be amended to delete the reference to the Penal Code and substitute a reference to the Crimes Code of the Commonwealth of Pennsylvania?                      YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 550**

**Purpose:**

The purpose of the Charter amendment to Sections 3.08 and 6.09 of the Hanover Township Home Rule Charter is to update the Charter to current state law so that there exists in the Charter a proper and correct reference to the Crimes Code of the Commonwealth of Pennsylvania.

**Limitations:**

The General Assembly can always change the references to particular codified laws, but that is why the amending language includes after the reference to the “Crimes Code of the Commonwealth of Pennsylvania,” the phrase “or succeeding Pennsylvania criminal laws.”

**Effects:**

The effect of the change is to eliminate possible questions regarding the references in the Charter to the laws to be followed by keeping them updated and by referencing any possible succeeding laws which the General Assembly enacts.

Shall Article IX of the Hanover Township Home Rule Charter be amended to conform with the Pennsylvania Constitution by removing references to the recall of elected officials?      YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 552**

**Purpose:**

The purpose of the Charter amendment is to eliminate any Charter provision permitting the recall of elected officials as the Supreme Court has ruled since the Citizens Committee to Recall Rizzo case that such provisions are unconstitutional under the Pennsylvania Constitution of 1968.

**Limitations:**

There are no real limitations as the above-referenced ruling of the Pennsylvania Supreme Court makes it clear that such action is inconsistent with the State Constitution.

**Effects:**

The effect of the amendment would be to make the Charter consistent with Pennsylvania law and would prevent confusion among the citizenry of the Township so that if they are dissatisfied with the acts or failures to act of any elected official they do not waste time and effort to try to recall such an official. Rather, they can expend their time and effort to publicly question the official and to seek to elect another in his or her place.

Shall Sections 3.06 and 3.07 of the Hanover Township Home Rule Charter be amended to delete procedures for forfeiture of elected office because the subject is governed by the Constitution of the Commonwealth of Pennsylvania?                    YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 553**

**Purpose:**

The purpose of this Charter amendment to Sections 3.06 and 3.07 of the Hanover Township Home Rule Charter is to update the Charter regarding forfeiture of the elected office of members of township council by deleting the Charter language on such forfeiture. It confirms that any Charter provision which would be inconsistent with the provisions of the Constitution of the Commonwealth of Pennsylvania can have no effect. Therefore, the elimination entirely of language of forfeiture of such office will prevent confusion.

**Limitations:**

There are no real limitations as the only applicable procedures for forfeiture of elected office are those provided in the Constitution of the Commonwealth of Pennsylvania.

**Effects:**

If adopted the deletion of the language should prevent voter confusion so that voters know what avenue to pursue so that voters and public officers know what procedures apply to forfeiture of elected Township office. This should save time and effort on the part of the citizens and public officials dealing with such a situation.

Shall the Hanover Township Home Rule Charter be amended so that all references to “Chairman”, “he”, and “him” are deleted and replaced with the words “Chairperson”, “he/she”, and “him/her”?  
YES NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTIONS 1 & 2**

**Purpose:**

The purpose of the amendments to the Charter are to make gender references in the Charter neutral.

**Limitations:**

Such general neutral references may not be known to or accepted by all individuals, but over time they should become familiar to all citizens and accepted as the preferred references.

**Effects:**

The changed references should lead to no confusion as to who acts as the “chair” for a particular board or for a particular meeting because there will be no references based solely on one gender.

Should the definition of “Defalcation” in Section 1.04 of the Hanover Township Home Rule Charter be amended to read “Embezzlement or misappropriation of Township funds for personal or other non-Township purposes”?                      YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 3**

**Purpose:**

The purpose of updating the definition of “Defalcation” is to both clarify and to more particularly state the definition as currently used for government purposes.

**Limitations:**

The definition becomes more specific, which can have both a positive and a negative influence, but it is believed that the amending definition better defines the offending conduct. Therefore, any employee or official should better understand the conduct covered by the definition so that it is avoided.

**Effects:**

The definition is clarified and more specific, and thus it is more targeted. It better identifies the conduct which is prohibited and which is sought to be prevented.

Shall Section 1.09 of the Hanover Township Home Rule Charter be amended to update the reference to the applicable Pennsylvania statutes governing the use of eminent domain by the Township?  
YES NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 4**

**Purpose:**

In 2006, the General Assembly significantly revised the Pennsylvania Eminent Domain Code from what had existed under a previous 1964 Act. This amendment updates the reference to the 2006 Act so that the Charter is consistent with current Pennsylvania law regarding eminent domain.

**Limitations:**

The Charter may have to be amended again whenever the General Assembly would significantly change the Eminent Domain Code. However, after the new reference to the "Pennsylvania Eminent Domain Code" remains the language "as amended." The two references together should prevent any confusion until and if Pennsylvania's Eminent Domain law is changed to a reference besides "Eminent Domain Code".

**Effects:**

The amendment updates the Charter to be consistent with the current law as enacted in 2006 and thus it is aimed to prevent both Township public official and employee, as well as citizen, confusion on the matter.

Shall the requirement in Section 3.01(b) of the Hanover Township Home Rule Charter that only “qualified voters” are eligible to be members of Township Council be amended to require that only “qualified electors” are so eligible?                    YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 4**

**Purpose:**

The term “voter” is not an improper term in the laws of the Commonwealth for elections and for stating one of the qualifications for candidates to hold public office. However, the reference in the Pennsylvania Constitution to citizens who are properly registered to vote uses the term “elector”. Thus, the amendment aims to update and correct the Charter references on such term.

**Limitations:**

While it is not incorrect to refer to persons properly registered to vote and properly qualified to hold office as “voters”, the use of the term “elector” does make the Charter more consistent with Pennsylvania statutory and constitutional provisions. This amendment may not eliminate all confusion on the part of citizens, or even employees and officials of the Township, but it does better state the legal nature of the term to be used.

**Effects:**

The amendment brings the Charter more in line with Pennsylvania statewide law and the Pennsylvania Constitution so that the Charter becomes a more exact, correct and specific document.

Shall Section 3.06(c) of the Hanover Township Home Rule Charter be amended to clarify that persons appointed to fill vacancies on Township Council serve only until the end of the term of the vacated position?                    YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 6**

**Purpose:**

The purpose is to clarify the Charter provision regarding the filling of vacancies in the office of a member of Township Council. The amendment specifies that the appointed person holds the position vacated by the prior person holding the office until the end of the term or until the first Monday of January following the next regular municipal election at which a person is elected to serve the remainder of the term, whichever occurs first.

**Limitations:**

There are no real limitations as the amendment clarifies how long a person appointed to fill a vacancy shall serve.

**Effects:**

The effect is to have an individual appointed to fill a vacancy as a member of Township Council, an elective office, be as short as possible until another election can be held and the individual then elected may begin to serve. It aims to better reflect the will of the citizens of the Township.

Shall Sections 3.10(a) and 3.13(b) of the Hanover Township Home Rule Charter be amended so that notice required for meetings of Township Council be provided as prescribed by the Pennsylvania Sunshine Act and that notice of ordinances and public hearings for ordinances be published on the Township's internet website?            YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTIONS 7 & 8**

**Purpose:**

The purpose of the amendments to Sections 3.10(a) and 3.13(b) is two-fold. First, it requires adherence to the Pennsylvania Sunshine Act in providing notice of meetings and secondly it requires that notices of ordinances and public hearings be published on the Township internet website.

**Limitations:**

The only limitations are the fact that there is always more notice that could be provided.

**Effects:**

Within the limitations of the time of Township staff and the cost to Township taxpayers, the amendment assures adherence to the Pennsylvania Sunshine Act as far as notice of meetings of Township Council and it formally recognizes that electronic notice of ordinances and public hearings advances public knowledge of ordinances and public hearings at a relatively low cost. Thus, there is increased notice to the citizens of the Township without significant increase in the cost of providing that notice.

Shall Section 3.16(a)(2) of the Hanover Township Home Rule Charter be amended to delete the requirement that ordinances and resolutions adopted by Township Council be filed with the Lehigh County Clerk of Courts?                    YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 9**

**Purpose:**

The purpose of the amendment is to bring the Charter in line with Pennsylvania law and to eliminate a provision of the Charter which required filing ordinances and resolutions with the Clerk of Courts of Lehigh County. Pennsylvania law does not require such filings with the Clerk of Courts and there are better methods for providing notice to the average citizen of the Township.

**Limitations:**

The elimination of the filing requirement does decrease the number of places where such ordinances and resolutions may be found.

**Effects:**

The elimination of the requirement will save staff and official time and the expenditure of funds by eliminating a filing requirement that provides a relatively low level of notice of formal Township action.

Shall Section 3.17(b) of the Hanover Township Home Rule Charter be amended to change the maximum amount of a fine for violation of any Township Ordinances from Five Hundred (\$500.00) Dollars to the maximum amount permitted by Pennsylvania law? YES NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 10**

**Purpose:**

The purpose of the amendment is to change the maximum amount of a fine for violation of Township ordinance and to make the Charter more consistent with Pennsylvania law.

**Limitations:**

The limitation is that Pennsylvania law governs the maximum amount of a fine which may be provided for in Township ordinances.

**Effects:**

The immediate effect will be to open the possibility that Township ordinances may provide for greater than Five Hundred (\$500.00) Dollar maximum fines as Pennsylvania law now allows.

Shall Section 4.02(3) of the Hanover Township Home Rule Charter be amended by deleting the last sentence which prohibits review by any court or agency of the action of Township Council when it suspends or removes a township manager?                    YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 11**

**Purpose:**

Presently the Charter allows Township Council to suspend or remove a Township manager without review by any court or agency. The Pennsylvania courts have been very clear in saying that such a limitation is a violation of a constitutional right of municipal managers, and thus the amendment brings the Charter in line with Pennsylvania law.

**Limitations:**

The removal of the provision does not inform a suspended or removed Township manager of their right to seek review by a court or other agency.

**Effects:**

The amendment brings the Charter in line with Pennsylvania law and better provides for the adherence to the rights of suspended or removed Township managers.

Shall Section 6.03(b) of the Hanover Township Home Rule Charter be amended by replacing the current general conflict of interest prohibitions with the requirement that all Township officials, officers and employees shall abide by the Pennsylvania Public Official and Employee Ethics Act, as it may be amended?            YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 12**

**Purpose:**

The intention of the amendment is to update the Charter to be in line with Pennsylvania law. Presently the Charter provides a fairly specific listing of general ethical requirements for Township elected officials, officers and employees. However, it is clear that the Pennsylvania Public Official and Employee Ethics Act, or as it is colloquially known, the Pennsylvania Ethics Code, is the governing statewide law that applies. This law and the interpretations of it by the Pennsylvania State Ethics Commission and the courts of the Commonwealth provide the precepts that govern the actions of Township elected officials, officers and employees.

**Limitations:**

The amendment limits the ability of the Township to enact more specific, ethical requirements, but it also clarifies that one statewide law provides the ethical principles to govern the conduct of Township officials, officers and employees.

**Effects:**

The amendment will clarify the interpretation and enforcement of ethics law when there is a question of actions or omissions by Township elected officials, officers or employees.

Shall Section 9.06(b) of the Hanover Township Home Rule Charter be amended so that the deadline for submission of initiative or referendum questions to the County Election Board to appear on a ballot is governed by the Pennsylvania Election Code instead of the present Charter provision which requires that such questions should appear on the ballot at the election to be held sixty (60) or more days after the Township Clerk files the petition with the County Election Board?                    YES    NO

**PLAIN ENGLISH STATEMENT**

**REFERENDUM TO AMEND THE HANOVER TOWNSHIP HOME RULE CHARTER  
ORDINANCE NO. 564 SECTION 13**

**Purpose:**

The purpose of the amendment is to bring the provisions of the Charter regarding the filing of petitions for initiatives and referenda with the County Election Board in line with Pennsylvania law.

**Limitations:**

There are no real limitations as the present Charter language is inconsistent with Pennsylvania law and can only create confusion among citizens attempting to act on their rights to file petitions for initiative and referenda.

**Effects:**

The amendment brings the Charter in line with Pennsylvania law so that the governing provisions of the Pennsylvania Election Code or other statewide statutes or law is recognized as setting the deadline by which petitions for initiative and referenda must be filed with the Election Board for such ballot questions to appear on an election ballot. It also thus recognizes the time constraints under which County election officials operate to effectively and fairly prepare for and hold an election involving such ballot questions.