

## AN ORDINANCE

Providing for the submission to the qualified electors of the City of Philadelphia of an amendment to The Philadelphia Home Rule Charter calling on the Police Department to eliminate the practice of unconstitutional stop and frisk, as approved by Resolution of the City Council; fixing the date of a special election for such purpose; prescribing the form of ballot question to be voted on; and, authorizing the appropriate officers to publish notice and to make arrangements for the special election.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. There shall be submitted for the approval or disapproval of the qualified electors of the City of Philadelphia at the election to be held on November 3, 2020, the proposed amendment to the Philadelphia Home Rule Charter contained in Resolution No. \_\_\_\_\_ approved by City Council on \_\_\_\_\_, 2020, and filed in the Office of the Clerk of City Council.

SECTION 2. There shall be placed on the ballot the following question to be answered “Yes” or “No” by the qualified electors participating in the election:

Shall The Philadelphia Home Rule Charter be amended to call on the Police Department to eliminate the practice of unconstitutional stop and frisk, consistent with judicial precedent, meaning an officer must have reasonable suspicion that a person is engaged in criminal activity in order to stop that person, and, therefore, an officer cannot stop someone unlawfully because of their race, ethnicity, gender, sexuality, religious affiliation or expression, or other protected characteristic?

SECTION 3. The Clerk of City Council is hereby directed to: (i) certify to the Board of Elections, within five (5) days of this Ordinance becoming law, a copy of this Ordinance and Resolution No. \_\_\_\_\_; and (ii) to have printed in pamphlet form, in sufficient number for general distribution, the proposed amendment to The Philadelphia Home Rule Charter as set forth in Resolution No. \_\_\_\_\_, together with the ballot question set forth in Section 2 of this Ordinance.

SECTION 4. The Clerk of City Council is hereby directed to cause to be published one time each, during the three (3) weeks preceding the election on November 3, 2020, in three (3) newspapers of general circulation in the City of Philadelphia and in *The Legal Intelligencer*, the proposed amendment to The Philadelphia Home Rule Charter, together with the ballot question set forth in Section 2 of this Ordinance; and further, at such other times and in such other manner as the Clerk may consider desirable.

SECTION 5. The Mayor is hereby authorized and directed to issue a proclamation giving at least thirty (30) days’ notice of such election. The Clerk of City Council shall cause a copy of the proclamation to be published in at least two (2) newspapers of general circulation in the City of Philadelphia, and in *The Legal Intelligencer*, once a week for three consecutive weeks during

the period of thirty (30) days prior to the election. One such publication may be combined with the publication of the notice required by Section 4 of this Ordinance.

**SECTION 6.** The appropriate officers are authorized and directed to take such action as may be required for the holding of an election on the ballot question set forth in Section 2 of this Ordinance as provided for by the laws of the Commonwealth of Pennsylvania.