

AMENDMENTS TO SENATE BILL NO. 22

Sponsor: SENATOR FOLMER

Printer's No. 397

1 Amend Bill, page 1, lines 1 through 4, by striking out all of
2 said lines and inserting

3 Proposing an amendment to the Constitution of the Commonwealth
4 of Pennsylvania, further providing for the Legislative
5 Reapportionment Commission for the purpose of reapportioning
6 and redistricting the Commonwealth of Pennsylvania.

7 Amend Bill, page 1, lines 7 through 18; pages 2 through 14,
8 lines 1 through 30; page 15, lines 1 through 9; by striking out
9 all of said lines on said pages and inserting

10 Section 1. The following amendment to the Constitution of
11 Pennsylvania is proposed in accordance with Article XI:

12 That section 17 of Article II be amended to read:

13 § 17. Independent Legislative and Congressional Reapportionment
14 and Redistricting Commission.

15 (a) In each year [following the year] of the Federal
16 decennial census, but not later than July 1, [a] an Independent
17 Legislative and Congressional Reapportionment and Redistricting
18 Commission shall be constituted for the purpose of
19 reapportioning and redistricting the Commonwealth. The
20 commission shall act by a majority of its entire membership.

21 (b) The commission shall consist of [five] 11 members[: four
22 of whom shall be the majority and minority leaders of both the
23 Senate and the House of Representatives, or deputies appointed
24 by each of them, and a chairman selected as hereinafter
25 provided.] and the General Assembly shall prescribe by law:

26 (1) The qualifications to serve as a member of the
27 commission, provided that no person who has held elective or
28 appointive public office at the Federal or State level or
29 elective judicial office in this Commonwealth in the five years
30 immediately preceding the date of appointment to the commission
31 shall be eligible for appointment.

32 (2) The manner by which the Secretary of the Commonwealth
33 shall provide for an open and transparent process to:

34 (i) Receive applications for appointment as a member of the
35 commission.

1 (ii) Determine eligibility of applicants.
2 (iii) Ensure applicants to be considered by the General
3 Assembly reasonably reflect the geographic, gender and racial
4 diversity of this Commonwealth.

5 (3) Reasons for removing a member of the commission and the
6 manner by which vacancies shall be filled.

7 (4) The manner by which the Secretary of the Commonwealth
8 shall submit to the General Assembly a list of qualified
9 applicants by political party affiliation.

10 (b.1) Upon receipt of the list of qualified applicants from
11 the Secretary of the Commonwealth, members of the commission
12 shall be appointed as follows:

13 (1) The Governor shall recommend three individuals from the
14 list of qualified applicants who are not registered with either
15 of the two largest political parties in this Commonwealth based
16 upon registration for approval by a two-thirds vote of each
17 chamber.

18 (2) The Majority Leader and Minority Leader of the Senate
19 shall each recommend two individuals from the list of qualified
20 applicants for approval by a two-thirds vote of the Senate.

21 (3) The Majority Leader and Minority Leader of House of
22 Representatives shall each recommend two individuals from the
23 list of qualified applicants for approval by a two-thirds vote
24 of the House of Representatives.

25 No later than [60 days following the official reporting of
26 the Federal census as required by Federal law] July 1 in each
27 year of the Federal decennial census, the [four] members
28 approved under this section shall be certified by the President
29 pro tempore of the Senate and the Speaker of the House of
30 Representatives to the elections officer of the Commonwealth who
31 under law shall have supervision over elections.

32 [The four members within] Within 45 days after their
33 certification, the members shall select [the fifth member, who
34 shall serve as] a chairman of the commission.[, and shall
35 immediately certify his name to such elections officer. The
36 chairman shall be a citizen of the Commonwealth other than a
37 local, State or Federal official holding an office to which
38 compensation is attached.

39 If the four members fail to select the fifth member within
40 the time prescribed, a majority of the entire membership of the
41 Supreme Court within 30 days thereafter shall appoint the
42 chairman as aforesaid and certify his appointment to such
43 elections officer.

44 Any vacancy in the commission shall be filled within 15 days
45 in the same manner in which such position was originally
46 filled.] If the 11 members fail to select a chairman within the
47 time prescribed, the General Assembly, by a two-thirds vote of
48 each chamber, shall appoint the chairman of the commission
49 within 30 days.

50 (c) No later than 90 days after either the commission has
51 been duly certified or the population data for the Commonwealth

1 as determined by the Federal census are available, whichever is
2 later in time, the commission shall file a preliminary
3 reapportionment and redistricting plan with such elections
4 officer[.] based upon Federal census data for each geographic
5 and political unit. The preliminary reapportionment and
6 redistricting plan must be approved by at least seven
7 affirmative votes that must include at least two votes of
8 members registered from each of the two largest political
9 parties in this Commonwealth based on registration and two votes
10 of members not registered with either of the two largest
11 political parties based upon registration. The commission shall
12 schedule and conduct at least six public hearings in different
13 geographic regions throughout this Commonwealth.

14 In addition to the requirements of section 16, the following
15 shall apply:

16 (1) A county may not contain more senatorial districts than
17 the number required by the population plus one.

18 (2) A county may not contain more representative districts
19 than the number required by the population plus two.

20 (3) Districts shall each have a population as close to the
21 applicable ideal district population as possible and shall be
22 composed of compact and contiguous territory and, unless
23 absolutely necessary, no county, city, incorporated town,
24 borough, township or ward shall be divided in forming
25 congressional districts.

26 (4) The boundaries of each district shall be a single non-
27 intersecting continuous line.

28 (5) In establishing districts, the commission shall not
29 consider the following data:

30 (i) Addresses of any individual.

31 (ii) Political affiliation of registered voters.

32 (iii) Previous election results, unless required by Federal
33 law.

34 (6) All meetings of the commission at which a quorum is
35 present held for the purpose of deliberating official business
36 or taking official action shall be conducted in an open forum
37 and in a manner by which the public may contemporaneously
38 observe the proceedings.

39 (7) Commission members and their employees and advisors
40 shall not communicate with or receive communications from any
41 other person about reapportionment or redistricting matters
42 unless during an open public meeting or under such exceptions as
43 the General Assembly may prescribe by law.

44 The commission shall have 30 days after filing the
45 preliminary plan and completing the six public hearings on the
46 plan to make corrections in the plan.

47 Any person aggrieved by the preliminary plan shall have the
48 same 30-day period to file exceptions with the commission in
49 which case the commission shall have 30 days after the date the
50 exceptions were filed to prepare and file with such elections
51 officer a revised reapportionment and redistricting plan. If no

1 exceptions are filed within 30 days, or if filed and acted upon,
2 the commission's plan shall be final and have the force of law.

3 (c.1) The final reapportionment and redistricting plan must
4 be approved by at least seven affirmative votes that must
5 include at least two votes of members registered from each of
6 the two largest political parties in this Commonwealth based on
7 registration and two votes of members not registered with either
8 of the two largest political parties based upon registration.

9 (d) Any aggrieved person may file an appeal from the final
10 plan directly to the Supreme Court within 30 days after the
11 filing thereof. If the appellant establishes that the final plan
12 is contrary to law, the Supreme Court shall issue an order
13 remanding the plan to the commission and directing the
14 commission to reapportion and redistrict the Commonwealth in a
15 manner not inconsistent with such order.

16 (e) When the Supreme Court has finally decided an appeal or
17 when the last day for filing an appeal has passed with no appeal
18 taken, the reapportionment and redistricting plan shall have the
19 force of law and the districts therein provided shall be used
20 thereafter in elections to the General Assembly until the next
21 reapportionment and redistricting as required under this section
22 17.

23 (f) Any district which does not include the residence from
24 which a member of the Senate was elected whether or not
25 scheduled for election at the next general election shall elect
26 a Senator at such election.

27 (g) The General Assembly shall appropriate sufficient funds
28 for the compensation and expenses of members and staff appointed
29 by the commission, and other necessary expenses. The members of
30 the commission shall be entitled to such compensation for their
31 services as the General Assembly from time to time shall
32 determine, but no part thereof shall be paid until a preliminary
33 plan is filed. If a preliminary plan is filed but the commission
34 fails to file a revised or final plan within the time
35 prescribed, the commission members shall forfeit all right to
36 compensation not paid.

37 (h) If a preliminary, revised or final reapportionment and
38 redistricting plan is not filed by the commission [within the
39 time prescribed by this section unless the time be extended by
40 the Supreme Court for cause shown, the Supreme Court shall
41 immediately proceed on its own motion to reapportion the
42 Commonwealth.] by October 1 of each year ending in one, the
43 following shall apply:

44 (1) The commission shall consider proposed maps for
45 congressional, senatorial and representative districts as
46 separate categories.

47 (2) Not later than October 15 of each year ending in one,
48 the commission shall submit at least two, but not more than
49 three, maps in each category to the General Assembly. All maps
50 submitted to the General Assembly under this paragraph shall be
51 made available for review by the public for a period of not less

1 than 10 days prior to any vote by the General Assembly.

2 (3) The General Assembly shall approve one map submitted in
3 each category by a two-thirds vote of each chamber.

4 (4) Any plan approved by the commission finally shall
5 supersede all previous plans.

6 (i) Any reapportionment and redistricting plan filed by the
7 commission, or [ordered or prepared] approved by the [Supreme
8 Court] General Assembly upon the failure of the commission to
9 act, shall be published by the elections officer once in at
10 least one newspaper of general circulation in each senatorial
11 and representative district. The publication shall contain a map
12 of the Commonwealth showing the complete reapportionment and
13 redistricting of the General Assembly by districts, and a map
14 showing the [reapportionment] reapportioned and redistricted
15 districts in the area normally served by the newspaper in which
16 the publication is made. The publication shall also state the
17 population of the senatorial and representative districts having
18 the smallest and largest population and the percentage variation
19 of such districts from the average population for senatorial and
20 representative districts.

21 Section 2. (a) Upon the first passage by the General
22 Assembly of this proposed constitutional amendment, the
23 Secretary of the Commonwealth shall proceed immediately to
24 comply with the advertising requirements of section 1 of Article
25 XI of the Constitution of Pennsylvania and shall transmit the
26 required advertisements to two newspapers in every county in
27 which such newspapers are published in sufficient time after
28 passage of this proposed constitutional amendment.

29 (b) Upon the second passage by the General Assembly of this
30 proposed constitutional amendment, the Secretary of the
31 Commonwealth shall proceed immediately to comply with the
32 advertising requirements of section 1 of Article XI of the
33 Constitution of Pennsylvania and shall transmit the required
34 advertisements to two newspapers in every county in which such
35 newspapers are published in sufficient time after passage of
36 this proposed constitutional amendment. The Secretary of the
37 Commonwealth shall submit this proposed constitutional amendment
38 to the qualified electors of this Commonwealth at the first
39 primary, general or municipal election which meets the
40 requirements of and is in conformance with section 1 of Article
41 XI of the Constitution of Pennsylvania and which occurs at least
42 three months after the proposed constitutional amendment is
43 passed by the General Assembly.