

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 404 Session of 2013

INTRODUCED BY PILEGGI, COSTA, TEPLITZ, SMITH, FONTANA, MENSCH, RAFFERTY, ERICKSON, GREENLEAF, BREWSTER, GORDNER, YUDICHAK, BRUBAKER, YAW, WASHINGTON, HUGHES, BAKER, TARTAGLIONE, WHITE, STACK AND SOLOBAY, MARCH 6, 2013

REFERRED TO STATE GOVERNMENT, MARCH 6, 2013

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
 2 "An act concerning elections, including general, municipal,
 3 special and primary elections, the nomination of candidates,
 4 primary and election expenses and election contests; creating
 5 and defining membership of county boards of elections;
 6 imposing duties upon the Secretary of the Commonwealth,
 7 courts, county boards of elections, county commissioners;
 8 imposing penalties for violation of the act, and codifying,
 9 revising and consolidating the laws relating thereto; and
 10 repealing certain acts and parts of acts relating to
 11 elections," in election districts and polling places,
 12 providing for court to create new election districts, for
 13 petitions for new election districts, reference to county
 14 board of elections and report, for petitions by county board
 15 and action by court on petition or report, for wards in
 16 cities of the first class may be created, divided, realigned
 17 or consolidated, for definitions, for restrictions on
 18 alteration, for alterations after period of restriction and
 19 for reports; providing for Official Municipal, Ward, Division
 20 and Precinct Boundary Database and for Official Voter
 21 Registration and Election Results Database; imposing a duty
 22 on counties; imposing duties on the Secretary of the
 23 Commonwealth; and providing for population data for
 24 congressional redistricting.

25 The General Assembly of the Commonwealth of Pennsylvania
 26 hereby enacts as follows:

27 Section 1. Sections 502, 503, 504 and 532 heading and (a) of
 28 the act of June 3, 1937 (P.L.1333, No.320), known as the

1 Pennsylvania Election Code, amended December 9, 2002 (P.L.1246,
2 No.150), are amended to read:

3 Section 502. Court to Create New Election Districts.--

4 Subject to the provisions of section 501 of this act, the court
5 of common pleas of the county in which the same are located, may
6 form or create new election districts by dividing or redividing
7 any borough, township, ward or election district into two or
8 more election districts of compact and contiguous territory,
9 having boundaries [with clearly visible physical features]
10 conforming with census block lines from the most recently
11 completed Federal decennial census and wholly contained within
12 any larger district from which any Federal, State, county,
13 municipal or school district officers are elected, or alter the
14 bounds of any election district, or form an election district
15 out of two or more adjacent districts or parts of districts, or
16 consolidate adjoining election districts or form an election
17 district out of two or more adjacent wards, so as to suit the
18 convenience of the electors and to promote the public interests.
19 Except for good cause shown, election districts so formed shall
20 not contain more than one thousand two hundred (1,200)
21 registered electors. No election district shall be formed that
22 shall contain less than one hundred (100) registered electors.
23 When a school district crosses county lines, the regions of the
24 school district shall be composed of contiguous election
25 districts.

26 Section 503. Petitions for New Election Districts; Reference
27 to County Board of Elections; Report.--Upon the petition of
28 twenty registered electors of any township, borough, ward or
29 election district, to the court of the proper county, praying
30 for the division or redivision of such township, borough, ward

1 or election district into two or more election districts, or for
2 the alteration of the bounds of any election district, or for
3 the formation of one or more election districts out of two or
4 more existing election districts, or parts thereof, or for the
5 consolidation of adjoining election districts, the said court
6 shall refer the said petition to the county board of elections,
7 which shall make a full investigation of the facts, and shall
8 report to the court its findings and recommendations as to the
9 division, redivision, alteration, formation or consolidation of
10 election districts prayed for. If the county board shall find
11 that a division, redivision, alteration, formation or
12 consolidation of election districts will promote the convenience
13 of the electors and the public interests, it shall recommend a
14 proper division, redivision, alteration, formation or
15 consolidation of election districts, which must [have clearly
16 visible physical boundaries conforming] conform with census
17 block lines from the most recently completed Federal decennial
18 census, and shall accompany its report with a map and a verbal
19 description of the boundaries, as well as a certification of the
20 number of electors registered in each of the resulting election
21 districts for the immediately preceding general or municipal
22 election. Such petitions may specify the boundaries desired by
23 the petitioners, and may be accompanied by a map setting forth
24 such boundaries. When petitioners request specific boundaries,
25 their petition shall include a certification from the county
26 board of elections of the electors registered in each proposed
27 election district for the immediately preceding general or
28 municipal election.

29 Section 504. Petitions by County Board; Action by Court on
30 Petition or Report.--The county board of elections may also

1 petition the court for the division or redivision of any
2 township, borough, ward or election district into two or more
3 election districts, or for the alteration of the bounds of any
4 election district, or for the formation of one or more election
5 districts out of two or more existing election districts, or
6 parts thereof, or for the consolidation of adjoining election
7 districts, accompanying its petition with a map and a verbal
8 description of the boundaries of the proposed new election
9 districts which must [have clearly visible physical features
10 conforming] conform with census block lines from the most
11 recently completed Federal decennial census. The petition must
12 also include a certification of the number of electors
13 registered in each of the resulting election districts for the
14 immediately preceding general or municipal election. Upon the
15 presentation of any such petition by the county board, or upon
16 the filing by the board of its report and recommendations as to
17 any petition presented by qualified electors under the
18 provisions of section 503 of this act, the court may make such
19 order for the division, redivision, alteration, formation or
20 consolidation of election districts, as will, in its opinion,
21 promote the convenience of electors and the public interests:
22 Provided, however, That the court shall not make any final order
23 for the division, redivision, alteration, formation or
24 consolidation of election districts until at least ten days
25 after notice shall have been posted in at least five public and
26 conspicuous places in the district or districts to be affected
27 thereby, one of which notices shall be posted on or in the
28 immediate vicinity of the polling place in each such district.
29 Such notice shall state in brief form the division, redivision,
30 alteration, formation or consolidation of election districts

recommended by the county board, the number of electors registered in each district at the immediately preceding general or municipal election, and the date upon which the same will be considered by the court, and shall contain a warning that any person objecting thereto must file his objections with the clerk of the court prior to such date. Upon the making of any such final order by the court, a copy thereof shall be certified by the clerk to the county board of elections.

Section 532. Wards in Cities of the First Class May be [Created,] Established, Abolished, Divided, [Realigned, or] Consolidated or Altered.--

(a) Wards in a city of the first class may be [created,] established, abolished, divided, [realigned or] consolidated or altered, [along clearly visible physical boundaries] conforming with census block lines from the most recently completed Federal decennial census, by the court of common pleas of the county in which said city is located, upon application thereto for those purposes by the petition of at least a total of one hundred qualified electors from the ward or wards sought to be affected, or of the council of such city.

* * *

Section 2. Section 535 of the act, added November 24, 1999 (P.L.543, No.51), is amended to read:

Section 535. Definitions.--The following words and phrases when used in this subdivision shall have the following meanings unless otherwise clearly apparent from the context:

The word "bureau" shall mean the Bureau of Commissions, Elections and Legislation of the Department of State.

The word "department" shall mean the Department of State of the Commonwealth.

1 The word "notice of boundary change" shall mean a notice
2 provided by a county to the bureau in a manner and form
3 prescribed by the department that the boundary of a county,
4 municipality, ward or election district has changed. At a
5 minimum, the notice must include a map and verbal description.

6 The word "secretary" shall mean the Secretary of the
7 Commonwealth.

8 Section 3. Section 536 of the act, amended July 14, 2009
9 (P.L.86, No.20), is amended to read:

10 Section 536. Restrictions on Alteration.--(a) Except as
11 provided in subsection (b), there shall be no power to
12 establish, abolish, divide, consolidate or alter in any manner
13 an election district during the period [July 15, 2009] July 1,
14 2019, through November 30, [2012] 2022, or through resolution of
15 all judicial appeals to the [2012] 2021 Congressional
16 Redistricting Plan, whichever occurs later.

17 (b) During the period from [July 15, 2009] July 1, 2019,
18 through December 31, [2010] 2020, an election district may be
19 divided or election districts may be combined if the following
20 are met:

21 (1) In the case of the division of an election district, the
22 boundary of each resulting district [is composed entirely of
23 clearly visible physical features conforming] conforms with
24 [the] census block lines from the most recently completed
25 Federal decennial census or portions of the original boundary of
26 the election district which was divided.

27 (2) In the case of the combination of election districts,
28 the boundary of each resulting district is composed entirely of
29 portions of the original boundaries of the election districts
30 which were combined.

(c) If an alteration of an election district under subsection (b) is sought, the following shall apply:

(1) The county board of elections shall notify the secretary, in writing, of the proposed alteration. The notice shall include a map and a description of the proposed boundary of any new or altered district or districts. The secretary shall forward a copy of any notice of proposed alteration to the Legislative Data Processing Center within seven (7) days of receipt.

(2) Before a county board of elections may petition the court for a change in the boundary of an election district under this section, the secretary must make a determination that the board has complied with subsection (b). Any of the following constitute evidence of the determination under this clause:

(i) A certification by the secretary that the determination has been made.

(ii) A certification by the board that notice under this clause has been given to the secretary and that the secretary has not acted within forty-five (45) days of the notice.

(3) The board shall forward a copy of the order approving any alteration to the secretary and the Legislative Data Processing Center within seven (7) days of the issuance of that order.

Section 4. Section 537 of the act, amended December 9, 2002 (P.L.1246, No.150), is amended to read:

Section 537. Alterations After Period of Restriction.--(a) Unless otherwise provided in this act, an election district may be established, abolished, divided, consolidated or altered if the boundary of each resulting district [is composed entirely of clearly visible physical features conforming] conforms with

1 census block lines from the most recently completed Federal
2 decennial census.

3 (b) Within thirty (30) days of an alteration under
4 subsection (a), the county board of elections shall submit to
5 the bureau a [report] notice of boundary change, including a map
6 and a verbal description, of the boundaries of each resulting
7 district.

8 (c) The bureau shall review each [report] notice of boundary
9 change submitted under subsection (b) to determine whether the
10 boundaries of all resulting election districts included in the
11 [report] notice of boundary change comply with the requirements
12 of subsection (a). If the bureau determines that the boundaries
13 of any resulting election district included in the [report]
14 notice of boundary change do not comply with the requirements of
15 subsection (a), the bureau shall send a written [notice of this]
16 determination to the county board of elections within thirty
17 (30) days of receipt of the report. Within sixty (60) days of
18 receipt of the [notice] determination, the county board shall
19 submit a subsequent [report] notice of boundary change regarding
20 the election district or districts named in the bureau's
21 [notice] determination, indicating that changes have been made
22 to the boundaries of each such election district so as to comply
23 with the requirements of subsection (a). If the county board
24 fails to submit a subsequent [report] notice of boundary change
25 indicating that changes have been made to the boundaries of each
26 such election district so as to comply with the requirements of
27 subsection (a), the Department of State shall withhold any
28 reimbursements owed to the county board under section 305 until
29 the bureau receives the [report] notice of boundary change.

30 Section 5. Section 538 of the act, added November 24, 1999

(P.L.543, No.51), is amended to read:

Section 538. Reports.--(a) Within six (6) months of the effective date of this subdivision, each county board of elections shall submit to the bureau a report, including maps and verbal descriptions, of the boundaries of every election district within the county. All [reports] notices filed under section 536 or notices of boundary change filed under section 537 shall be filed as amendments to this initial report.

(b) The bureau shall retain at all times the reports of the current boundaries of all election districts, including maps and verbal descriptions. [Copies of such reports shall be made available to the General Assembly, on request, and to the public for a fee, as established by the department.] The department shall develop an official boundary database, as required in Article V-A.

Section 6. The act is amended by adding an article to read:

ARTICLE V-A

DATABASES, POPULATION DATA

AND CONGRESSIONAL REDISTRICTING

Section 501-A. Definitions.

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

"Bureau." The Bureau of Commissions, Elections and Legislation of the Department of State.

"Center." The Legislative Data Processing Center.

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

"Director." The Executive Director of the Legislative Data Processing Center.

"Notice of boundary change." A notice provided by a county

1 to the bureau in a manner and form prescribed by the department
2 that the boundary of a county, municipality, ward or election
3 district has changed. At a minimum, the notice shall include a
4 map and verbal description.

5 "Official boundary database." A Statewide database of
6 county, municipal, ward or election district boundaries
7 established under section 502-A.

8 "Secretary." The Secretary of the Commonwealth.
9 Section 502-A. Official Municipal, Ward, Division and Precinct
10 Boundary Database.

11 (a) Accounting of boundaries.--Not later than December 31,
12 2014, each county in this Commonwealth shall submit to the
13 secretary a full and complete accounting of the municipal, ward
14 or election district boundaries in the county in a manner and
15 form prescribed by the department.

16 (b) Official boundary database.--The secretary shall develop
17 the official boundary database in consultation with the
18 director. The database shall be available to the public at no
19 cost on the center's official Internet website in multiple
20 commonly used formats, including GIS mapping files such as ESRI
21 shapefiles, Internet geographic visualization files such as
22 Keyhole Markup Language files and easily readable files such as
23 Portable Document Format files.

24 (c) New version of database.--When a new version of the
25 official boundary database is released, the previous versions
26 must be maintained and clearly labeled on the center's official
27 Internet website.

28 (d) Duty of county.--When a change is made to the boundary
29 of a municipality, ward or election district within a county,
30 the county shall provide a notice of boundary change under the

1 requirements of section 537.

2 (e) Updating database.--The secretary shall update the
3 official boundary database and transmit the update to the
4 director within 30 days of receiving a notice of boundary
5 change.

6 (f) Notice of boundary change.--A notice of boundary change
7 certified by the secretary must be transmitted within seven days
8 to the director, who shall post and maintain the notice on the
9 center's Internet website in a way that associates it with the
10 relevant version of the official boundary database.

11 Section 503-A. Official Voter Registration and Election Results
12 Database.

13 (a) Establishment.--No later than December 31, 2014, the
14 secretary shall develop an Official Voter Registration and
15 Election Results Database in consultation with the director. The
16 database shall be available to the public on the center's
17 official Internet website in multiple commonly used formats,
18 including database files such as Microsoft Excel files and
19 Comma-Separated Values files and easily readable files such as
20 Portable Document Format files.

21 (b) Data.--The Official Voter Registration and Election
22 Results Database must include date-referenced voter registration
23 data and results from all Statewide referendum questions, all
24 Statewide primary and general elections at the Federal and State
25 levels for both odd-year and even-year elections, all General
26 Assembly elections, all congressional elections and all
27 countywide elections. The database must include data showing the
28 number of voters who voted at each polling place, by provisional
29 ballot, and by absentee ballot. The results must be stored in a
30 manner that may be searched, aggregated, displayed, printed and

sorted by, at a minimum, the following:

(1) candidate name;

(2) political party;

(3) elective office;

(4) number of votes received;

(5) number of registered voters;

(6) county;

(7) municipality;

(8) ward; and

(9) election district, including a division or precinct.

(c) New data.--When new data is added to the Official Voter Registration and Election Results Database, existing data must be maintained unless errors in the existing data are being corrected.

Section 504-A. Maintenance of data.

The official boundary database and Official Voter Registration and Election Results Database must be maintained by the director and the secretary in such a way that the data is compatible and may be cross-referenced.

Section 505-A. Population data for congressional redistricting.

The population data for this Commonwealth most recently certified by the Legislative Reapportionment Commission must be used in congressional redistricting legislation considered by the General Assembly.

Section 7. This act shall take effect in 60 days.