

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 286 Session of
1993

INTRODUCED BY STEELMAN, SCHEETZ, MIHALICH, BATTISTO, KREBS,
ROBERTS, TIGUE, TANGRETTI, HANNA, FREEMAN, TRICH, STEIL,
LAUGHLIN, D. W. SNYDER, COLAFELLA, HARLEY, LaGROTTA, JOSEPHS,
TRELLO, MUNDY, CARONE, PISTELLA AND DRUCE, FEBRUARY 8, 1993

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 8, 1993

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for a Legislative and
3 Congressional Reapportionment Bureau for the purpose of
4 reapportioning and redistricting the Commonwealth of
5 Pennsylvania.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby resolves as follows:

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

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

11 § 17. Legislative [Reapportionment Commission] and
12 Congressional Reapportionment Bureau.

13 (a) In each year following the year of the Federal decennial
14 census, a Legislative [Reapportionment Commission] and
15 Congressional Reapportionment Bureau shall be constituted for
16 the purpose of reapportioning the Commonwealth. The bureau shall
17 consist of a director and employees as are necessary to carry
18 out the responsibilities of reapportionment and redistricting.

1 [The commission shall act by a majority of its entire
2 membership.

3 (b) The commission shall consist of five members: four of
4 whom shall be the majority and minority leaders of both the
5 Senate and the House of Representatives, or deputies appointed
6 by each of them, and a chairman selected as hereinafter
7 provided. No later than 60 days following the official reporting
8 of the Federal decennial census as required by Federal law, the
9 four members shall be certified by the President pro tempore of
10 the Senate and the Speaker of the House of Representatives to
11 the elections officer of the Commonwealth who under law shall
12 have supervision over elections.

13 The four members within 45 days after their certification
14 shall select the fifth member, who shall serve as chairman of
15 the commission, and shall immediately certify his name to such
16 elections officer. The chairman shall be a citizen of the
17 Commonwealth other than a local, State or Federal official
18 holding an office to which compensation is attached.

19 If the four members fail to select the fifth member within
20 the time prescribed, a majority of the entire membership of the
21 Supreme Court within 30 days thereafter shall appoint the
22 chairman as aforesaid and certify his appointment to such
23 elections officer.

24 Any vacancy in the commission shall be filled within 15 days
25 in the same manner in which such position was originally filled.

26 (c) No later than 90 days after either the commission has
27 been duly certified or the population data for the Commonwealth
28 as determined by the Federal decennial census are available,
29 whichever is later in time, the commission shall file a
30 preliminary reapportionment plan with such elections officer.

1 The commission shall have 30 days after filing the
2 preliminary plan to make corrections in the plan.

3 Any person aggrieved by the preliminary plan shall have the
4 same 30-day period to file exceptions with the commission in
5 which case the commission shall have 30 days after the date the
6 exceptions were filed to prepare and file with such elections
7 officer a revised reapportionment plan. If no exceptions are
8 filed within 30 days, or if filed and acted upon, the
9 commissions's plan shall be final and have the force of law.

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

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

23 (f) The General Assembly shall appropriate sufficient funds
24 for the compensation and expenses of members and staff appointed
25 by the commission, and other necessary expenses. The members of
26 the commission shall be entitled to such compensation for their
27 services as the General Assembly from time to time shall
28 determine, but no part thereof shall be paid until a preliminary
29 plan is filed. If a preliminary plan is filed but the commission
30 fails to file a revised or final plan within the time

1 prescribed, the commission members shall forfeit all right to
2 compensation not paid.

3 (g) If a preliminary, revised or final reapportionment plan
4 is not filed by the commission within the time prescribed by
5 this section, unless the time be extended by the Supreme Court
6 for cause shown, the Supreme Court shall immediately proceed on
7 its own motion to reapportion the Commonwealth.

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

22 (b) (1) The bureau shall acquire appropriate information,
23 review and evaluate available facilities and develop programs
24 and procedures in preparation for drawing congressional and
25 legislative redistricting plans on the basis of each Federal
26 census.

27 (2) By December 31 of each year ending in zero, the bureau
28 shall obtain from the United States Bureau of the Census
29 information regarding geographic and political units in this
30 Commonwealth for which Federal census population data has been

1 gathered and will be tabulated. The bureau shall use the data
2 obtained to prepare:

3 (i) Necessary descriptions of geographic and political units
4 for which census data will be reported and which are suitable
5 for use as components of legislative districts.

6 (ii) Maps of counties, cities and other geographic units
7 within this Commonwealth, which may be used to illustrate the
8 locations of legislative district boundaries proposed in plans
9 drawn in accordance with subsection (d).

10 (3) As soon as possible after January 1 of each year ending
11 in one, the bureau shall obtain from the United States Bureau of
12 the Census the population data needed for legislative
13 districting which the Census Bureau is required to provide this
14 Commonwealth under 13 United States Code § 141 (relating to
15 population and other census information) and shall use that data
16 to assign a population figure based upon census data to each
17 geographic or political unit described pursuant to paragraph
18 (2)(i). Upon completing that task, the Legislative and
19 Congressional Reapportionment Bureau shall begin the preparation
20 of congressional and legislative districting plans as required
21 by subsection (c).

22 (c) (1) Not later than April 1 of each year ending in one,
23 the bureau shall deliver to the Secretary of the Senate and the
24 Chief Clerk of the House of Representatives identical bills
25 embodying a plan of legislative and congressional districting
26 prepared in accordance with subsection (d). It is the intent of
27 this section that the General Assembly shall bring the bill to a
28 vote in either the Senate or the House of Representatives
29 expeditiously, but not less than seven days after the report of
30 the commission required by subsection (f) is received and made

1 available to the members of the General Assembly, under a
2 procedure or rule permitting no amendments except those of a
3 purely corrective nature. It is further the intent of this
4 section that, if the bill is approved by the first House in
5 which it is considered, it shall expeditiously be brought to a
6 vote in the second House under a similar procedure or rule.

7 (2) If the bill embodying the plan submitted by the bureau
8 under paragraph (1) fails to be approved by a constitutional
9 majority in either the Senate or the House of Representatives,
10 the Secretary of the Senate or the Chief Clerk of the House of
11 Representatives, as the case may be, shall at once transmit to
12 the bureau information which the Senate or House of
13 Representatives may direct regarding reasons why the plan was
14 not approved. The bureau shall prepare a bill embodying a second
15 plan of legislative and congressional districting prepared in
16 accordance with subsection (d) taking into account the reasons
17 cited by the Senate or House of Representatives for its failure
18 to approve the plan insofar as it is possible to do so within
19 the requirements of subsection (d). If a second plan is required
20 under this subsection, the bill embodying it shall be delivered
21 to the Secretary of the Senate and the Chief Clerk of the House
22 of Representatives not later than May 1 of the year ending in 1
23 or 14 days after the date of the vote by which the Senate or the
24 House of Representatives fails to approve the bill submitted
25 under paragraph (1), whichever date is later. It is the intent
26 of this section that, if it is necessary to submit a bill under
27 this subsection, the bill be brought to a vote not less than
28 seven days after the bill is printed and made available to the
29 members of the General Assembly, in the same manner as
30 prescribed for the bill required under paragraph (1).

1 (3) If the bill embodying the plan submitted by the bureau
2 under paragraph (2) fails to be approved by a constitutional
3 majority in either the Senate or the House of Representatives,
4 the same procedure as prescribed by paragraph (2) shall be
5 followed. If a third plan is required under this subsection, the
6 bill embodying it shall be delivered to the Secretary of the
7 Senate and the Chief Clerk of the House of Representatives not
8 later than June 1 of the year ending in 1 or 14 days after the
9 date of the vote by which the Senate or the House of
10 Representatives fails to approve the bill submitted under
11 paragraph (2), whichever date is later. It is the intent of this
12 section that, if it is necessary to submit a bill under this
13 subsection, the bill be brought to a vote within the same time
14 period after its delivery to the Secretary of the Senate and the
15 Chief Clerk of the House of Representatives as is prescribed for
16 the bill submitted under paragraph (2), but shall be subject to
17 amendment in the same manner as other bills.

18 (4) Notwithstanding paragraphs (1), (2) and (3):

19 (i) If population data from the Federal census which is
20 sufficient to permit preparation of a congressional districting
21 plan becomes available at an earlier time than the population
22 data needed to permit preparation of a legislative districting
23 plan in accordance with subsection (d), the bureau shall so
24 inform the presiding officers of the Senate and House of
25 Representatives. If the presiding officers so direct, the bureau
26 shall prepare a separate bill establishing congressional
27 districts and submit it separately from the bill establishing
28 legislative districts. It is the intent of this section that the
29 General Assembly shall proceed to consider the congressional
30 districting bill in substantially the manner prescribed by

1 paragraphs (1), (2) and (3).

2 (ii) If the population data for legislative districting
3 which the United States Census Bureau is required to provide
4 this Commonwealth under 13 United States Code § 141 (relating to
5 population and other census information) is not available to the
6 Legislative and Congressional Reapportionment Bureau on or
7 before February 1 of the year ending in one, the dates set forth
8 in this section shall be extended by a number of days equal to
9 the number of days after February 1 of the year ending in one
10 that the Federal census population data for legislative
11 districting becomes available.

12 (d) (1) Legislative and congressional districts shall be
13 established on the basis of population.

14 (i) Senatorial and representative districts, respectively,
15 shall each have a population as nearly equal as practicable to
16 the ideal population for such districts, determined by dividing
17 the number of districts to be established into the population of
18 this Commonwealth reported in the Federal decennial census.
19 Senatorial districts and representative districts shall not vary
20 in population from the respective ideal district populations
21 except as necessary to comply with one of the other standards
22 enumerated in this section. In no case shall the quotient,
23 obtained by dividing the total of the absolute values of the
24 deviations of all district populations from the applicable ideal
25 district population by the number of districts established,
26 exceed 1% of the applicable ideal district population. No
27 senatorial district shall have a population which exceeds that
28 of any other senatorial district by more than 5%, and no
29 representative district shall have a population which exceeds
30 that of any other representative district by more than 5%.

1 (ii) Congressional districts shall each have a population as
2 nearly equal as practicable to the ideal district population,
3 derived as prescribed in subparagraph (i). No congressional
4 district shall have a population which varies by more than 1%
5 from the applicable ideal district population.

6 (iii) If a challenge is filed with the Supreme Court
7 alleging excessive population variance among districts
8 established in a plan adopted by the General Assembly, the
9 General Assembly has the burden of justifying any variance in
10 excess of 1% between the population of a district and the
11 applicable ideal district population.

12 (2) To the extent consistent with paragraph (1), district
13 boundaries shall coincide with the boundaries of political
14 subdivisions of this Commonwealth. The number of counties and
15 cities divided among more than one district shall be as small as
16 possible. When there is a choice between dividing local
17 political subdivisions, the more populous subdivisions shall be
18 divided before the less populous, but this statement does not
19 apply to a legislative district boundary drawn along a county
20 line which passes through a city that lies in more than one
21 county.

22 (3) Districts shall be composed of convenient contiguous
23 territory. Areas which meet only at the points of adjoining
24 corners are not contiguous.

25 (4) It is preferable that districts be compact in form, but
26 the standards established by paragraphs (1), (2) and (3) take
27 precedence over compactness where a conflict arises between
28 compactness and these standards. In general, compact districts
29 are those which are square, rectangular or hexagonal in shape to
30 the extent permitted by natural or political boundaries. When it

is necessary to compare the relative compactness of two or more districts or of two or more alternative districting plans, the tests prescribed by subparagraphs (i) and (ii) shall be used. Should the results of these two tests be contradictory, the standard referred to in subparagraph (i) shall be given greater weight than the standard referred to in subparagraph (ii).

(i) The compactness of a district is greatest when the ratio of the dispersion of population about the population center of the district to the dispersion of population about the geographic center of the district is one-to-one, the nature of this ratio being such that it is always greater than zero and can never be greater than one-to-one.

(A) The population dispersion about the population center of a district and about the geographic center of a district is computed as the sum of the products of the population of each population data unit included in the district multiplied by the square of the distance from that geographic unit center to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers which are included in the district. The population center of the district is defined by computing the population-weighted average of the "x" coordinates and "y" coordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

(B) The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for this Commonwealth or for a portion of this

1 Commonwealth.

2 (ii) The compactness of a district is greatest when the
3 length of the district and the width of the district are equal.
4 The measure of a district's compactness is the absolute value of
5 the difference between the length and the width of the district.

6 (A) In measuring the length and the width of a district by
7 means of electronic data processing, the difference between the
8 "x" coordinates of the easternmost and the westernmost
9 geographic unit centers included in the district shall be
10 compared to the difference between the "y" coordinates of the
11 northernmost and southernmost geographic unit centers included
12 in the district.

13 (B) To determine the length and width of a district by
14 manual measurement, the distance from the northernmost point or
15 portion of the boundary of a district to the southernmost point
16 or portion of the boundary of the same district and the distance
17 from the westernmost point or portion of the boundary of the
18 district to the easternmost point or portion of the boundary of
19 the same district shall each be measured. If the northernmost or
20 southernmost portion of the boundary, or each of these points,
21 is a part of the boundary running due east and west, the line
22 used to make the measurement required by this paragraph shall
23 either be drawn due north and south or as nearly so as the
24 configuration of the district permits. If the easternmost or
25 westernmost portion of the boundary, or each of these points, is
26 a part of the boundary running due north and south, a similar
27 procedure shall be followed. The lines to be measured for the
28 purpose of this paragraph shall each be drawn as required by
29 this paragraph, even if some part of either or both lines lies
30 outside the boundaries of the district which is being tested for

1 compactness.

2 (C) The absolute values computed for individual districts
3 under this paragraph may be cumulated for all districts in a
4 plan in order to compare the overall compactness of two or more
5 alternative districting plans for this Commonwealth or for a
6 portion of this Commonwealth. However, it is not valid to
7 cumulate or compare absolute values computed under clause (A)
8 with those computed under clause (B).

9 (iii) As used in this subparagraph, the following words and
10 phrases shall have the meanings given to them in this
11 subparagraph:

12 (A) "Geographic unit center." The point of a population
13 data unit that is approximately equidistant from the northern
14 and southern extremities and also approximately equidistant from
15 the eastern and western extremities. This point shall be
16 determined by visual observation of a map of the population data
17 unit, unless it is otherwise determined within the context of an
18 appropriate coordinate system developed by the Federal
19 Government or another qualified and objective source and
20 obtained for use in this Commonwealth with prior approval of the
21 legislative council.

22 (B) "Population data unit." A civil township, election
23 precinct, census enumeration district, census city block group
24 or other unit of territory having clearly identified geographic
25 boundaries and for which a total population figure is included
26 in or can be derived directly from census data.

27 (C) "The 'x' coordinate of a point." The relative location
28 of that point along the east-west axis of this Commonwealth.
29 Unless otherwise measured within the context of an appropriate
30 coordinate system obtained for use as permitted by clause (A).

1 the "x" coordinate shall be measured along a line drawn due east
2 from a due north and south line running through the point which
3 is the northwestern extremity of this Commonwealth, to the point
4 to be located.

5 (D) "The 'y' coordinate of a point." The relative location
6 of that point along the north-south axis of this Commonwealth.
7 Unless otherwise measured within the context of an appropriate
8 coordinate system obtained for use as permitted by clause (A),
9 the "y" coordinate shall be measured along a line drawn due
10 south from the northern boundary of this Commonwealth or the
11 eastward extension of that boundary, to the point to be located.

12 (5) No district shall be drawn for the purpose of favoring a
13 political party, incumbent legislator or member of Congress or
14 other person or group. In establishing districts, no use shall
15 be made of any of the following data:

16 (i) Addresses of incumbent legislators or members of
17 Congress.

18 (ii) Political affiliations of registered voters.

19 (iii) Previous election results.

20 (iv) Demographic information, other than population head
21 counts, except as required by the Constitution of the United
22 States and the laws of the United States.

23 (6) Each bill embodying a plan drawn under this section
24 shall provide that any vacancy in the General Assembly which
25 takes office in the year ending in one, occurring at a time
26 which makes it necessary to fill the vacancy at a special
27 election held pursuant to section 629 of the act of June 3, 1937
28 (P.L.1333, No.320), known as the Pennsylvania Election Code,
29 shall be filled from the same district which elected the senator
30 or representative whose seat is vacant.

1 (7) Each bill embodying a plan drawn under this section
2 shall include provisions for election of senators to the General
3 Assemblies which take office in the years ending in three and
4 five, which shall be in conformity with section 16 of Article II
5 of the Constitution of Pennsylvania.

6 (e) (1) Not later than February 15 of each year ending in
7 one, a five-member temporary redistricting advisory commission
8 shall be established as provided by this section. The
9 commission's only functions shall be those prescribed by
10 subsection (f).

11 (i) Each of the four selecting authorities shall certify to
12 the chief election officer his appointment of a person to serve
13 on the commission. The certifications may be made at any time
14 after the Majority and Minority Leaders have been selected for
15 the General Assembly which takes office in the year ending in
16 one, even though that General Assembly's term of office has not
17 actually begun.

18 (ii) Within 30 days after the four selecting authorities
19 have certified their respective appointments to the commission,
20 but in no event later than February 15 of the year ending in
21 one, the four commission members so appointed shall select, by a
22 vote of at least three members, and certify to the chief
23 election officer the fifth commission member who shall serve as
24 chairperson.

25 (iii) A vacancy on the commission shall be filled by the
26 initial selecting authority within 15 days after the vacancy
27 occurs.

28 (iv) Members of the commission shall receive per diem travel
29 expenses and reimbursement for other necessary expenses incurred
30 in performing their duties under this section and subsection

1 (f).

2 (2) No person shall be appointed to the commission who:

3 (i) Is not an eligible elector of this Commonwealth at the
4 time of selection.

5 (ii) Holds partisan public office or political party office.

6 (iii) Is a relative of or is employed by a member of the
7 General Assembly or of the United States Congress or is employed
8 directly by the General Assembly or by the United States
9 Congress.

10 (f) The functions of the commission shall be as follows:

11 (1) If, in preparation of plans as required by this section,
12 the bureau is confronted with the necessity to make any decision
13 for which no clearly applicable guideline is provided by
14 subsection (d), the bureau may submit a written request for
15 direction to the commission.

16 (2) Prior to delivering any plan and the bill embodying that
17 plan to the Secretary of the Senate and the Chief Clerk of the
18 House of Representatives in accordance with subsection (c), the
19 bureau shall provide to persons outside the bureau staff only
20 such information regarding the plan as may be required by
21 policies agreed upon by the commission. This paragraph does not
22 apply to population data furnished to the bureau by the United
23 States Bureau of the Census.

24 (3) Upon each delivery by the bureau to the General Assembly
25 of a bill embodying a plan, pursuant to subsection (c), the
26 commission shall at the earliest feasible time make available to
27 the public the following information:

28 (i) Copies of the bill delivered by the bureau to the
29 General Assembly.

30 (ii) Maps illustrating the plan.

1 (iii) A summary of the standards prescribed by subsection
2 (d) for development of the plan.

3 (iv) A statement of the population of each district included
4 in the plan and the relative deviation of each district
5 population from the ideal district population.

6 (4) Upon the delivery by the bureau to the General Assembly
7 of a bill embodying an initial plan, as required by subsection
8 (c)(1), the commission shall:

9 (i) As expeditiously as reasonably possible, schedule and
10 conduct at least three public hearings, in different geographic
11 regions of this Commonwealth, on the plan embodied in the bill
12 delivered by the bureau to the General Assembly.

13 (ii) Following the hearings, promptly prepare and submit to
14 the Secretary of the Senate and the Chief Clerk of the House of
15 Representatives a report summarizing information and testimony
16 received by the commission in the course of the hearings. The
17 commission's report shall include any comments and conclusions
18 which its members deem appropriate on the information and
19 testimony received at the hearings or otherwise presented to the
20 commission.

21 (g) All positions in the bureau shall be deemed to be
22 included in the list of positions set forth in section 3(d) of
23 the act of August 5, 1941 (P.L.752, No.286), known as the Civil
24 Service Act, and the provisions and benefits of the act shall be
25 applicable to the employees of and positions in the bureau.

26 (h) The bureau shall expire and its responsibilities shall
27 terminate not later than November 1 of each year ending in one
28 and shall be reconstituted on November 1 in the year of the next
29 Federal decennial census.

30 (i) The following words and phrases when used in this

1 section shall have the meanings given to them in this section
2 unless the context clearly indicates otherwise:

3 "Bureau." The Legislative and Congressional Reapportionment
4 Bureau.

5 "Chief election officer." The Secretary of the Commonwealth
6 or a designee.

7 "Commission." The temporary redistricting advisory
8 commission established pursuant to this section.

9 "Federal census." The decennial census required by Federal
10 law to be conducted by the United States Bureau of the Census in
11 every year ending in zero.

12 "Four selecting authorities."

13 (1) The Majority Leader of the Senate.

14 (2) The Minority Leader of the Senate.

15 (3) The Majority Leader of the House of Representatives.

16 (4) The Minority Leader of the House of Representatives.

17 "Partisan public office."

18 (1) An elective or appointive office in the executive or
19 legislative branch or in an independent establishment of the
20 Federal Government.

21 (2) An elective office in the executive or legislative
22 branch of the government of this Commonwealth or an office which
23 is filled by appointment.

24 (3) An office of a county, city or other political
25 subdivision of this Commonwealth which is filled by an election
26 process involving nomination and election of candidates on a
27 partisan basis.

28 "Plan." A plan for legislative and congressional
29 reapportionment drawn up pursuant to the requirements of this
30 section.

1 "Political party office." An elective office in the national
2 or State organization of a political party.

3 "Relative." An individual who is related to the person in
4 question as father, mother, son, daughter, brother, sister,
5 uncle, aunt, first cousin, nephew, niece, husband, wife,
6 grandfather, grandmother, father-in-law, mother-in-law, son-in-
7 law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
8 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
9 brother or half sister.