THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **384** Session of 2015

INTRODUCED BY PILEGGI, COSTA, FOLMER, BAKER, BLAKE, BREWSTER, FONTANA, GORDNER, LEACH, HUGHES, GREENLEAF, RAFFERTY, SCHWANK, SMITH, TARTAGLIONE, TEPLITZ, VANCE, VULAKOVICH, YAW AND YUDICHAK, FEBRUARY 3, 2015

REFERRED TO STATE GOVERNMENT, FEBRUARY 3, 2015

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, further
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

1 recommended by the county board, the number of electors

2 registered in each district at the immediately preceding general

3 or municipal election, and the date upon which the same will be

4 considered by the court, and shall contain a warning that any

5 person objecting thereto must file his objections with the clerk

6 of the court prior to such date. Upon the making of any such

7 final order by the court, a copy thereof shall be certified by

8 the clerk to the county board of elections.

9   Section 532. Wards in Cities of the First Class May be

10 [Created,] Established, Abolished, Divided, [Realigned, or]

11 Consolidated or Altered.--

12   (a) Wards in a city of the first class may be [created,]

13 established, abolished, divided, [realigned or] consolidated or

14 altered, [along clearly visible physical boundaries] conforming

15 with census block lines from the most recently completed Federal

16 decennial census, by the court of common pleas of the county in

17 which said city is located, upon application thereto for those

18 purposes by the petition of at least a total of one hundred

19 qualified electors from the ward or wards sought to be affected,

20 or of the council of such city.

21   * * *

22   Section 2. Section 535 of the act, added November 24, 1999

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

24   Section 535. Definitions.--The following words and phrases

25 when used in this subdivision shall have the following meanings

26 unless otherwise clearly apparent from the context:

27   The word "bureau" shall mean the Bureau of Commissions,

28 Elections and Legislation of the Department of State.

29   The word "department" shall mean the Department of State of

30 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 or the 2021 Legislative Reapportionment

17   Commission Plan, whichever occurs later.

18   (b) During the period from [July 15, 2009] July 1, 2019,

19   through December 31, [2010] 2020, an election district may be

20   divided or election districts may be combined if the following

21   are met:

22   (1) In the case of the division of an election district, the

23   boundary of each resulting district [is composed entirely of

24   clearly visible physical features conforming] conforms with

25   [the] census block lines from the most recently completed

26   Federal decennial census or portions of the original boundary of

27   the election district which was divided.

28   (2) In the case of the combination of election districts,

29   the boundary of each resulting district is composed entirely of

30   portions of the original boundaries of the election districts

1 which were combined.

2   (c) If an alteration of an election district under

3 subsection (b) is sought, the following shall apply:

4   (1) The county board of elections shall notify the

5 secretary, in writing, of the proposed alteration. The notice

6 shall include a map and a description of the proposed boundary

7 of any new or altered district or districts. The secretary shall

8 forward a copy of any notice of proposed alteration to the

9 Legislative Data Processing Center within seven (7) days of

10 receipt.

11   (2) Before a county board of elections may petition the

12 court for a change in the boundary of an election district under

13 this section, the secretary must make a determination that the

14 board has complied with subsection (b). Any of the following

15 constitute evidence of the determination under this clause:

16   (i) A certification by the secretary that the determination

17 has been made.

18   (ii) A certification by the board that notice under this

19 clause has been given to the secretary and that the secretary

20 has not acted within forty-five (45) days of the notice.

21   (3) The board shall forward a copy of the order approving

22 any alteration to the secretary and the Legislative Data

23 Processing Center within seven (7) days of the issuance of that

24 order.

25   Section 4. Section 537 of the act, amended December 9, 2002

26 (P.L.1246, No.150), is amended to read:

27   Section 537. Alterations After Period of Restriction.--(a)

28 Unless otherwise provided in this act, an election district may

29 be established, abolished, divided, consolidated or altered if

30 the boundary of each resulting district [is composed entirely of

1 clearly visible physical features conforming] conforms with

2 census block lines from the most recently completed Federal

3 decennial census.

4   (b) Within thirty (30) days of an alteration under

5 subsection (a), the county board of elections shall submit to

6 the bureau a [report] notice of boundary change, including a map

7 and a verbal description, of the boundaries of each resulting

8 district.

9   (c) The bureau shall review each [report] notice of boundary

10 change submitted under subsection (b) to determine whether the

11 boundaries of all resulting election districts included in the

12 [report] notice of boundary change comply with the requirements

13 of subsection (a). If the bureau determines that the boundaries

14 of any resulting election district included in the [report]

15 notice of boundary change do not comply with the requirements of

16 subsection (a), the bureau shall send a written [notice of this]

17 determination to the county board of elections within thirty

18 (30) days of receipt of the report. Within sixty (60) days of

19 receipt of the [notice] determination, the county board shall

20 submit a subsequent [report] notice of boundary change regarding

21 the election district or districts named in the bureau's

22 [notice] determination, indicating that changes have been made

23 to the boundaries of each such election district so as to comply

24 with the requirements of subsection (a). If the county board

25 fails to submit a subsequent [report] notice of boundary change

26 indicating that changes have been made to the boundaries of each

27 such election district so as to comply with the requirements of

28 subsection (a), the Department of State shall withhold any

29 reimbursements owed to the county board under section 305 until

30 the bureau receives the [report] notice of boundary change.

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

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

3   Section 538. Reports.--(a) Within six (6) months of the

4   effective date of this subdivision, each county board of

5   elections shall submit to the bureau a report, including maps

6   and verbal descriptions, of the boundaries of every election

7   district within the county. All [reports] notices filed under

8   section 536 or notices of boundary change filed under section

9   537 shall be filed as amendments to this initial report.

10   (b) The bureau shall retain at all times the reports of the

11 current boundaries of all election districts, including maps and

12 verbal descriptions. [Copies of such reports shall be made

13 available to the General Assembly, on request, and to the public

14 for a fee, as established by the department.] The department

15 shall develop an official boundary database, as required under

16 Article V-A.

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

18   ARTICLE V-A

19   DATABASES, POPULATION DATA

20   AND CONGRESSIONAL REDISTRICTING

21 Section 501-A. Definitions.

22   The following words and phrases when used in this article

23 shall have the meanings given to them in this section unless the

24 context clearly indicates otherwise:

25   "Bureau." The Bureau of Commissions, Elections and

26 Legislation of the Department of State.

27   "Center." The Legislative Data Processing Center.

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

29   "Director." The Executive Director of the Legislative Data

30 Processing Center.

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

2   to the bureau in a manner and form prescribed by the department

3   that the boundary of a county, municipality, ward or election

4   district has changed.

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.--No later than December 31,

12   2016, 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. At a minimum, the notice must

2 include a map and verbal description.

3   (e) Updating database.--The secretary shall update the

4 official boundary database and transmit the update to the

5 director within 30 days of receiving a notice of boundary

6 change.

7   (f) Notice of boundary change.--A notice of boundary change

8 certified by the secretary must be transmitted within seven days

9 to the director, who shall post and maintain the notice on the

10 center's Internet website in a way that associates it with the

11 relevant version of the official boundary database.

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

13   Database.

14   (a) Establishment.--No later than December 31, 2016, the

15 secretary shall develop an Official Voter Registration and

16 Election Results Database in consultation with the director. The

17 database shall be available to the public on the center's

18 official Internet website in multiple commonly used formats,

19 including database files such as Microsoft Excel files and

20 Comma-Separated Values files and easily readable files such as

21 Portable Document Format files.

22   (b) Data.--The Official Voter Registration and Election

23 Results Database must include date-referenced voter registration

24 data and results from all Statewide referendum questions, all

25 Statewide primary and general elections at the Federal and State

26 levels for both odd-year and even-year elections, all General

27 Assembly elections, all congressional elections and all

28 countywide elections. The database must include data showing the

29 number of voters who voted at each polling place, by provisional

30 ballot, and by absentee ballot. The results must be stored in a

1 manner that may be searched, aggregated, displayed, printed and

2 sorted by, at a minimum, the following:

3   (1) candidate name;

4   (2) political party;

5   (3) elective office;

6   (4) number of votes received;

7   (5) number of registered voters;

8   (6) county;

9   (7) municipality;

10   (8) ward; and

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

12   (c) New data.--When new data is added to the Official Voter

13 Registration and Election Results Database, existing data must

14 be maintained unless errors in the existing data are being

15 corrected.

16 Section 504-A. Maintenance of data.

17   The official boundary database and Official Voter

18 Registration and Election Results Database must be maintained by

19 the director and the secretary in such a way that the data is

20 compatible and may be cross-referenced.

21 Section 505-A. Population data for congressional redistricting.

22   The population data for this Commonwealth most recently

23 certified by the Legislative Reapportionment Commission must be

24 used in congressional redistricting legislation considered by

25 the General Assembly.

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