

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2572

Session of  
1992

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INTRODUCED BY LaGROTTA, BROUJOS, DEMPSEY, SERAFINI, TANGRETTI,  
MAIALE, BILLOW, KOSINSKI, McHALE, STISH, BATTISTO, KING,  
CARONE AND MICOZZIE, MARCH 30, 1992

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 30, 1992

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## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, providing for reapportionment of  
3 Congressional districts.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby resolves as follows:

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

8 That Article II be amended by adding a section to read:

9 § 18. Redistricting Advisory Commission.

10 (a) Not later than November 1 of each year ending in zero, a  
11 five-member Redistricting Advisory Commission shall be  
12 established for the purpose of reapportioning congressional  
13 districts. The Majority and Minority Leaders of the Senate and  
14 the Majority and Minority Leaders of the House of  
15 Representatives shall each appoint an individual to serve on the  
16 commission. These four members shall be certified by the  
17 President pro tempore of the Senate and the Speaker of the House

1 of Representatives to the elections officer of the Commonwealth  
2 who under law shall have supervision over elections. The four  
3 members, within 30 days after their certification, shall select  
4 the fifth member, who shall serve as chairman, by a vote of at  
5 least three members, and shall immediately certify his name to  
6 such elections officer. A vacancy in the commission shall be  
7 filled within 15 days in the same manner in which such position  
8 was originally filled. Members of the commission shall receive a  
9 per diem allowance, travel expenses and reimbursement for other  
10 necessary expenses incurred in performing their duties. No  
11 person shall be appointed to the commission who:

12 (1) Is not an eligible elector of this Commonwealth at the  
13 time of selection.

14 (2) Holds an elective or appointive office in the executive  
15 or legislative branch or in an independent establishment of the  
16 Federal Government.

17 (3) Holds an elective office in the executive or legislative  
18 branch of the government of this Commonwealth or an office which  
19 is filled by appointment and is exempt from the merit system.

20 (4) Holds an office of a political subdivision of this  
21 Commonwealth which is filled by an election process involving  
22 nomination and election of candidates on a partisan basis.

23 (5) Holds an elective office in the National or State  
24 organization of a political party.

25 (6) Is a relative of or is employed by a member of the  
26 General Assembly or of the United States Congress or is employed  
27 directly by the General Assembly or by the United States  
28 Congress.

29 (b) The functions of the commission shall be as follows:

30 (1) The commission shall acquire appropriate information,

1 review and evaluate available facilities, and develop programs  
2 and procedures in preparation for drawing congressional  
3 redistricting plans on the basis of each Federal decennial  
4 census. Funds shall be expended for the purchase or lease of  
5 equipment and materials only with prior approval of the General  
6 Assembly.

7 (2) By December 31 of each year ending in zero, the  
8 commission shall obtain from the United States Bureau of the  
9 Census information regarding geographic and political units in  
10 this Commonwealth for which Federal decennial census population  
11 data has been gathered and will be tabulated. The commission  
12 shall use the data so obtained to:

13 (i) Prepare necessary descriptions of geographic and  
14 political units for which census data will be reported and which  
15 are suitable for use as components of congressional districts.

16 (ii) Prepare maps of counties, cities and other geographic  
17 units within this Commonwealth, which may be used to illustrate  
18 the locations of congressional district boundaries proposed in  
19 plans drawn in accordance with subsection (d).

20 (3) As soon as possible after January 1 of each year ending  
21 in one, the commission shall obtain from the United States  
22 Bureau of the Census the population data needed for  
23 congressional districting which the bureau is required to  
24 provide the Commonwealth and shall use that data to assign a  
25 population figure based upon certified Federal census data to  
26 each geographic or political unit under paragraph (2)(i). Upon  
27 completing that task, the commission shall begin the preparation  
28 of congressional districting plans.

29 (4) Prior to delivering any plan and the bill embodying that  
30 plan to the Secretary of the Senate and the Chief Clerk of the

House of Representatives in accordance with subsection (c), the commission shall provide to persons outside the commission staff only such information regarding the plan as may be required by policies agreed upon by the commission. This paragraph does not apply to population data furnished to the commission by the United States Bureau of the Census.

(5) Upon each delivery by the commission to the General Assembly of a bill embodying a plan under subsection (c), the commission shall at the earliest feasible time make available to the public the following information:

(i) Copies of the bill delivered by the commission to the General Assembly.

(ii) Maps illustrating the plan.

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

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

(6) Upon the delivery by the commission to the General Assembly of a bill embodying an initial plan, the commission shall:

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

(ii) Following the hearings, promptly prepare and submit to the Secretary of the Senate and the Chief Clerk of the House of Representatives a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include any comments and conclusions

1 which its members deem appropriate on the information and  
2 testimony received at the hearings or otherwise presented to the  
3 commission.

4 (c) (1) Not later than April 1 of each year ending in one,  
5 the commission shall deliver to the Secretary of the Senate and  
6 the Chief Clerk of the House of Representatives identical bills  
7 embodying a plan of congressional districting prepared in  
8 accordance with subsection (d). The General Assembly shall bring  
9 the bill to a vote in either the Senate or the House of  
10 Representatives expeditiously, but not less than seven days  
11 after the report of the commission required under subsection (d)  
12 is received and made available to the members of the General  
13 Assembly, under a procedure or rule permitting no amendments  
14 except those of a purely corrective nature. If the bill is  
15 approved by the first house in which it is considered, it shall  
16 expeditiously be brought to a vote in the second house under a  
17 similar procedure or rule.

18 (2) If the bill embodying the plan submitted by the  
19 commission fails to be approved by a constitutional majority in  
20 either the Senate or the House of Representatives, the Secretary  
21 of the Senate or the Chief Clerk of the House of  
22 Representatives, as the case may be, shall at once transmit to  
23 the commission information which the Senate or House of  
24 Representatives may direct regarding reasons why the plan was  
25 not approved. The commission shall prepare a bill embodying a  
26 second plan of congressional districting taking into account the  
27 reasons cited by the Senate or House of Representatives for its  
28 failure to approve the plan insofar as it is possible to do so.  
29 If a second plan is required, the bill embodying it shall be  
30 delivered to the Secretary of the Senate and the Chief Clerk of

1 the House of Representatives not later than May 1 of the year  
2 ending in one, or 14 days after the date of the vote by which  
3 the Senate or the House of Representatives fails to approve the  
4 initial bill, whichever date is later. If it is necessary to  
5 submit a bill under this paragraph, the bill shall be brought to  
6 a vote not less than seven days after the bill is printed and  
7 made available to the members of the General Assembly, in the  
8 same manner as prescribed for the initial bill.

9 (3) If the second bill embodying the plan submitted by the  
10 commission fails to be approved by a constitutional majority in  
11 either the Senate or the House of Representatives, the same  
12 procedure as prescribed by paragraph (2) shall be followed. If a  
13 third plan is required, the bill embodying it shall be delivered  
14 to the Secretary of the Senate and the Chief Clerk of the House  
15 of Representatives not later than June 1 of the year ending in  
16 one, or 14 days after the date of the vote by which the Senate  
17 or the House of Representatives fails to approve the bill  
18 submitted under paragraph (2), whichever date is later. If it is  
19 necessary to submit a bill under this paragraph, the bill shall  
20 be brought to a vote within the same time period after its  
21 delivery to the Secretary of the Senate and the Chief Clerk of  
22 the House of Representatives as is prescribed for the bill  
23 submitted under paragraph (2), but shall be subject to amendment  
24 in the same manner as other bills.

25 (d) (1) Congressional districts shall be established on the  
26 basis of population. Congressional districts shall each have a  
27 population as nearly equal as practicable to the ideal district  
28 population, determined by dividing the number of districts to be  
29 established into the population of the Commonwealth reported in  
30 the Federal decennial census. Congressional districts shall not

1 vary in population from the respective ideal district  
2 populations except as necessary to comply with one of the other  
3 standards enumerated in this subsection. In no case shall the  
4 quotient, obtained by dividing the total number of the absolute  
5 values of the deviations of all district populations from the  
6 applicable ideal district population by the number of districts  
7 established, exceed 1% of the applicable ideal district  
8 population. No congressional district shall have a population  
9 which varies by more than 1% from the applicable ideal district  
10 population. If a challenge is filed with the Supreme Court  
11 alleging excessive population variance among districts  
12 established in a plan adopted by the General Assembly, the  
13 General Assembly has the burden of justifying any variance in  
14 excess of one percent between the population of a district and  
15 the applicable ideal district population.

16 (2) To the extent consistent with paragraph (1), district  
17 boundaries shall coincide with the boundaries of political  
18 subdivisions of the Commonwealth. The number of counties and  
19 cities divided among more than one district shall be as small as  
20 possible. When there is a choice between dividing local  
21 political subdivisions, the more populous subdivisions shall be  
22 divided before the less populous. Districts shall be composed of  
23 convenient contiguous territory. Areas which meet only at the  
24 points of adjoining corners are not contiguous.

25 (3) It is preferable that districts be compact in form, but  
26 the standards established by paragraphs (1) and (2) 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

1 is necessary to compare the relative compactness of two or more  
2 districts, or of two or more alternative districting plans, the  
3 tests prescribed by paragraphs (4) and (5) shall be used. Should  
4 the results of these two tests be contradictory, the standard  
5 referred to in paragraph (4) shall be given greater weight than  
6 the standard referred to in paragraph (5) of this subsection.

7 (4) The compactness of a district is greatest when the  
8 length of the district and the width of the district are equal.  
9 The measure of a district's compactness is the absolute value of  
10 the difference between the length and the width of the district.

11 (i) In measuring the length and the width of a district by  
12 means of electronic data processing, the difference between the  
13 "x" coordinates of the easternmost and the westernmost  
14 geographic unit centers included in the district shall be  
15 compared to the difference between the "y" coordinates of the  
16 northernmost and southernmost geographic unit centers included  
17 in the district.

18 (ii) To determine the length and width of a district by  
19 manual measurement, the distance from the northernmost point or  
20 portion of the boundary of a district to the southernmost point  
21 or portion of the boundary of the same district and the distance  
22 from the westernmost point or portion of the boundary of the  
23 district to the easternmost point or portion of the boundary of  
24 the same district shall each be measured. If the northernmost or  
25 southernmost portion of the boundary, or each of these points,  
26 is a part of the boundary running due east and west, the line  
27 used to make the measurement required by this paragraph shall  
28 either be drawn due north and south or as nearly so as the  
29 configuration of the district permits. If the easternmost or  
30 westernmost portion of the boundary, or each of these points, is



a part of the boundary running due north and south, a similar procedure shall be followed. The lines to be measured for the purpose of this paragraph shall each be drawn as required by this paragraph, even if some part of either or both lines lies outside the boundaries of the district which is being tested for compactness.

(iii) The absolute values computed for individual districts under this paragraph may be cumulated 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 Commonwealth. However, it is not valid to cumulate or compare absolute values computed under subparagraph (i) with those computed under subparagraph (ii) of this paragraph.

(5) 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. 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. 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 Commonwealth.

(6) No district shall be drawn for the purpose of favoring a political party, incumbent member of Congress or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the following data:

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

(ii) Political affiliations of registered voters.

(iii) Previous election results.

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

(7) As used in this subsection:

(i) "Population data unit" means a unit of territory having clearly identified geographic boundaries and for which a total population figure is included in or can be derived directly from certified Federal census data.

(ii) "Geographic unit center" means that point approximately equidistant from the northern and southern extremities, and also approximately equidistant from the eastern and western extremities, of a population data unit. This point shall be determined by visual observation of a map of the population data

1 unit, unless it is otherwise determined within the context of an  
2 appropriate coordinate system developed by the Federal  
3 Government or another qualified and objective source and  
4 obtained for use in this Commonwealth with prior approval of the  
5 General Assembly.

6 (iii) "'X' coordinate" means the relative location of that  
7 point along the east-west axis of this Commonwealth. Unless  
8 otherwise measured within the context of an appropriate  
9 coordinate system obtained for use as permitted under the  
10 definition of "geographic unit center," the "x" coordinate shall  
11 be measured along a line drawn due east from a due north and  
12 south line running through the point which is the northwestern  
13 extremity of this Commonwealth to the point to be located.

14 (iv) "'Y' coordinate" means the relative location of that  
15 point along the north-south axis of this Commonwealth. Unless  
16 otherwise measured within the context of an appropriate  
17 coordinate system obtained for use as permitted under the  
18 definition of "geographic unit center," the "y" coordinate shall  
19 be measured along a line drawn due south from the northern  
20 boundary of this Commonwealth or the eastward extension of that  
21 boundary, to the point to be located.