

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 81**Session of
2007

INTRODUCED BY LEACH, KING, CARROLL, CASORIO, CURRY, DePASQUALE,
FREEMAN, GEORGE, GOODMAN, CALTAGIRONE, GRELL, GRUCELA,
HALUSKA, HORNAMAN, JOSEPHS, KULA, MANDERINO, MARSHALL,
McILHATTAN, MELIO, MUSTIO, RAMALEY, SCAVELLO, SIPTROTH,
STURLA, SWANGER, THOMAS, WALKO AND YOUNGBLOOD,
JANUARY 30, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 30, 2007

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for a legislative
3 reapportionment commission to designate legislative districts
4 for the General Assembly within this Commonwealth.

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

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

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

10 § 17. Legislative Reapportionment Commission.

11 [(a) In each year following the year of the Federal
12 decennial census, a Legislative Reapportionment Commission shall
13 be constituted for the purpose of reapportioning the
14 Commonwealth. The commission shall act by a majority of its
15 entire membership.

16 (b) The commission shall consist of five members: four of

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

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

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

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

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

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

30 Any person aggrieved by the preliminary plan shall have the

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

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

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

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

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

1 fails to file a revised or final plan within the time
2 prescribed, the commission members shall forfeit all right to
3 compensation not paid.

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

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

23 (a) In each year following the Federal decennial census, a
24 Reapportionment Commission shall be constituted for the purpose
25 of reapportioning the districts of the Senate and House of
26 Representatives of the General Assembly and the districts
27 apportioned to the Commonwealth in the House of Representatives
28 of the United States Congress. Unless otherwise directed by
29 court order, legislative and congressional reapportionment shall
30 only be permitted once in the decade following the Federal

1 decennial census.

2 (b) The commission shall consist of nine members: eight of
3 whom shall be the majority and minority leaders and whips of
4 both the Senate and House of Representatives, or deputies
5 appointed by each of them. The Supreme Court shall appoint one
6 member who shall serve as chairman who shall be a registered
7 voter within the Commonwealth for at least two years prior to
8 appointment. The chairman shall not hold an office of local,
9 State or Federal government to which compensation is attached at
10 the time of his appointment. The chairman shall not have held a
11 position within a political party for at least ten years prior
12 to appointment. No later than 60 days following the official
13 reporting of the Federal decennial census as required by Federal
14 law, the legislator members of the commission shall be certified
15 by the President pro tempore of the Senate and the Speaker of
16 the House of Representatives to the elections officer of the
17 Commonwealth who under law shall have supervision over
18 elections. The Supreme Court shall appoint the chairman of the
19 commission during the same 60-day period and shall certify the
20 appointment to the elections officer of the Commonwealth. Any
21 vacancy in the commission shall be filled within 15 days in the
22 same manner in which such position was originally filled.

23 (c) The commission may not utilize any political or personal
24 considerations in drafting any reapportionment plan either
25 legislative or congressional. The commission may not divide any
26 voting precinct that forms a single polygon in drafting any
27 reapportionment plan. The commission may not divide any county,
28 city, township, borough or incorporated town unless absolutely
29 necessary. In finding that a division is necessary, the
30 commission must file said findings in an addendum to each plan

1 adopted by the commission. The appropriate addendum must be
2 submitted to the General Assembly and the Supreme Court along
3 with each reapportionment plan under the provisions of this
4 section. The commission shall adopt a standard measurement
5 defining compactness for the districts in each plan. No district
6 in any plan will be drafted by the commission with a compactness
7 measurement of less than 15% of the total ideal measurement for
8 a district.

9 (d) No later than 60 days after either the commission has
10 been duly certified or usable population data for the
11 Commonwealth is available, whichever is later in time, the
12 commission shall file a preliminary reapportionment plan for the
13 General Assembly with such elections officer. A public comment
14 period of 30 days shall commence with the filing of the
15 preliminary plan.

16 (e) The commission shall have 30 days after the date of the
17 expiration of the public comment period to prepare and adopt a
18 revised reapportionment plan for both Houses of the General
19 Assembly. The revised reapportionment plan shall be adopted and
20 submitted to the General Assembly upon a vote of at least seven
21 members of the commission for approval. The General Assembly
22 shall vote to approve or reject the plan without amendment
23 within 30 days from the date of submission. Upon approval of the
24 plan, the presiding officer of each House shall, in the presence
25 of the House over which he presides, sign the reapportionment
26 plan after its title has been read publicly immediately before
27 signing. The fact of the signing shall be entered on the journal
28 and the plan shall be filed with the chief elections officer of
29 the Commonwealth.

30 (f) If the revised reapportionment plan submitted by the

1 commission is not approved by both Houses of the General
2 Assembly within 30 days of submission, the commission shall
3 adopt a final reapportionment plan. In the event the revised
4 reapportionment plan is rejected by either House of the General
5 Assembly, it shall be returned to the commission by the
6 presiding officer with a communication that the plan was
7 rejected. An additional 30-day public comment period shall
8 commence from the date of the rejection. The commission will
9 have a succeeding 30 days after the public comment period to
10 adopt a final plan upon approval of at least seven members. The
11 final plan shall be submitted to both Houses of the General
12 Assembly for approval. The General Assembly shall vote to
13 approve or reject the plan without amendment within 30 days from
14 the date of submission. Upon approval of the plan, the presiding
15 officer of each House shall, in the presence of the House over
16 which he presides, sign the reapportionment plan after its title
17 has been read publicly immediately before signing. The fact of
18 the signing shall be entered on the journal and the plan shall
19 then be filed with the chief elections officer of the
20 Commonwealth.

21 (g) Any aggrieved person may file an appeal from the final
22 plan directly to the Supreme Court within 30 days after the
23 filing of the final plan. If the appellant establishes that the
24 final plan is contrary to law, the Supreme Court shall issue an
25 order remanding the plan to the commission and directing the
26 commission to reapportion the Commonwealth in a manner not
27 inconsistent with such order.

28 (h) If the final reapportionment plan submitted by the
29 commission is not approved by both Houses of the General
30 Assembly within 30 days, the reapportionment commission shall

1 then submit both the revised and final reapportionment plans to
2 the Supreme Court within five days.

3 (i) The Supreme Court shall have 30 days to adopt either the
4 revised reapportionment plan or the final reapportionment plan
5 as the plan to be utilized thereafter in elections to the
6 General Assembly until the next reapportionment as required
7 under this section. If the Supreme Court finds that both plans
8 are contrary to law, it shall issue an order remanding the plan
9 to the commission and directing the commission to reapportion
10 the Commonwealth in a manner not inconsistent with such order.
11 The commission shall then have 30 days to submit the
12 reapportionment plan to the Supreme Court.

13 (j) The General Assembly shall appropriate sufficient funds
14 for the compensation and expenses of members and staff appointed
15 by the commission, and other necessary expenses. The members of
16 the commission who are not members of the General Assembly shall
17 be entitled to such compensation for their services as the
18 General Assembly from time to time shall determine, but no part
19 thereof shall be paid until a preliminary legislative
20 reapportionment plan is filed. If a preliminary plan is filed
21 but the commission fails to file a revised or a final plan
22 within the time prescribed, the commission members shall forfeit
23 all right to compensation not paid.

24 (k) If a preliminary, revised or final legislative
25 reapportionment plan is not filed by the commission within the
26 time prescribed by this section, unless the time be extended by
27 the Supreme Court for cause shown, the Supreme Court shall
28 immediately proceed on its own motion to reapportion the
29 Commonwealth.

30 (l) Any reapportionment plan filed by the commission, or

1 ordered by the Supreme Court upon failure of the commission to
2 act, shall be published by the elections officer once in at
3 least one newspaper of general circulation in each senatorial
4 and representative district. The publication shall contain a map
5 of the Commonwealth showing the complete reapportionment of the
6 General Assembly by districts, and a map showing the
7 reapportioned districts in the area normally served by the
8 newspaper in which the publication is made. The publication
9 shall also state the population of the senatorial and
10 representative districts having the smallest and largest
11 population and the percentage variation of such districts from
12 the average population for senatorial and representative
13 districts.

14 (m) No later than 20 days after the final legislative
15 reapportionment plan has been approved by either the General
16 Assembly or the Supreme Court, the commission shall file a
17 preliminary reapportionment plan for Representatives in the
18 United States Congress with the chief elections officer of the
19 Commonwealth. A public comment period of 30 days shall commence
20 with the filing of the preliminary congressional plan.

21 (n) The commission shall have 20 days after the date of the
22 expiration of the public comment period to prepare and adopt a
23 revised reapportionment plan for Representatives in the United
24 States Congress. The revised reapportionment plan shall be
25 adopted and submitted to the General Assembly upon a vote of at
26 least seven members of the commission for approval. The General
27 Assembly shall vote to approve or reject the plan without
28 amendment within 15 days from the date of submission. Upon
29 approval of the plan, the presiding officer of each House shall,
30 in the presence of the House over which he presides, sign the

1 reapportionment plan after its title has been read publicly
2 immediately before signing and the fact of the signing shall be
3 entered on the journal. The plan shall then be filed with the
4 chief elections officer of the Commonwealth.

5 (o) If the revised reapportionment plan submitted by the
6 commission is not approved by both Houses of the General
7 Assembly within 15 days of submission, the commission shall
8 adopt a final reapportionment plan for the congressional
9 districts. In the event the revised reapportionment plan is
10 rejected by either House of the General Assembly, it shall be
11 returned to the commission by the presiding officer with a
12 communication that the plan was rejected. An additional 20-day
13 public comment period shall commence from the date of the
14 rejection of the revised plan. The commission will have a
15 succeeding 20 days after the public comment period to adopt a
16 final plan upon approval of at least seven members. The final
17 plan shall be submitted to both Houses of the General Assembly
18 for approval. The General Assembly shall vote to approve or
19 reject the plan without amendment within 15 days from the date
20 of submission. Upon approval of the plan, the presiding officer
21 of each House shall, in the presence of the House over which he
22 presides, sign the reapportionment plan after its title has been
23 read publicly immediately before signing and the fact of the
24 signing shall be entered on the journal. The plan shall then be
25 filed with the chief elections officer of the Commonwealth.

26 (p) Any aggrieved person may file an appeal from the final
27 plan directly to the Supreme Court within 30 days after the
28 filing thereof. If the appellant establishes that the final plan
29 is contrary to law, the Supreme Court shall issue an order
30 remanding the plan to the commission and directing the

1 commission to reapportion the Commonwealth in a manner not
2 inconsistent with such order.

3 (q) If the final reapportionment plan submitted by the
4 commission is not approved by both Houses of the General
5 Assembly within 15 days, the reapportionment commission shall
6 then submit both the revised and final reapportionment plans to
7 the Supreme Court within five days.

8 (r) If an entirely new senatorial district is formed and if
9 it would not normally be electing a member of the Senate in the
10 following general election, the district shall initially elect a
11 senator for a term of two years in the general election. The
12 district shall thereafter elect a senator for a term of four
13 years. No member of the Senate shall continue to serve in office
14 after another member of the Senate begins that Senator's term of
15 service on the first day of December next after the election
16 representing the district.

17 (s) Population requirements are as follows:

18 (1) Congressional districts shall each have a population as
19 nearly equal as practicable.

20 (2) Legislative districts shall be established on the basis
21 of population. In no case shall the deviation of the overall
22 range of population of the most populous district from the least
23 populous district be greater than 8% of the average district
24 population for each house.

25 (t) The Supreme Court shall have 30 days to adopt either the
26 revised congressional reapportionment plan or the final
27 congressional reapportionment plan as the plan to be utilized
28 thereafter in elections to the Congress of the United States
29 until the next reapportionment as required under this section.
30 If the Supreme Court finds that both plans are contrary to law,

1 it shall issue an order remanding the plan to the commission and
2 directing the commission to reapportion the Commonwealth in a
3 manner not inconsistent with such order. The commission shall
4 then have 15 days to submit the reapportionment plan to the
5 Supreme Court.

6 (u) If a preliminary, revised or final congressional
7 reapportionment plan is not filed by the commission within the
8 time prescribed by this section, unless the time be extended by
9 the Supreme Court for cause shown, the Supreme Court shall
10 immediately proceed on its own motion to reapportion the
11 congressional districts of the Commonwealth.

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

25 (w) Nothing contained in this section shall preclude the
26 General Assembly from enacting legislation that further defines
27 the provisions of this section or provides for additional
28 requirements or restrictions for legislative or congressional
29 reapportionment.

30 Section 2. (a) Upon the first passage by the General

1 Assembly of this proposed constitutional amendment, the
2 Secretary of the Commonwealth shall proceed immediately to
3 comply with the advertising requirements of section 1 of Article
4 XI of the Constitution of Pennsylvania and shall transmit the
5 required advertisements to two newspapers in every county in
6 which such newspapers are published in sufficient time after
7 passage of this proposed constitutional amendment.

8 (b) Upon the second passage by the General Assembly of this
9 proposed constitutional amendment, the Secretary of the
10 Commonwealth shall proceed immediately to comply with the
11 advertising requirements of section 1 of Article XI of the
12 Constitution of Pennsylvania and shall transmit the required
13 advertisements to two newspapers in every county in which such
14 newspapers are published in sufficient time after passage of
15 this proposed constitutional amendment. The Secretary of the
16 Commonwealth shall submit this proposed constitutional amendment
17 to the qualified electors of this Commonwealth at the first
18 primary, general or municipal election which meets the
19 requirements of and is in conformance with section 1 of Article
20 XI of the Constitution of Pennsylvania and which occurs at least
21 three months after the proposed constitutional amendment is
22 passed by the General Assembly.