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REferred to Committee on State Government, May 8, 2017

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the Legislative Reapportionment Commission for the purpose of reapportioning and redistricting the Commonwealth of Pennsylvania.

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

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

8 § 17. Legislative [Reapportionment] and Congressional Redistricting Commission.

12 (a) [In each year following the year of the Federal
decennial census] Not later than December 31 of each year ending in zero, a Legislative [Reapportionment] and Congressional Redistricting Commission shall be constituted for the purpose of [reapportioning] redistricting the Commonwealth. The commission shall [act by a majority of its entire membership.]:

(1) Conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines.

(2) Conduct itself with integrity and fairness.

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

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

If the four members fail to select the fifth member within the time prescribed, a majority of the entire membership of the Supreme Court within 30 days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.
Any vacancy in the commission shall be filled within 15 days in the same manner in which such position was originally filled. (c) No later than 90 days after either the commission has been duly certified or the population data for the Commonwealth as determined by the Federal census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer. The commission shall have 30 days after filing the preliminary plan to make corrections in the plan. Any person aggrieved by the preliminary plan shall have the same 30-day period to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and have the force of law. (d) Any aggrieved person may file an appeal from the final plan directly to the Supreme Court within 30 days after the filing thereof. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order. (e) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the General Assembly until the next reapportionment as required under this section 17. (f) Any district which does not include the residence from 20170HB0722PN1671
which a member of the Senate was elected whether or not
scheduled for election at the next general election shall elect
a Senator at such election.

(g) The General Assembly shall appropriate sufficient funds
for the compensation and expenses of members and staff appointed
by the commission, and other necessary expenses. The members of
the commission shall be entitled to such compensation for their
services as the General Assembly from time to time shall
determine, but no part thereof shall be paid until a preliminary
plan is filed. If a preliminary plan is filed but the commission
fails to file a revised or final plan within the time
prescribed, the commission members shall forfeit all right to
compensation not paid.

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

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

(b) The commission shall consist of 11 members, as follows:
four who are registered with the largest political party in this
Commonwealth based on registration, four who are registered with
the second-largest political party in this Commonwealth based on
registration and three who are not registered with either of the
two largest political parties in this Commonwealth based on
registration.

(c) The General Assembly shall prescribe by law the
qualification to serve as a commission member. Each commission
member shall possess all of the following qualifications, in
addition to any qualifications prescribed by law:

(1) Be a voter who has been continuously registered in this
Commonwealth with the same political party or unaffiliated with
a political party or political body and whose political
affiliation has not changed in the three years immediately
preceding the date of appointment to the commission.

(2) Has voted in two of the last three Statewide general
elections immediately preceding the date of appointment to the
commission.

(3) Has not held nor has an immediate family member who has
held elective public office at the Federal or State level or
elective judicial office in this Commonwealth in the five years
immediately preceding the date of appointment to the commission.

(4) Has not served nor has a spouse who has served as a paid
staff member or paid consultant to Congress, the General
Assembly or staff appointed by the Governor in the five years
immediately preceding the date of appointment to the commission.

(5) Has not registered nor has a spouse who has registered
as a Federal or State lobbyist in this Commonwealth in the five years immediately preceding the date of appointment to the commission.

(6) Has not been nominated nor has a spouse who has been nominated as a candidate for elective office by a political party or political body or served nor has a spouse who has served as a paid staff member or officer of a political party, political body, political committee or political action committee in the five years immediately preceding the date of appointment to the commission.

(d) Application and selection of the members of the commission shall be subject to the following:

(1) Application to serve as a member of the commission may be filed with, and on a form developed by, the Secretary of the Commonwealth indicating thereon evidence of the applicant's qualifications as provided by this section.

(2) The Secretary of the Commonwealth shall verify the qualifications of each applicant. If the Secretary of the Commonwealth finds that an applicant is not qualified, the Secretary of the Commonwealth shall not include the applicant's name in the pool of applicants.

(3) The Secretary of the Commonwealth shall separate all qualified applicants into three subpools consisting of those who are:

(i) registered with the largest political party in this Commonwealth based on registration;

(ii) registered with the second-largest political party in this Commonwealth based on registration; and

(iii) not registered with either of the two largest political parties in this Commonwealth based on registration.
(4) The Secretary of the Commonwealth shall select, on a random basis, 40 qualified applicants from each of the three subpools provided in paragraph (3). The Majority Leader and Minority Leader of the Senate and the Majority Leader and Minority Leader of the House of Representatives may each strike up to two applicants from each subpool. Each leader shall have no more than six strikes.

(5) After the legislative leaders have exercised their strikes under paragraph (4), the Secretary of the Commonwealth shall select for appointment as members of the commission on a random basis from the remaining applicants in each of the three subpools of qualified applicants. In addition to the qualification requirements provided in subsection (c), appointments from each subpool shall reasonably reflect the racial, geographic and gender diversity of this Commonwealth.

(6) One of the members shall be selected as chair by a vote of at least six members of the commission.

(e) The term of office of each member of the commission shall expire at the same time the commission expires as provided in this section.

(f) Removal of a member and vacancies on the commission shall be subject to the following:

(1) If a member of the commission fails to attend more than two consecutive meetings at which a vote of the commission is scheduled, the member's position shall be deemed vacant unless the member is absent due to death of an immediate family member, personal illness or illness of an immediate family member.

(2) If a member of the commission has been convicted, found guilty or pled guilty or nolo contendere to embezzlement of public money, bribery, perjury or other infamous crime, whether
or not sentence has been imposed, the member's position shall be
deemed vacant.

(3) A vacancy in the commission shall be filled within 14
days from the time the commission is notified of the vacancy in
the same manner that the position was originally filled and
using the same pool of applicants from which the vacating member
was chosen. If none of those remaining applicants are available
for service, the Secretary of the Commonwealth shall fill the
vacancy from a new pool of applicants created from the same
voter registration category as the vacating member.

(g) A member shall be ineligible to do the following for a
period of three years beginning from the expiration of the term
for which the member was appointed to the commission:

(1) Serve as a paid staff member or paid consultant to
Congress, the General Assembly or staff appointed by the
Governor.

(2) Register as a Federal or State lobbyist in this
Commonwealth.

(3) Serve as a paid staff member or paid political
consultant for a political party, political body, political
committee or political action committee.

(h) A member and the member's spouse shall be ineligible to
do the following for a period of five years beginning from the
expiration of the term for which the member was appointed to the
commission:

(1) Hold an appointed position or elective public office at
the Federal or State level in this Commonwealth.

(2) Be eligible for nomination as a candidate for elective
office by a political party or political body.

(3) Hold office for a political party, political body,
political committee or political action committee.

(i) Seven members of the commission shall constitute a quorum. Seven or more affirmative votes shall be required for any official action. The final redistricting plan must be approved by at least seven affirmative votes that must include at least one vote of a member registered from each of the two largest political parties in this Commonwealth based on registration and one vote from a member who is not registered with either of the two largest political parties.

(j) To begin the process of preparing information necessary to the redistricting process, the commission shall:

(1) Acquire all necessary and appropriate information, review and evaluate available facilities and develop programs and procedures, that may include the use of software, in preparation for drawing congressional and legislative redistricting plans on the basis of each Federal census. The commission shall make the information available to the public in a manner prescribed by law.

(2) As soon as possible after December 31 of each year ending in zero, obtain from the United States Census Bureau the population data needed for legislative redistricting that the Census Bureau is required to provide the Commonwealth under 13 U.S.C. § 141 (relating to population and other census information) and use that data to assign a population figure based upon census data to each geographic and political unit described pursuant to subparagraph (i). Upon completing that task, the commission shall begin the preparation of congressional and legislative redistricting plans as required by this subsection and subsection (k). The commission shall use the data obtained to prepare:
(i) Necessary descriptions of census blocks, voting districts, wards, municipalities and counties for which census data will be reported and which are suitable for use as components of districts.

(ii) Maps of census blocks, voting districts, wards, municipalities and counties within this Commonwealth, that may be used to illustrate the locations of district boundaries proposed in plans.

(3) In establishing districts, the commission shall not consider the following data:

(i) Addresses of any individual.

(ii) Political affiliations of registered voters.

(iii) Previous election results, unless required by Federal or State law.

(k) The commission shall establish congressional and legislative districts pursuant to a mapping process in accordance with Federal or State law.

(l) Each plan drawn under this section shall provide that any vacancy in the General Assembly that is filled under the plan, occurring at a time that makes it necessary to fill the vacancy at a special election held under section 629 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall be filled from the same district that elected the senator or representative whose seat is vacant.

(m) The commission, within 30 days prior to the deadline for approval of a preliminary plan as set forth in subsection (o) (1), shall schedule and conduct at least four public hearings in different geographic regions of this Commonwealth.

(n) All commission meetings that are attended or participated in by a quorum of the members of the commission.
held for the purpose of deliberating official business of taking
official action shall be open to the public.

(o) (1) Not later than July 1 of each year ending in one,
the commission shall complete and approve a preliminary
redistricting plan and maps as required under this section and
make the preliminary plan and maps available to the public in a
manner prescribed by law.

(2) The commission, within 30 days following the deadline
for approval of a preliminary plan as provided in paragraph (1),
shall schedule and conduct at least four public hearings, in
different geographic regions of this Commonwealth, on the
preliminary plan.

(3) Not later than August 15 of each year ending in one, the
commission shall approve a final redistricting plan. Upon
approval, the commission shall certify the resulting plan to the
Secretary of the Commonwealth, and that plan shall constitute
the certified final plan.

(4) If the commission fails to approve a final plan in
accordance with paragraph (3), the following shall apply:

(i) Not later than September 1 of each year ending in one,
the commission shall complete and approve a second preliminary
redistricting plan and maps prepared in accordance with
subsections (j) and (k) and make the second preliminary plan and
maps available to the public in a manner prescribed by law.

(ii) Within 30 days following the deadline for approval of
the second preliminary plan as set forth in subparagraph (i),
the commission shall schedule and conduct at least four public
hearings, in different geographic regions of this Commonwealth,
on the second preliminary plan.

(iii) Not later than October 15 of each year ending in one,
the commission shall approve a final redistricting plan. Upon approval, the commission shall certify the resulting plan to the Secretary of the Commonwealth, and that plan shall constitute the certified final plan.

(p) If the commission does not complete and approve a final redistricting plan by October 16 of each year ending in one, the Secretary of the Commonwealth shall immediately petition the Supreme Court for an order directing the appointment of a special master to develop and complete a final redistricting plan in accordance with the criteria and requirements provided in subsections (j) and (k). The special master must demonstrate expertise in geographic information systems by holding a graduate degree in geographic information systems and currently serving as a faculty member for a geographic information systems program at an institution of higher learning located within this Commonwealth and must meet the qualifications in subsection (c) and be bound by the restrictions in subsections (q) and (h). Upon the Supreme Court's approval of the master's plan, the court shall certify the resulting plan to the Secretary of the Commonwealth, and that plan shall constitute the certified final plan.

(q) The commission has the sole legal standing to defend an action regarding a certified final plan and shall inform the General Assembly if it determines that funds or other resources provided for the operation of the commission are not adequate.

(r) (1) The Supreme Court has original and exclusive jurisdiction in all proceedings that a certified final plan is challenged or is claimed not to have taken timely effect.

(2) An aggrieved person who is a registered voter in this Commonwealth may file a petition with the Supreme Court within
30 days after the commission has certified a final plan to the Secretary of the Commonwealth to bar the Secretary of the Commonwealth from implementing the plan on the grounds that the filed plan violates the Constitution of the United States, the Constitution of Pennsylvania or any Federal or State statute.

(s) The Department of State shall provide staff as needed to support the commission in the performance of its duties.

(t) Upon the filing of all redistricting plans required under this section and the exhaustion of all appeals of a redistricting plan:

(1) the commission shall expire and the commission's responsibilities shall terminate; and

(2) the final plan shall have the force of law and the districts provided in the plan shall be used thereafter in elections to the General Assembly until the next redistricting as required under this section.

(u) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the commission and for other necessary expenses. In addition to necessary expenses, the members of the commission shall receive a per diem for each day or part of a day spent performing their official duties. The per diem shall be the most recent per diem rate for locations in this Commonwealth as established and published by the United States General Services Administration.

(v) A district that does not include the residence from which a member of the Senate was elected whether or not scheduled for election at the next general election shall elect a Senator at the election.

(w) The following words and phrases when used in this
Section 1. "Commission." The Legislative and Congressional
Redistricting Commission.

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

"Immediate family." A parent, spouse, child, brother or
sister.

"Member." A member of the Legislative and Congressional
Redistricting Commission.

"Plan." A plan for legislative and congressional
redistricting drawn under the requirements of this section.

Section 2. (a) Upon the first passage by the General
Assembly of this proposed constitutional amendment, the
Secretary of the Commonwealth shall proceed immediately to
comply with the advertising requirements of section 1 of Article
XI of the Constitution of Pennsylvania and shall transmit the
required advertisements to two newspapers in every county in
which such newspapers are published in sufficient time after
passage of this proposed constitutional amendment.

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