

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 581** Session of  
2005

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INTRODUCED BY O'PAKE, MELLOW, MUSTO, STOUT, KASUNIC, COSTA,  
BOSCOLA, LAVALLE AND LOGAN, APRIL 12, 2005

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REFERRED TO STATE GOVERNMENT, APRIL 12, 2005

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## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, further providing for the Legislative  
3 Reapportionment Commission.

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 section 17 of Article II be amended to read:

9 § 17. [Legislative] Decennial Reapportionment Commission.

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

15 (b) The commission shall consist of five members: four of  
16 whom shall be the majority and minority leaders of both the  
17 Senate and the House of Representatives, or deputies appointed

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

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

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

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

21 (c) No later than 90 days after either the commission has  
22 been duly certified or the population data for the Commonwealth  
23 as determined by the Federal decennial census are available,  
24 whichever is later in time, the commission shall file a  
25 preliminary reapportionment plan for districts in the Senate and  
26 House of Representatives of the General Assembly and shall file  
27 no later than 30 days thereafter a preliminary reapportionment  
28 plan for districts in the United States Congress with such  
29 elections officer.

30 The commission shall have 30 days after filing [the] of a

1 preliminary plan to make corrections [in the plan] to it.

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

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

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

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

26 (g) The General Assembly shall appropriate sufficient funds  
27 for the compensation and expenses of members and staff appointed  
28 by the commission, and other necessary expenses. The members of  
29 the commission shall be entitled to such compensation for their  
30 services as the General Assembly from time to time shall

1 determine, but no part thereof shall be paid until a preliminary  
2 plan to which it relates is filed. If a preliminary plan is  
3 filed but the commission fails to file a revised or final plan  
4 with respect to it within the time prescribed, the commission  
5 members shall forfeit all right to compensation not paid.

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

12 (i) Any reapportionment plan filed by the commission, or  
13 ordered or prepared by the Supreme Court upon the 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 senatorial and representative district. The publication shall  
17 contain a map of the Commonwealth showing the complete  
18 reapportionment [of the General Assembly] proposed by that plan  
19 by districts, and a map showing the reapportionment districts in  
20 the area normally served by the newspaper in which the  
21 publication is made. The publication shall also state the  
22 population of the senatorial and representative districts having  
23 the smallest and largest population and the percentage variation  
24 of such districts from the average population for senatorial and  
25 representative districts in the plan for districts in the  
26 General Assembly and of congressional districts in the plan for  
27 districts in Congress.

28 Section 2. (a) Upon the first passage by the General  
29 Assembly of this proposed constitutional amendment, the  
30 Secretary of the Commonwealth shall proceed immediately to

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

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