

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2734** Session of
2008

INTRODUCED BY CURRY, BENNINGHOFF, BIANCUCCI, CALTAGIRONE,
CONKLIN, DePASQUALE, DeWEESE, HARPER, JOSEPHS, MANDERINO,
McILVAINE SMITH, MELIO, MUNDY, MURT, M. O'BRIEN, RUBLEY,
SIPTROTH AND WILLIAMS, AUGUST 5, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 5, 2008

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for
3 legislative and congressional reapportionment.

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

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

8 (1) That section 17 of Article II be repealed:

9 [§ 17. Legislative Reapportionment Commission.

10 (a) In each year following the year of the Federal decennial
11 census, a Legislative Reapportionment Commission shall be

12 constituted for the purpose of reapportioning the Commonwealth.

13 The commission shall act by a majority of its entire membership.

14 (b) The commission shall consist of five members: four of
15 whom shall be the majority and minority leaders of both the
16 Senate and the House of Representatives, or deputies appointed
17 by each of them, and a chairman selected as hereinafter

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

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

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

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

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

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

27 Any person aggrieved by the preliminary plan shall have the
28 same 30-day period to file exceptions with the commission in
29 which case the commission shall have 30 days after the date the
30 exceptions were filed to prepare and file with such elections

1 officer a revised reapportionment plan. If no exceptions are
2 filed within 30 days, or if filed and acted upon, the
3 commissions's plan shall be final and have the force of law.

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

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

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

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

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

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

20 (2) That Article II be amended by adding a section to read:
21 § 18. Reapportionment Commission.

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

1 (b) (1) The commission shall consist of seven members: four
2 of whom shall be the majority and minority leaders of the
3 Senate and the House of Representatives of the General
4 Assembly, or deputies appointed by each of them, and three
5 members selected as provided in this subsection.

6 (2) The Supreme Court shall appoint three members of the
7 commission, one of whom shall be appointed chairman by the
8 court. The appointed members shall be registered voters
9 within this Commonwealth for at least two years prior to
10 appointment. The appointed members shall not hold an office
11 of Federal, State or local government to which compensation
12 is attached at the time of their appointment. The appointed
13 commission members shall not have held a position within a
14 political party for at least ten years prior to appointment.

15 (3) (i) No later than 60 days following the official
16 reporting of the Federal decennial census as required by
17 Federal law, the four members of the commission shall be
18 certified by the President pro tempore of the Senate and
19 the Speaker of the House of Representatives to the
20 elections officer of the Commonwealth who under law shall
21 have supervision over elections.

22 (ii) The Supreme Court shall appoint three members
23 of the commission, including the chairman, during the
24 same 60-day period and shall certify the appointment to
25 the elections officer of the Commonwealth.

26 (4) Any vacancy in the commission shall be filled within
27 15 days in the same manner in which such position was
28 originally filled.

29 (c) (1) The commission may not divide any voting precinct
30 that forms a single polygon in drafting any reapportionment

1 plan. The commission may not divide any county, city,
2 township, borough or incorporated town unless absolutely
3 necessary.

4 (2) In finding that a division is necessary, the
5 commission must file said findings in an addendum to each
6 plan adopted by the commission. The appropriate addendum must
7 be submitted to the General Assembly and the Supreme Court
8 along with each reapportionment plan under the provisions of
9 this section.

10 (3) The commission shall make an effort to ensure that
11 each district is as compact in area as practicable.

12 (d) (1) No later than 60 days after either the commission
13 has been duly certified or usable population data for the
14 Commonwealth is available, whichever is later, the commission
15 shall file a preliminary reapportionment plan for the General
16 Assembly with such elections officer.

17 (2) A public comment period of 30 days shall commence
18 with the filing of the preliminary plan. The commission shall
19 conduct public hearings during the public comment period.

20 (e) The commission shall have 30 days after the date of the
21 expiration of the public comment period to prepare and adopt a
22 revised reapportionment plan for both Houses of the General
23 Assembly, which shall become the final plan.

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

1 submit the reapportionment plan to the Supreme Court within 30
2 days.

3 (g) The General Assembly shall appropriate sufficient funds
4 for the compensation and expenses of members and staff appointed
5 by the commission and other necessary expenses. The members of
6 the commission who are not elected members of the General
7 Assembly shall be entitled to such compensation for their
8 services as the General Assembly from time to time shall
9 determine, but no part thereof shall be paid until a preliminary
10 legislative reapportionment plan is filed. If a preliminary plan
11 is filed but the commission fails to file a revised or a final
12 plan within the time prescribed, the commission members shall
13 forfeit all right to compensation not paid.

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

19 (i) Any reapportionment plan filed by the commission or
20 ordered by the Supreme Court upon failure of the commission to
21 act shall be published by the elections officer once in at least
22 one newspaper of general circulation in each senatorial and
23 representative district. The publication shall contain a map of
24 the Commonwealth showing the complete reapportionment of the
25 General Assembly by districts and a map showing the
26 reapportionment districts in the area normally served by the
27 newspaper in which the publication is made. The publication
28 shall also state the population of the senatorial and
29 representative districts having the smallest and largest
30 population and the percentage variation of such districts from

1 the average population for senatorial and representative
2 districts.

3 (j) (1) No later than 20 days after the final legislative
4 reapportionment plan has been approved by the Supreme Court,
5 the commission shall file a preliminary reapportionment plan
6 for representatives in the Congress of the United States with
7 the chief elections officer of the Commonwealth.

8 (2) A public comment period of 30 days shall commence
9 with the filing of the preliminary congressional plan. The
10 commission shall conduct public hearings during the public
11 comment period.

12 (k) The commission shall have 20 days after the date of the
13 expiration of the public comment period to prepare and adopt a
14 final congressional reapportionment plan for representatives in
15 the Congress of the United States.

16 (l) Any aggrieved person may file an appeal from the final
17 plan under subsection (k) directly to the Supreme Court within
18 30 days after the filing of the final plan. If the appellant
19 establishes that the final plan is contrary to law, the Supreme
20 Court shall issue an order remanding the plan to the commission
21 and directing the commission to reapportion the Commonwealth in
22 a manner not inconsistent with such order. The commission shall
23 submit the reapportionment plan to the Supreme Court within 15
24 days.

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

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

14 (o) In the event an entirely new senatorial district or
15 districts are formed and such district or districts would not
16 normally be electing a member of the Senate in the following
17 general election, said district or districts shall initially
18 elect a senator for a term of two years in said general
19 election. Such district or districts shall thereafter elect a
20 senator for a term of four years. No member of the Senate shall
21 continue to serve in office after another member of the Senate
22 begins the term of service on the first day of December next
23 after the election representing the district or districts.

24 (p) (1) Congressional districts shall each have a
25 population as nearly equal as practicable.

26 (2) Legislative districts shall be established on the
27 basis of population. In no case shall the deviation of the
28 overall range of population of the most populous district
29 from the least populous district be greater than 8% of the
30 average district population for each House.

1 (q) Any citizen of the Commonwealth may submit a plan or
2 plans for any or all districts of the General Assembly to the
3 Reapportionment Commission.

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

12 (b) Upon the second passage by the General Assembly of these
13 proposed constitutional amendments, the Secretary of the
14 Commonwealth shall proceed immediately to comply with the
15 advertising requirements of section 1 of Article XI of the
16 Constitution of Pennsylvania and shall transmit the required
17 advertisements to two newspapers in every county in which such
18 newspapers are published in sufficient time after passage of
19 these proposed constitutional amendments. The Secretary of the
20 Commonwealth shall:

21 (1) Submit the proposed constitutional amendments under
22 section 1 to the qualified electors of this Commonwealth as a
23 single ballot question at the first primary, general or
24 municipal election which meets the requirements of and is in
25 conformance with section 1 of Article XI of the Constitution
26 of Pennsylvania and which occurs at least three months after
27 the proposed constitutional amendments are passed by the
28 General Assembly.

29 (2) Submit the proposed constitutional amendments under
30 section 1 to the qualified electors of this Commonwealth as

1 separate ballot questions at the first primary, general or
2 municipal election which meets the requirements of and is in
3 conformance with section 1 of Article XI of the Constitution
4 of Pennsylvania and which occurs at least three months after
5 the proposed constitutional amendments are passed by the
6 General Assembly.