

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 619 Session of  
2009

INTRODUCED BY CURRY, BRENNAN, CALTAGIRONE, CARROLL, CREIGHTON,  
GALLOWAY, GIBBONS, GOODMAN, HARPER, JOSEPHS, MUNDY,  
M. O'BRIEN, ROAE, SIPTROTH, SWANGER, THOMAS, TRUE, WALKO AND  
DeWEESE, FEBRUARY 26, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 26, 2009

AN ACT

1 Providing for legislative and congressional reapportionment.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Reapportionment Commission.

5 (a) General rule.--In each year following the Federal  
6 decennial census, a Reapportionment Commission shall be  
7 constituted for the purpose of reapportioning the districts of  
8 the Senate and the House of Representatives of the General  
9 Assembly and the districts apportioned to the Commonwealth in  
10 the House of Representatives of the United States Congress.

11 Unless otherwise directed by court order, legislative and  
12 congressional reapportionment shall only be permitted once in  
13 the decade following the Federal decennial census.

14 (b) Membership.--The commission shall consist of such  
15 members as prescribed by section 17 of Article II of the  
16 Constitution of Pennsylvania.

1 (c) Division of voting precincts.--

2 (1) The commission may not divide any voting precinct  
3 that forms a single polygon in drafting any reapportionment  
4 plan. The commission may not divide any county, city,  
5 township, borough or incorporated town unless absolutely  
6 necessary.

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

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

15 (d) Preliminary reapportionment plan.--

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

21 (2) A public comment period of 30 days shall commence  
22 with the filing of the preliminary plan. The commission shall  
23 conduct public hearings during the public comment period.

24 (e) Revised reapportionment plan.--The commission shall have  
25 30 days after the date of the expiration of the public comment  
26 period to prepare and adopt a revised reapportionment plan for  
27 both Houses of the General Assembly, which shall become the  
28 final plan.

29 (f) Appeal from final plans.--Any aggrieved person may file  
30 an appeal from the final plan under subsection (e) directly to

1 the Supreme Court within 30 days after the filing of the final  
2 plan. If the appellant establishes that the final plan is  
3 contrary to law, the Supreme Court shall issue an order  
4 remanding the plan to the commission and directing the  
5 commission to reapportion the Commonwealth in a manner not  
6 inconsistent with such order. The commission shall submit the  
7 reapportionment plan to the Supreme Court within 30 days.

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

20 (h) Reapportionment by court.--If a preliminary or final  
21 legislative reapportionment plan is not filed by the commission  
22 within the time prescribed by this section, unless the time is  
23 extended by the Supreme Court for cause shown, the Supreme Court  
24 shall immediately proceed on its own motion to reapportion this  
25 Commonwealth.

26 (i) Publication.--Any reapportionment plan filed by the  
27 commission or ordered by the Supreme Court upon failure of the  
28 commission to act shall be published by the elections officer  
29 once in at least one newspaper of general circulation in each  
30 senatorial and representative district. The publication shall

1 contain a map of the Commonwealth showing the complete  
2 reapportionment of the General Assembly by districts and a map  
3 showing the reapportionment districts in the area normally  
4 served by the newspaper in which the publication is made. The  
5 publication shall also state the population of the senatorial  
6 and representative districts having the smallest and largest  
7 population and the percentage variation of such districts from  
8 the average population for senatorial and representative  
9 districts.

10 (j) Preliminary congressional reapportionment plan.--

11 (1) No later than 20 days after the final legislative  
12 reapportionment plan has been approved by the Supreme Court,  
13 the commission shall file a preliminary reapportionment plan  
14 for representatives in the Congress of the United States with  
15 the chief elections officer of the Commonwealth.

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

20 (k) Final congressional reapportionment plan.--The  
21 commission shall have 20 days after the date of the expiration  
22 of the public comment period to prepare and adopt a final  
23 congressional reapportionment plan for representatives in the  
24 Congress of the United States.

25 (l) Appeal of congressional reapportionment plan.--Any  
26 aggrieved person may file an appeal from the final plan under  
27 subsection (k) directly to the Supreme Court within 30 days  
28 after the filing of the final plan. If the appellant establishes  
29 that the final plan is contrary to law, the Supreme Court shall  
30 issue an order remanding the plan to the commission and

1 directing the commission to reapportion the Commonwealth in a  
2 manner not inconsistent with such order. The commission shall  
3 submit the reapportionment plan to the Supreme Court within 15  
4 days.

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

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

26 (o) New senatorial districts.--In the event an entirely new  
27 senatorial district or districts are formed and such district or  
28 districts would not normally be electing a member of the Senate  
29 in the following general election, said district or districts  
30 shall initially elect a senator for a term of two years in said

1 general election. Such district or districts shall thereafter  
2 elect a senator for a term of four years. No member of the  
3 Senate shall continue to serve in office after another member of  
4 the Senate begins the term of service on the first day of  
5 December next after the election representing the district or  
6 districts.

7 (p) Establishment of districts.--

8 (1) Congressional districts shall each have a population  
9 as nearly equal as practicable.

10 (2) Legislative districts shall be established on the  
11 basis of population. In no case shall the deviation of the  
12 overall range of population of the most populous district  
13 from the least populous district be greater than 8% of the  
14 average district population for each House.

15 (q) Citizen plans.--Any citizen of the Commonwealth may  
16 submit a plan or plans for any or all districts of the General  
17 Assembly or for representatives of the Congress of the United  
18 States from this Commonwealth, or for both, to the  
19 Reapportionment Commission.

20 Section 2. Effective date.

21 This act shall take effect in 60 days.