
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1805 Session of
2009

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WHITE AND YOUNGBLOOD, JUNE 30, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 30, 2009

AN ACT

1 Providing for legislative reapportionment and for openness and
2 fairness in the redistricting process.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Redistricting
7 Openness and Fairness Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) In our representative democracy, the people elect
11 their elected officials and entrust to them the complex task
12 of government.

13 (2) In order for this process to work ideally, openness
14 and fairness in the redistricting process is essential, as
15 are efforts to educate, inform and engage the residents of
16 this Commonwealth about the matter.

1 (3) Public participation must be encouraged to help
2 insure that redistricting plans be developed that provide an
3 equal opportunity for incumbents and challengers alike to
4 compete absent political favor to either.

5 Section 3. Definitions.

6 The following words and phrases when used in this act shall
7 have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Commission." The Legislative Reapportionment Commission.

10 "Secretary." The Secretary of State of the Commonwealth.

11 Section 4. Commission.

12 (a) General rule.--In each year following the Federal
13 decennial census, a commission shall be constituted for the
14 purpose of reapportioning the districts of the Senate and House
15 of Representatives of the General Assembly. Unless otherwise
16 directed by court order, legislative reapportionment shall only
17 be permitted once in the decade following the Federal decennial
18 census.

19 (b) Membership.--The commission shall consist of such
20 members as prescribed by section 17 of Article II of the
21 Constitution of Pennsylvania. The fifth member selected as
22 chairman shall:

23 (1) be an eligible elector of this Commonwealth at the
24 time of selection and have been an inhabitant of this
25 Commonwealth for at least four years at the time of
26 appointment;

27 (2) not have served as either an elected or appointed
28 Federal, State or local government official or political
29 party official or registered lobbyist during the ten years
30 prior to the time of appointment;

1 (3) not be a relative of a member of the General
2 Assembly or of the United States Congress or in the past ten
3 years have been employed by the General Assembly or by the
4 Congress of the United States.

5 Section 5. District population requirements.

6 (a) Population as basis.--Legislative districts shall be
7 established on the basis of population as follows:

8 (1) Senatorial and representative districts,
9 respectively, shall each have a population as nearly equal as
10 practicable to the ideal population for those districts,
11 determined by dividing the number of districts to be
12 established into the population of this Commonwealth reported
13 in the Federal decennial census.

14 (2) Senatorial districts and representative districts
15 shall not vary in population from the respective ideal
16 district populations except as necessary to comply with one
17 of the other standards enumerated in this section. The
18 quotient obtained by dividing the total of the absolute
19 values of the deviations of all district populations from the
20 applicable ideal district population by the number of
21 districts established shall not exceed 2.5% of the applicable
22 ideal district population. However, in the event a split of a
23 political subdivision can be avoided, the quotient shall not
24 exceed 3%.

25 (b) District boundaries.--To the extent consistent with
26 subsection (a), district boundaries shall coincide with the
27 boundaries of political subdivisions of this Commonwealth. No
28 precinct that forms a single polygon may be split in any
29 reapportionment plan.

30 (c) Division of political subdivisions.--The number of

1 political subdivisions divided among more than one district
2 shall be as small as possible.

3 (d) Contiguousness.--Districts shall be composed of
4 convenient contiguous territory. Areas which meet only at the
5 points of adjoining corners are not contiguous.

6 (e) Compactness.--It is preferable that a district be
7 compact in form with a compactness measurement of not less than
8 15% of the total ideal measurement for the district, but the
9 standards established by subsections (a), (b), (c), (d) and (e)
10 take precedence over compactness where a conflict arises between
11 compactness and these standards. In general, compact districts
12 are those which are square, rectangular or hexagonal in shape to
13 the extent permitted by natural or political boundaries.

14 Section 6. Preliminary plan.

15 (a) Filing.--No later than 90 days after either the
16 commission has been duly certified or usable population data for
17 the Commonwealth is available, whichever is later in time, the
18 commission shall file a preliminary plan with the secretary.

19 (b) Public comment.--A public comment period of 30 days
20 shall commence with the filing of the preliminary plan.

21 Section 7. Final plan.

22 The commission shall have 30 days after the date of the
23 expiration of the public comment period to prepare and adopt a
24 revised reapportionment plan for both houses of the General
25 Assembly, which shall become the final plan. The final plan
26 shall be accompanied by an explanation of the revisions.

27 Section 8. Commission failure to file.

28 If a preliminary or final plan is not filed by the commission
29 within the time prescribed by section 6 or 7, unless the time be
30 extended by the Supreme Court for cause shown, the Supreme Court

1 shall immediately proceed on its own motion to reapportion this
2 Commonwealth.

3 Section 9. Appeals.

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

11 Section 10. Citizens plans.

12 (a) General rule.--Any resident of this Commonwealth may
13 submit a reapportionment plan or plans for any or all districts
14 of the General Assembly to the commission. These plans shall be
15 considered by the commission.

16 (b) Information to be made available.--The commission shall
17 make software and demographic data available on its Internet
18 website for use by residents of this Commonwealth to develop
19 plans.

20 Section 11. Openness and solicitation of public input.

21 (a) Meetings.--The commission shall meet at the call of the
22 chairman as necessary.

23 (b) Public hearings.--Prior to the development of the
24 preliminary plan and again prior to the development of the final
25 plan:

26 (1) The commission shall conduct five separate public
27 hearings.

28 (2) Each hearing shall be held in a different geographic
29 region of this Commonwealth.

30 (c) Open meetings.--The commission shall comply with 65

1 Pa.C.S. Ch. 7 (relating to open meetings) and the act of
2 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
3 Communications between the commission or any member of the
4 commission and other persons concerning any redistricting plan
5 are to be in writing and made part of the public record.

6 (d) Public testimony.--The commission shall hear public
7 testimony at all public hearings. A good faith effort shall be
8 made by the commission to hear from as many Commonwealth
9 residents as possible.

10 (e) Written testimony.--The commission shall develop a
11 method of receiving written testimony, including all electronic
12 mail formats, such as e-mail and text mail, from members of the
13 public who cannot or choose not to testify in person. This
14 testimony shall be reviewed by members of the commission and
15 given consideration equal to consideration given to the
16 testimony of those who have appeared before the commission.
17 Section 12. Dissemination of public information.

18 (a) Internet website.--The commission shall establish an
19 Internet website for the purpose of the dissemination of
20 information. The information contained on the website shall
21 include:

22 (1) All statistical and geographic data utilized in
23 drawing plans, including maps.

24 (2) All written communications between the commission
25 and other persons concerning any redistricting plan.

26 (3) The preliminary and final plan.

27 (4) A detailed explanation of the differences between
28 the preliminary and final plan.

29 (5) Citizen plans submitted to the commission.

30 (6) Notice of public hearings held by the commission.

1 (7) Notice of meetings of the commission.

2 (8) Transcripts of testimony presented at public
3 hearings held by the commission.

4 (9) Official minutes of meetings of the commission.

5 (10) Contact information for the commission and its
6 members, including mailing addresses, telephone and facsimile
7 numbers and e-mail addresses, if available.

8 (b) Software.--The Internet website shall also be used by
9 the commission to facilitate the use of redistricting software
10 that residents of this Commonwealth can utilize to develop
11 redistricting plans.

12 (c) Publication.--Any 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 secretary once in
15 at least one newspaper of general circulation in each senatorial
16 and representative district. The publication shall contain a map
17 of this Commonwealth showing the complete reapportionment of the
18 General Assembly by districts and a map showing the
19 reapportionment districts in the area normally served by the
20 newspaper in which the publication is made. The publication
21 shall also state the population of the senatorial and
22 representative districts having the smallest and largest
23 population and the percentage variation of such districts from
24 the average population for senatorial and representative
25 districts.

26 Section 13. Appropriation.

27 The General Assembly shall appropriate sufficient funds for
28 the compensation and expenses of members and staff appointed by
29 the commission and other necessary expenses.

30 Section 14. Reimbursement.

1 The members of the commission who are not elected members of
2 the General Assembly shall be entitled to such compensation for
3 their services as the General Assembly from time to time shall
4 determine, but no part thereof shall be paid until a preliminary
5 legislative reapportionment plan is filed. If a preliminary plan
6 is filed but the commission fails to file a revised or a final
7 plan within the time prescribed, the commission members shall
8 forfeit all right to compensation not paid.

9 Section 15. Severability.

10 The provisions of this act are severable. If any provision of
11 this act or its application to any person or circumstance is
12 held invalid, the invalidity shall not affect other provisions
13 or applications of this act which can be given effect without
14 the invalid provision or application.

15 Section 16. Effective date.

16 This act shall take effect in 60 days.