
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 134 Session of
2011

INTRODUCED BY JOSEPHS, STURLA, BENNINGHOFF, CARROLL, DePASQUALE,
FREEMAN, GIBBONS, REICHLEY, WAGNER, YOUNGBLOOD, HORNAMAN,
CRUZ, GOODMAN, PAYTON, BRIGGS, B. BOYLE, CALTAGIRONE, WATERS,
KAVULICH, FABRIZIO AND SANTARSIERO, FEBRUARY 4, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 2011

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.

17 (3) Public participation must be encouraged to help

1 insure that redistricting plans be developed that provide an
2 equal opportunity for incumbents and challengers alike to
3 compete absent political favor to either.

4 Section 3. Definitions.

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

8 "Commission." The Legislative Reapportionment Commission.

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

10 Section 4. Preliminary plan.

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

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

17 Section 5. Final plan.

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

23 Section 6. Commission failure to file.

24 If a preliminary or final plan is not filed by the commission
25 within the time prescribed by section 4 or 5, unless the time be
26 extended by the Supreme Court for cause shown, the Supreme Court
27 shall immediately proceed on its own motion to reapportion this
28 Commonwealth.

29 Section 7. Appeals.

30 Any aggrieved person may file an appeal from the final plan

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

7 Section 8. Citizens plans.

8 (a) General rule.--Any resident of this Commonwealth may
9 submit a reapportionment plan or plans for any or all districts
10 of the General Assembly to the commission. These plans shall be
11 considered by the commission.

12 (b) Information to be made available.--The commission shall
13 make software and demographic data available on its Internet
14 website for use by residents of this Commonwealth to develop
15 plans.

16 Section 9. Openness and solicitation of public input.

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

19 (b) Public hearings.--Prior to the development of the
20 preliminary plan and again prior to the development of the final
21 plan:

22 (1) The commission shall conduct five separate public
23 hearings.

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

26 (c) Open meetings.--The commission shall comply with 65
27 Pa.C.S. Ch. 7 (relating to open meetings) and the act of
28 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
29 Communications between the commission or any member of the
30 commission and other persons concerning any redistricting plan

1 are to be in writing and made part of the public record.

2 (d) Public testimony.--The commission shall hear public
3 testimony at all public hearings. A good faith effort shall be
4 made by the commission to hear from as many Commonwealth
5 residents as possible.

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

13 Section 10. Dissemination of public information.

14 (a) Internet website.--The commission shall establish an
15 Internet website for the purpose of the dissemination of
16 information. The information contained on the website shall
17 include:

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

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

22 (3) The preliminary and final plan.

23 (4) A detailed explanation of the differences between
24 the preliminary and final plan.

25 (5) Citizen plans submitted to the commission.

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

27 (7) Notice of meetings of the commission.

28 (8) Transcripts of testimony presented at public
29 hearings held by the commission.

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

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

4 (b) Software.--The Internet website shall also be used by
5 the commission to facilitate the use of redistricting software
6 that residents of this Commonwealth can utilize to develop
7 redistricting plans.

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

22 Section 11. Appropriation.

23 The General Assembly shall appropriate sufficient funds for
24 the compensation and expenses of members and staff appointed by
25 the commission and other necessary expenses.

26 Section 12. Reimbursement.

27 The members of the commission who are not elected members of
28 the General Assembly shall be entitled to such compensation for
29 their services as the General Assembly from time to time shall
30 determine, but no part thereof shall be paid until a preliminary

1 legislative reapportionment plan is filed. If a preliminary plan
2 is filed but the commission fails to file a revised or a final
3 plan within the time prescribed, the commission members shall
4 forfeit all right to compensation not paid.

5 Section 13. Severability.

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

11 Section 14. Effective date.

12 This act shall take effect in 60 days.