

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 22 Session of  
2017

INTRODUCED BY BOSCOLA, SCAVELLO, BROWNE, SCHWANK, BLAKE,  
DINNIMAN, LEACH, WILLIAMS, YUDICHAK AND HAYWOOD,  
FEBRUARY 27, 2017

REFERRED TO STATE GOVERNMENT, FEBRUARY 27, 2017

## A JOINT RESOLUTION

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

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

7 Section 1. The following amendment to the Constitution of  
8 Pennsylvania is proposed in accordance with Article XI:

9 That section 17 of Article II be amended to read:

10 § 17. Legislative [Reapportionment] and Congressional  
11 Redistricting Commission.

12 (a) [In each year following the year of the Federal  
13 decennial census] Not later than December 31 of each year ending  
14 in zero, a Legislative [Reapportionment] and Congressional  
15 Redistricting Commission shall be constituted for the purpose of  
16 [reapportioning] redistricting the Commonwealth. The commission  
17 shall [act by a majority of its entire membership.];

18 (1) Conduct an open and transparent process enabling full

1 public consideration of and comment on the drawing of district  
2 lines.

3 (2) Draw district lines according to the redistricting  
4 criteria specified in this section.

5 (3) Conduct itself with integrity and fairness.

6 [(b) The commission shall consist of five members: four of  
7 whom shall be the majority and minority leaders of both the  
8 Senate and the House of Representatives, or deputies appointed  
9 by each of them, and a chairman selected as hereinafter  
10 provided. No later than 60 days following the official reporting  
11 of the Federal census as required by Federal law, the four  
12 members shall be certified by the President pro tempore of the  
13 Senate and the Speaker of the House of Representatives to the  
14 elections officer of the Commonwealth who under law shall have  
15 supervision over elections.

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

22 If the four members fail to select the fifth member within  
23 the time prescribed, a majority of the entire membership of the  
24 Supreme Court within 30 days thereafter shall appoint the  
25 chairman as aforesaid and certify his appointment to such  
26 elections officer.

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

29 (c) No later than 90 days after either the commission has  
30 been duly certified or the population data for the Commonwealth

1 as determined by the Federal census are available, whichever is  
2 later in time, the commission shall file a preliminary  
3 reapportionment plan with such elections officer.

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

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

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

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

26 (f) Any district which does not include the residence from  
27 which a member of the Senate was elected whether or not  
28 scheduled for election at the next general election shall elect  
29 a Senator at such election.

30 (g) The General Assembly shall appropriate sufficient funds

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

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

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

29 (b) The commission shall consist of 11 members, as follows:  
30 four who are registered with the largest political party in this

1 Commonwealth based on registration, four who are registered with  
2 the second-largest political party in this Commonwealth based on  
3 registration and three who are not registered with either of the  
4 two largest political parties in this Commonwealth based on  
5 registration.

6 (c) The General Assembly shall prescribe by law the  
7 qualification to serve as a commission member. Each commission  
8 member shall possess all of the following qualifications, in  
9 addition to any qualifications prescribed by law:

10 (1) Be a voter who has been continuously registered in this  
11 Commonwealth with the same political party or unaffiliated with  
12 a political party or political body and whose political  
13 affiliation has not changed in the three years immediately  
14 preceding the date of appointment to the commission.

15 (2) Has voted in two of the last three Statewide general  
16 elections immediately preceding the date of appointment to the  
17 commission.

18 (3) Has not held or does not have an immediate family member  
19 who has held elective public office at the Federal or State  
20 level or elective judicial office in this Commonwealth in the  
21 five years immediately preceding the date of appointment to the  
22 commission.

23 (4) Has not served or does not have a spouse who has served  
24 as a paid staff member or paid consultant to Congress, the  
25 General Assembly or staff appointed by the Governor in the five  
26 years immediately preceding the date of appointment to the  
27 commission.

28 (5) Has not registered or does not have a spouse who has  
29 registered as a Federal or State lobbyist in this Commonwealth  
30 in the five years immediately preceding the date of appointment

1 to the commission.

2 (6) Has not been nominated or does not have a spouse who has  
3 been nominated as a candidate for elective office by a political  
4 party or political body or served or does not have a spouse who  
5 has served as a paid staff member or officer of a political  
6 party, political body, political committee or political action  
7 committee in the five years immediately preceding the date of  
8 appointment to the commission.

9 (d) Application and selection of the members of the  
10 commission shall be subject to the following:

11 (1) Application to serve as a member of the commission may  
12 be filed with, and on a form developed by, the Secretary of the  
13 Commonwealth indicating thereon evidence of his or her  
14 qualifications as provided by this section.

15 (2) The Secretary of the Commonwealth shall verify the  
16 qualifications of each applicant. If the Secretary of the  
17 Commonwealth finds that an applicant is not qualified, the  
18 Secretary of the Commonwealth shall not include the applicant's  
19 name in the pool of applicants.

20 (3) The Secretary of the Commonwealth shall separate all  
21 qualified applicants into three subpools consisting of those who  
22 are:

23 (i) registered with the largest political party in this  
24 Commonwealth based on registration;

25 (ii) registered with the second-largest political party in  
26 this Commonwealth based on registration; and

27 (iii) not registered with either of the two largest  
28 political parties in this Commonwealth based on registration.

29 (4) The Secretary of the Commonwealth shall select, on a  
30 random basis, 40 qualified applicants from each of the three

1 subpools provided in paragraph (3). The Majority Leader and  
2 Minority Leader of the Senate and the Majority Leader and  
3 Minority Leader of the House of Representatives may each strike  
4 up to two applicants from each subpool. Each leader shall have  
5 no more than six strikes.

6 (5) After the legislative leaders have exercised their  
7 strikes under paragraph (4), the Secretary of the Commonwealth  
8 shall select for appointment as members of the commission on a  
9 random basis from the remaining applicants in each of the three  
10 subpools of qualified applicants. In addition to the  
11 qualification requirements provided in subsection (c),  
12 appointments from each subpool shall reasonably reflect the  
13 racial, geographic and gender diversity of this Commonwealth.

14 (6) One of the members shall be selected as chair by a vote  
15 of at least six members of the commission.

16 (e) The term of office of each member of the commission  
17 shall expire at the same time the commission expires as provided  
18 in this section.

19 (f) Removal of a member and vacancies on the commission  
20 shall be subject to the following:

21 (1) If a member of the commission fails to attend more than  
22 two consecutive meetings at which a vote of the commission is  
23 scheduled, the member's position shall be deemed vacant unless  
24 the member is absent due to death of an immediate family member,  
25 personal illness or illness of an immediate family member.

26 (2) If a member of the commission has been convicted, found  
27 guilty or pled guilty or nolo contendere to embezzlement of  
28 public money, bribery, perjury or other infamous crime, whether  
29 or not sentence has been imposed, the member's position shall be  
30 deemed vacant.

1 (3) A vacancy in the commission shall be filled within 14  
2 days from the time the commission is notified of the vacancy in  
3 the same manner that the position was originally filled and  
4 using the same pool of applicants from which the vacating member  
5 was chosen. If none of those remaining applicants are available  
6 for service, the Secretary of the Commonwealth shall fill the  
7 vacancy from a new pool of applicants created from the same  
8 voter registration category as the vacating member.

9 (g) A member shall be ineligible to do the following for a  
10 period of three years beginning from the expiration of the term  
11 for which the member was appointed to the commission:

12 (1) Serve as a paid staff member or paid consultant to  
13 Congress, the General Assembly or staff appointed by the  
14 Governor.

15 (2) Register as a Federal or State lobbyist in this  
16 Commonwealth.

17 (3) Serve as a paid staff member or paid political  
18 consultant for a political party, political body, political  
19 committee or political action committee.

20 (h) A member and the member's spouse shall be ineligible to  
21 do the following for a period of five years beginning from the  
22 expiration of the term for which the member was appointed to the  
23 commission:

24 (1) Hold an appointed position or elective public office at  
25 the Federal or State level in this Commonwealth.

26 (2) Be eligible for nomination as a candidate for elective  
27 office by a political party or political body.

28 (3) Hold office for a political party, political body,  
29 political committee or political action committee.

30 (i) Seven members of the commission shall constitute a



1 quorum. Seven or more affirmative votes shall be required for  
2 any official action. The final redistricting plan must be  
3 approved by at least seven affirmative votes that must include  
4 at least one vote of a member registered from each of the two  
5 largest political parties in this Commonwealth based on  
6 registration and one vote from a member who is not registered  
7 with either of the two largest political parties.

8 (j) To begin the process of preparing information necessary  
9 to the redistricting process, the commission shall:

10 (1) Acquire all necessary and appropriate information,  
11 review and evaluate available facilities and develop programs  
12 and procedures, that may include the use of software, in  
13 preparation for drawing congressional and legislative  
14 redistricting plans on the basis of each Federal census. The  
15 commission shall make the information available to the public in  
16 a manner prescribed by law.

17 (2) As soon as possible after December 31 of each year  
18 ending in zero, obtain from the United States Census Bureau the  
19 population data needed for legislative redistricting that the  
20 Census Bureau is required to provide the Commonwealth under 13  
21 U.S.C. § 141 (relating to population and other census  
22 information) and use that data to assign a population figure  
23 based upon census data to each geographic and political unit  
24 described pursuant to subparagraph (i). Upon completing that  
25 task, the commission shall begin the preparation of  
26 congressional and legislative redistricting plans as required by  
27 this subsection and subsection (k). The commission shall use the  
28 data obtained to prepare:

29 (i) Necessary descriptions of census blocks, voting  
30 districts, wards, municipalities and counties that census data

1 will be reported and that are suitable for use as components of  
2 districts.

3 (ii) Maps of census blocks, voting districts, wards,  
4 municipalities and counties within this Commonwealth, that may  
5 be used to illustrate the locations of district boundaries  
6 proposed in plans.

7 (3) In establishing districts, the commission shall not  
8 consider the following data:

9 (i) Addresses of any individual.

10 (ii) Political affiliations of registered voters.

11 (iii) Previous election results, unless required by Federal  
12 or State law.

13 (k) The commission shall establish congressional and  
14 legislative districts pursuant to a mapping process in  
15 accordance with Federal or State law.

16 (l) Each plan drawn under this section shall provide that  
17 any vacancy in the General Assembly that is filled under the  
18 plan, occurring at a time that makes it necessary to fill the  
19 vacancy at a special election held under section 629 of the act  
20 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
21 Election Code, shall be filled from the same district that  
22 elected the senator or representative whose seat is vacant.

23 (m) The commission, within 30 days prior to the deadline for  
24 approval of a preliminary plan as set forth in subsection (n)  
25 (1), shall schedule and conduct at least four public hearings in  
26 different geographic regions of this Commonwealth.

27 (m.1) All commission meetings that are attended or  
28 participated in by a quorum of the members of the commission  
29 held for the purpose of deliberating official business of taking  
30 official action shall be open to the public.

1 (n) (1) Not later than July 1 of each year ending in one,  
2 the commission shall complete and approve a preliminary  
3 redistricting plan and maps as required under this section and  
4 make the preliminary plan and maps available to the public in a  
5 manner prescribed by law.

6 (2) The commission, within 30 days following the deadline  
7 for approval of a preliminary plan as provided in paragraph (1),  
8 shall schedule and conduct at least four public hearings, in  
9 different geographic regions of this Commonwealth, on the  
10 preliminary plan.

11 (3) Not later than August 15 of each year ending in one, the  
12 commission shall approve a final redistricting plan. Upon  
13 approval, the commission shall certify the resulting plan to the  
14 Secretary of the Commonwealth, and that plan shall constitute  
15 the certified final plan.

16 (4) If the commission fails to approve a final plan in  
17 accordance with paragraph (3), the following shall apply:

18 (i) Not later than September 1 of each year ending in one,  
19 the commission shall complete and approve a second preliminary  
20 redistricting plan and maps prepared in accordance with  
21 subsections (j) and (k) and make the second preliminary plan and  
22 maps available to the public in a manner prescribed by law.

23 (ii) Within 30 days following the deadline for approval of  
24 the second preliminary plan as set forth in subparagraph (i),  
25 the commission shall schedule and conduct at least four public  
26 hearings, in different geographic regions of this Commonwealth,  
27 on the second preliminary plan.

28 (iii) Not later than October 15 of each year ending in one,  
29 the commission shall approve a final redistricting plan. Upon  
30 approval, the commission shall certify the resulting plan to the

1 Secretary of the Commonwealth, and that plan shall constitute  
2 the certified final plan.

3 (o) If the commission does not complete and approve a final  
4 redistricting plan by October 16 of each year ending in one, the  
5 Secretary of the Commonwealth shall immediately petition the  
6 Supreme Court for an order directing the appointment of a  
7 special master to develop and complete a final redistricting  
8 plan in accordance with the criteria and requirements provided  
9 in subsections (j) and (k). The special master must demonstrate  
10 expertise in geographic information systems by holding a  
11 graduate degree in geographic information systems and currently  
12 serving as a faculty member for a geographic information systems  
13 program at an institution of higher learning located within this  
14 Commonwealth and must meet the qualifications in subsection (c)  
15 and be bound by the restrictions in subsections (g) and (h).  
16 Upon the Supreme Court's approval of the master's plan, the  
17 court shall certify the resulting plan to the Secretary of the  
18 Commonwealth, and that plan shall constitute the certified final  
19 plan.

20 (p) The commission has the sole legal standing to defend an  
21 action regarding a certified final plan and shall inform the  
22 General Assembly if it determines that funds or other resources  
23 provided for the operation of the commission are not adequate.

24 (g) (1) The Supreme Court has original and exclusive  
25 jurisdiction in all proceedings that a certified final plan is  
26 challenged or is claimed not to have taken timely effect.

27 (2) An aggrieved person who is a registered voter in this  
28 Commonwealth may file a petition with the Supreme Court within  
29 30 days after the commission has certified a final plan to the  
30 Secretary of the Commonwealth to bar the Secretary of the

1 Commonwealth from implementing the plan on the grounds that the  
2 filed plan violates the Constitution of the United States, the  
3 Constitution of Pennsylvania or any Federal or State statute.

4 (r) The Department of State shall provide staff as needed to  
5 support the commission in the performance of its duties.

6 (s) Upon the filing of all redistricting plans required  
7 under this section and the exhaustion of all appeals of a  
8 redistricting plan:

9 (1) the commission shall expire and the commission's  
10 responsibilities shall terminate; and

11 (2) the final plan shall have the force of law and the  
12 districts provided in the plan shall be used thereafter in  
13 elections to the General Assembly until the next redistricting  
14 as required under this section.

15 (t) The General Assembly shall appropriate sufficient funds  
16 for the compensation and expenses of members and staff appointed  
17 by the commission and for other necessary expenses. In addition  
18 to necessary expenses, the members of the commission shall  
19 receive a per diem for each day or part of a day spent  
20 performing their official duties. The per diem shall be the most  
21 recent per diem rate for locations in this Commonwealth as  
22 established and published by the United States General Services  
23 Administration.

24 (u) A district that does not include the residence that a  
25 member of the Senate was elected whether or not scheduled for  
26 election at the next general election shall elect a Senator at  
27 the election.

28 (v) The following words and phrases when used in this  
29 section shall have the meanings given to them in this subsection  
30 unless the context clearly indicates otherwise:

1     "Commission." The Legislative and Congressional  
2     Redistricting Commission.

3     "Community of interest." A contiguous population that shares  
4     common social and economic interests that should be included  
5     within a single district for purposes of its effective and fair  
6     representation. It shall not include relationships with  
7     political parties, incumbents or political candidates.

8     "Federal census." The decennial census required by Federal  
9     law to be conducted by the United States Census Bureau in every  
10    year ending in zero.

11    "Immediate family." A parent, spouse, child, brother or  
12    sister.

13    "Member." A member of the Legislative and Congressional  
14    Redistricting Commission.

15    "Plan." A plan for legislative and congressional  
16    redistricting drawn under the requirements of this section.

17    Section 2. (a) Upon the first passage by the General  
18    Assembly of this proposed constitutional amendment, the  
19    Secretary of the Commonwealth shall proceed immediately to  
20    comply with the advertising requirements of section 1 of Article  
21    XI of the Constitution of Pennsylvania and shall transmit the  
22    required advertisements to two newspapers in every county in  
23    which such newspapers are published in sufficient time after  
24    passage of this proposed constitutional amendment.

25    (b) Upon the second passage by the General Assembly of this  
26    proposed constitutional amendment, the Secretary of the  
27    Commonwealth shall proceed immediately to comply with the  
28    advertising requirements of section 1 of Article XI of the  
29    Constitution of Pennsylvania and shall transmit the required  
30    advertisements to two newspapers in every county in which such

1 newspapers are published in sufficient time after passage of  
2 this proposed constitutional amendment. The Secretary of the  
3 Commonwealth shall submit this proposed constitutional amendment  
4 to the qualified electors of this Commonwealth at the first  
5 primary, general or municipal election which meets the  
6 requirements of and is in conformance with section 1 of Article  
7 XI of the Constitution of Pennsylvania and which occurs at least  
8 three months after the proposed constitutional amendment is  
9 passed by the General Assembly.