

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 22 Session of 2017

INTRODUCED BY BOSCOLA, SCAVELLO, BROWNE, SCHWANK, BLAKE, DINNIMAN, LEACH, WILLIAMS, YUDICHAK, HAYWOOD, FARNESE, FONTANA, TOMLINSON, HUGHES, KILLION, ALLOWAY, MCGARRIGLE, RAFFERTY, TARTAGLIONE, BARTOLOTTA, STREET AND COSTA, FEBRUARY 27, 2017

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, MAY 22, 2018

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 PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE COMMONWEALTH <--
6 OF PENNSYLVANIA, FURTHER PROVIDING FOR THE LEGISLATIVE
7 REAPPORTIONMENT COMMISSION FOR THE PURPOSE OF REAPPORTIONING
8 AND REDISTRICTING THE COMMONWEALTH OF PENNSYLVANIA.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby resolves as follows:

11 ~~Section 1. The following amendment to the Constitution of~~ <--
12 ~~Pennsylvania is proposed in accordance with Article XI:~~

13 ~~That section 17 of Article II be amended to read:~~

14 ~~§ 17. Legislative [Reapportionment] and Congressional~~
15 ~~Redistricting Commission.~~

16 ~~(a) [In each year following the year of the Federal~~
17 ~~decennial census] Not later than December 31 of each year ending~~
18 ~~in zero, a Legislative [Reapportionment] and Congressional~~
19 ~~Redistricting Commission shall be constituted for the purpose of~~

1 ~~{reapportioning} redistricting the Commonwealth. The commission~~
2 ~~shall act by a majority of its entire membership.};~~

3 ~~(1) Conduct an open and transparent process enabling full~~
4 ~~public consideration of and comment on the drawing of district~~
5 ~~lines.~~

6 ~~(2) Draw district lines according to the redistricting~~
7 ~~criteria specified in this section.~~

8 ~~(3) Conduct itself with integrity and fairness.~~

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

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

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

30 ~~Any vacancy in the commission shall be filled within 15 days~~

1 ~~in the same manner in which such position was originally filled.~~

2 ~~(c) No later than 90 days after either the commission has~~
3 ~~been duly certified or the population data for the Commonwealth~~
4 ~~as determined by the Federal census are available, whichever is~~
5 ~~later in time, the commission shall file a preliminary~~
6 ~~reapportionment plan with such elections officer.~~

7 ~~The commission shall have 30 days after filing the~~
8 ~~preliminary plan to make corrections in the plan.~~

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

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

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

29 ~~(f) Any district which does not include the residence from~~
30 ~~which a member of the Senate was elected whether or not~~

1 ~~scheduled for election at the next general election shall elect~~
2 ~~a Senator at such election.~~

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 shall be entitled to such compensation for their~~
7 ~~services as the General Assembly from time to time shall~~
8 ~~determine, but no part thereof shall be paid until a preliminary~~
9 ~~plan is filed. If a preliminary plan is filed but the commission~~
10 ~~fails to file a revised or final plan within the time~~
11 ~~prescribed, the commission members shall forfeit all right to~~
12 ~~compensation not paid.~~

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

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

1 ~~districts.}~~

2 ~~(b) The commission shall consist of 11 members, as follows:~~
3 ~~four who are registered with the largest political party in this~~
4 ~~Commonwealth based on registration, four who are registered with~~
5 ~~the second largest political party in this Commonwealth based on~~
6 ~~registration and three who are not registered with either of the~~
7 ~~two largest political parties in this Commonwealth based on~~
8 ~~registration.~~

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

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

18 ~~(2) Has voted in two of the last three Statewide general~~
19 ~~elections immediately preceding the date of appointment to the~~
20 ~~commission.~~

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

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

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

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

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

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

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

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

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

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

~~(iii) not registered with either of the two largest~~

1 ~~political parties in this Commonwealth based on registration.~~

2 ~~(4) The Secretary of the Commonwealth shall select, on a~~
3 ~~random basis, 40 qualified applicants from each of the three~~
4 ~~subpools provided in paragraph (3). The Majority Leader and~~
5 ~~Minority Leader of the Senate and the Majority Leader and~~
6 ~~Minority Leader of the House of Representatives may each strike~~
7 ~~up to two applicants from each subpool. Each leader shall have~~
8 ~~no more than six strikes.~~

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

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

19 ~~(c) The term of office of each member of the commission~~
20 ~~shall expire at the same time the commission expires as provided~~
21 ~~in this section.~~

22 ~~(f) Removal of a member and vacancies on the commission~~
23 ~~shall be subject to the following:~~

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

29 ~~(2) If a member of the commission has been convicted, found~~
30 ~~guilty or pled guilty or nolo contendere to embezzlement of~~

~~1 public money, bribery, perjury or other infamous crime, whether
2 or not sentence has been imposed, the member's position shall be
3 deemed vacant.~~

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

~~12 (g) A member shall be ineligible to do the following for a
13 period of three years beginning from the expiration of the term
14 for which the member was appointed to the commission:~~

~~15 (1) Serve as a paid staff member or paid consultant to
16 Congress, the General Assembly or staff appointed by the
17 Governor.~~

~~18 (2) Register as a Federal or State lobbyist in this
19 Commonwealth.~~

~~20 (3) Serve as a paid staff member or paid political
21 consultant for a political party, political body, political
22 committee or political action committee.~~

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

~~27 (1) Hold an appointed position or elective public office at
28 the Federal or State level in this Commonwealth.~~

~~29 (2) Be eligible for nomination as a candidate for elective
30 office by a political party or political body.~~

1 ~~(3) Hold office for a political party, political body,~~
2 ~~political committee or political action committee.~~

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

11 ~~(j) To begin the process of preparing information necessary~~
12 ~~to the redistricting process, the commission shall:~~

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

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

1 ~~data obtained to prepare:~~

2 ~~(i) Necessary descriptions of census blocks, voting~~
3 ~~districts, wards, municipalities and counties that census data~~
4 ~~will be reported and that are suitable for use as components of~~
5 ~~districts.~~

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

10 ~~(3) In establishing districts, the commission shall not~~
11 ~~consider the following data:~~

12 ~~(i) Addresses of any individual.~~

13 ~~(ii) Political affiliations of registered voters.~~

14 ~~(iii) Previous election results, unless required by Federal~~
15 ~~or State law.~~

16 ~~(k) The commission shall establish congressional and~~
17 ~~legislative districts pursuant to a mapping process in~~
18 ~~accordance with Federal or State law.~~

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

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

30 ~~(m.1) All commission meetings that are attended or~~

1 ~~participated in by a quorum of the members of the commission~~
2 ~~held for the purpose of deliberating official business of taking~~
3 ~~official action shall be open to the public.~~

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

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

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

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

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

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

1 ~~(iii) Not later than October 15 of each year ending in one,~~
2 ~~the commission shall approve a final redistricting plan. Upon~~
3 ~~approval, the commission shall certify the resulting plan to the~~
4 ~~Secretary of the Commonwealth, and that plan shall constitute~~
5 ~~the certified final plan.~~

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

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

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

30 ~~(2) An aggrieved person who is a registered voter in this~~

1 ~~Commonwealth may file a petition with the Supreme Court within~~
2 ~~30 days after the commission has certified a final plan to the~~
3 ~~Secretary of the Commonwealth to bar the Secretary of the~~
4 ~~Commonwealth from implementing the plan on the grounds that the~~
5 ~~filed plan violates the Constitution of the United States, the~~
6 ~~Constitution of Pennsylvania or any Federal or State statute.~~

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

9 ~~(s) Upon the filing of all redistricting plans required~~
10 ~~under this section and the exhaustion of all appeals of a~~
11 ~~redistricting plan:~~

12 ~~(1) the commission shall expire and the commission's~~
13 ~~responsibilities shall terminate; and~~

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

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

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

1 ~~(v) The following words and phrases when used in this~~
2 ~~section shall have the meanings given to them in this subsection~~
3 ~~unless the context clearly indicates otherwise:~~

4 ~~"Commission." The Legislative and Congressional~~
5 ~~Redistricting Commission.~~

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

11 ~~"Federal census." The decennial census required by Federal~~
12 ~~law to be conducted by the United States Census Bureau in every~~
13 ~~year ending in zero.~~

14 ~~"Immediate family." A parent, spouse, child, brother or~~
15 ~~sister.~~

16 ~~"Member." A member of the Legislative and Congressional~~
17 ~~Redistricting Commission.~~

18 ~~"Plan." A plan for legislative and congressional~~
19 ~~redistricting drawn under the requirements of this section.~~

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

28 ~~(b) Upon the second passage by the General Assembly of this~~
29 ~~proposed constitutional amendment, the Secretary of the~~
30 ~~Commonwealth shall proceed immediately to comply with the~~

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

13 SECTION 1. THE FOLLOWING AMENDMENT TO THE CONSTITUTION OF <--
14 PENNSYLVANIA IS PROPOSED IN ACCORDANCE WITH ARTICLE XI:

15 THAT SECTION 17 OF ARTICLE II BE AMENDED TO READ:

16 § 17. INDEPENDENT LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT
17 AND REDISTRICTING COMMISSION.

18 (A) IN EACH YEAR [FOLLOWING THE YEAR] OF THE FEDERAL
19 DECENNIAL CENSUS, BUT NOT LATER THAN JULY 1, [A] AN INDEPENDENT
20 LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT AND REDISTRICTING
21 COMMISSION SHALL BE CONSTITUTED FOR THE PURPOSE OF
22 REAPPORTIONING AND REDISTRICTING THE COMMONWEALTH. THE
23 COMMISSION SHALL ACT BY A MAJORITY OF ITS ENTIRE MEMBERSHIP.

24 (B) THE COMMISSION SHALL CONSIST OF [FIVE] 11 MEMBERS[: FOUR
25 OF WHOM SHALL BE THE MAJORITY AND MINORITY LEADERS OF BOTH THE
26 SENATE AND THE HOUSE OF REPRESENTATIVES, OR DEPUTIES APPOINTED
27 BY EACH OF THEM, AND A CHAIRMAN SELECTED AS HEREINAFTER
28 PROVIDED.] AND THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW:

29 (1) THE QUALIFICATIONS TO SERVE AS A MEMBER OF THE
30 COMMISSION, PROVIDED THAT NO PERSON WHO HAS HELD ELECTIVE OR

1 APPOINTIVE PUBLIC OFFICE AT THE FEDERAL OR STATE LEVEL OR
2 ELECTIVE JUDICIAL OFFICE IN THIS COMMONWEALTH IN THE FIVE YEARS
3 IMMEDIATELY PRECEDING THE DATE OF APPOINTMENT TO THE COMMISSION
4 SHALL BE ELIGIBLE FOR APPOINTMENT.

5 (2) THE MANNER BY WHICH THE SECRETARY OF THE COMMONWEALTH
6 SHALL PROVIDE FOR AN OPEN AND TRANSPARENT PROCESS TO:

7 (I) RECEIVE APPLICATIONS FOR APPOINTMENT AS A MEMBER OF THE
8 COMMISSION.

9 (II) DETERMINE ELIGIBILITY OF APPLICANTS.

10 (III) ENSURE APPLICANTS TO BE CONSIDERED BY THE GENERAL
11 ASSEMBLY REASONABLY REFLECT THE GEOGRAPHIC, GENDER AND RACIAL
12 DIVERSITY OF THIS COMMONWEALTH.

13 (3) REASONS FOR REMOVING A MEMBER OF THE COMMISSION AND THE
14 MANNER BY WHICH VACANCIES SHALL BE FILLED.

15 (4) THE MANNER BY WHICH THE SECRETARY OF THE COMMONWEALTH
16 SHALL SUBMIT TO THE GENERAL ASSEMBLY A LIST OF QUALIFIED
17 APPLICANTS BY POLITICAL PARTY AFFILIATION.

18 (B.1) UPON RECEIPT OF THE LIST OF QUALIFIED APPLICANTS FROM
19 THE SECRETARY OF THE COMMONWEALTH, MEMBERS OF THE COMMISSION
20 SHALL BE APPOINTED AS FOLLOWS:

21 (1) THE GOVERNOR SHALL RECOMMEND THREE INDIVIDUALS FROM THE
22 LIST OF QUALIFIED APPLICANTS WHO ARE NOT REGISTERED WITH EITHER
23 OF THE TWO LARGEST POLITICAL PARTIES IN THIS COMMONWEALTH BASED
24 UPON REGISTRATION FOR APPROVAL BY A TWO-THIRDS VOTE OF EACH
25 CHAMBER.

26 (2) THE MAJORITY LEADER AND MINORITY LEADER OF THE SENATE
27 SHALL EACH RECOMMEND TWO INDIVIDUALS FROM THE LIST OF QUALIFIED
28 APPLICANTS FOR APPROVAL BY A TWO-THIRDS VOTE OF THE SENATE.

29 (3) THE MAJORITY LEADER AND MINORITY LEADER OF HOUSE OF
30 REPRESENTATIVES SHALL EACH RECOMMEND TWO INDIVIDUALS FROM THE

1 LIST OF QUALIFIED APPLICANTS FOR APPROVAL BY A TWO-THIRDS VOTE
2 OF THE HOUSE OF REPRESENTATIVES.

3 NO LATER THAN [60 DAYS FOLLOWING THE OFFICIAL REPORTING OF
4 THE FEDERAL CENSUS AS REQUIRED BY FEDERAL LAW] JULY 1 IN EACH
5 YEAR OF THE FEDERAL DECENNIAL CENSUS, THE [FOUR] MEMBERS
6 APPROVED UNDER THIS SECTION SHALL BE CERTIFIED BY THE PRESIDENT
7 PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
8 REPRESENTATIVES TO THE ELECTIONS OFFICER OF THE COMMONWEALTH WHO
9 UNDER LAW SHALL HAVE SUPERVISION OVER ELECTIONS.

10 [THE FOUR MEMBERS WITHIN] WITHIN 45 DAYS AFTER THEIR
11 CERTIFICATION, THE MEMBERS SHALL SELECT [THE FIFTH MEMBER, WHO
12 SHALL SERVE AS] A CHAIRMAN OF THE COMMISSION. [, AND SHALL
13 IMMEDIATELY CERTIFY HIS NAME TO SUCH ELECTIONS OFFICER. THE
14 CHAIRMAN SHALL BE A CITIZEN OF THE COMMONWEALTH OTHER THAN A
15 LOCAL, STATE OR FEDERAL OFFICIAL HOLDING AN OFFICE TO WHICH
16 COMPENSATION IS ATTACHED.

17 IF THE FOUR MEMBERS FAIL TO SELECT THE FIFTH MEMBER WITHIN
18 THE TIME PRESCRIBED, A MAJORITY OF THE ENTIRE MEMBERSHIP OF THE
19 SUPREME COURT WITHIN 30 DAYS THEREAFTER SHALL APPOINT THE
20 CHAIRMAN AS AFORESAID AND CERTIFY HIS APPOINTMENT TO SUCH
21 ELECTIONS OFFICER.

22 ANY VACANCY IN THE COMMISSION SHALL BE FILLED WITHIN 15 DAYS
23 IN THE SAME MANNER IN WHICH SUCH POSITION WAS ORIGINALLY
24 FILLED.] IF THE 11 MEMBERS FAIL TO SELECT A CHAIRMAN WITHIN THE
25 TIME PRESCRIBED, THE GENERAL ASSEMBLY, BY A TWO-THIRDS VOTE OF
26 EACH CHAMBER, SHALL APPOINT THE CHAIRMAN OF THE COMMISSION
27 WITHIN 30 DAYS.

28 (C) NO LATER THAN 90 DAYS AFTER EITHER THE COMMISSION HAS
29 BEEN DULY CERTIFIED OR THE POPULATION DATA FOR THE COMMONWEALTH
30 AS DETERMINED BY THE FEDERAL CENSUS ARE AVAILABLE, WHICHEVER IS

1 LATER IN TIME, THE COMMISSION SHALL FILE A PRELIMINARY
2 REAPPORTIONMENT AND REDISTRICTING PLAN WITH SUCH ELECTIONS
3 OFFICER[.] BASED UPON FEDERAL CENSUS DATA FOR EACH GEOGRAPHIC
4 AND POLITICAL UNIT. THE PRELIMINARY REAPPORTIONMENT AND
5 REDISTRICTING PLAN MUST BE APPROVED BY AT LEAST SEVEN
6 AFFIRMATIVE VOTES THAT MUST INCLUDE AT LEAST TWO VOTES OF
7 MEMBERS REGISTERED FROM EACH OF THE TWO LARGEST POLITICAL
8 PARTIES IN THIS COMMONWEALTH BASED ON REGISTRATION AND TWO VOTES
9 OF MEMBERS NOT REGISTERED WITH EITHER OF THE TWO LARGEST
10 POLITICAL PARTIES BASED UPON REGISTRATION. THE COMMISSION SHALL
11 SCHEDULE AND CONDUCT AT LEAST SIX PUBLIC HEARINGS IN DIFFERENT
12 GEOGRAPHIC REGIONS THROUGHOUT THIS COMMONWEALTH.

13 IN ADDITION TO THE REQUIREMENTS OF SECTION 16, THE FOLLOWING
14 SHALL APPLY:

15 (1) A COUNTY MAY NOT CONTAIN MORE SENATORIAL DISTRICTS THAN
16 THE NUMBER REQUIRED BY THE POPULATION PLUS ONE.

17 (2) A COUNTY MAY NOT CONTAIN MORE REPRESENTATIVE DISTRICTS
18 THAN THE NUMBER REQUIRED BY THE POPULATION PLUS TWO.

19 (3) DISTRICTS SHALL EACH HAVE A POPULATION AS CLOSE TO THE
20 APPLICABLE IDEAL DISTRICT POPULATION AS POSSIBLE AND SHALL BE
21 COMPOSED OF COMPACT AND CONTIGUOUS TERRITORY AND, UNLESS
22 ABSOLUTELY NECESSARY, NO COUNTY, CITY, INCORPORATED TOWN,
23 BOROUGH, TOWNSHIP OR WARD SHALL BE DIVIDED IN FORMING
24 CONGRESSIONAL DISTRICTS.

25 (4) THE BOUNDARIES OF EACH DISTRICT SHALL BE A SINGLE NON-
26 INTERSECTING CONTINUOUS LINE.

27 (5) IN ESTABLISHING DISTRICTS, THE COMMISSION SHALL NOT
28 CONSIDER THE FOLLOWING DATA:

29 (I) ADDRESSES OF ANY INDIVIDUAL.

30 (II) POLITICAL AFFILIATION OF REGISTERED VOTERS.

1 (III) PREVIOUS ELECTION RESULTS, UNLESS REQUIRED BY FEDERAL
2 LAW.

3 (6) ALL MEETINGS OF THE COMMISSION AT WHICH A QUORUM IS
4 PRESENT HELD FOR THE PURPOSE OF DELIBERATING OFFICIAL BUSINESS
5 OR TAKING OFFICIAL ACTION SHALL BE CONDUCTED IN AN OPEN FORUM
6 AND IN A MANNER BY WHICH THE PUBLIC MAY CONTEMPORANEOUSLY
7 OBSERVE THE PROCEEDINGS.

8 (7) COMMISSION MEMBERS AND THEIR EMPLOYEES AND ADVISORS
9 SHALL NOT COMMUNICATE WITH OR RECEIVE COMMUNICATIONS FROM ANY
10 OTHER PERSON ABOUT REAPPORTIONMENT OR REDISTRICTING MATTERS
11 UNLESS DURING AN OPEN PUBLIC MEETING OR UNDER SUCH EXCEPTIONS AS
12 THE GENERAL ASSEMBLY MAY PRESCRIBE BY LAW.

13 THE COMMISSION SHALL HAVE 30 DAYS AFTER FILING THE
14 PRELIMINARY PLAN AND COMPLETING THE SIX PUBLIC HEARINGS ON THE
15 PLAN TO MAKE CORRECTIONS IN THE PLAN.

16 ANY PERSON AGGRIEVED BY THE PRELIMINARY PLAN SHALL HAVE THE
17 SAME 30-DAY PERIOD TO FILE EXCEPTIONS WITH THE COMMISSION IN
18 WHICH CASE THE COMMISSION SHALL HAVE 30 DAYS AFTER THE DATE THE
19 EXCEPTIONS WERE FILED TO PREPARE AND FILE WITH SUCH ELECTIONS
20 OFFICER A REVISED REAPPORTIONMENT AND REDISTRICTING PLAN. IF NO
21 EXCEPTIONS ARE FILED WITHIN 30 DAYS, OR IF FILED AND ACTED UPON,
22 THE COMMISSION'S PLAN SHALL BE FINAL AND HAVE THE FORCE OF LAW.

23 (C.1) THE FINAL REAPPORTIONMENT AND REDISTRICTING PLAN MUST
24 BE APPROVED BY AT LEAST SEVEN AFFIRMATIVE VOTES THAT MUST
25 INCLUDE AT LEAST TWO VOTES OF MEMBERS REGISTERED FROM EACH OF
26 THE TWO LARGEST POLITICAL PARTIES IN THIS COMMONWEALTH BASED ON
27 REGISTRATION AND TWO VOTES OF MEMBERS NOT REGISTERED WITH EITHER
28 OF THE TWO LARGEST POLITICAL PARTIES BASED UPON REGISTRATION.

29 (D) ANY AGGRIEVED PERSON MAY FILE AN APPEAL FROM THE FINAL
30 PLAN DIRECTLY TO THE SUPREME COURT WITHIN 30 DAYS AFTER THE

1 FILING THEREOF. IF THE APPELLANT ESTABLISHES THAT THE FINAL PLAN
2 IS CONTRARY TO LAW, THE SUPREME COURT SHALL ISSUE AN ORDER
3 REMANDING THE PLAN TO THE COMMISSION AND DIRECTING THE
4 COMMISSION TO REAPPORTION AND REDISTRRICT THE COMMONWEALTH IN A
5 MANNER NOT INCONSISTENT WITH SUCH ORDER.

6 (E) WHEN THE SUPREME COURT HAS FINALLY DECIDED AN APPEAL OR
7 WHEN THE LAST DAY FOR FILING AN APPEAL HAS PASSED WITH NO APPEAL
8 TAKEN, THE REAPPORTIONMENT AND REDISTRICKING PLAN SHALL HAVE THE
9 FORCE OF LAW AND THE DISTRICTS THEREIN PROVIDED SHALL BE USED
10 THEREAFTER IN ELECTIONS TO THE GENERAL ASSEMBLY UNTIL THE NEXT
11 REAPPORTIONMENT AND REDISTRICKING AS REQUIRED UNDER THIS SECTION
12 17.

13 (F) ANY DISTRICT WHICH DOES NOT INCLUDE THE RESIDENCE FROM
14 WHICH A MEMBER OF THE SENATE WAS ELECTED WHETHER OR NOT
15 SCHEDULED FOR ELECTION AT THE NEXT GENERAL ELECTION SHALL ELECT
16 A SENATOR AT SUCH ELECTION.

17 (G) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS
18 FOR THE COMPENSATION AND EXPENSES OF MEMBERS AND STAFF APPOINTED
19 BY THE COMMISSION, AND OTHER NECESSARY EXPENSES. THE MEMBERS OF
20 THE COMMISSION SHALL BE ENTITLED TO SUCH COMPENSATION FOR THEIR
21 SERVICES AS THE GENERAL ASSEMBLY FROM TIME TO TIME SHALL
22 DETERMINE, BUT NO PART THEREOF SHALL BE PAID UNTIL A PRELIMINARY
23 PLAN IS FILED. IF A PRELIMINARY PLAN IS FILED BUT THE COMMISSION
24 FAILS TO FILE A REVISED OR FINAL PLAN WITHIN THE TIME
25 PRESCRIBED, THE COMMISSION MEMBERS SHALL FORFEIT ALL RIGHT TO
26 COMPENSATION NOT PAID.

27 (H) IF A PRELIMINARY, REVISED OR FINAL REAPPORTIONMENT AND
28 REDISTRICKING PLAN IS NOT FILED BY THE COMMISSION [WITHIN THE
29 TIME PRESCRIBED BY THIS SECTION UNLESS THE TIME BE EXTENDED BY
30 THE SUPREME COURT FOR CAUSE SHOWN, THE SUPREME COURT SHALL

1 IMMEDIATELY PROCEED ON ITS OWN MOTION TO REAPPORTION THE
2 COMMONWEALTH.] BY OCTOBER 1 OF EACH YEAR ENDING IN ONE, THE
3 FOLLOWING SHALL APPLY:

4 (1) THE COMMISSION SHALL CONSIDER PROPOSED MAPS FOR
5 CONGRESSIONAL, SENATORIAL AND REPRESENTATIVE DISTRICTS AS
6 SEPARATE CATEGORIES.

7 (2) NOT LATER THAN OCTOBER 15 OF EACH YEAR ENDING IN ONE,
8 THE COMMISSION SHALL SUBMIT AT LEAST TWO, BUT NOT MORE THAN
9 THREE, MAPS IN EACH CATEGORY TO THE GENERAL ASSEMBLY. ALL MAPS
10 SUBMITTED TO THE GENERAL ASSEMBLY UNDER THIS PARAGRAPH SHALL BE
11 MADE AVAILABLE FOR REVIEW BY THE PUBLIC FOR A PERIOD OF NOT LESS
12 THAN 10 DAYS PRIOR TO ANY VOTE BY THE GENERAL ASSEMBLY.

13 (3) THE GENERAL ASSEMBLY SHALL APPROVE ONE MAP SUBMITTED IN
14 EACH CATEGORY BY A TWO-THIRDS VOTE OF EACH CHAMBER.

15 (4) ANY PLAN APPROVED BY THE COMMISSION FINALLY SHALL
16 SUPERSEDE ALL PREVIOUS PLANS.

17 (I) ANY REAPPORTIONMENT AND REDISTRICTING PLAN FILED BY THE
18 COMMISSION, OR [ORDERED OR PREPARED] APPROVED BY THE [SUPREME
19 COURT] GENERAL ASSEMBLY UPON THE FAILURE OF THE COMMISSION TO
20 ACT, SHALL BE PUBLISHED BY THE ELECTIONS OFFICER ONCE IN AT
21 LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN EACH SENATORIAL
22 AND REPRESENTATIVE DISTRICT. THE PUBLICATION SHALL CONTAIN A MAP
23 OF THE COMMONWEALTH SHOWING THE COMPLETE REAPPORTIONMENT AND
24 REDISTRICTING OF THE GENERAL ASSEMBLY BY DISTRICTS, AND A MAP
25 SHOWING THE [REAPPORTIONMENT] REAPPORTIONED AND REDISTRICTED
26 DISTRICTS IN THE AREA NORMALLY SERVED BY THE NEWSPAPER IN WHICH
27 THE PUBLICATION IS MADE. THE PUBLICATION SHALL ALSO STATE THE
28 POPULATION OF THE SENATORIAL AND REPRESENTATIVE DISTRICTS HAVING
29 THE SMALLEST AND LARGEST POPULATION AND THE PERCENTAGE VARIATION
30 OF SUCH DISTRICTS FROM THE AVERAGE POPULATION FOR SENATORIAL AND

1 REPRESENTATIVE DISTRICTS.

2 SECTION 2. (A) UPON THE FIRST PASSAGE BY THE GENERAL
3 ASSEMBLY OF THIS PROPOSED CONSTITUTIONAL AMENDMENT, THE
4 SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO
5 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE
6 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE
7 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN
8 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER
9 PASSAGE OF THIS PROPOSED CONSTITUTIONAL AMENDMENT.

10 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THIS
11 PROPOSED CONSTITUTIONAL AMENDMENT, THE SECRETARY OF THE
12 COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE
13 ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE XI OF THE
14 CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED
15 ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH
16 NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF
17 THIS PROPOSED CONSTITUTIONAL AMENDMENT. THE SECRETARY OF THE
18 COMMONWEALTH SHALL SUBMIT THIS PROPOSED CONSTITUTIONAL AMENDMENT
19 TO THE QUALIFIED ELECTORS OF THIS COMMONWEALTH AT THE FIRST
20 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
21 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF ARTICLE
22 XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH OCCURS AT LEAST
23 THREE MONTHS AFTER THE PROPOSED CONSTITUTIONAL AMENDMENT IS
24 PASSED BY THE GENERAL ASSEMBLY.