

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1240** Session of  
1979

INTRODUCED BY REED, CIMINI, BORSKI, LAUGHLIN, PUCCIARELLI AND  
KOWALYSHYN, MAY 8, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 8, 1979

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, providing for legislative and congressional  
3 reapportionment.

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

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

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

10 [§ 17. Legislative Reapportionment Commission.

11 (a) In each year following that in which the Federal  
12 decennial census is officially reported as required by Federal  
13 law, a Legislative Reapportionment Commission shall be  
14 constituted for the purpose of reapportioning the Commonwealth.  
15 The commission shall act by a majority of its entire membership.

16 (b) The commission shall consist of five members: four of  
17 whom shall be the majority and minority leaders of both the  
18 Senate and the House of Representatives, or deputies appointed

1 by each of them, and a chairman selected as hereinafter  
2 provided. No later than the fourth Monday in January of the year  
3 following the year in which the Federal decennial census is  
4 officially reported as required by Federal law, the four members  
5 shall be certified by the President pro tempore of the Senate  
6 and the Speaker of the House of Representatives to the elections  
7 officer of the Commonwealth who under law shall have supervision  
8 over elections.

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

15 If the four members fail to select the fifth member within  
16 the time prescribed, a majority of the entire membership of the  
17 Supreme Court within 30 days thereafter shall appoint the  
18 chairman as aforesaid and certify his appointment to such  
19 elections officer.

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

22 (c) No later than 90 days after either the commission has  
23 been duly certified or the population data for the Commonwealth  
24 as determined by the Federal decennial census are available,  
25 whichever is later in time, the commission shall file a  
26 preliminary reapportionment plan with such elections officer.

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

29 Any person aggrieved by the preliminary plan shall have the  
30 same 30-day period to file exceptions with the commission in

1 which case the commission shall have 30 days after the date the  
2 exceptions were filed to prepare and file with such elections  
3 officer a revised reapportionment plan. If no exceptions are  
4 filed within 30 days, or if filed and acted upon, the  
5 commissions's plan shall be final and have the force of law.

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

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

19 (f) The General Assembly shall appropriate sufficient funds  
20 for the compensation and expenses of members and staff appointed  
21 by the commission, and other necessary expenses. The members of  
22 the commission shall be entitled to such compensation for their  
23 services as the General Assembly from time to time shall  
24 determine, but no part thereof shall be paid until a preliminary  
25 plan is filed. If a preliminary plan is filed but the commission  
26 fails to file a revised or final plan within the time  
27 prescribed, the commission members shall forfeit all right to  
28 compensation not paid.

29 (g) If a preliminary, revised or final reapportionment plan  
30 is not filed by the commission within the time prescribed by

1 this section, unless the time be extended by the Supreme Court  
2 for cause shown, the Supreme Court shall immediately proceed on  
3 its own motion to reapportion the Commonwealth.

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

18 § 17. Legislative and Congressional Reapportionment.

19 (a) In each year following that in which the Federal  
20 decennial census is officially reported as required by Federal  
21 law, the Commonwealth of Pennsylvania shall be divided into as  
22 many congressional districts as there are members of the House  
23 of Representatives of the United States apportioned to the  
24 Commonwealth, as many representative districts as the number of  
25 members of the House of Representatives of Pennsylvania as  
26 provided by law, and as many senatorial districts as the number  
27 of members of the Senate of Pennsylvania, as provided by law.

28 (b) In each year following that in which the Federal  
29 decennial census is officially reported as required by Federal  
30 law and at any other time of court ordered reapportionment, a

1 reapportionment commission shall be established to prepare a  
2 reapportionment plan for State legislative and congressional  
3 districts. The commission shall consist of five members, none of  
4 whom may be public officials. The President of the Senate, the  
5 Speaker of the House, the Minority Leader of the Senate, and the  
6 Minority Leader of the House shall each select one member. The  
7 four members so selected shall select, by a vote of at least  
8 three members, a fifth member who shall serve as chairman. The  
9 General Assembly shall establish by law qualifications of  
10 commissioners and procedures for their selection and the filling  
11 of vacancies. It shall establish by law the duties and powers of  
12 the commission and appropriate funds to enable the commission to  
13 carry out its duties.

14 (c) (i) Legislative districts for each House of the General  
15 Assembly shall have population as nearly equal as is practicable  
16 based on the population reported in the Federal census. The  
17 average percentage deviation of all districts of a house from  
18 the average population of all districts in that house shall not  
19 exceed 1%. A district shall not have a population which varies  
20 from the average population of all districts, unless a  
21 population variance is necessary to comply with one of the other  
22 criteria set forth in this section. A single district shall not  
23 have a population which varies by more than 5% from the average  
24 population of all districts. Whenever a petition challenging a  
25 plan adopted by the commission is filed with the Supreme Court,  
26 the commission shall have the burden of justifying any variance  
27 between the population of a district and the average population  
28 of all districts.

29 (ii) Congressional districts shall have population as nearly  
30 equal as is practicable based on the population reported in the

Federal census. No district for election of members to the United States House of Representatives shall have a population which varies by more than 1% from the average population of all Congressional districts in the State. Whenever a petition challenging a plan adopted by the commission is filed with the Supreme Court, the commission shall have the burden of justifying any variance between the population of a district and the average population of all districts.

(iii) To the extent consistent with clauses (i) and (ii), district lines shall be drawn to coincide with the boundaries of local political subdivisions.

(iv) Districts shall be composed of convenient contiguous territory.

(v) Districts shall be compact in form. The aggregate length of all district boundaries shall be as short as practicable consistent with the criteria contained in clauses (i), (ii), (iii) and (iv). In no case shall the aggregate length of the boundaries of all districts be in excess of 10% greater than the shortest possible aggregate length of a plan that is consistent with the other criteria contained herein.

(vi) No district shall be drawn for the purpose of favoring any political party, incumbent legislator, or other person. In preparing a plan, the commission shall not take into account the address of incumbent legislators, the political affiliations of registered voters, previous election results, or demographic information other than population head counts.

(vii) No district shall be drawn for the purpose of diluting the voting strength of any national or racial minority group.

(viii) The General Assembly may define by law criteria not in conflict with the Constitution of the United States or this

1 Constitution, designed to guarantee fair and effective  
2 representation for all citizens.

3 (d) The Supreme Court shall have original jurisdiction over  
4 any apportionment matter. The court shall have jurisdiction to  
5 compel the commission or any person to perform duties required  
6 by this section or any law enacted pursuant to this section upon  
7 petition of a registered voter. A registered voter may file a  
8 petition with the Supreme Court challenging a plan of the  
9 commission within 45 days of the adoption of a plan. The court  
10 may consolidate petitions and shall give petitions regarding  
11 apportionment precedence over all other matters. It shall render  
12 its decision within 60 days after a petition is filed. If the  
13 court finds the plan is not consistent with the requirements of  
14 any Federal or State constitutional or statutory provision, the  
15 court shall declare the plan invalid in whole or in part and  
16 shall order the commission to prepare a new plan within 60 days.

17 (e) A reapportionment plan shall be in force until the  
18 effective date of a plan based upon the following Federal census  
19 officially reported as required by Federal law, unless modified  
20 pursuant to court order. A plan shall not be subject to  
21 amendment, approval, or repeal by initiative, referendum or act  
22 of the General Assembly.