

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 590 Session of
1989

INTRODUCED BY ARGALL, FREEMAN, ALLEN, J. L. WRIGHT, RYBAK,
BOYES, GODSHALL, NOYE, JOHNSON, DISTLER, TIGUE, J. TAYLOR,
MERRY, BURD, PHILLIPS, MRKONIC, BARLEY, MORRIS, FARGO,
PISTELLA, ANGSTADT, D. W. SNYDER, LASHINGER, LEH, McHALE,
WOZNIAK, VROON, DIETTERICK, RAYMOND, McCALL AND BISHOP,
FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 15, 1989

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, establishing criteria to be followed by the
3 Legislative Reapportionment Commission in performing its
4 duties.

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 sections 16 and 17 of Article II be amended to read:

10 § 16. Legislative districts.

11 The Commonwealth shall be divided into 50 senatorial and 203
12 representative districts, which shall be composed of compact and
13 contiguous territory as nearly equal in population as
14 practicable. Each senatorial district shall elect one Senator,
15 and each representative district one Representative. Unless
16 absolutely necessary no county, city, incorporated town,

1 borough, township or ward shall be divided in forming either a
2 senatorial or representative district. To the extent consistent
3 with other requirements, district lines shall be drawn to
4 coincide with the boundaries of local political subdivisions.
5 The number of instances where any county, city, incorporated
6 town, borough or township is split into more than one district
7 shall be as few as possible. No incorporated town, borough or
8 township shall be divided among more than two districts. Where
9 there is a choice between dividing local political subdivisions,
10 the more populous political subdivision shall be divided before
11 the less populous as much as practical. To the extent consistent
12 with other requirements, the Legislative Reapportionment
13 Commission shall consider neighborhood integrity, historical
14 recognition of communities, the present district boundaries,
15 topography and artificial and natural boundaries in drawing the
16 districts. No district shall be drawn for the purpose of
17 diluting the voting strength of any language or racial minority
18 group.

19 § 17. Legislative Reapportionment Commission.

20 (a) In each year following the year of the Federal decennial
21 census, a Legislative Reapportionment Commission shall be
22 constituted for the purpose of reapportioning the Commonwealth.
23 The commission shall act by a majority of its entire membership.

24 (b) The commission shall consist of five members: four of
25 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. No later than 60 days following the official reporting
29 of the Federal decennial census as required by Federal law, the
30 four members shall be certified by the President pro tempore of

1 the Senate and the Speaker of the House of Representatives to
2 the [elections officer] Secretary of the Commonwealth who under
3 law shall have supervision over elections.

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

10 If the four members fail to select the fifth member within
11 the time prescribed, a majority of the entire membership of the
12 Supreme Court within 30 days thereafter shall appoint the
13 chairman as aforesaid and certify his appointment to such
14 elections officer.

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

17 (c) No later than 90 days after either the commission has
18 been duly certified or the population data for the Commonwealth
19 as determined by the Federal decennial census are available,
20 whichever is later in time, the commission shall file a
21 preliminary reapportionment plan with such elections officer.
22 Within one week of its filing, the preliminary reapportionment
23 plan with an accompanying report of the commission shall be
24 published by the Secretary of the Commonwealth. Any deviation
25 from the criteria prescribed by this section and section 16 of
26 this article shall be set forth in the report accompanying the
27 plan and the reasons for any such deviation shall be stated.

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

30 Any person aggrieved by the preliminary plan shall have the

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

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

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

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

30 (g) If a preliminary, revised or final reapportionment plan

1 is not filed by the commission within the time prescribed by
2 this section, unless the time be extended by the Supreme Court
3 for cause shown, the Supreme Court shall immediately proceed on
4 its own motion to reapportion the Commonwealth.

5 (h) Any reapportionment plan filed by the commission, or
6 ordered or prepared by the Supreme Court upon the failure of the
7 commission to act, shall be published by the elections officer
8 once in at least one newspaper of general circulation in each
9 senatorial and representative district. The publication shall
10 [contain] set forth the plan and the report of the commission,
11 which shall include a map of the Commonwealth showing the
12 complete reapportionment of the General Assembly by districts,
13 and a map showing the reapportionment districts in the area
14 normally served by the newspaper in which the publication is
15 made. The publication shall also state the population of the
16 senatorial and representative districts having the smallest and
17 largest population and the percentage variation of such
18 districts from the average population for senatorial and
19 representative districts. It shall also state all instances
20 where any county, city, incorporated town, borough or township
21 was divided into more than one district. Any other deviations
22 from the criteria prescribed by this section and section 16 of
23 this article shall be set forth, and the reasons for such
24 deviation shall be stated.