

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2503

Session of
1992

INTRODUCED BY KUKOVICH, CAPPABIANCA, LEVDANSKY, BELARDI, LINTON,
VAN HORNE, ITKIN, MIHALICH, MELIO, BELFANTI, STETLER,
STABACK, BLAUM, BATTISTO, MUNDY, TIGUE, MAIALE, JOSEPHS,
McHALE, HARPER, KOSINSKI, KRUSZEWSKI, FAIRCHILD, GEIST,
HERMAN, LEE AND BUNT, MARCH 17, 1992

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 17, 1992

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for reapportionment of districts
3 for the United States House of Representatives.

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 Pennsylvania is proposed in accordance with Article XI:

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

9 § 17. [Legislative] Reapportionment Commission.

10 (a) In each year following the year of the Federal decennial
11 census, a [Legislative] Reapportionment Commission shall be
12 constituted for the purpose of reapportioning and redistricting
13 the Commonwealth into Federal representative, State senatorial
14 and State representative districts. The commission shall act by
15 a majority of its entire membership.

16 (b) The commission shall consist of five members: four of

1 whom shall be the majority and minority leaders of both the
2 Senate and the House of Representatives, or deputies appointed
3 by each of them, and a chairman selected as hereinafter
4 provided. No later than [60] 30 days following the official
5 reporting of the Federal decennial census as required by Federal
6 law, the four members shall be certified by the President pro
7 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 [45] 30 days after their
11 certification shall select the fifth member, who shall serve as
12 chairman of the commission, and shall immediately certify his
13 name to such elections officer. The chairman shall be a citizen
14 of the Commonwealth other than a local, State or Federal
15 official holding an office to which compensation is attached.

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

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

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

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

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

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

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

21 (f) From the day the commission votes on the final State
22 reapportionment plan, the commission shall have 20 days to file
23 a preliminary Federal redistricting plan with such elections
24 officer.

25 The commission shall have 20 days after filing the
26 preliminary Federal plan to make corrections in the plan.

27 Any person aggrieved by the preliminary Federal plan shall
28 have the same 20-day period to file exceptions with the
29 commission in which case the commission shall have 20 days after
30 the date the exceptions were filed to prepare and file with such

1 elections officer a revised Federal redistricting plan. If no
2 exceptions are filed within 20 days, or, if filed and acted
3 upon, the commission's plan shall be final and have the force of
4 law.

5 (g) Any aggrieved person may file an appeal from the final
6 Federal plan directly to the Supreme Court within 20 days after
7 the filing thereof. If the appellant establishes that the final
8 Federal plan is contrary to law, the Supreme Court shall issue
9 an order remanding the plan to the commission and directing the
10 commission to redistrict the Commonwealth in a manner not
11 inconsistent with such order.

12 (h) When the Supreme Court has finally decided an appeal or
13 when the last day for filing an appeal has passed with no appeal
14 taken, the Federal redistricting plan shall have the force of
15 law and the districts therein provided shall be used thereafter
16 in elections to the United States House of Representatives until
17 the next redistricting as required under this section 17.

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

29 ~~[(g) If a]~~ (j) If preliminary, revised or final
30 reapportionment [plan is] and redistricting plans are not filed

1 by the commission within the time prescribed by this section,
2 unless the time be extended by the Supreme Court for cause
3 shown, the Supreme Court shall immediately proceed on its own
4 motion to reapportion and/or redistrict the Commonwealth.

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