

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1446 Session of
1998

INTRODUCED BY SALVATORE, MAY 1, 1998

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, MAY 1, 1998

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for the selection of the
3 chairman of the Legislative Reapportionment Commission; and
4 providing for the effective date of newly reapportioned
5 districts and for the election of Senators in certain
6 circumstances.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby resolves as follows:

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

11 (1) That section 17 of Article II be amended to read:

12 § 17. Legislative Reapportionment Commission.

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

17 (b) The commission shall consist of five members: four of
18 whom shall be the majority and minority leaders of both the
19 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 60 days following the official reporting
3 of the Federal decennial census as required by Federal law, the
4 four members shall be certified by the President pro tempore of
5 the Senate and the Speaker of the House of Representatives to
6 the elections officer of the Commonwealth who under law shall
7 have supervision over elections.

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

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

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

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

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

28 Any person aggrieved by the preliminary plan shall have the
29 same 30-day period to file exceptions with the commission in
30 which case the commission shall have 30 days after the date the

1 exceptions were filed to prepare and file with such elections
2 officer a revised reapportionment plan. If no exceptions are
3 filed within 30 days, or if filed and acted upon, the
4 [commissions's] commission's plan shall be final and, unless an
5 appeal is filed under subsection (d), have the force of law for
6 use thereafter in elections to the General Assembly until the
7 next reapportionment as required under this section 17.

8 (d) Any aggrieved person may file an appeal from the final
9 plan directly to the Supreme Court within 30 days after the
10 filing thereof. If the appellant establishes that the final plan
11 is contrary to law, the Supreme Court shall issue an order
12 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 reapportionment plan shall have the force of law [and
18 the districts therein provided shall be used] for use thereafter
19 in elections to the General Assembly until the next
20 reapportionment as required under this section 17.

21 (f) The districts provided in the reapportionment plan shall
22 be effective for representational purposes on the first day of
23 December next after the first general election for the General
24 Assembly which is conducted pursuant to the plan.

25 (g) Any district which does not include the residence of a
26 member of the Senate whether or not scheduled for election at
27 the next general election shall elect a Senator at such
28 election: Provided, however, That no district which is not
29 scheduled for election at the first general election for the
30 General Assembly occurring after the plan has the force of law

1 shall be altered so as to exclude the residence of the Senator
2 representing the district.

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

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

18 [(h)] (j) Any reapportionment plan filed by the commission,
19 or ordered or prepared by the Supreme Court upon the failure of
20 the commission to act, shall be published by the elections
21 officer once in at least one newspaper of general circulation in
22 each senatorial and representative district. The publication
23 shall 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 Section 2. (a) Upon the first passage by the General
3 Assembly of these proposed constitutional amendments, 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 these proposed constitutional amendments.

10 (b) Upon the second passage by the General Assembly of these
11 proposed constitutional amendments, 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 these proposed constitutional amendments. The Secretary of the
18 Commonwealth shall submit these proposed constitutional
19 amendments to the qualified electors of this Commonwealth at the
20 first primary, general or municipal election occurring at least
21 three months after the proposed constitutional amendments are
22 passed by the General Assembly which meets the requirements of
23 and is in conformance with section 1 of Article XI of the
24 Constitution of Pennsylvania.