
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1446 Session of
1998

INTRODUCED BY SALVATORE, LOEPER AND HART, MAY 1, 1998

AS AMENDED ON THIRD CONSIDERATION, JUNE 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, BY AN AFFIRMATIVE VOTE OF THREE MEMBERS, the fifth <—
10 member, who shall serve as chairman of the commission, and shall
11 immediately certify his name to such elections officer. The
12 chairman shall be a citizen of the Commonwealth other than a
13 local, State or Federal official holding an office to which
14 compensation is attached.

15 If the four members fail to select the fifth member within
16 the time prescribed, the Supreme Court, by action of a majority
17 of the entire membership of the Supreme Court plus one within 30
18 days thereafter shall appoint the chairman as aforesaid and
19 certify his appointment to such 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] commission's plan shall be final and, unless an
6 appeal is filed under subsection (d), have the force of law for
7 use thereafter in elections to the General Assembly until the
8 next reapportionment as required under this section 17.

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

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

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

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

1 General Assembly occurring after the plan has the force of law
2 shall be altered so as to exclude the residence of the Senator
3 representing the district.

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

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

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

1 the average population for senatorial and representative
2 districts.

3 Section 2. (a) Upon the first passage by the General
4 Assembly of these proposed constitutional amendments, the
5 Secretary of the Commonwealth shall proceed immediately to
6 comply with the advertising requirements of section 1 of Article
7 XI of the Constitution of Pennsylvania and shall transmit the
8 required advertisements to two newspapers in every county in
9 which such newspapers are published in sufficient time after
10 passage of these proposed constitutional amendments.

11 (b) Upon the second passage by the General Assembly of these
12 proposed constitutional amendments, the Secretary of the
13 Commonwealth shall proceed immediately to comply with the
14 advertising requirements of section 1 of Article XI of the
15 Constitution of Pennsylvania and shall transmit the required
16 advertisements to two newspapers in every county in which such
17 newspapers are published in sufficient time after passage of
18 these proposed constitutional amendments. The Secretary of the
19 Commonwealth shall submit these proposed constitutional
20 amendments to the qualified electors of this Commonwealth at the
21 first primary, general or municipal election occurring at least
22 three months after the proposed constitutional amendments are
23 passed by the General Assembly which meets the requirements of
24 and is in conformance with section 1 of Article XI of the
25 Constitution of Pennsylvania.