

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 2047** Session of  
2007

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INTRODUCED BY CURRY, BRENNAN, CALTAGIRONE, CARROLL, DePASQUALE,  
DeWEESE, FRANKEL, HORNAMAN, KORTZ, PETRONE, SCHRODER AND  
McILVAINE SMITH, NOVEMBER 21, 2007

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 21, 2007

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## A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, deleting provisions relating to  
3 the Legislative Reapportionment Commission; and providing for  
4 the Reapportionment Commission and for its powers and duties.

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

7 Section 1. The following integrated amendments to the  
8 Constitution of Pennsylvania are proposed in accordance with  
9 Article XI:

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

11 [§ 17. Legislative Reapportionment Commission.

12 (a) In each year following the year of the Federal decennial  
13 census, 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 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, a majority of the entire membership of the  
16 Supreme Court within 30 days thereafter shall appoint the  
17 chairman as aforesaid and certify his appointment to such  
18 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 plan shall be final and have the force of law.

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

12 (e) 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 reapportionment plan shall have the force of law and  
15 the districts therein provided shall be used thereafter in  
16 elections to the General Assembly until the next reapportionment  
17 as required under this section 17.

18 (f) Any district which does not include the residence from  
19 which a member of the Senate was elected whether or not  
20 scheduled for election at the next general election shall elect  
21 a Senator at such election.

22 (g) The General Assembly shall appropriate sufficient funds  
23 for the compensation and expenses of members and staff appointed  
24 by the commission, and other necessary expenses. The members of  
25 the commission shall be entitled to such compensation for their  
26 services as the General Assembly from time to time shall  
27 determine, but no part thereof shall be paid until a preliminary  
28 plan is filed. If a preliminary plan is filed but the commission  
29 fails to file a revised or final plan within the time  
30 prescribed, the commission members shall forfeit all right to

1 compensation not paid.

2 (h) If a preliminary, revised or final reapportionment plan  
3 is not filed by the commission within the time prescribed by  
4 this section, unless the time be extended by the Supreme Court  
5 for cause shown, the Supreme Court shall immediately proceed on  
6 its own motion to reapportion the Commonwealth.

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

21 (2) That Article II be amended by adding a section to read:  
22 § 18. Reapportionment Commission.

23 (a) In each year following the Federal decennial census, a  
24 Reapportionment Commission shall be constituted for the purpose  
25 of reapportioning the districts of the Senate and House of  
26 Representatives of the General Assembly and the districts  
27 apportioned to the Commonwealth in the House of Representatives  
28 of the United States Congress. Unless otherwise directed by  
29 court order, legislative and congressional reapportionment shall  
30 only be permitted once in the decade following the Federal

1 decennial census.

2 (b) (1) The commission shall consist of five members: four  
3 of whom shall be the majority and minority leaders, or deputies  
4 appointed by each of them, and a chairman selected as provided  
5 in this section.

6 (2) The Supreme Court shall appoint one member who shall  
7 serve as chairman and is a registered voter within this  
8 Commonwealth for at least two years prior to appointment. The  
9 chairman shall not hold an office of Federal, State or local  
10 government to which compensation is attached at the time of his  
11 appointment. The chairman shall not have held a position within  
12 a political party for at least ten years prior to appointment.

13 (3) No later than 60 days following the official reporting  
14 of the Federal decennial census as required by Federal law, the  
15 four members of the commission shall be certified by the  
16 President pro tempore of the Senate and the Speaker of the House  
17 of Representatives to the elections officer of the Commonwealth  
18 who under law shall have supervision over elections. The Supreme  
19 Court shall appoint the chairman of the commission during the  
20 same 60-day period and shall certify the appointment to the  
21 elections officer of the Commonwealth.

22 (4) Any vacancy in the commission shall be filled within 15  
23 days in the same manner in which such position was originally  
24 filled.

25 (c) The commission may not divide any voting precinct that  
26 forms a single polygon in drafting any reapportionment plan. The  
27 commission may not divide any county, city, township, borough or  
28 incorporated town unless absolutely necessary. In finding that a  
29 division is necessary, the commission shall file the findings in  
30 an addendum to each plan adopted by the commission. The

1 appropriate addendum shall be submitted to the General Assembly  
2 and the Supreme Court along with each reapportionment plan under  
3 the provisions of this section. The commission shall make an  
4 effort to ensure that each district is as compact in area as  
5 practicable.

6 (d) (1) No later than 60 days after either the commission  
7 has been duly certified or usable population data for this  
8 Commonwealth is available, whichever is later in time, the  
9 commission shall file a preliminary reapportionment plan for the  
10 General Assembly with the elections officer.

11 (2) A public comment period of 30 days shall commence with  
12 the filing of the preliminary plan. The commission shall conduct  
13 public hearings during the public comment period.

14 (e) The commission shall have 30 days after the date of the  
15 expiration of the public comment period to prepare and adopt a  
16 revised reapportionment plan for both Houses of the General  
17 Assembly.

18 (f) Any aggrieved person may file an appeal from the final  
19 plan directly to the Supreme Court within 30 days after the  
20 filing of the final plan. If the appellant establishes that the  
21 final plan is contrary to law, the Supreme Court shall issue an  
22 order remanding the plan to the commission and directing the  
23 commission to reapportion the Commonwealth in a manner not  
24 inconsistent with the order. The commission shall then have up  
25 to 30 days to submit the reapportionment plan to the Supreme  
26 Court.

27 (g) The General Assembly shall appropriate sufficient funds  
28 for the compensation and expenses of members and staff appointed  
29 by the commission, and other necessary expenses. The members of  
30 the commission who are not elected members of the General

1 Assembly shall be entitled to such compensation for their  
2 services as the General Assembly from time to time shall  
3 determine, but no part thereof shall be paid until a preliminary  
4 legislative reapportionment plan is filed. If a preliminary plan  
5 is filed but the commission fails to file a revised or a final  
6 plan within the time prescribed, the commission members shall  
7 forfeit all right to compensation not paid.

8 (h) If a preliminary or final legislative reapportionment  
9 plan is not filed by the commission within the time prescribed  
10 by this section, unless the time is extended by the Supreme  
11 Court for cause shown, the Supreme Court shall immediately  
12 proceed on its own motion to reapportion this Commonwealth.

13 (i) Any reapportionment plan filed by the commission or  
14 ordered by the Supreme Court upon failure of the commission to  
15 act shall be published by the elections officer once in at least  
16 one newspaper of general circulation in each senatorial and  
17 representative district. The publication shall contain a map of  
18 this Commonwealth showing the complete reapportionment of the  
19 General Assembly by districts, and a map showing the  
20 reapportionment districts in the area normally served by the  
21 newspaper in which the publication is made. The publication  
22 shall also state the population of the senatorial and  
23 representative districts having the smallest and largest  
24 population and the percentage variation of those districts from  
25 the average population for senatorial and representative  
26 districts.

27 (j) (1) No later than 20 days after the final legislative  
28 reapportionment plan has been approved by the Supreme Court, the  
29 commission shall file a preliminary reapportionment plan for  
30 Representatives in the United States Congress with the chief

1 elections officer of the Commonwealth.

2 (2) A public comment period of 30 days shall commence with  
3 the filing of the preliminary congressional plan. The commission  
4 shall conduct public hearings during the public comment period.

5 (k) The commission shall have 20 days after the date of the  
6 expiration of the public comment period to prepare and adopt a  
7 final reapportionment plan for Representatives in the United  
8 States Congress.

9 (l) Any aggrieved person may file an appeal from the final  
10 plan directly to the Supreme Court within 30 days after the  
11 filing of the final plan. If the appellant establishes that the  
12 final plan is contrary to law, the Supreme Court shall issue an  
13 order remanding the plan to the commission and directing the  
14 commission to reapportion this Commonwealth in a manner not  
15 inconsistent with the order. The commission shall then have up  
16 to 15 days to submit the reapportionment plan to the Supreme  
17 Court.

18 (m) If a preliminary or final congressional reapportionment  
19 plan is not filed by the commission within the time prescribed  
20 by this section, unless the time is extended by the Supreme  
21 Court for cause shown, the Supreme Court shall immediately  
22 proceed on its own motion to reapportion the congressional  
23 districts of this Commonwealth.

24 (n) Any congressional reapportionment plan filed by the  
25 commission or ordered by the Supreme Court upon failure of the  
26 commission to act shall be published by the elections officer  
27 once in at least one newspaper of general circulation in each  
28 congressional district. The publication shall contain a map of  
29 this Commonwealth showing the complete reapportionment of the  
30 congressional districts, and a map showing the reapportioned



1 districts in the area normally served by the newspaper in which  
2 the publication is made. The publication shall also state the  
3 population of the congressional districts having the smallest  
4 and largest population and the percentage variation of those  
5 districts from the average population for congressional  
6 districts.

7 (o) In the event an entirely new senatorial district is  
8 formed and the district would not normally be electing a member  
9 of the Senate in the following general election, the district  
10 shall initially elect a Senator for a term of two years in the  
11 general election. The district shall thereafter elect a Senator  
12 for a term of four years. No member of the Senate shall continue  
13 to serve in office after another member of the Senate begins  
14 that member's term of service on the first day of December next  
15 after the election representing that district.

16 (p) (1) Congressional districts shall each have a  
17 population as nearly equal as practicable.

18 (2) Legislative districts shall be established on the basis  
19 of population. In no case shall the deviation of the overall  
20 range of population of the most populous district from the least  
21 populous district be greater than 8% of the average district  
22 population for each House.

23 (q) Nothing contained in this section shall preclude the  
24 General Assembly from enacting legislation that further defines  
25 the provisions of this section or provides for additional  
26 requirements or restrictions for legislative or congressional  
27 reapportionment.

28 Section 2. (a) Upon the first passage by the General  
29 Assembly of these proposed constitutional amendments, the  
30 Secretary of the Commonwealth shall proceed immediately to

1 comply with the advertising requirements of section 1 of Article  
2 XI of the Constitution of Pennsylvania and shall transmit the  
3 required advertisements to two newspapers in every county in  
4 which such newspapers are published in sufficient time after  
5 passage of these proposed constitutional amendments.

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