

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2734 Session of  
2008

INTRODUCED BY CURRY, BENNINGHOFF, BIANCUCCI, CALTAGIRONE,  
CONKLIN, DePASQUALE, DeWEESE, HARPER, JOSEPHS, MANDERINO,  
McILVAINE SMITH, MELIO, MUNDY, MURT, M. O'BRIEN, RUBLEY,  
SIPTROTH AND WILLIAMS, AUGUST 5, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 5, 2008

## A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, further providing for  
3 legislative and congressional reapportionment.

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

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

8 (1) That section 17 of Article II be repealed:

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 the Commonwealth.  
13 The commission shall act by a majority of its entire membership.

14 (b) The commission shall consist of five members: four of  
15 whom shall be the majority and minority leaders of both the  
16 Senate and the House of Representatives, or deputies appointed  
17 by each of them, and a chairman selected as hereinafter

1 provided. No later than 60 days following the official reporting  
2 of the Federal decennial census as required by Federal law, the  
3 four members shall be certified by the President pro tempore of  
4 the Senate and the Speaker of the House of Representatives to  
5 the elections officer of the Commonwealth who under law shall  
6 have supervision over elections.

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

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

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

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

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

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

1 officer a revised reapportionment plan. If no exceptions are  
2 filed within 30 days, or if filed and acted upon, the  
3 commissions's plan shall be final and have the force of law.

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

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

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

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

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

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

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

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

1     (b) (1) The commission shall consist of seven members: four  
2     of whom shall be the majority and minority leaders of the  
3     Senate and the House of Representatives of the General  
4     Assembly, or deputies appointed by each of them, and three  
5     members selected as provided in this subsection.

6         (2) The Supreme Court shall appoint three members of the  
7     commission, one of whom shall be appointed chairman by the  
8     court. The appointed members shall be registered voters  
9     within this Commonwealth for at least two years prior to  
10    appointment. The appointed members shall not hold an office  
11    of Federal, State or local government to which compensation  
12    is attached at the time of their appointment. The appointed  
13    commission members shall not have held a position within a  
14    political party for at least ten years prior to appointment.

15         (3) (i) No later than 60 days following the official  
16     reporting of the Federal decennial census as required by  
17     Federal law, the four members of the commission shall be  
18     certified by the President pro tempore of the Senate and  
19     the Speaker of the House of Representatives to the  
20     elections officer of the Commonwealth who under law shall  
21     have supervision over elections.

22         (ii) The Supreme Court shall appoint three members  
23     of the commission, including the chairman, during the  
24     same 60-day period and shall certify the appointment to  
25     the elections officer of the Commonwealth.

26         (4) Any vacancy in the commission shall be filled within  
27     15 days in the same manner in which such position was  
28     originally filled.

29     (c) (1) The commission may not divide any voting precinct  
30     that forms a single polygon in drafting any reapportionment

1 plan. The commission may not divide any county, city,  
2 township, borough or incorporated town unless absolutely  
3 necessary.

4 (2) In finding that a division is necessary, the  
5 commission must file said findings in an addendum to each  
6 plan adopted by the commission. The appropriate addendum must  
7 be submitted to the General Assembly and the Supreme Court  
8 along with each reapportionment plan under the provisions of  
9 this section.

10 (3) The commission shall make an effort to ensure that  
11 each district is as compact in area as practicable.

12 (d) (1) No later than 60 days after either the commission  
13 has been duly certified or usable population data for the  
14 Commonwealth is available, whichever is later, the commission  
15 shall file a preliminary reapportionment plan for the General  
16 Assembly with such elections officer.

17 (2) A public comment period of 30 days shall commence  
18 with the filing of the preliminary plan. The commission shall  
19 conduct public hearings during the public comment period.

20 (e) The commission shall have 30 days after the date of the  
21 expiration of the public comment period to prepare and adopt a  
22 revised reapportionment plan for both Houses of the General  
23 Assembly, which shall become the final plan.

24 (f) Any aggrieved person may file an appeal from the final  
25 plan under subsection (e) directly to the Supreme Court within  
26 30 days after the filing of the final plan. If the appellant  
27 establishes that the final plan is contrary to law, the Supreme  
28 Court shall issue an order remanding the plan to the commission  
29 and directing the commission to reapportion the Commonwealth in  
30 a manner not inconsistent with such order. The commission shall

1 submit the reapportionment plan to the Supreme Court within 30  
2 days.

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

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

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

the average population for senatorial and representative districts.

(j) (1) No later than 20 days after the final legislative reapportionment plan has been approved by the Supreme Court, the commission shall file a preliminary reapportionment plan for representatives in the Congress of the United States with the chief elections officer of the Commonwealth.

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

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

(l) Any aggrieved person may file an appeal from the final plan under subsection (k) directly to the Supreme Court within 30 days after the filing of the final plan. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order. The commission shall submit the reapportionment plan to the Supreme Court within 15 days.

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



1     (n) Any congressional reapportionment plan filed by the  
2     commission or ordered by the Supreme Court upon failure of the  
3     commission to act shall be published by the elections officer  
4     once in at least one newspaper of general circulation in each  
5     congressional district. The publication shall contain a map of  
6     the Commonwealth showing the complete reapportionment of the  
7     congressional districts, and a map showing the reapportioned  
8     districts in the area normally served by the newspaper in which  
9     the publication is made. The publication shall also state the  
10    population of the congressional districts having the smallest  
11    and largest population and the percentage variation of such  
12    districts from the average population for congressional  
13    districts.

14    (o) In the event an entirely new senatorial district or  
15    districts are formed and such district or districts would not  
16    normally be electing a member of the Senate in the following  
17    general election, said district or districts shall initially  
18    elect a senator for a term of two years in said general  
19    election. Such district or districts shall thereafter elect a  
20    senator for a term of four years. No member of the Senate shall  
21    continue to serve in office after another member of the Senate  
22    begins the term of service on the first day of December next  
23    after the election representing the district or districts.

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

26       (2) Legislative districts shall be established on the  
27    basis of population. In no case shall the deviation of the  
28    overall range of population of the most populous district  
29    from the least populous district be greater than 8% of the  
30    average district population for each House.

1     (q) Any citizen of the Commonwealth may submit a plan or  
2     plans for any or all districts of the General Assembly to the  
3     Reapportionment Commission.

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

12    (b) Upon the second passage by the General Assembly of these  
13    proposed constitutional amendments, the Secretary of the  
14    Commonwealth shall proceed immediately to comply with the  
15    advertising requirements of section 1 of Article XI of the  
16    Constitution of Pennsylvania and shall transmit the required  
17    advertisements to two newspapers in every county in which such  
18    newspapers are published in sufficient time after passage of  
19    these proposed constitutional amendments. The Secretary of the  
20    Commonwealth shall:

21           (1) Submit the proposed constitutional amendments under  
22           section 1 to the qualified electors of this Commonwealth as a  
23           single ballot question at the first primary, general or  
24           municipal election which meets the requirements of and is in  
25           conformance with section 1 of Article XI of the Constitution  
26           of Pennsylvania and which occurs at least three months after  
27           the proposed constitutional amendments are passed by the  
28           General Assembly.

29           (2) Submit the proposed constitutional amendments under  
30           section 1 to the qualified electors of this Commonwealth as

1        separate ballot questions at the first primary, general or  
2        municipal election which meets the requirements of and is in  
3        conformance with section 1 of Article XI of the Constitution  
4        of Pennsylvania and which occurs at least three months after  
5        the proposed constitutional amendments are passed by the  
6        General Assembly.