

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2005 Session of
2009

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CALTAGIRONE, CONKLIN AND PAYTON, SEPTEMBER 25, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 25, 2009

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for a Legislative
3 Reapportionment Commission to designate legislative districts
4 for the General Assembly within this Commonwealth.

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

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

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

10 § 17. [Legislative] Reapportionment Commission.

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

30 (b) The commission shall consist of nine members: eight of

1 whom shall be the majority and minority leaders and whips of
2 both the Senate and the House of Representatives or deputies
3 appointed by each of them. The Supreme Court shall appoint one
4 member who shall serve as chairman and who shall be a registered
5 voter within the Commonwealth for at least two years prior to
6 appointment. The chairman shall not hold an office of Federal,
7 State or local government to which compensation is attached at
8 the time of his appointment. The chairman shall not have held a
9 position within a political party for at least ten years prior
10 to appointment. No later than 40 days following the official
11 reporting of the Federal decennial census as required by Federal
12 law, the legislator members of the commission shall be certified
13 by the President pro tempore of the Senate and the Speaker of
14 the House of Representatives to the elections officer of the
15 Commonwealth, who, under law, shall have supervision over
16 elections. The Supreme Court shall appoint the chairman of the
17 commission during the same 40-day period and shall certify the
18 appointment to the elections officer of the Commonwealth. Any
19 vacancy in the commission shall be filled within ten days in the
20 same manner in which such position was originally filled.

21 (c) The commission may not divide any voting precinct that
22 forms a single polygon in drafting any reapportionment plan. The
23 commission may not divide any county, city, township, borough or
24 incorporated town unless absolutely necessary. In finding that a
25 division is necessary, the commission must file said findings in
26 an addendum to each plan adopted by the commission. The
27 appropriate addendum must be submitted to the General Assembly
28 and the Supreme Court along with each reapportionment plan under
29 the provisions of this section. The commission shall adopt a
30 standard measurement defining compactness for the districts in

1 each plan. No district in any plan will be drafted by the
2 commission with a compactness measurement of less than 15% of
3 the total ideal measurement for a district.

4 (d) No later than 40 days after either the commission has
5 been duly certified or usable population data for the
6 Commonwealth is available, whichever is later in time, the
7 commission shall file a preliminary reapportionment plan for the
8 General Assembly with such elections officer. A public comment
9 period of 20 days shall commence with the filing of the
10 preliminary plan.

11 (e) The commission shall have 20 days after the date of the
12 expiration of the public comment period to prepare and adopt a
13 revised reapportionment plan for both Houses of the General
14 Assembly. The revised reapportionment plan shall be adopted and
15 submitted to the General Assembly upon a vote of at least six
16 members of the commission for approval. The General Assembly
17 shall vote to approve or reject the plan without amendment
18 within 20 days from the date of submission. Upon approval of the
19 plan, the presiding officer of each House shall, in the presence
20 of the House over which he presides, sign the reapportionment
21 plan after its title has been read publicly immediately before
22 signing. The fact of the signing shall be entered on the journal
23 and the plan shall be filed with the chief elections officer of
24 the Commonwealth.

25 (f) If the revised reapportionment plan submitted by the
26 commission is not approved by both Houses of the General
27 Assembly within 20 days of submission, the commission shall
28 adopt a final reapportionment plan. In the event that the
29 revised reapportionment plan is rejected by either House of the
30 General Assembly, it shall be returned to the commission by the

1 presiding officer with a communication that the plan was
2 rejected. An additional 20-day public comment period shall
3 commence from the date of the rejection. The commission will
4 have a succeeding 20 days after the public comment period to
5 adopt a final plan upon approval of at least seven members. The
6 final plan shall be submitted to both Houses of the General
7 Assembly for approval. The General Assembly shall vote to
8 approve or reject the plan without amendment within 20 days from
9 the date of submission. Upon approval of the plan, the presiding
10 officer of each House shall, in the presence of the House over
11 which he presides, sign the reapportionment plan after its title
12 has been read publicly immediately before signing. The fact of
13 the signing shall be entered on the journal and the plan shall
14 then be filed with the chief elections officer of the
15 Commonwealth.

16 (g) Any aggrieved person may file an appeal from the final
17 plan directly to the Supreme Court within 20 days after the
18 filing of the final plan. If the appellant establishes that the
19 final plan is contrary to law, the Supreme Court shall issue an
20 order remanding the plan to the commission and directing the
21 commission to reapportion the Commonwealth in a manner not
22 inconsistent with such order.

23 (h) If the final reapportionment plan submitted by the
24 commission is not approved by both Houses of the General
25 Assembly within 20 days, the reapportionment commission shall
26 then submit both the revised and final reapportionment plans to
27 the Supreme Court within five days.

28 (i) The Supreme Court shall have 20 days to adopt either the
29 revised reapportionment plan or the final reapportionment plan
30 as the plan to be utilized thereafter in elections to the

1 General Assembly until the next reapportionment as required
2 under this section. If the Supreme Court finds that both plans
3 are contrary to law, it shall issue an order remanding the plan
4 to the commission and directing the commission to reapportion
5 the Commonwealth in a manner not inconsistent with such order.
6 The commission shall then have 20 days to submit the
7 reapportionment plan to the Supreme Court.

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

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

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

General Assembly by districts and a map showing the
reapportioned districts in the area normally served by the
newspaper in which the publication is made. The publication
shall also state the population of the senatorial and
representative districts having the smallest and largest
population and the percentage variation of such districts from
the average population for senatorial and representative
districts.

(m) Concurrent to the date the commission adopts a final
legislative reapportionment plan, 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. A public comment period of 20 days shall
commence with the filing of the preliminary congressional plan.

(n) The commission shall have 14 days after the date of the
expiration of the public comment period to prepare and adopt a
revised reapportionment plan for Representatives in the Congress
of the United States. The revised reapportionment plan shall be
adopted and submitted to the General Assembly upon a vote of at
least six members of the commission for approval. The General
Assembly shall vote to approve or reject the plan without
amendment within ten days from the date of submission. Upon
approval of the plan, the presiding officer of each House shall,
in the presence of the House over which he presides, sign the
reapportionment plan after its title has been read publicly
immediately before signing and the fact of the signing shall be
entered on the journal. The plan shall then be filed with the
chief elections officer of the Commonwealth.

(o) In the event that the revised reapportionment plan is
rejected by either House of the General Assembly, it shall be

1 returned to the commission by the presiding officer with a
2 communication that the plan was rejected. An additional 14-day
3 public comment period shall commence from the date of the
4 rejection of the revised plan. The commission will have a
5 succeeding 14 days after the public comment period to adopt a
6 final plan upon approval of at least seven members. The final
7 plan shall be submitted to both Houses of the General Assembly
8 for approval. The General Assembly shall vote to approve or
9 reject the plan without amendment within ten days from the date
10 of submission. Upon approval of the plan, the presiding officer
11 of each House shall, in the presence of the House over which he
12 presides, sign the reapportionment plan after its title has been
13 read publicly immediately before signing, and the fact of the
14 signing shall be entered on the journal. The plan shall then be
15 filed with the chief elections officer of the Commonwealth.

16 (p) Any aggrieved person may file an appeal from the final
17 plan directly to the Supreme Court within 20 days after the
18 filing thereof. If the appellant establishes that the final plan
19 is contrary to law, the Supreme Court shall issue an order
20 remanding the plan to the commission and directing the
21 commission to reapportion the Commonwealth in a manner not
22 inconsistent with such order.

23 (q) If the final reapportionment plan submitted by the
24 commission is not approved by both Houses of the General
25 Assembly within ten days, the reapportionment commission shall
26 then submit both the revised and final reapportionment plans to
27 the Supreme Court within five days.

28 (r) If an entirely new senatorial district is formed and if
29 it would not normally be electing a member of the Senate in the
30 following general election, the district shall initially elect a

1 Senator for a term of two years in the general election. The
2 district shall thereafter elect a senator for a term of four
3 years. No member of the Senate shall continue to serve in office
4 after another member of the Senate begins that Senator's term of
5 service on the first day of December after the election
6 representing the district.

7 (s) Population requirements are as follows:

8 (1) Congressional districts shall each have a population as
9 nearly equal as practicable.

10 (2) Legislative districts shall be established on the basis
11 of population. In no case shall the deviation of the overall
12 range of population of the most populous district from the least
13 populous district be greater than 8% of the average district
14 population for each House.

15 (t) The Supreme Court shall have 20 days to adopt either the
16 revised congressional reapportionment plan or the final
17 congressional reapportionment plan as the plan to be utilized
18 thereafter in elections to the Congress of the United States
19 until the next reapportionment as required under this section.
20 If the Supreme Court finds that both plans are contrary to law,
21 it shall issue an order remanding the plan to the commission and
22 directing the commission to reapportion the Commonwealth in a
23 manner not inconsistent with such order. The commission shall
24 then have ten days to submit the reapportionment plan to the
25 Supreme Court.

26 (u) If a preliminary, revised or final congressional
27 reapportionment plan is not filed by the commission within the
28 time prescribed by this section, unless the time be extended by
29 the Supreme Court for cause shown, the Supreme Court shall
30 immediately proceed on its own motion to reapportion the

congressional districts of the Commonwealth.

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

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

(x) The commission shall establish an Internet website for the purpose of the dissemination of information. The information contained on the website shall include:

(1) All statistical and geographic data utilized in drawing plans, including maps.

(2) The preliminary and final plan.

(3) Citizen plans submitted to the commission.

(4) Notice of public hearings held by the commission.

(5) Notice of meetings of the commission.

(6) Transcripts of testimony presented at public hearings held by the commission.

1 (7) Official minutes of meetings of the commission.

2 (8) Contact information for the commission and its members,
3 including work mailing addresses, telephone and facsimile
4 numbers and e-mail addresses, if available.

5 The commission shall also use the Internet website to facilitate
6 Commonwealth residents in using redistricting software to
7 develop redistricting plans.

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

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