

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 83 Session of 2009

INTRODUCED BY O'PAKE, FONTANA, STOUT, FOLMER, BROWNE, LOGAN,  
EARLL AND KASUNIC, JANUARY 29, 2009

REFERRED TO STATE GOVERNMENT, JANUARY 29, 2009

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, further providing for the Legislative  
3 Reapportionment Commission.

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

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

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

9 § 17. [Legislative] Decennial Reapportionment Commission.

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

15 (b) The commission shall consist of five members: four of  
16 whom shall be the majority and minority leaders of both the  
17 Senate and the House of Representatives, or deputies appointed  
18 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 for districts in the Senate and  
25 House of Representatives of the General Assembly and shall file  
26 no later than 30 days thereafter a preliminary reapportionment  
27 plan for districts in the United States Congress with such  
28 elections officer.

29 The commission shall have 30 days after filing [the] of a  
30 preliminary plan to make corrections [in the plan] to it.

1 Any person aggrieved by the preliminary plan shall have the  
2 same 30-day period to file exceptions with the commission in  
3 which case the commission shall have 30 days after the date the  
4 exceptions were filed to prepare and file with such elections  
5 officer a revised reapportionment plan. If no exceptions are  
6 filed within 30 days, or if filed and acted upon, the  
7 commissions's plan shall be final and have the force of law.

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 thereafter in  
19 elections to the General Assembly and to Congress until the next  
20 reapportionment as required under this section 17.

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

25 (g) The General Assembly shall appropriate sufficient funds  
26 for the compensation and expenses of members and staff appointed  
27 by the commission, and other necessary expenses. The members of  
28 the commission shall be entitled to such compensation for their  
29 services as the General Assembly from time to time shall  
30 determine, but no part thereof shall be paid until a preliminary

1 plan to which it relates is filed. If a preliminary plan is  
2 filed but the commission fails to file a revised or final plan  
3 with respect to it within the time prescribed, the commission  
4 members shall forfeit all right to compensation not paid.

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

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

27 Section 2. (a) Upon the first passage by the General  
28 Assembly of this proposed constitutional amendment, the  
29 Secretary of the Commonwealth shall proceed immediately to  
30 comply with the advertising requirements of section 1 of Article

1 XI of the Constitution of Pennsylvania and shall transmit the  
2 required advertisements to two newspapers in every county in  
3 which such newspapers are published in sufficient time after  
4 passage of this proposed constitutional amendment.

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