
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1276 Session of
2010

INTRODUCED BY WASHINGTON, BOSCOLA, FARNESE, FONTANA, KITCHEN,
O'PAKE AND TARTAGLIONE, MARCH 15, 2010

REFERRED TO STATE GOVERNMENT, MARCH 15, 2010

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for a 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 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
18 provided. No later than 60 days following the official reporting

1 of the Federal decennial census as required by Federal law, the
2 four members shall be certified by the President pro tempore of
3 the Senate and the Speaker of the House of Representatives to
4 the elections officer of the Commonwealth who under law shall
5 have supervision over elections.

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

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

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

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

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

26 Any person aggrieved by the preliminary plan shall have the
27 same 30-day period to file exceptions with the commission in
28 which case the commission shall have 30 days after the date the
29 exceptions were filed to prepare and file with such elections
30 officer a revised reapportionment plan. If no exceptions are

1 filed within 30 days, or if filed and acted upon, the
2 commissions's plan shall be final and have the force of law.

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

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

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

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

30 (h) If a preliminary, revised or final reapportionment plan

1 is not filed by the commission within the time prescribed by
2 this section, unless the time be extended by the Supreme Court
3 for cause shown, the Supreme Court shall immediately proceed on
4 its own motion to reapportion the Commonwealth.

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

19 (j) For purposes of reapportionment, each incarcerated
20 person included in the Federal decennial census shall be
21 considered a resident of the last address prior to the current
22 incarceration or any other address of legal residence outside of
23 a correctional facility.

24 Section 2. (a) Upon the first passage by the General
25 Assembly of this proposed constitutional amendment, the
26 Secretary of the Commonwealth shall proceed immediately to
27 comply with the advertising requirements of section 1 of Article
28 XI of the Constitution of Pennsylvania and shall transmit the
29 required advertisements to two newspapers in every county in
30 which such newspapers are published in sufficient time after

1 passage of this proposed constitutional amendment.

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