
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2224 Session of
2014

INTRODUCED BY EVERETT, SWANGER, PICKETT, MILLARD, CUTLER,
GILLEN, WATSON AND MOUL, APRIL 30, 2014

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 30, 2014

A JOINT RESOLUTION

1 Proposing integrated and distinct amendments to the Constitution
2 of the Commonwealth of Pennsylvania, in the Legislature,
3 further providing for Legislative Reapportionment Commission;
4 in the Judiciary, further providing for the Supreme Court,
5 the Superior Court, the Commonwealth Court and for judicial
6 districts and boundaries; and providing for a Reapportionment
7 Commission.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby resolves as follows:

10 Section 1. The following integrated and distinct amendments
11 to the Constitution of Pennsylvania are proposed in accordance
12 with Article XI:

13 (1) That section 17 of Article II be repealed:

14 [§ 17. Legislative Reapportionment Commission.

15 (a) In each year following the year of the Federal decennial
16 census, a Legislative Reapportionment Commission shall be
17 constituted for the purpose of reapportioning the Commonwealth.
18 The commission shall act by a majority of its entire membership.

19 (b) The commission shall consist of five members: four of
20 whom shall be the majority and minority leaders of both the

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

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

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

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

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

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

29 Any person aggrieved by the preliminary plan shall have the
30 same 30-day period to file exceptions with the commission in

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

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

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

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

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

1 prescribed, the commission members shall forfeit all right to
2 compensation not paid.

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

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

22 (2) That section 2 of Article V be amended to read:

23 § 2. Supreme Court.

24 The Supreme Court (a) shall be the highest court of the
25 Commonwealth and in this court shall be reposed the supreme
26 judicial power of the Commonwealth;

27 (b) shall consist of seven justices, to be elected from
28 seven judicial districts which shall be establish by law, one of
29 whom shall be the Chief Justice; and

30 (c) shall have such jurisdiction as shall be provided by

1 law.

2 (3) That section 3 of Article V be amended to read:

3 § 3. Superior Court.

4 The Superior Court shall be a statewide court, and shall
5 consist of [the number of judges, which shall be not less than
6 seven judges] 15 judges, to be elected from 15 judicial
7 districts which shall be established by law, and have such
8 jurisdiction as shall be provided by this Constitution or by the
9 General Assembly. One of its judges shall be the president
10 judge.

11 (4) That section 4 of Article V be amended to read:

12 § 4. Commonwealth Court.

13 The Commonwealth Court shall be a statewide court, and shall
14 consist of [the number of judges] nine judges, to be elected
15 from nine judicial districts which shall be established by law,
16 and have such jurisdiction as shall be provided by law. One of
17 its judges shall be the president judge.

18 (5) That section 11 of Article V be amended to read:

19 § 11. Judicial districts; boundaries.

20 [The number and boundaries of judicial districts shall be
21 changed by the General Assembly only with the advice and consent
22 of the Supreme Court.]

23 (a) The number of judges and justices of the Supreme Court,
24 the Superior Court and the Commonwealth Court elected from each
25 judicial district under section 2 shall provide every resident
26 of the Commonwealth with approximately equal representation on a
27 court. Each judicial district shall be composed of compact and
28 contiguous territory as nearly equal in population as
29 practicable. Each judicial district shall elect one judge or
30 justice. Unless absolutely necessary, no county, city,

1 incorporated town, borough, township or ward may be divided in
2 forming a judicial district.

3 (b) The Reapportionment Commission shall establish:

4 (1) The judicial districts from which justices of the
5 Supreme Court and the judges of the Superior Court and the
6 Commonwealth Court are elected.

7 (2) A transition to an appellate court judiciary elected
8 from judicial districts.

9 (3) The effect of set judicial districts upon eligibility to
10 seek retention election.

11 (4) The order in which judicial districts shall elect
12 justices of the Supreme Court and judges of the Superior Court
13 and the Commonwealth Court.

14 (5) The decennial realignment of the appellate judicial
15 districts based on the Federal decennial census, beginning in
16 2021 and occurring each ten years thereafter under Article XII,
17 Section 1.

18 (c) Residency qualification for election or appointment to
19 the Supreme Court, the Superior Court and the Commonwealth Court
20 shall be established by the General Assembly.

21 (6) That the Constitution be amended by adding an article to
22 read:

23 ARTICLE XII

24 REAPPORTIONMENT

25 Sec.

26 1. Reapportionment Commission.

27 § 1. Reapportionment Commission.

28 (a) (1) In each year following the year of the Federal
29 decennial census, a Reapportionment Commission shall be
30 constituted for the purpose of reapportioning the Senate, the

1 House of Representatives, the Supreme Court, the Superior Court
2 and the Commonwealth Court.

3 (2) The commission shall act by a majority of the
4 commission's entire membership as follows:

5 (i) For the adoption of a reapportionment plan for the
6 Senate and the House of Representatives, at least three of the
7 four legislative appointees must be among the majority to
8 approve the plan.

9 (ii) For the adoption of a reapportionment plan for the
10 appellate courts of this Commonwealth, at least one of the
11 appointees of the Chief Justice of the Supreme Court must be
12 among the majority to approve the plan.

13 (b) The commission shall consist of the following:

14 (1) Four members, who shall be the majority and minority
15 leaders of the Senate and the House of Representatives, or
16 deputies appointed by each of them.

17 (2) Two members, who shall be judges or justices of this
18 Commonwealth, appointed by the Chief Justice of the Supreme
19 Court.

20 (3) A chairman selected as provided under subsection (c)(2).

21 (c) (1) No later than 60 days following the official
22 reporting of the Federal decennial census as required by Federal
23 law, the six members under subsection (b)(1) and (2) shall be
24 certified by the President pro tempore of the Senate, the
25 Speaker of the House of Representatives and the Chief Justice of
26 the Supreme Court, respectively, to the elections officer of the
27 Commonwealth who, under law, shall have supervision over
28 elections.

29 (2) The six members under paragraph (1) shall, within 45
30 days after their certification, select the seventh member, who

1 shall serve as chairman of the commission and shall immediately
2 certify his or her name to the elections officer. The chairman
3 shall be a citizen of this Commonwealth, other than a Federal,
4 State or local official holding an office to which compensation
5 is attached. The selection of a chairman shall require a
6 majority of the six members under paragraph (1), including at
7 least three of the legislative appointees and one judicial
8 appointee.

9 (3) If the six members under paragraph (1) fail to select
10 the seventh member within the time required under paragraph (2),
11 the Governor shall, within 30 days of the expiration of time
12 required under paragraph (2), appoint the chairman and certify
13 his or her appointment to the elections officer.

14 (4) A vacancy in the commission shall be filled within 15
15 days in the same manner in which the position was originally
16 filled.

17 (d) (1) The commission shall file a preliminary
18 reapportionment plan, which shall reapportion the Senate, the
19 House of Representatives and the appellate courts, with the
20 elections officer no later than 90 days after the later of
21 either:

22 (i) the commission being duly certified; or

23 (ii) the population data for the Commonwealth, as determined
24 by the Federal decennial census, becoming available.

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

27 (3) A person aggrieved by the preliminary plan shall have
28 the same 30-day period under paragraph (2) to file an exception
29 with the commission. If an exception is filed, the commission
30 shall have 30 days after the date the exception was filed to

1 prepare and file with the elections officer a revised
2 reapportionment plan. If no exception is filed within 30 days,
3 or if an exception is filed and acted upon, the commission's
4 plan shall be final and have the force of law.

5 (e) An aggrieved person may file an appeal from the final
6 plan directly to the Supreme Court within 30 days after the
7 filing of the final plan. If the appellant establishes that the
8 final plan is contrary to law, the Supreme Court shall issue an
9 order remanding the plan to the commission and directing the
10 commission to:

11 (1) reapportion the Commonwealth in a manner not
12 inconsistent with the order; and

13 (2) present a revised final plan to the Supreme Court within
14 30 days of the order.

15 (f) If the Supreme Court has finally decided an appeal or if
16 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 provided in the plan shall be used in elections to
19 the General Assembly and the appellate courts until the next
20 reapportionment required under this section.

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

25 (h) The General Assembly shall appropriate sufficient funds
26 for the compensation and expenses of members and staff appointed
27 by the commission and for other necessary expenses. Each member
28 of the commission shall be entitled to compensation for his or
29 her services as the General Assembly determines, except that
30 compensation may not be paid until a preliminary plan is filed.

1 If a preliminary plan is filed and the commission fails to file
2 a revised or final plan within the time required under
3 subsection (d) or (e), each commission member shall forfeit all
4 right to compensation which has not been paid.

5 (i) If a preliminary, revised or final reapportionment plan
6 is not filed by the commission within the time under subsection
7 (d) or (e), the Supreme Court shall, unless it has extended the
8 time for cause shown, immediately proceed on its own motion to
9 reapportion the Commonwealth.

10 (j) A reapportionment plan filed by the commission or
11 ordered or prepared by the Supreme Court upon the failure of the
12 commission to act shall be published by the elections officer
13 once in at least one newspaper of general circulation in each
14 senatorial and representative district. The publication shall:

15 (1) Contain a map of this Commonwealth showing the complete
16 reapportionment of the General Assembly and appellate courts by
17 districts and a map showing the reapportionment districts in the
18 area normally served by the newspaper in which the publication
19 is made.

20 (2) State the population of the districts having the
21 smallest and largest population and the percentage variation of
22 the districts from the average population for the districts.

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

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