
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 563 Session of
2017

INTRODUCED BY NEILSON, DRISCOLL, MURT, SCHLOSSBERG, CRUZ,
McNEILL, SCHWEYER, O'BRIEN, SOLOMON, DeLUCA, D. COSTA, DEASY,
DONATUCCI, DAVIS, QUIGLEY, SNYDER, FITZGERALD AND V. BROWN,
FEBRUARY 21, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 21, 2017

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for
3 legislative districts and for the Legislative Reapportionment
4 Commission for the purpose of reapportioning and
5 redistricting the Commonwealth of Pennsylvania.

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

8 Section 1. The following integrated amendments to the
9 Constitution of Pennsylvania are proposed in accordance with
10 Article XI:

11 (1) That section 16 of Article II be amended to read:

12 § 16. Legislative and Congressional districts.

13 (a) The Commonwealth shall be divided into 50 senatorial and
14 203 representative districts, which shall be composed of compact
15 and contiguous territory as nearly equal in population as
16 practicable. Each senatorial district shall elect one Senator,
17 and each representative district one Representative. Unless
18 absolutely necessary no county, city, incorporated town,

1 borough, township or ward shall be divided in forming either a
2 senatorial or representative district. A county may not contain
3 more senatorial districts than the number required by the
4 population plus one. A county may not contain more
5 representative districts than the number required by the
6 population plus two. Senatorial and representative districts
7 shall respect, where practicable, communities of interest.

8 (b) Congressional districts shall each have a population as
9 close to the applicable ideal district population as possible.
10 To the extent consistent with equality of population,
11 congressional districts shall be composed of compact and
12 contiguous territory and, unless absolutely necessary, no
13 county, city, incorporated town, borough, township or ward shall
14 be divided in forming congressional districts. Congressional
15 districts shall respect, where practicable, communities of
16 interest.

17 (c) A legislative and congressional redistricting plan shall
18 not, as a whole, favor a specific person, political party or
19 political body.

20 (2) That section 17 of Article II be amended to read:

21 § 17. Legislative [Reapportionment] and Congressional
22 Redistricting Commission.

23 (a) [In each year following the year of the Federal
24 decennial census] Not later than December 31 of each year ending
25 in zero, a Legislative [Reapportionment] and Congressional
26 Redistricting Commission shall be constituted for the purpose of
27 [reapportioning] redistricting the Commonwealth. The commission
28 shall [act by a majority of its entire membership.]:

29 (1) Conduct an open and transparent process enabling full
30 public consideration of and comment on the drawing of district

1 lines.

2 (2) Draw district lines according to the redistricting
3 criteria specified in section 16.

4 (3) Conduct itself with integrity and fairness.

5 [(b) The commission shall consist of five members: four of
6 whom shall be the majority and minority leaders of both the
7 Senate and the House of Representatives, or deputies appointed
8 by each of them, and a chairman selected as hereinafter
9 provided. No later than 60 days following the official reporting
10 of the Federal decennial census as required by Federal law, the
11 four members shall be certified by the President pro tempore of
12 the Senate and the Speaker of the House of Representatives to
13 the elections officer of the Commonwealth who under law shall
14 have supervision over elections.

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

21 If the four members fail to select the fifth member within
22 the time prescribed, a majority of the entire membership of the
23 Supreme Court within 30 days thereafter shall appoint the
24 chairman as aforesaid and certify his appointment to such
25 elections officer.

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

28 (c) No later than 90 days after either the commission has
29 been duly certified or the population data for the Commonwealth
30 as determined by the Federal decennial census are available,

1 whichever is later in time, the commission shall file a
2 preliminary reapportionment plan with such elections officer.

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

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

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

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

25 (f) Any district which does not include the residence from
26 which a member of the Senate was elected whether or not
27 scheduled for election at the next general election shall elect
28 a Senator at such election.

29 (g) The General Assembly shall appropriate sufficient funds
30 for the compensation and expenses of members and staff appointed

1 by the commission, and other necessary expenses. The members of
2 the commission shall be entitled to such compensation for their
3 services as the General Assembly from time to time shall
4 determine, but no part thereof shall be paid until a preliminary
5 plan is filed. If a preliminary plan is filed but the commission
6 fails to file a revised or final plan within the time
7 prescribed, the commission members shall forfeit all right to
8 compensation not paid.

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

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

28 (b) The commission shall consist of 11 members, as follows:
29 four who are registered with the largest political party in this
30 Commonwealth based on registration, four who are registered with

1 the second-largest political party in this Commonwealth based on
2 registration and three who are not registered with either of the
3 two largest political parties in this Commonwealth based on
4 registration.

5 (c) Each commission member shall possess all of the
6 following qualifications:

7 (1) Be a voter who has been continuously registered in this
8 Commonwealth with the same political party or unaffiliated with
9 a political party or political body and whose political
10 affiliation has not changed in the previous three years
11 immediately preceding the date of appointment to the commission.

12 (2) Has voted in two of the last three Statewide general
13 elections immediately preceding the date of appointment to the
14 commission.

15 (3) Has not held, nor has a spouse who has held, elective
16 public office at the Federal, State or political subdivision
17 level in this Commonwealth in the previous five years
18 immediately preceding the date of appointment to the commission.

19 (4) Has not served as a paid staff member or paid consultant
20 to Congress, the General Assembly, the Commonwealth or any
21 political subdivision in this Commonwealth in the previous five
22 years immediately preceding the date of appointment to the
23 commission.

24 (5) Has not registered as a Federal, State or local lobbyist
25 in this Commonwealth in the previous five years immediately
26 preceding the date of appointment to the commission.

27 (6) Has not held office or served as a paid staff member for
28 a political party or political body in the previous five years
29 immediately preceding the date of appointment to the commission.

30 (7) Has not been nominated as a candidate for elective

1 office by a political party or political body or served as a
2 paid staff member or officer of a political party, political
3 body, political committee or political action committee in the
4 previous five years immediately preceding the date of
5 appointment to the commission.

6 (d) Application and selection of the members of the
7 commission shall be subject to the following:

8 (1) Application to serve as a member of the commission may
9 be filed with, and on a form developed by, the Secretary of the
10 Commonwealth indicating thereon evidence of his or her
11 qualifications as provided by this section.

12 (2) The Secretary of the Commonwealth shall verify the
13 qualifications of each applicant. If the Secretary of the
14 Commonwealth finds that an applicant is not qualified, the
15 Secretary of the Commonwealth shall not include the applicant's
16 name in the pool of applicants.

17 (3) The Secretary of the Commonwealth shall separate all
18 qualified applicants into three groups consisting of those who
19 are:

20 (i) registered with the largest political party in this
21 Commonwealth based on registration;

22 (ii) registered with the second-largest political party in
23 this Commonwealth based on registration; and

24 (iii) not registered with either of the two largest
25 political parties in this Commonwealth based on registration.

26 (4) The Secretary of the Commonwealth shall select, for
27 appointment as members of the commission under paragraph (3), on
28 a random basis from each of the three groups of qualified
29 applicants. In addition to the qualification requirements
30 provided in subsection (c), appointments from each group shall

1 reasonably reflect the racial, geographic and gender diversity
2 of this Commonwealth.

3 (5) One of the members shall be selected as chair by a vote
4 of at least six members of the commission.

5 (e) The term of office of each member of the commission
6 shall expire at the same time the commission expires as provided
7 in this section.

8 (f) Removal of a member and vacancies on the commission
9 shall be subject to the following:

10 (1) If a member of the commission fails to attend more than
11 two consecutive meetings at which a vote of the commission is
12 scheduled, the member's position shall be deemed vacant unless
13 the member is absent due to death of an immediate family member,
14 personal illness or illness of an immediate family member.

15 (2) A vacancy in the commission shall be filled within 14
16 days from the time the commission is notified of the vacancy in
17 the same manner that the position was originally filled and
18 using the same pool of applicants under subsection (d)(3) from
19 which the vacating member was chosen. If none of those remaining
20 applicants are available for service, the Secretary of the
21 Commonwealth shall fill the vacancy from a new pool of
22 applicants created for the same voter registration category as
23 the vacating member.

24 (g) A member shall be ineligible for a period of three years
25 beginning from the expiration of the term that the member was
26 appointed to the commission to:

27 (1) Hold an appointive State or political subdivision
28 position in this Commonwealth.

29 (2) Serve as a paid staff member or paid consultant to
30 Congress, the General Assembly, the Commonwealth or any

1 political subdivision.

2 (3) Register as a Federal, State or local lobbyist in this
3 Commonwealth.

4 (4) Hold office or serve as a paid staff member or paid
5 political consultant for a political party, political body,
6 political committee or political action committee.

7 (h) A member shall be ineligible for a period of five years
8 beginning from the expiration of the term that the member was
9 appointed to the commission to:

10 (1) Hold elective public office at the State or political
11 subdivision level in this Commonwealth.

12 (2) Be eligible for nomination as a candidate for elective
13 office by a political party or political body.

14 (i) Seven members of the commission shall constitute a
15 quorum. Seven or more affirmative votes shall be required for an
16 official action. The final plan must be approved by at least
17 seven affirmative votes, which must include at least one vote of
18 a member registered from each of the two largest political
19 parties in this Commonwealth based on registration and one vote
20 from a member who is not registered with either of the two
21 largest political parties.

22 (j) To begin the process of preparing information necessary
23 to the redistricting process, the commission shall complete all
24 of the following:

25 (1) The commission shall acquire all necessary and
26 appropriate information, review and evaluate available
27 facilities and develop programs and procedures, including the
28 use of software, in preparation for drawing a plan on the basis
29 of each Federal census. The commission shall make the
30 information available to the public through the commission's

1 publicly accessible Internet website.

2 (2) As soon as possible after December 31 of each year
3 ending in zero, the commission shall obtain from the United
4 States Census Bureau the population data needed for legislative
5 redistricting that the Census Bureau is required to provide the
6 Commonwealth under 13 U.S.C. § 141 (relating to population and
7 other census information) and shall use that data to assign a
8 population figure based upon census data to each geographic and
9 political unit described pursuant to subparagraph (i). Upon
10 completing that task, the commission shall begin the preparation
11 of a plan as required by this section and section 16. The
12 commission shall use the data obtained to prepare:

13 (i) Necessary descriptions of census blocks, voting
14 districts, wards, municipalities and counties for which census
15 data will be reported and that are suitable for use as
16 components of districts.

17 (ii) Maps of census blocks, voting districts, wards,
18 municipalities and counties within this Commonwealth, that may
19 be used to illustrate the locations of district boundaries
20 proposed in a plan.

21 (k) Each plan shall provide that a vacancy in the General
22 Assembly that is filled under the plan, occurring at a time that
23 makes it necessary to fill the vacancy at a special election
24 held under section 629 of the act of June 3, 1937 (P.L.1333,
25 No.320), known as the Pennsylvania Election Code, shall be
26 filled from the same district that elected the senator or
27 representative whose seat is vacant.

28 (l) The commission, within 30 days prior to the deadline for
29 approval of a preliminary plan as provided in subsection (m)(1),
30 shall schedule and conduct at least four public hearings in

1 different geographic regions of this Commonwealth.

2 (m) (1) Not later than July 1 of each year ending in one,
3 the commission shall complete and approve a preliminary plan and
4 maps as required under this section and make a preliminary plan
5 and maps available to the public through the commission's
6 publicly accessible Internet website.

7 (2) The commission, within 30 days following the deadline
8 for approval of a preliminary plan as provided in paragraph (1),
9 shall schedule and conduct at least four public hearings, in
10 different geographic regions of this Commonwealth, on the
11 preliminary plan.

12 (3) Not later than August 15 of each year ending in one, the
13 commission shall approve a final redistricting plan. Upon
14 approval, the commission shall certify the resulting plan to the
15 Secretary of the Commonwealth, and that plan shall constitute
16 the certified final plan.

17 (4) If the commission fails to approve a final plan in
18 accordance with paragraph (3), the following shall apply:

19 (i) Not later than September 1 of each year ending in one,
20 the commission shall complete and approve a second preliminary
21 redistricting plan and maps prepared in accordance with this
22 section and section 16 and make a second preliminary plan and
23 maps available to the public through the commission's publicly
24 accessible Internet website.

25 (ii) Within 30 days following the deadline for approval of
26 the second preliminary plan as set forth in subparagraph (i),
27 the commission shall schedule and conduct at least four public
28 hearings, in different geographic regions of this Commonwealth,
29 on the second preliminary plan.

30 (iii) Not later than October 15 of each year ending in one,

1 the commission shall approve a final redistricting plan. Upon
2 approval, the commission shall certify the resulting plan to the
3 Secretary of the Commonwealth, and that plan shall constitute
4 the certified final plan.

5 (n) If the commission does not complete and approve a final
6 plan by October 16 of each year ending in one, the Secretary of
7 the Commonwealth shall immediately petition the Supreme Court
8 for an order directing the appointment of a special master to
9 develop and complete a final plan in accordance with the
10 criteria and requirements provided in this section and section
11 16. The special master must demonstrate expertise in geographic
12 information systems by holding a graduate degree in geographic
13 information systems and currently serving as a faculty member
14 for a geographic information systems program at an institution
15 of higher learning located within this Commonwealth and must
16 meet the qualifications in subsection (c) and be bound by the
17 restrictions in subsections (g) and (h). Upon its approval of
18 the master's plan, the Supreme Court shall certify the resulting
19 plan to the Secretary of the Commonwealth, and that plan shall
20 constitute the certified final plan.

21 (o) The commission has the sole legal standing to defend an
22 action regarding a certified final plan and shall inform the
23 General Assembly if it determines that funds or other resources
24 provided for the operation of the commission are not adequate.

25 (p) (1) The Supreme Court has original and exclusive
26 jurisdiction in all proceedings in which a certified final plan
27 is challenged or is claimed not to have taken timely effect.

28 (2) An aggrieved person who is a registered voter in this
29 Commonwealth may file a petition with the Supreme Court within
30 30 days after the commission has certified a final plan to the

1 Secretary of the Commonwealth to bar the Secretary of the
2 Commonwealth from implementing the plan on the grounds that the
3 filed plan violates the Constitution of the United States, this
4 Constitution or any Federal or State statute.

5 (q) The Department of State shall provide staff as needed to
6 support the commission in the performance of its duties.

7 (r) Upon the filing of all redistricting plans required
8 under this section and the exhaustion of all appeals of a
9 redistricting plan:

10 (1) the commission shall expire and the commission's
11 responsibilities shall terminate; and

12 (2) the final plan shall have the force of law and the
13 districts provided in the final plan shall be used thereafter in
14 elections to the General Assembly until the next redistricting
15 as required under this section.

16 (s) The General Assembly shall appropriate sufficient funds
17 for the compensation and expenses of members and staff appointed
18 by the commission and for other necessary expenses. In addition
19 to necessary expenses, the members of the commission shall
20 receive a per diem for each day or part of a day spent
21 performing their official duties. The per diem shall be the most
22 recent per diem rate for locations in this Commonwealth as
23 established and published by the United States General Services
24 Administration.

25 (t) A district that does not include the residence from
26 which a member of the Senate was elected whether or not
27 scheduled for election at the next general election shall elect
28 a Senator at the election.

29 (u) The following words and phrases when used in this
30 section shall have the meanings given to them in this subsection

1 unless the context clearly indicates otherwise:

2 "Commission." The Legislative and Congressional
3 Redistricting Commission.

4 "Federal census." The decennial census required by Federal
5 law to be conducted by the United States Census Bureau in every
6 year ending in zero.

7 "Immediate family." A parent, spouse, child, brother or
8 sister.

9 "Member." A member of the Legislative and Congressional
10 Redistricting Commission.

11 "Plan." A plan for legislative and congressional
12 redistricting drawn under the requirements of this section and
13 section 16.

14 Section 2. (a) Upon the first passage by the General
15 Assembly of these proposed constitutional amendments, the
16 Secretary of the Commonwealth shall proceed immediately to
17 comply with the advertising requirements of section 1 of Article
18 XI of the Constitution of Pennsylvania and shall transmit the
19 required advertisements to two newspapers in every county in
20 which such newspapers are published in sufficient time after
21 passage of these proposed constitutional amendments.

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

1 under section 1 to the qualified electors of this Commonwealth
2 as a single ballot question at the first primary, general or
3 municipal election occurring at least three months after the
4 proposed constitutional amendments are passed by the General
5 Assembly.