
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1114 Session of
2017

INTRODUCED BY SIMS, DEAN, FREEMAN, SOLOMON, SCHWEYER, KINSEY,
O'BRIEN, KAVULICH, MADDEN, BULLOCK, MURT, RAVENSTAHL,
SCHLOSSBERG, GOODMAN, W. KELLER, DEASY AND DONATUCCI,
APRIL 10, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 2017

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, in the Legislature, further
3 providing for Legislative Reapportionment Commission; and
4 providing for the Legislative Districting Commission, for
5 legislative redistricting, for Congressional Districting
6 Commission and for congressional redistricting.

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

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

12 (1) That section 17 of Article II be repealed:

13 [§ 17. Legislative Reapportionment Commission.

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

18 (b) The commission shall consist of five members: four of

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

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

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

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

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

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

30 Any person aggrieved by the preliminary plan shall have the

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

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

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

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

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

1 fails to file a revised or final plan within the time
2 prescribed, the commission members shall forfeit all right to
3 compensation not paid.

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

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

23 (2) That the Constitution be amended by adding articles to
24 read:

25 ARTICLE XII

26 LEGISLATIVE REDISTRICTING

27 Sec.

28 1. Definitions.

29 2. Legislative Districting Commission.

30 3. Powers and duties of director.

1 4. Composition of commission and term limits.

2 5. Removal of commission members.

3 6. Legislative redistricting plan.

4 7. Original jurisdiction.

5 8. Applicability.

6 § 1. Definitions.

7 The following words and phrases when used in this article
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Bureau." The Legislative Reference Bureau.

11 "Commission." The Legislative Districting Commission
12 constituted under section 2 of this article.

13 "Director." The director of the bureau.

14 "Plan." The legislative redistricting plan prepared under
15 section 6 of this article.

16 § 2. Legislative Districting Commission.

17 No later than June 1 of the year after the year of the
18 Federal decennial census, the Legislative Districting Commission
19 shall be constituted for the purpose of legislative
20 reapportioning elected offices of the General Assembly in
21 accordance with this article.

22 § 3. Powers and duties of director.

23 (a) The director shall have the following powers and duties:

24 (1) Determining the size and composition of the commission.

25 (2) No later than June 1 of the year after the year of the
26 Federal decennial census, selecting the members of the
27 commission in accordance with this section.

28 (b) The commission shall be composed of all of the
29 following:

30 (1) A demographer.

- 1 (2) A cartographer.
2 (3) An applied mathematician.
3 (4) A computer scientist.
4 (5) A lawyer or legal expert who specializes in election and
5 redistricting law.

6 (c) The director shall determine the education and
7 experience that an individual is required to have in order to be
8 selected as one of the members listed under subsection (b) of
9 this section. In determining the education and experience
10 required, the director may not deviate from what is normally
11 considered to be the minimum qualifications required to be
12 employed as the professional listed under subsection (b) of this
13 section.

14 § 4. Composition of commission and term limits.

15 (a) The members of the commission shall be:

- 16 (1) full-time employees of the bureau; or
17 (2) if the director determines that the needs of the
18 commission cannot be met by full-time employees of the bureau,
19 the director shall hire, on a contractual basis, employees for
20 the purpose of serving on the commission.

21 (b) An individual may not serve on the commission if the
22 individual is any of the following:

- 23 (1) An elected official.
24 (2) An official who holds a position as result of the
25 consent of the Senate.

26 (3) A candidate for elected office.

27 (4) A member of the Congressional Districting Commission
28 established under Article XIII.

29 (c) The term of a member of the commission begins when the
30 member is selected and ends when a legislative redistricting

1 plan is adopted by the General Assembly under section 6 of this
2 article or the Supreme Court is required to prepare the
3 legislative redistricting plan under section 6 of this article.

4 § 5. Removal of commission members.

5 (a) A member of the commission may only be removed during
6 the member's term in accordance with section 7 of Article VI.

7 (b) If a member of the commission is removed from the
8 commission in accordance with section 7 of Article VI and the
9 member is an employee of the bureau, the bureau may not
10 terminate the employment of the employee unless the grounds for
11 removal would violate the bureau's employment policies as
12 determined by the director.

13 § 6. Legislative redistricting plan.

14 (a) No later than 90 days after either the commission has
15 been formed or the population data for this Commonwealth as
16 determined by the Federal decennial census is available,
17 whichever is later in time, the commission shall hold public
18 hearings and prepare a plan establishing the boundaries of the
19 legislative districts for the General Assembly that complies
20 with applicable Federal and State law.

21 (b) The commission shall present the plan to the President
22 pro tempore of the Senate and the Speaker of the House of
23 Representatives, who shall introduce the plan as a bill no later
24 than the first day of its regular session in the second year
25 after the Federal decennial census. The General Assembly may not
26 amend the bill.

27 (c) The Governor may call a special session for the
28 presentation of the plan before the first day of its regular
29 session in the second year after the Federal decennial census.

30 (d) If the General Assembly fails to adopt the plan within

1 17 days from the beginning of its regular session in the second
2 year after the Federal decennial census, the commission shall
3 prepare an alternative plan and submit it to the President pro
4 tempore of the Senate and the Speaker of the House of
5 Representatives, who shall introduce the plan as a bill.

6 (e) If the alternative plan introduced under subsection (d)
7 of this section fails to receive a majority vote of the General
8 Assembly within 52 days of its regular session in the second
9 year after the Federal decennial census, the Supreme Court
10 shall prepare the plan establishing the boundaries of the
11 legislative districts.

12 § 7. Original jurisdiction.

13 If the General Assembly adopts a plan, on petition of any
14 registered voter in this Commonwealth, the Supreme Court:

15 (1) shall have original jurisdiction to review the plan; and

16 (2) may grant appropriate relief if the Supreme Court finds
17 that the redistricting of this Commonwealth is not consistent
18 with applicable Federal and State law.

19 § 8. Applicability.

20 (a) This article shall apply to legislative districts on or
21 after the date of the notice published under subsection (c).

22 (b) The director shall determine whether the Commonwealth of
23 Virginia and the State of Maryland have adopted a legislative
24 redistricting process that is substantially similar to the
25 legislative redistricting process under this article. A
26 legislative redistricting process is substantially similar to
27 the legislative redistricting process under this article if the
28 following criteria are met:

29 (1) The legislative redistricting plan is initially
30 developed and proposed by a commission composed of individuals

1 who are employees of or contracted by a nonpartisan agency that
2 provides nonpartisan research or analysis for the Commonwealth
3 of Virginia or State of Maryland.

4 (2) The commission members are not selected by the Governor
5 of the Commonwealth of Virginia or the Governor of the State of
6 Maryland or a designated individual of the Governor of the
7 Commonwealth of Virginia or the Governor of the State of
8 Maryland.

9 (3) The commission members are not selected by the General
10 Assembly of the Commonwealth of Virginia or the State of
11 Maryland or a designated individual of the General Assembly of
12 the Commonwealth of Virginia or the State of Maryland.

13 (4) The General Assembly of the Commonwealth of Virginia
14 and the State of Maryland are permitted to vote on the
15 legislative redistricting plan proposed by the commission.

16 (5) If the General Assembly of the Commonwealth of Virginia
17 or the State of Maryland fails to adopt the legislative
18 redistricting plan proposed by the commission, the Supreme Court
19 of Virginia or the Court of Appeals of Maryland shall prepare a
20 legislative redistricting plan.

21 (c) Upon determining that the Commonwealth of Virginia and
22 the State of Maryland have adopted a legislative redistricting
23 process that is substantially similar to the legislative
24 redistricting process under this article, the director shall
25 submit a notice of the determination for publication in the
26 Pennsylvania Bulletin.

ARTICLE XIII

CONGRESSIONAL REAPPORTIONMENT

29 Sec.

30 1. Definitions.

1 2. Congressional Districting Commission.

2 3. Powers and duties of director.

3 4. Composition of commission and term limits.

4 5. Removal of commission members.

5 6. Congressional redistricting plan.

6 7. Original jurisdiction.

7 8. Applicability.

8 § 1. Definitions.

9 The following words and phrases when used in this article
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Bureau." The Legislative Reference Bureau.

13 "Commission." The Congressional Districting Commission
14 constituted under section 2 of this article.

15 "Director." The director of the bureau.

16 "Plan." The congressional redistricting plan prepared under
17 section 6 of this article.

18 § 2. Congressional Districting Commission.

19 No later than June 1 of the year after the year of the
20 Federal decennial census, the Congressional Districting
21 Commission shall be constituted for the purpose of
22 reapportioning Federal elected offices of the United States
23 House of Representatives in accordance with this article.

24 § 3. Powers and duties of director.

25 (a) The director shall have the following powers and duties:

26 (1) Determining the size and composition of the commission.

27 (2) No later than June 1 of the year after the year of the
28 Federal decennial census, selecting the members of the
29 commission in accordance with this section.

30 (b) The commission shall be composed of all of the

1 following:

2 (1) A demographer.

3 (2) A cartographer.

4 (3) An applied mathematician.

5 (4) A computer scientist.

6 (5) A lawyer or legal expert who specializes in election and
7 redistricting law.

8 (c) The director shall determine the education and
9 experience that an individual is required to have in order to be
10 selected as one of the members listed in subsection (b) of this
11 section. In determining the education and experience required,
12 the director may not deviate from what is normally considered to
13 be the minimum qualifications required to be employed as the
14 professional listed.

15 § 4. Composition of commission and term limits.

16 (a) The members of the commission shall be:

17 (1) full-time employees of the bureau; or

18 (2) if the director determines that the needs of the
19 commission cannot be met by full-time employees of the bureau,
20 the director shall hire, on a contractual basis, employees for
21 the purpose of serving on the commission.

22 (b) An individual may not serve on the commission if the
23 individual is any of the following:

24 (1) An elected official.

25 (2) An official who holds a position as result of the
26 consent of the Senate.

27 (3) A candidate for elected office.

28 (4) A member of the Legislative Districting Commission
29 established under Article XII.

30 (d) The term of a member of the commission begins when the

1 member is selected and ends when a congressional redistricting
2 plan is adopted by the General Assembly under section 6 of this
3 article or the Supreme Court is required to prepare the
4 legislative redistricting plan under section 6 of this article.

5 § 5. Removal of commission members.

6 (a) A member of the commission may only be removed during
7 the member's term in accordance with section 7 of Article VI.

8 (b) If a member of the commission is removed from the
9 commission in accordance with section 7 of Article VI and the
10 member is an employee of the bureau, the bureau may not
11 terminate the employment of the employee unless the grounds for
12 removal would violate the bureau's employment policies as
13 determined by the director.

14 § 6. Congressional redistricting plan.

15 (a) No later than 90 days after either the commission has
16 been formed or the population data for the Commonwealth as
17 determined by the Federal decennial census are available,
18 whichever is later in time, the commission shall hold public
19 hearings and prepare a plan establishing the boundaries of
20 congressional districts that complies with applicable Federal
21 and State law.

22 (b) The commission shall present the plan to the President
23 pro tempore of the Senate and the Speaker of the House of
24 Representatives, who shall introduce the plan as a bill no later
25 than the first day of its regular session in the second year
26 after the Federal decennial census. The General Assembly may not
27 amend the bill.

28 (c) The Governor may call a special session for the
29 presentation of the plan before the first day of its regular
30 session in the second year after the Federal decennial census.

1 (d) If the General Assembly fails to adopt the plan within
2 17 days from the beginning of its regular session in the second
3 year following the Federal decennial census, the commission
4 shall prepare an alternative plan and submit it to the President
5 pro tempore of the Senate and the Speaker of the House of
6 Representatives, who shall introduce the plan as a bill.

7 (e) If the alternative plan introduced under subsection (d)
8 of this section fails to receive a majority vote of the General
9 Assembly within 52 days of its regular session in the second
10 year after the Federal decennial census, the Supreme Court
11 shall prepare the plan establishing the boundaries of the
12 congressional districts.

13 (f) With regard to natural boundaries and the boundaries of
14 political subdivisions, each congressional district shall:

- 15 (1) consist of adjoining territory;
16 (2) be compact in form; and
17 (3) be substantially of equal population.

18 § 7. Original jurisdiction.

19 If the General Assembly adopts a plan, on petition of any
20 registered voter in this Commonwealth, the Supreme Court:

- 21 (1) shall have original jurisdiction to review the plan; and
22 (2) may grant appropriate relief if the Supreme Court finds
23 that the congressional redistricting of this Commonwealth is not
24 consistent with applicable Federal and State law.

25 § 8. Applicability.

26 (a) This article shall apply to legislative districts on or
27 after the date of the notice published under subsection (c).

28 (b) The director shall determine whether the Commonwealth of
29 Virginia and the State of Maryland have adopted a congressional
30 redistricting process that is substantially similar to the

1 congressional redistricting process under this article. A
2 congressional redistricting process is substantially similar to
3 a congressional redistricting process under this article if the
4 following criteria are met:

5 (1) The congressional redistricting plan is initially
6 developed and proposed by a commission composed of individuals
7 who are employees of or contracted by a nonpartisan agency that
8 provides nonpartisan research or analysis for the Commonwealth
9 of Virginia or State of Maryland.

10 (2) The commission members are not selected by the Governor
11 of the Commonwealth of Virginia or the Governor of the State of
12 Maryland or a designated individual of the Governor of the
13 Commonwealth of Virginia or the Governor of the State of
14 Maryland.

15 (3) The commission members are not selected by the General
16 Assembly of the Commonwealth of Virginia or the State of
17 Maryland or a designated individual of the General Assembly of
18 the Commonwealth of Virginia or the State of Maryland.

19 (4) The General Assembly of the Commonwealth of Virginia
20 and the State of Maryland are permitted to vote on the
21 congressional redistricting plan proposed by the commission.

22 (5) If the General Assembly of the Commonwealth of Virginia
23 or the State of Maryland fails to adopt the congressional
24 redistricting plan proposed by the commission, the Supreme Court
25 of Virginia or the Court of Appeals of Maryland shall prepare a
26 congressional redistricting plan.

27 (c) Upon determining that the Commonwealth of Virginia and
28 the State of Maryland have adopted a congressional redistricting
29 process that is substantially similar to the congressional
30 redistricting process under this article, the director shall

1 submit a notice of the determination for publication in the
2 Pennsylvania Bulletin.

3 Section 2. (a) Upon the first passage by the General
4 Assembly of these proposed constitutional amendments, the
5 Secretary of the Commonwealth shall proceed immediately to
6 comply with the advertising requirements of section 1 of Article
7 XI of the Constitution of Pennsylvania and shall transmit the
8 required advertisements to two newspapers in every county in
9 which such newspapers are published in sufficient time after
10 passage of these proposed constitutional amendments.

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