
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2332 Session of
2018

INTRODUCED BY NEILSON AND SAMUELSON, JUNE 7, 2018

REFERRED TO COMMITTEE ON RULES, JUNE 7, 2018

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,
19 borough, township or ward shall be divided in forming either a

1 senatorial or representative district. A county may not contain
2 more senatorial districts than the number required by the
3 population plus one. A county may not contain more
4 representative districts than the number required by the
5 population plus two. Senatorial and representative districts
6 shall respect, where practicable, communities of interest.

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

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

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

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

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

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

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

3 (3) Conduct itself with integrity and fairness.

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

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

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

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

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

1 preliminary reapportionment plan with such elections officer.

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

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

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

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

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

28 (g) The General Assembly shall appropriate sufficient funds
29 for the compensation and expenses of members and staff appointed
30 by the commission, and other necessary expenses. The members of

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

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

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

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

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

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

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

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

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

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

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

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

29 (7) Has not been nominated as a candidate for elective
30 office by a political party or political body or served as a

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

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

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

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

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

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

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

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

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

1 of this Commonwealth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (iii) Not later than October 15 of each year ending in one,
30 the commission shall approve a final redistricting plan. Upon

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

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

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

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

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

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

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

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

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

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

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

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

28 (u) The following words and phrases when used in this
29 section shall have the meanings given to them in this subsection
30 unless the context clearly indicates otherwise:

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

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

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

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

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

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

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

1 as a single ballot question at the first primary, general or
2 municipal election occurring at least three months after the
3 proposed constitutional amendments are passed by the General
4 Assembly.