
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2365 Session of
2018

INTRODUCED BY DALEY, JUNE 7, 2018

REFERRED TO COMMITTEE ON RULES, JUNE 7, 2018

AN ACT

1 Providing for legislative reapportionment and for the powers and
2 duties of the Legislative Reapportionment Commission.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Legislative
7 Reapportionment Openness and Fairness Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) In our representative democracy, the people elect
11 their elected officials and entrust to them the complex task
12 of government.

13 (2) In order for this process to work ideally, openness
14 and fairness in the legislative reapportionment process is
15 essential, as are efforts to educate, inform and engage the
16 residents of this Commonwealth about the matter.

17 (3) Public participation must be encouraged to help
18 ensure that reapportionment plans provide an equal

1 opportunity for incumbents and challengers alike to compete
2 absent political favor to either.

3 Section 3. Definitions.

4 The following words and phrases when used in this act shall
5 have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Commission." The Legislative Reapportionment Commission.

8 "Secretary." The Secretary of State of the Commonwealth.

9 Section 4. Preliminary plan.

10 (a) Filing.--No later than 90 days after either the
11 commission has been duly certified or usable population data for
12 the Commonwealth is available, whichever is later in time, the
13 commission shall file a preliminary plan with the secretary.

14 (b) Public comment.--A public comment period of 30 days
15 shall commence with the filing of the preliminary plan.

16 Section 5. Final plan.

17 The commission shall, no later than 30 days after the date of
18 the expiration of the public comment period, prepare and adopt a
19 revised reapportionment plan for both houses of the General
20 Assembly, which shall become the final plan. The final plan
21 shall be accompanied by an explanation of the revisions.

22 Section 6. Commission failure to file.

23 If a preliminary or final plan is not filed by the commission
24 within the time prescribed by section 4 or 5, unless the time be
25 extended by the Supreme Court for cause shown, the Supreme Court
26 shall immediately proceed on its own motion to reapportion this
27 Commonwealth.

28 Section 7. Appeals.

29 An aggrieved person may file an appeal from the final plan
30 directly to the Supreme Court within 30 days after the filing of

1 the final plan. If the appellant establishes that the final plan
2 is contrary to law, the Supreme Court shall issue an order
3 remanding the final plan to the commission and directing the
4 commission to reapportion this Commonwealth in a manner not
5 inconsistent with the order.

6 Section 8. Citizens plans.

7 (a) General rule.--A resident of this Commonwealth may
8 submit a reapportionment plan or plans for any or all districts
9 of the General Assembly to the commission. These plans shall be
10 considered by the commission.

11 (b) Information to be made available.--The commission shall
12 make software and demographic data available on its publicly
13 accessible Internet website for use by residents of this
14 Commonwealth to develop plans.

15 Section 9. Openness and solicitation of public input.

16 (a) Meetings.--The commission shall meet at the call of the
17 chairman as necessary.

18 (b) Public hearings.--Prior to the development of the
19 preliminary plan and again prior to the development of the final
20 plan:

21 (1) The commission shall conduct five separate public
22 hearings.

23 (2) Each hearing shall be held in a different geographic
24 region of this Commonwealth.

25 (c) Open meetings.--The commission shall comply with 65
26 Pa.C.S. Ch. 7 (relating to open meetings) and the act of
27 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
28 Communications between the commission or a member of the
29 commission and other persons concerning a reapportionment plan
30 shall be in writing and made part of the public record.

1 (d) Public testimony.--The commission shall hear public
2 testimony at all public hearings. A good faith effort shall be
3 made by the commission to hear from as many Commonwealth
4 residents as possible.

5 (e) Written testimony.--The commission shall develop a
6 method of receiving written testimony, including all electronic
7 mail formats, such as e-mail and text mail, from members of the
8 public who cannot or choose not to testify in person. The
9 testimony shall be reviewed by members of the commission and
10 given consideration equal to consideration given to the
11 testimony of those who have appeared before the commission.

12 Section 10. Dissemination of public information.

13 (a) Internet website.--The commission shall establish a
14 publicly accessible Internet website for the purpose of the
15 dissemination of information. The information contained on the
16 website shall include:

17 (1) All statistical and geographic data utilized in
18 drawing plans, including maps.

19 (2) All written communications between the commission
20 and other persons concerning a plan.

21 (3) The preliminary and final plan.

22 (4) A detailed explanation of the differences between
23 the preliminary and final plan.

24 (5) Citizen plans submitted to the commission.

25 (6) Notice of public hearings held by the commission.

26 (7) Notice of meetings of the commission.

27 (8) Transcripts of testimony presented at public
28 hearings held by the commission.

29 (9) Official minutes of meetings of the commission.

30 (10) Contact information for the commission and its

1 members, including mailing addresses, telephone and facsimile
2 numbers and e-mail addresses, if available.

3 (b) Software.--The publicly accessible Internet website
4 shall also be used by the commission to facilitate the use of
5 redistricting software that residents of this Commonwealth can
6 utilize to develop plans.

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

21 Section 11. Funding.

22 The compensation and expenses of members and staff appointed
23 by the commission and other necessary expenses shall be paid
24 from appropriations or money available to the commission.

25 Section 12. Reimbursement.

26 The members of the commission who are not elected members of
27 the General Assembly shall be entitled to 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 Section 13. Severability.

5 The provisions of this act are severable. If a provision of
6 this act or its application to a person or circumstance is held
7 invalid, the invalidity shall not affect other provisions or
8 applications of this act which can be given effect without the
9 invalid provision or application.

10 Section 14. Effective date.

11 This act shall take effect in 60 days.