
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1060 Session of
2018

INTRODUCED BY BOSCOLA, BLAKE AND LEACH, MARCH 27, 2018

REFERRED TO STATE GOVERNMENT, MARCH 27, 2018

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, providing for congressional
3 districts and further providing for the Legislative
4 Reapportionment Commission for the purpose of reapportioning
5 and 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 Article II be amended by adding a section to read:
12 § 16.1. Congressional districts.

13 (a) Not later than October 1 of each year ending in one, the
14 General Assembly shall pass a congressional redistricting plan
15 by a three-fifths vote and the congressional redistricting plan
16 shall be approved by the Governor.

17 (b) If a congressional redistricting plan is not approved by
18 the Governor and the General Assembly under subsection (a), the
19 following shall apply:

1 (1) Not later than November 15 of each year ending in one,
2 the Legislative and Congressional Redistricting Commission shall
3 complete and approve a preliminary congressional redistricting
4 plan and maps as provided under section 17 and make the
5 preliminary plan and maps available to the public in a manner
6 prescribed by law.

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

12 (3) Not later than January 15 of each year ending in two,
13 the Legislative and Congressional Redistricting Commission shall
14 approve a final congressional redistricting plan. Upon approval,
15 the Legislative and Congressional Redistricting Commission shall
16 certify the resulting plan to the Secretary of the Commonwealth
17 and that plan shall constitute the certified final congressional
18 redistricting plan.

19 (4) If the Legislative and Congressional Redistricting
20 Commission does not approve a final congressional redistricting
21 plan by January 15 of each year ending in two, the Secretary of
22 the Commonwealth shall immediately proceed with the procedure
23 provided under section 17(o).

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

25 § 17. Legislative [Reapportionment] and Congressional
26 Redistricting Commission.

27 (a) [In each year following the year of the Federal
28 decennial census] Not later than December 31 of each year ending
29 in zero, a Legislative [Reapportionment] and Congressional
30 Redistricting Commission shall be constituted for the purpose of

1 [reapportioning] redistricting the Commonwealth. The commission
2 shall [act by a majority of its entire membership].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (1) Conduct an open and transparent process enabling full
27 public consideration of and comment on the drawing of district
28 lines as required by this section.

29 (2) Draw district lines according to the redistricting
30 criteria specified in this section.

1 (3) Conduct itself with integrity and fairness.

2 (b) The commission shall consist of 11 members, as follows:
3 four who are registered with the largest political party in this
4 Commonwealth based on registration, four who are registered with
5 the second-largest political party in this Commonwealth based on
6 registration and three who are not registered with either of the
7 two largest political parties in this Commonwealth based on
8 registration.

9 (c) Each commission member shall possess all of the
10 following qualifications, in addition to any qualifications
11 prescribed by law:

12 (1) Be a voter who has been continuously registered in this
13 Commonwealth with the same political party or unaffiliated with
14 a political party or political body and whose political
15 affiliation has not changed in the three years immediately
16 preceding the date of appointment to the commission.

17 (2) Has voted in two of the last three Statewide general
18 elections immediately preceding the date of appointment to the
19 commission.

20 (3) Has not held or does not have an immediate family member
21 who has held elective public office at the Federal or State
22 level or elective judicial office in this Commonwealth in the
23 five years immediately preceding the date of appointment to the
24 commission.

25 (4) Has not served or does not have a spouse who has served
26 as a paid staff member or paid consultant to Congress, the
27 General Assembly or staff appointed by the Governor in the five
28 years immediately preceding the date of appointment to the
29 commission.

30 (5) Has not registered or does not have a spouse who has

1 registered as a Federal or State lobbyist in this Commonwealth
2 in the five years immediately preceding the date of appointment
3 to the commission.

4 (6) Has not been nominated or does not have a spouse who has
5 been nominated as a candidate for elective office by a political
6 party or political body or served or does not have a spouse who
7 has served as a paid staff member or officer of a political
8 party, political body, political committee or political action
9 committee in the five years immediately preceding the date of
10 appointment to the commission.

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

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

17 (2) The Secretary of the Commonwealth shall verify the
18 qualifications of each applicant. If the Secretary of the
19 Commonwealth finds that an applicant is not qualified, the
20 Secretary of the Commonwealth shall not include the applicant's
21 name in the pool of applicants.

22 (3) The Secretary of the Commonwealth shall separate all
23 qualified applicants into three subpools consisting of those who
24 are:

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

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

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

1 (4) The Secretary of the Commonwealth shall select, on a
2 random basis, 40 qualified applicants from each of the three
3 subpools provided in paragraph (3). The Majority Leader and
4 Minority Leader of the Senate and the Majority Leader and
5 Minority Leader of the House of Representatives may each strike
6 up to two applicants from each subpool. Each leader shall have
7 no more than six strikes.

8 (5) After the legislative leaders have exercised their
9 strikes under paragraph (4), the Secretary of the Commonwealth
10 shall select for appointment as members of the commission on a
11 random basis from the remaining applicants in each of the three
12 subpools of qualified applicants. In addition to the
13 qualification requirements provided in subsection (c),
14 appointments from each subpool shall reasonably reflect the
15 racial, geographic and gender diversity of this Commonwealth.

16 (6) One of the members shall be selected as chair by a vote
17 of at least six members of the commission.

18 (e) The term of office of each member of the commission
19 shall expire at the same time the commission expires as provided
20 in this section.

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

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

28 (2) If a member of the commission has been convicted, found
29 guilty or pled guilty or nolo contendere to embezzlement of
30 public money, bribery, perjury or other infamous crime, whether

1 or not sentence has been imposed, the member's position shall be
2 deemed vacant.

3 (3) A vacancy in the commission shall be filled within 14
4 days from the time the commission is notified of the vacancy in
5 the same manner that the position was originally filled and
6 using the same pool of applicants from which the vacating member
7 was chosen. If none of those remaining applicants are available
8 for service, the Secretary of the Commonwealth shall fill the
9 vacancy from a new pool of applicants created from the same
10 voter registration category as the vacating member.

11 (g) A member shall be ineligible to do the following for a
12 period of three years beginning from the expiration of the term
13 for which the member was appointed to the commission:

14 (1) Serve as a paid staff member or paid consultant to
15 Congress, the General Assembly or staff appointed by the
16 Governor.

17 (2) Register as a Federal or State lobbyist in this
18 Commonwealth.

19 (3) Serve as a paid staff member or paid political
20 consultant for a political party, political body, political
21 committee or political action committee.

22 (h) A member and the member's spouse shall be ineligible to
23 do the following for a period of five years beginning from the
24 expiration of the term for which the member was appointed to the
25 commission:

26 (1) Hold an appointed position or elective public office at
27 the Federal or State level in this Commonwealth.

28 (2) Be nominated or circulate petitions to be nominated as a
29 candidate for elective office by a political party or political
30 body.

1 (3) Hold office for a political party, political body,
2 political committee or political action committee.

3 (i) Seven members of the commission shall constitute a
4 quorum. Seven or more affirmative votes shall be required for
5 any official action. The final redistricting plan must be
6 approved by at least seven affirmative votes that must include
7 at least one vote of a member registered from each of the two
8 largest political parties in this Commonwealth based on
9 registration and one vote from a member who is not registered
10 with either of the two largest political parties.

11 (j) To begin the process of preparing information necessary
12 to the redistricting process, the commission shall:

13 (1) Acquire all necessary and appropriate information,
14 review and evaluate available facilities and develop programs
15 and procedures, that may include the use of software, in
16 preparation for drawing redistricting plans on the basis of each
17 Federal census. The commission shall make the information
18 available to the public in a manner prescribed by law.

19 (2) As soon as possible after December 31 of each year
20 ending in zero, obtain from the United States Census Bureau the
21 population data needed for redistricting that the Census Bureau
22 is required to provide the Commonwealth under 13 U.S.C. § 141
23 (relating to population and other census information) and use
24 that data to assign a population figure based upon census data
25 to each geographic and political unit described pursuant to
26 subparagraph (i). Upon completing that task, the commission
27 shall begin the preparation of redistricting plans as required
28 by this section. The commission shall use the data obtained to
29 prepare:

30 (i) Necessary descriptions of census blocks, voting

1 districts, wards, municipalities and counties for which census
2 data will be reported and that are suitable for use as
3 components of districts.

4 (ii) Maps of census blocks, voting districts, wards,
5 municipalities and counties within this Commonwealth that may be
6 used to illustrate the locations of district boundaries proposed
7 in plans.

8 (3) In establishing districts, the commission shall not
9 consider the following data:

10 (i) Addresses of any individual.

11 (ii) Political affiliations of registered voters.

12 (iii) Previous election results, unless required by Federal
13 and State law.

14 (k) The commission shall establish districts pursuant to a
15 mapping process in accordance with Federal and State law.

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

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

29 (m.1) All commission meetings that are attended or
30 participated in by a quorum of the members of the commission

1 held for the purpose of deliberating official business of taking
2 official action shall be open to the public.

3 (n) (1) Not later than July 1 of each year ending in one,
4 the commission shall complete and approve a preliminary
5 legislative redistricting plan and maps as required under this
6 section and make the preliminary legislative redistricting plan
7 and maps available to the public in a manner prescribed by law.

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

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

19 (4) If the commission fails to approve a final legislative
20 redistricting plan in accordance with paragraph (3), the
21 following shall apply:

22 (i) Not later than September 1 of each year ending in one,
23 the commission shall complete and approve a second preliminary
24 legislative redistricting plan and maps prepared in accordance
25 with subsections (j) and (k) and make the second preliminary
26 legislative redistricting plan and maps available to the public
27 in a manner prescribed by law.

28 (ii) Within 30 days following the deadline for approval of
29 the second preliminary legislative redistricting plan as
30 provided in subparagraph (i), the commission shall schedule and

1 conduct at least four public hearings, in different geographic
2 regions of this Commonwealth, on the second preliminary
3 legislative redistricting plan.

4 (iii) Not later than October 15 of each year ending in one,
5 the commission shall approve a final legislative redistricting
6 plan. Upon approval, the commission shall certify the resulting
7 legislative redistricting plan to the Secretary of the
8 Commonwealth, and that legislative redistricting plan shall
9 constitute the certified final legislative redistricting plan.

10 (o) If the commission does not complete and approve a final
11 legislative redistricting plan by October 15 of each year ending
12 in one or a final congressional redistricting plan by January 15
13 of each year ending in two as required under section 16.1(b)(3),
14 the Secretary of the Commonwealth shall immediately petition the
15 Supreme Court for an order directing the appointment of a
16 special master to develop and complete a final redistricting
17 plan in accordance with the criteria and requirements provided
18 in subsections (j) and (k). The special master must demonstrate
19 expertise in geographic information systems by holding a
20 graduate degree in geographic information systems and currently
21 serving as a faculty member for a geographic information systems
22 program at an institution of higher learning located within this
23 Commonwealth and must meet the qualifications in subsection (c)
24 and be bound by the restrictions in subsections (g) and (h).
25 Upon the Supreme Court's approval of the master's plan, the
26 court shall certify the resulting plan to the Secretary of the
27 Commonwealth, and that plan shall constitute the certified final
28 plan.

29 (p) The commission has the sole legal standing to defend an
30 action regarding a certified final plan and shall inform the

1 General Assembly if it determines that funds or other resources
2 provided for the operation of the commission are not adequate.

3 (g) (1) The Supreme Court has original and exclusive
4 jurisdiction in all proceedings that a certified final plan is
5 challenged or is claimed not to have taken timely effect.

6 (2) An aggrieved person who is a registered voter in this
7 Commonwealth may file a petition with the Supreme Court within
8 30 days after the commission has certified a final plan to the
9 Secretary of the Commonwealth to bar the Secretary of the
10 Commonwealth from implementing the plan on the grounds that the
11 filed plan violates the Constitution of the United States, the
12 Constitution of Pennsylvania or any Federal or State statute.

13 (r) The Department of State shall provide staff as needed to
14 support the commission in the performance of its duties.

15 (s) Upon the filing of all redistricting plans required
16 under this section and the exhaustion of all appeals of a
17 redistricting plan:

18 (1) the commission shall expire and the commission's
19 responsibilities shall terminate; and

20 (2) the final plan shall have the force of law and the
21 districts provided in the plan shall be used thereafter in
22 elections to the General Assembly until the next redistricting
23 as required under this section.

24 (t) The General Assembly shall appropriate sufficient funds
25 for the compensation and expenses of members and staff appointed
26 by the commission and for other necessary expenses. In addition
27 to necessary expenses, the members of the commission shall
28 receive a per diem for each day or part of a day spent
29 performing their official duties. The per diem shall be the most
30 recent per diem rate for locations in this Commonwealth as

1 established and published by the United States General Services
2 Administration.

3 (u) A legislative district that does not include the
4 residence that a member of the Senate was elected, whether or
5 not scheduled for election at the next general election, shall
6 elect a Senator at the election.

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

10 "Commission." The Legislative and Congressional
11 Redistricting Commission.

12 "Federal census." The decennial census required by Federal
13 law to be conducted by the United States Census Bureau in every
14 year ending in zero.

15 "Immediate family." A parent, spouse, child, brother or
16 sister.

17 "Member." A member of the Legislative and Congressional
18 Redistricting Commission.

19 "Plan." A plan for legislative and congressional
20 redistricting drawn under the requirements of this section.

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

29 (b) Upon the second passage by the General Assembly of these
30 proposed constitutional amendments, the Secretary of the

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