

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 22 Session of  
2019

INTRODUCED BY MURT, SAMUELSON, DeLISSIO, CALTAGIRONE, ULLMAN, ISAACSON, FREEMAN, DONATUCCI, SCHLOSSBERG, SAPPEY, O'MARA, VITALI, ZABEL, McCARTER, CIRESI, DiGIROLAMO, IRVIN, HANBIDGE, COMITTA, WARREN, GOODMAN, MADDEN, DeLUCA, DAWKINS, BRIGGS, RABB, SOLOMON, OTTEN, HARKINS, DRISCOLL, SANCHEZ, BERNSTINE, MALAGARI, CEPHAS, HILL-EVANS, FRANKEL, MULLINS, DEASY, SCHWEYER, ROEBUCK, GILLEN, KIRKLAND, BULLOCK, SIMS, READSHAW, GALLOWAY, FITZGERALD, CRUZ, STURLA, FIEDLER, MATZIE, SHUSTERMAN, ROZZI, DALEY, BARRAR, HOHENSTEIN, CONKLIN, MEHAFFIE, WEBSTER, SIMMONS, HOWARD, WILLIAMS, KENYATTA, BURGOS, GAINNEY, JOHNSON-HARRELL, LEE, SNYDER AND BROWN, APRIL 11, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 11, 2019

## A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, deleting provisions relating to  
3 the Legislative Reapportionment Commission; and providing for  
4 the Independent Redistricting Commission.

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

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

10 (1) That section 17 of Article II be repealed:

11 [§ 17. Legislative Reapportionment Commission.

12 (a) In each year following the year of the Federal decennial  
13 census, a Legislative Reapportionment Commission shall be

1 constituted for the purpose of reapportioning the Commonwealth.  
2 The commission 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 decennial census as required by Federal law, the  
9 four members shall be certified by the President pro tempore of  
10 the Senate and the Speaker of the House of Representatives to  
11 the elections officer of the Commonwealth who under law shall  
12 have 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 decennial census are available,  
29 whichever is later in time, the commission shall file a  
30 preliminary 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 commissions'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 (2) That Article II be amended by adding a section to read:  
27 § 18. Independent Redistricting Commission.

28 (a) In each year following the year of the Federal decennial  
29 census, an Independent Redistricting Commission shall be  
30 constituted for the purpose of redistricting the Commonwealth.

1 The commission shall adopt a redistricting plan for legislative  
2 and congressional districts on the basis of each Federal  
3 decennial census in accordance with this section and such laws  
4 as the General Assembly may enact to implement this section.

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

12 (c) The General Assembly shall prescribe by law the  
13 qualifications to serve as a commission member, the reasons for  
14 which members may be removed, and the manner by which vacancies  
15 shall be filled. No person shall be eligible who in the five  
16 years immediately preceding the date of appointment to the  
17 commission:

18 (1) has held, or has a spouse who has held, any other public  
19 office or paid position at the Federal or State level in this  
20 Commonwealth;

21 (2) has registered, or has a spouse who has registered, as a  
22 Federal or State lobbyist in this Commonwealth; or

23 (3) has been nominated, or has a spouse who has been  
24 nominated, as a candidate for elective office in this  
25 Commonwealth by a political party or political body or served,  
26 or has a spouse who has served, as a staff member or officer of  
27 a political party, political body, political committee or  
28 political action committee in this Commonwealth.

29 (d) The membership of the commission shall reasonably  
30 reflect the racial, geographic and gender diversity of this

1 Commonwealth.

2 (e) The Secretary of the Commonwealth shall appoint members  
3 of the commission through a random selection process which the  
4 General Assembly shall prescribe by law.

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

13 (g) All commission meetings that are attended or  
14 participated in by a quorum of the members held for the purpose  
15 of deliberating official business or taking official action  
16 shall be open to the public. Commission members and their  
17 employees and advisors shall not communicate with or receive  
18 communications from any other person about redistricting matters  
19 unless during an open public meeting or under such exceptions as  
20 the General Assembly may prescribe by law.

21 (h) In establishing districts, except as necessary to comply  
22 with subsection (i)(4), the commission shall not consider the  
23 following data:

24 (1) Addresses of any individual.

25 (2) Political affiliations of registered voters.

26 (3) Previous election results, unless required by Federal  
27 law.

28 (i) In addition to the requirements of section 16, the  
29 following shall apply:

30 (1) Senatorial districts shall be drawn with the fewest

1 number of divisions to counties, municipalities and wards within  
2 the maximum population deviation permissible. A county may not  
3 contain more senatorial districts than the number required by  
4 the population plus one. The commission shall provide a written  
5 explanation for each division.

6 (2) Representative districts shall be drawn with the fewest  
7 number of divisions to counties, municipalities and wards within  
8 the maximum population deviation permissible. A county may not  
9 contain more representative districts than the number required  
10 by the population plus two. The commission shall provide a  
11 written explanation for each division.

12 (3) Congressional districts shall each have a population  
13 within the maximum population deviation permissible and shall be  
14 composed of compact and contiguous territory and, unless  
15 absolutely necessary, no county, city, incorporated town,  
16 borough, township or ward shall be divided in forming  
17 congressional districts. A county may not contain more  
18 congressional districts than the number required by the  
19 population plus one. The commission shall provide a written  
20 explanation for each division.

21 (4) A redistricting plan shall not purposefully or unduly  
22 favor or disfavor any incumbent elected official, candidate or  
23 prospective candidate for elective office. A redistricting plan  
24 on a statewide basis shall not purposefully or unduly favor or  
25 disfavor any political party.

26 (5) Districts shall provide racial minorities an equal  
27 opportunity to participate in the political process and may not  
28 dilute or diminish their ability to elect candidates of choice  
29 whether alone or in coalition with others.

30 (j) The commission shall conduct at least eight public

1 hearings in different geographic regions of this Commonwealth  
2 according to a schedule that the General Assembly shall  
3 prescribe by law.

4 (k) Not later than November 1 of each year ending in one,  
5 the commission shall approve a final redistricting plan. Upon  
6 approval, the commission shall certify the plan to the Secretary  
7 of the Commonwealth, and that plan shall constitute the  
8 certified final plan.

9 (1) If the commission does not complete and approve a final  
10 redistricting plan by November 1, the following shall apply:

11 (1) The commission shall consider proposed plans for each  
12 category of district separately from all other categories.

13 (2) Each commissioner or group of commissioners may propose  
14 one plan in each category. Each proposed plan shall be  
15 accompanied by a written report that demonstrates the plan's  
16 compliance with all applicable Federal and State laws, including  
17 redistricting criteria.

18 (3) All proposed plans and supporting written reports shall  
19 be made available for public review and comment for a period of  
20 ten days.

21 (4) After the close of the public comment period, the  
22 commission shall vote on all proposed plans as follows:

23 (i) Each commissioner shall rank the plans submitted in each  
24 category according to preference, with each plan being assigned  
25 a point value inverse to its ranking among the number of choices  
26 in a category, giving the lowest ranked plan one point and the  
27 highest ranked plan a point value equal to the number of plans  
28 submitted in that category.

29 (ii) The plan or plans receiving the lowest combined ranking  
30 in each category shall be eliminated.



1 (iii) The commission shall repeat the process until only one  
2 plan remains in each category.

3 (5) Upon approval of plans for all categories, the  
4 commission shall certify the resulting combined plan to the  
5 Secretary of the Commonwealth, and that plan shall constitute  
6 the certified final plan.

7 (m) An aggrieved person who is a registered voter in this  
8 Commonwealth may file a petition with the Supreme Court within  
9 30 days after the commission has certified a final plan to the  
10 Secretary of the Commonwealth to bar the Secretary of the  
11 Commonwealth from implementing the plan on the grounds that the  
12 filed plan violates the Constitution of the United States, this  
13 Constitution or any Federal or State statute. The commission  
14 shall have sole legal standing to defend an action regarding a  
15 certified final plan.

16 (n) If the commission does not file a final redistricting  
17 plan by December 15 of each year ending in one, unless the time  
18 be extended by the Supreme Court for cause shown, the Supreme  
19 Court shall immediately proceed on its own motion to approve a  
20 redistricting plan. The Supreme Court shall certify the plan to  
21 the Secretary of the Commonwealth, and that plan shall  
22 constitute the certified final plan.

23 (o) The final plan shall have the force of law and the  
24 districts provided in the plan shall be used thereafter in  
25 elections to the General Assembly and Congress until the next  
26 redistricting as required under this section.

27 (p) The Department of State shall provide support to the  
28 commission in the performance of its duties.

29 (q) The General Assembly shall prescribe by law how  
30 commission members shall be compensated and shall appropriate

1 sufficient funds for the compensation and expenses of commission  
2 members and for other necessary expenses.

3 (r) Upon the filing of all redistricting plans required  
4 under this section and the exhaustion of all appeals of a  
5 redistricting plan, the commission shall expire and its  
6 responsibilities shall terminate.

7 (s) A district that does not include the residence from  
8 which a member of the Senate was elected whether or not  
9 scheduled for election at the next general election shall elect  
10 a Senator at the election.

11 (t) The following words and phrases when used in this  
12 section shall have the meanings given to them in this subsection  
13 unless the context clearly indicates otherwise:

14 "Commission." The Independent Redistricting Commission.

15 "Commissioner" or "member." A member of the Independent  
16 Redistricting Commission.

17 "Federal census." The decennial census required by Federal  
18 law to be conducted by the United States Census Bureau in every  
19 year ending in zero.

20 "Final plan." A plan for both congressional and legislative  
21 redistricting filed with the Secretary of the Commonwealth.

22 "Plan." A plan for congressional or legislative  
23 redistricting or a plan for both congressional and legislative  
24 redistricting.

25 Section 2. (a) If prior to voter approval of this  
26 constitutional amendment the General Assembly has enacted a law  
27 establishing an Independent Redistricting Commission, the  
28 enactment shall continue in effect to the extent not  
29 inconsistent with this constitutional amendment. An Independent  
30 Redistricting Commission that has been constituted under the

1 previously enacted law shall proceed to reapportion and  
2 redistrict the Commonwealth's congressional, senatorial and  
3 representative districts as if the same commission had been  
4 constituted under the provisions contained in this  
5 constitutional amendment.

6 (b) In the event that a Legislative Reapportionment  
7 Commission has been constituted prior to voter approval of this  
8 constitutional amendment, the members of the Legislative  
9 Reapportionment Commission shall immediately vacate their office  
10 upon the issuance of the proclamation certifying voter approval  
11 and, all proceedings pending before the Legislative  
12 Reapportionment Commission and all records shall be transferred  
13 to the Independent Redistricting Commission.

14 Section 3. (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 of this resolution to the qualified electors of  
2 this Commonwealth as a single ballot question at the first  
3 primary, general or municipal election which meets the  
4 requirements of and is in conformance with section 1 of Article  
5 XI of the Constitution of Pennsylvania and which occurs at least  
6 three months after the proposed constitutional amendments are  
7 passed by the General Assembly.