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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 23 Session of 2019

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INTRODUCED BY SAMUELSON, MURT, DeLISSIO, BARRAR, BERNSTINE, BRIGGS, BULLOCK, BURGOS, CALTAGIRONE, CEPHAS, CIRESI, COMMITTA, CONKLIN, CRUZ, DALEY, T. DAVIS, DAWKINS, DEASY, DeLUCA, DiGIROLAMO, DONATUCCI, DRISCOLL, FIEDLER, FITZGERALD, FRANKEL, FREEMAN, GAINNEY, GALLOWAY, GILLEN, GOODMAN, HANBIDGE, HARKINS, HILL-EVANS, HOHENSTEIN, HOWARD, INNAMORATO, IRVIN, ISAACSON, JOHNSON-HARRELL, KENYATTA, KIM, KINSEY, KIRKLAND, KOSIEROWSKI, KRUEGER, LEE, LEWIS, MADDEN, MALAGARI, MARKOSEK, MATZIE, McCARTER, McNEILL, MEHAFFIE, MERSKI, D. MILLER, MULLERY, MULLINS, NEILSON, O'MARA, OTTEN, PASHINSKI, QUINN, RABB, RAVENSTAHL, READSHAW, ROEBUCK, ROZZI, SANCHEZ, SAPPEY, SCHLOSSBERG, SCHWEYER, SHUSTERMAN, SIMMONS, SIMS, SNYDER, SOLOMON, STURLA, ULLMAN, VITALI, WARREN, WEBSTER, WILLIAMS, ZABEL AND BROWN, APRIL 11, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 11, 2019

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AN ACT

1 Establishing the Independent Redistricting Commission; and  
2 providing for congressional and legislative redistricting.

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10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 CHAPTER 1

13 PRELIMINARY PROVISIONS

14 Section 101. Short title.

15 This act shall be known and may be cited as the Congressional  
16 and Legislative Redistricting Act.

17 Section 102. Definitions.

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

21 "Commission." The Independent Redistricting Commission  
22 established under section 301.

23 "Commissioner" or "member." A member of the commission.

24 "Congressional redistricting plan." A redistricting plan for  
25 congressional districts drawn under the requirements of this  
26 act.

27 "Federal census." The decennial census required by Federal  
28 law to be conducted by the United States Bureau of the Census in  
29 every year ending in zero.

30 "Immediate family." A parent, spouse, child, brother or

1 sister.

2 "Legislative district." The term includes senatorial  
3 districts and representative districts.

4 "Legislative Reapportionment Commission." The entity  
5 authorized by the Constitution of Pennsylvania to adopt a  
6 legislative redistricting plan.

7 "Legislative redistricting plan." A plan adopted pursuant to  
8 Article II of the Constitution of Pennsylvania and this act. The  
9 term includes a reapportionment plan.

10 "Plan" or "redistricting plan." A congressional  
11 redistricting plan or legislative redistricting plan drawn under  
12 the requirements of this act, including one or more maps  
13 depicting district boundaries.

14 "Secretary." The Secretary of the Commonwealth.

### 15 CHAPTER 3

#### 16 INDEPENDENT REDISTRICTING COMMISSION

17 Section 301. Establishment of commission and appointment of  
18 members.

19 (a) Commission creation.--In each year following the year of  
20 the Federal decennial census, an Independent Redistricting  
21 Commission shall be constituted for the purpose of redistricting  
22 the Commonwealth. The commission shall:

23 (1) Conduct an open and transparent process enabling  
24 full public consideration of and comment on the drawing of  
25 district lines.

26 (2) Draw district lines according to the redistricting  
27 criteria specified in this act.

28 (3) Conduct itself with integrity and fairness.

29 (b) Commission membership.--The commission shall consist of  
30 the following members:

1           (1) four voters who are registered with the largest  
2 political party in this Commonwealth based on registration;

3           (2) four voters who are registered with the second  
4 largest political party in this Commonwealth based on  
5 registration; and

6           (3) three voters who are not registered with either of  
7 the two largest political parties in this Commonwealth based  
8 on registration.

9           (c) Qualifications.--Each member shall possess all of the  
10 following qualifications:

11           (1) Be a voter who has been continuously registered in  
12 this Commonwealth with the same political party or who has  
13 been continually unaffiliated with a political party or  
14 political body for the three years immediately preceding the  
15 date of appointment to the commission.

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

19           (3) Has not held nor has a spouse who has held any other  
20 public office or paid position at the Federal or State level  
21 in this Commonwealth in the five years immediately preceding  
22 the date of appointment to the commission.

23           (4) Has not registered nor has a spouse who has  
24 registered as a Federal or State lobbyist in this  
25 Commonwealth in the five years immediately preceding the date  
26 of appointment to the commission.

27           (5) Has not been nominated nor has a spouse who has been  
28 nominated as a candidate for elective office in this  
29 Commonwealth by a political party or political body or served  
30 nor has a spouse who has served as a staff member or officer

1 of a political party, political body, political committee or  
2 political action committee in this Commonwealth in the five  
3 years immediately preceding the date of appointment to the  
4 commission.

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

7 (1) Application to serve as a member may be filed with,  
8 and on a form developed by, the secretary indicating thereon  
9 evidence of the applicant's qualifications as provided by  
10 this section.

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

15 (3) The secretary shall separate all qualified  
16 applicants into three subpools consisting of those who are:

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

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

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

24 (4) The secretary shall select, on a random basis, 40  
25 qualified applicants from each of the three subpools provided  
26 in paragraph (3). The Majority Leader and Minority Leader of  
27 the Senate and the Majority Leader and Minority Leader of the  
28 House of Representatives may each strike up to two applicants  
29 from each subpool. Each leader shall have no more than six  
30 strikes.

1           (5) After the legislative leaders have exercised their  
2 strikes under paragraph (4), the secretary shall select for  
3 appointment as members on a random basis from the remaining  
4 applicants in each of the three subpools of qualified  
5 applicants. In addition to the qualification requirements  
6 provided in subsection (c), appointments shall reasonably  
7 reflect the racial, geographic and gender diversity of this  
8 Commonwealth.

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

11          (e) Term.--The term of office of each member shall expire at  
12 the time the commission expires as provided in section 305.

13          (f) Removal.--Removal of a member and vacancies on the  
14 commission shall be subject to the following:

15           (1) If a member fails to attend more than two  
16 consecutive meetings at which a vote of the commission is  
17 scheduled, the member's position shall be deemed vacant  
18 unless the member is absent due to death of an immediate  
19 family member, personal illness or illness of an immediate  
20 family member.

21           (2) If a member has been convicted, found guilty or pled  
22 guilty or nolo contendere to embezzlement of public money,  
23 bribery, perjury or other infamous crime, whether or not  
24 sentence has been imposed, the member's position shall be  
25 deemed vacant.

26           (3) A vacancy in the commission shall be filled within  
27 14 days from the time the commission is notified of the  
28 vacancy in the same manner that the position was originally  
29 filled and using the same pool of applicants from which the  
30 vacating member was chosen. If none of those remaining

1 applicants are available for service, the secretary shall  
2 fill the vacancy from a new pool of applicants created from  
3 the same voter registration category as the vacating member.

4 (g) Member ineligibility.--A member shall be ineligible to  
5 do the following for a period of three years beginning from the  
6 expiration of the term for which the member was appointed to the  
7 commission:

8 (1) Serve as a paid staff member or paid consultant to  
9 Congress, the General Assembly or staff appointed by the  
10 Governor.

11 (2) Register as a Federal or State lobbyist in this  
12 Commonwealth.

13 (3) Serve as a paid staff member or paid political  
14 consultant for a political party, political body, political  
15 committee or political action committee in this Commonwealth.

16 (h) Member and spouse ineligibility.--A member and the  
17 member's spouse shall be ineligible to do the following for a  
18 period of five years beginning from the expiration of the term  
19 for which the member was appointed to the commission:

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

22 (2) Be eligible for nomination as a candidate for  
23 elective office by a political party or political body in  
24 this Commonwealth.

25 (3) Hold office for a political party, political body,  
26 political committee or political action committee in this  
27 Commonwealth.

28 (i) Quorum and voting.--Seven members shall constitute a  
29 quorum. Seven or more affirmative votes shall be required for  
30 any official action. The final redistricting plan must be

1 approved by at least seven affirmative votes that must include  
2 at least two votes of members registered with each of the two  
3 largest political parties in this Commonwealth based on  
4 registration and two votes of members who are not registered  
5 with either of the two largest political parties.

6 Section 302. Redistricting process.

7 (a) Initial preparation.--To begin the process of preparing  
8 information necessary to the redistricting process, the  
9 commission shall:

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

16 (2) Obtain from the United States Census Bureau the  
17 population data needed for redistricting that the Census  
18 Bureau is required to provide the Commonwealth under 13  
19 U.S.C. § 141 (relating to population and other census  
20 information) and use that data to assign a population figure  
21 based upon census data to each geographic and political unit  
22 described pursuant to subparagraph (i). Upon completion of  
23 that task, the commission shall begin the preparation of a  
24 redistricting plan or plans as required by this act. The  
25 commission shall use the data obtained to prepare:

26 (i) Necessary descriptions of census blocks, voting  
27 districts, wards, municipalities and counties for which  
28 census data will be reported and that are suitable for  
29 use as components of districts.

30 (ii) Maps of census blocks, voting districts, wards,



1 municipalities and counties within this Commonwealth,  
2 that may be used to illustrate the locations of district  
3 boundaries proposed in plans.

4 (b) Transparency.--

5 (1) All commission hearings, and all commission meetings  
6 that are attended or participated in by a quorum of the  
7 members held for the purpose of deliberating official  
8 business or taking official action, shall be open to the  
9 public.

10 (2) Members and their employees and advisors shall not  
11 communicate with or receive communications from any other  
12 person about redistricting matters unless during an open  
13 public meeting or under circumstances where the communication  
14 is shared contemporaneously with all members and entered into  
15 the public record.

16 (c) Initial hearings.--Prior to the deadline for approval of  
17 a preliminary plan as set forth in subsection (d)(1), the  
18 commission shall schedule and conduct at least four public  
19 hearings in different regions of this Commonwealth.

20 (d) Preliminary and final redistricting plans.--

21 (1) Not later than July 1 of each year ending in one,  
22 the commission shall complete and approve a preliminary  
23 redistricting plan as required under this section and make  
24 the preliminary plan available to the public.

25 (2) The commission, within 30 days following the  
26 deadline for approval of a preliminary plan as provided in  
27 paragraph (1), shall schedule and conduct at least four  
28 public hearings, in different geographic regions of this  
29 Commonwealth, on the preliminary plan.

30 (3) Not later than August 15 of each year ending in one,

1 the commission shall approve a final redistricting plan. Upon  
2 approval, the commission shall certify the resulting plan to  
3 the secretary, and that plan shall constitute the certified  
4 final plan.

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

7 (i) Not later than September 1 of each year ending  
8 in one, the commission shall complete and approve a  
9 second preliminary redistricting plan prepared in  
10 accordance with subsections (a) and (b) and make the  
11 second preliminary plan available to the public.

12 (ii) Within 30 days following the deadline for  
13 approval of a second preliminary plan as set forth in  
14 subparagraph (i), the commission shall schedule and  
15 conduct at least four public hearings, in different  
16 geographic regions of this Commonwealth, on the second  
17 preliminary plan.

18 (iii) Not later than November 1 of each year ending  
19 in one, the commission shall approve a final  
20 redistricting plan. Upon approval, the commission shall  
21 certify the plan to the secretary, and that plan shall  
22 constitute the certified final plan.

23 (e) Failure to approve plan.--If the commission does not  
24 complete and approve a final redistricting plan by November 1 of  
25 each year ending in one, the following shall apply:

26 (1) Each commissioner or group of commissioners may  
27 propose one plan that may include one or more maps depicting  
28 the districts included in the plan. Each proposed plan shall  
29 be accompanied by a written report that demonstrates the  
30 plan's compliance with all applicable Federal and State laws,

1 including redistricting criteria.

2 (2) All proposed plans and supporting written reports  
3 shall be made available for public review and comment for a  
4 period of 10 days.

5 (3) After the close of the public comment period, the  
6 commission shall vote on all proposed plans as follows:

7 (i) Each commissioner shall rank the plans submitted  
8 according to preference, with each plan being assigned a  
9 point value inverse to the plan's ranking among the  
10 number of choices, giving the lowest ranked plan one  
11 point and the highest ranked plan a point value equal to  
12 the number of plans submitted.

13 (ii) The plan or plans receiving the lowest combined  
14 ranking shall be eliminated.

15 (iii) The commission shall repeat the process until  
16 only one plan remains.

17 (4) Upon approval of a plan under this subsection, the  
18 commission shall certify the plan to the secretary, and that  
19 plan shall constitute the certified final plan.

20 (5) If a final redistricting plan is not filed by the  
21 commission by December 15 of each year ending in one, unless  
22 the time be extended by the Supreme Court for cause shown,  
23 the Supreme Court shall immediately proceed on its own motion  
24 to approve a plan. The Supreme Court shall certify the plan  
25 to the secretary, and that plan shall constitute the  
26 certified final plan.

27 Section 303. Standing.

28 The commission has the sole legal standing to defend an  
29 action regarding a certified final plan and shall inform the  
30 General Assembly if the commission determines that funds or

1 other resources provided for the operation of the commission are  
2 not adequate.

3 Section 304. Staffing.

4 The Department of State shall provide staff as needed to  
5 support the commission in the performance of the commission's  
6 duties.

7 Section 305. Commission expiration and effect of plan.

8 Upon the filing of all redistricting plans required under  
9 this chapter and the exhaustion of all appeals of a  
10 redistricting plan:

11 (1) the commission shall expire and the commission's  
12 responsibilities shall terminate; and

13 (2) the final plan shall have the force of law and the  
14 districts provided in the plan shall be used thereafter in  
15 elections until the next redistricting as required under this  
16 act.

17 Section 306. Funding.

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

26 CHAPTER 5

27 CONGRESSIONAL AND LEGISLATIVE REDISTRICTING PLANS

28 Section 501. Prohibited criteria.

29 (a) Political discrimination.--A redistricting plan shall  
30 not purposefully or unduly favor or disfavor any incumbent

1 elected official, candidate or prospective candidate for  
2 elective office. A redistricting plan on a Statewide basis shall  
3 not purposefully or unduly favor or disfavor any political  
4 party.

5 (b) Voter information.--Except as necessary to comply with  
6 subsection (a), a redistricting plan shall not include  
7 consideration of the following data:

8 (1) Addresses of any individual.

9 (2) Political affiliation of registered voters.

10 (3) Previous election results, unless required by  
11 Federal law.

12 Section 502. Redistricting criteria.

13 In addition to the requirements of section 501 and Federal  
14 law, the following shall apply to the drawing of district lines:

15 (1) Districts shall each have a population within the  
16 maximum population deviation permissible.

17 (2) Districts shall provide racial minorities an equal  
18 opportunity to participate in the political process and may  
19 not dilute or diminish their ability to elect candidates of  
20 choice whether alone or in coalition with others.

21 (3) Districts shall be composed of compact and  
22 contiguous territory and, unless absolutely necessary, no  
23 county, city, incorporated town, borough, township or ward  
24 shall be divided. A redistricting plan shall include a  
25 written explanation for each division.

26 (4) A county may not contain more senatorial districts  
27 than the number required by the population plus one.

28 (5) A county may not contain more representative  
29 districts than the number required by the population plus  
30 two.

1           (6) A county may not contain more congressional  
2 districts than the number required by the population plus  
3 one.

4                                   CHAPTER 7

5                                   LEGISLATIVE REAPPORTIONMENT COMMISSION

6 Section 701. Redistricting process.

7       (a) Initial preparation.--To begin the process of preparing  
8 information necessary to the redistricting process, the  
9 Legislative Reapportionment Commission shall:

10           (1) Acquire all necessary and appropriate information,  
11 review and evaluate available facilities and develop programs  
12 and procedures, that may include the use of software, in  
13 preparation for drawing legislative redistricting plans on  
14 the basis of each Federal census. The commission shall make  
15 the information available to the public.

16           (2) Obtain from the United States Census Bureau the  
17 population data needed for redistricting that the Census  
18 Bureau is required to provide the Commonwealth under 13  
19 U.S.C. § 141 (relating to population and other census  
20 information) and use that data to assign a population figure  
21 based upon census data to each geographic and political unit  
22 described pursuant to subparagraph (i). Upon completion of  
23 that task, the commission shall begin the preparation of a  
24 legislative redistricting plan or plans as required by this  
25 act. The commission shall use the data obtained to prepare:

26           (i) Necessary descriptions of census blocks, voting  
27 districts, wards, municipalities and counties for which  
28 census data will be reported and that are suitable for  
29 use as components of districts.

30           (ii) Maps of census blocks, voting districts, wards,

1 municipalities and counties within this Commonwealth,  
2 that may be used to illustrate the locations of district  
3 boundaries proposed in plans.

4 (b) Transparency.--All hearings, and all meetings that are  
5 attended or participated in by a quorum of the members of the  
6 Legislative Reapportionment Commission held for the purpose of  
7 deliberating official business or taking official action, shall  
8 be open to the public.

9 (c) Hearings and approval of final plan.--

10 (1) Prior to the date that a preliminary plan is filed  
11 with the secretary, the Legislative Reapportionment  
12 Commission shall schedule and conduct at least four public  
13 hearings in different regions of this Commonwealth.

14 (2) No later than 15 days after any person aggrieved by  
15 the preliminary plan files timely exceptions to the plan, the  
16 Legislative Reapportionment Commission shall schedule and  
17 conduct at least two public hearings to hear testimony  
18 regarding such exceptions.

19 (3) After the conclusion of the hearings required by  
20 paragraph (2), the Legislative Reapportionment Commission  
21 shall approve a final plan at a public meeting upon not less  
22 than seven days' prior notice to the public.

23 CHAPTER 21

24 MISCELLANEOUS PROVISIONS

25 Section 2101. Effective date.

26 This act shall take effect July 1, 2020.