
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 402 Session of
2019

INTRODUCED BY DALEY, FREEMAN, SCHLOSSBERG, McNEILL, McCLINTON,
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AN ACT

1 Providing for congressional and legislative redistricting.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Redistricting
6 Standards and Transparency Act.

7 Section 2. Scope of act.

8 The standards, practices, standards of deviation and other
9 redistricting requirements under this act shall apply to the
10 redrawing of the following:

11 (1) Congressional districts.

12 (2) Districts of the Senate of the Commonwealth of
13 Pennsylvania and House of Representatives of the Commonwealth
14 of Pennsylvania.

15 (3) All other districts created for the purpose of
16 electing or appointing an individual for Statewide elected
17 office.

18 Section 3. Definitions.

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

22 "Census." The Federal decennial census.

23 "Commission." The Legislative Reapportionment Commission
24 established under section 17 of Article II of the Constitution
25 of Pennsylvania. The term includes members and staff of the
26 commission unless the context of the provision indicates
27 otherwise.

28 "District." A congressional, State Senate or State House of
29 Representatives district in the Commonwealth of Pennsylvania.

30 "Election district." A district, division or precinct

1 established by the act of June 3, 1937 (P.L.1333, No.320), known
2 as the Pennsylvania Election Code, within which all qualified
3 electors vote at one polling place.

4 "House of Representatives." The House of Representatives of
5 the Commonwealth of Pennsylvania.

6 "Ideal population." The population of this Commonwealth, as
7 determined in the most recent census, divided by the number of
8 districts to be established.

9 "Municipality." A county, city, township or borough of the
10 Commonwealth of Pennsylvania.

11 "Redistricting." The process of redrawing boundaries of the:

12 (1) legislative districts of the Senate and House of
13 Representatives by the commission; and

14 (2) Pennsylvania congressional districts by the
15 Pennsylvania General Assembly.

16 "Secretary." The Secretary of the Commonwealth.

17 "Senate." The Senate of the Commonwealth of Pennsylvania.

18 "Supreme Court." The Pennsylvania Supreme Court.

19 Section 4. Redistricting.

20 (a) General rule.--Unless otherwise directed by court order,
21 redistricting shall be permitted only once in the decade
22 following the census.

23 (b) Prohibited considerations.--Districts shall not be drawn
24 for purposes of favoring or discriminating against an incumbent,
25 political candidate or political party.

26 (c) Prohibited use of information.--Information regarding
27 the location of residences of an individual shall not be used in
28 designing a redistricting plan.

29 Section 5. Redistricting authority.

30 (a) Districts of the General Assembly.--Under section 17 of

1 Article II of the Constitution of Pennsylvania, in each year
2 following the census, the Legislative Reapportionment Commission
3 shall be constituted to redraw the district boundaries of the
4 Senate and House of Representatives.

5 (b) Congressional districts.--In each year following the
6 census, the General Assembly shall redraw the congressional
7 districts of the Commonwealth of Pennsylvania based on the
8 number of districts allocated to the Commonwealth by the Federal
9 Government.

10 (c) Appeals from final orders.--

11 (1) Under section 17(d) of Article II of the
12 Constitution of Pennsylvania, the Supreme Court shall have
13 original jurisdiction for hearing appeals of final
14 redistricting plans approved by the commission.

15 (2) The Commonwealth Court shall have original
16 jurisdiction for hearing appeals of final congressional
17 redistricting plans approved by the General Assembly.

18 Section 6. Commission.

19 (a) General rule.--The commission shall be created and
20 operate in accordance with section 17 of Article II of the
21 Constitution of Pennsylvania.

22 (b) Commission chairperson.--

23 (1) Prior to appointing a fifth person to serve as
24 chairperson under section 17(b) of Article II of the
25 Constitution of Pennsylvania, the secretary shall solicit
26 applicants for the position by advertising for applicants in
27 the newspaper of largest circulation in each county, in the
28 Pennsylvania Bulletin and on the publicly accessible Internet
29 websites of the Senate, the House of Representatives and the
30 commission.

1 (2) The commission chairperson shall:

2 (i) Be an eligible elector of this Commonwealth and
3 have been an inhabitant of this Commonwealth for at least
4 10 years at the time of appointment.

5 (ii) Not have served in an elective or appointive
6 government position for the past 10 years.

7 (iii) Not have served in or worked for a political
8 party entity for the past 10 years.

9 (iv) Not have served in an elective State, county or
10 municipal office for the past 10 years.

11 (v) Not have served on a State, county or municipal
12 authority for the past 10 years.

13 (vi) Not have served as a registered lobbyist in
14 this Commonwealth at any time during the past 10 years.

15 (vii) Not have contributed to political campaigns in
16 excess of \$2,000 in any of the past 10 years.

17 (viii) Have demonstrated skills in negotiating and
18 mediation.

19 (ix) Have demonstrated skills in map reading,
20 mathematics and demographic analysis.

21 (3) The provisions of 65 Pa.C.S. Ch. 11 (relating to
22 ethics standards and financial disclosure), known as the
23 Public Official and Employee Ethics Act, shall apply to the
24 commission chairperson, who shall complete and file a
25 financial disclosure report prior to taking office and one
26 year after leaving office.

27 (c) Deputy.--If a constitutionally designated member of the
28 commission appoints a deputy to serve on the commission, the
29 deputy must meet the requirements for the commission chairperson
30 under subsection (b) (2).

1 Section 7. Standards for redistricting.

2 (a) General rules.--

3 (1) Each district shall be composed of contiguous and
4 whole election districts. Districts that meet only the points
5 of adjoining corners are not contiguous.

6 (2) The commission shall determine an order of
7 importance for the criteria and standards established under
8 this section for the creation of plans.

9 (3) The commission shall hold public hearings regarding
10 the creation of new legislative maps, after which the
11 commission shall make public the order established under
12 paragraph (2).

13 (b) Population equality.--The population of a district shall
14 not differ from the ideal population for that district by more
15 than:

16 (1) One percent for a congressional district;

17 (2) Two percent for a Senate district; or

18 (3) Three percent for a House of Representatives
19 district.

20 (c) Integrity of district boundaries.--

21 (1) No municipality or ward may be split unless
22 necessary to satisfy subsection (b).

23 (2) No county with a population of less than the ideal
24 population may be split more than once, nor may the county
25 have more than one other split municipality or ward.

26 (3) Each county with a population of more than the ideal
27 population may be allocated the number of whole districts
28 resulting from dividing the population of that county by the
29 ideal population. The remainder of the division shall be a
30 fractional district, which may be split at most once and

1 become part of one or two districts extending outside of the
2 county. Each of the whole districts entirely within the
3 county and the fractional district may also include one other
4 split municipality or ward.

5 (d) Compactness.--The commission shall adopt a compactness
6 measurement, which shall be utilized for determining compactness
7 of all State congressional, Senate and House of Representatives
8 legislative districts. The standards established in subsections
9 (a), (b) and (c) shall take precedence over compactness where a
10 conflict arises between compactness and those standards.

11 (e) Other criteria.--The commission shall adopt racial
12 equity and communities of interest as necessary criteria to help
13 ensure the opportunity of elected representation reflective of
14 the demographics of this Commonwealth.

15 Section 8. Citizen plans.

16 (a) General rule.--

17 (1) A resident of this Commonwealth may submit to the
18 commission a redistricting plan for any or all districts of
19 the General Assembly.

20 (2) A submission under paragraph (1) shall consist of a
21 plan and a commentary on important features.

22 (3) A plan submitted under paragraph (1) may be
23 considered by the commission while developing a preliminary
24 and final plan if the submitted plan complies with the
25 standards under section 7.

26 (4) If a citizen-generated plan has utilized all the
27 criteria standards and the plan produced by the commission
28 has not utilized all the criteria under section 7, the
29 commission must either accept the submitted plan or provide a
30 written explanation for why the commission will not use the

1 submitted plan.

2 (b) Submission of citizen-generated plans.--

3 (1) A resident of this Commonwealth may submit a
4 congressional redistricting plan to the President Pro Tempore
5 of the Senate or the Speaker of the House of Representatives.

6 (2) Congressional redistricting plans submitted under
7 paragraph (1) by citizens may be considered by the State
8 Government Committee of the Senate and the State Government
9 Committee of the House of Representatives if the plans comply
10 with the standards under section 7. If a citizen-generated
11 plan has utilized all the criteria standards and the plan
12 produced by the commission has not utilized all the criteria
13 required under section 7, the commission must either accept
14 the submitted plan or provide a written explanation for why
15 the commission will not use the submitted plan.

16 (c) Public information.--The commission and the General
17 Assembly shall make all citizen-generated maps and associated
18 commentaries submitted under this section available on the
19 commission's publicly accessible Internet website.

20 Section 9. Public information and communications.

21 (a) General rule.--In all proceedings related to the
22 redistricting process, the commission and the General Assembly
23 shall comply with 65 Pa.C.S. Ch. 7 (relating to open meetings)
24 and the act of February 14, 2008 (P.L.6, No.3), known as the
25 Right-to-Know Law.

26 (b) Publicly disclosed deviations.--The commission and the
27 General Assembly shall accompany any redistricting plan that
28 deviates from any of the standards under section 7 with a
29 specific explanation describing why the deviation is necessary.

30 (c) Public comments.--

1 (1) The commission shall develop a system for receiving
2 written comments from the public, including all electronic
3 mail formats. The commission shall review all submitted
4 comments and consider the comments equally to the testimony
5 of those who have appeared before the commission.

6 (2) For congressional redistricting, the President Pro
7 Tempore of the Senate and the Speaker of the House of
8 Representatives shall develop a system for receiving written
9 comments from the public, including all electronic mail
10 formats. This information shall be reviewed by the Majority
11 Leader and Minority Leader of the Senate and the Majority
12 Leader and Minority Leader of the House of Representatives,
13 who shall consider the comments equally to the testimony of
14 those who have appeared before the State Government Committee
15 of the Senate and the State Government Committee of the House
16 of Representatives.

17 (d) Public websites.--

18 (1) The commission, regarding redistricting plans for
19 the General Assembly, and the President pro tempore of the
20 Senate and the Speaker of the House of Representatives,
21 regarding congressional redistricting plans, shall develop
22 publicly accessible Internet websites for disseminating
23 information received or developed during redistricting plan
24 development. The information shall be posted within 48 hours
25 of being received or developed. The disclosed information
26 shall include, but not be limited to:

27 (i) Data to be used in drafting a redistricting
28 plan, a preliminary plan or a revised plan.

29 (ii) Access to software that can be used to prepare
30 citizen plans.

1 (iii) Plans submitted by citizens in accordance with
2 section 8 that comply with standards under section 7.

3 (iv) Notice of meetings and public hearings.

4 (v) Transcripts of testimony presented at public
5 meetings.

6 (vi) Any written testimony.

7 (vii) All written communications between the
8 commission or the General Assembly and other persons
9 concerning any redistricting plan.

10 (viii) The preliminary and final plans.

11 (ix) A detailed explanation of the differences
12 between the preliminary and final plan.

13 (2) The Governor, the President pro tempore of the
14 Senate, the Speaker of the House of Representatives and the
15 commission may develop a joint publicly accessible Internet
16 website upon which all required public information and
17 submissions shall be posted.

18 Section 10. Public comment.

19 (a) Public hearings for the commission.--

20 (1) Sixty days prior to filing a preliminary plan with
21 the secretary in accordance with the timetable under section
22 17 of Article II of the Constitution of Pennsylvania, the
23 commission shall hold public hearings in at least five
24 different geographic areas of this Commonwealth to solicit
25 public input on expectations relevant to redistricting.

26 (2) During the time period under paragraph (1), the
27 commission shall accept written comment from the public,
28 including citizens' redistricting plans.

29 (3) After filing the preliminary plan, the commission
30 shall hold at least five public hearings in different

1 geographic areas of this Commonwealth to gather comment on
2 the preliminary plan and accept written public comment.

3 (b) Public hearings for the General Assembly.--

4 (1) No later than 90 days after receiving the population
5 data for this Commonwealth as determined by the census, the
6 State Government Committee of the Senate and the State
7 Government Committee of the House of Representatives shall
8 each file a congressional redistricting bill.

9 (2) Sixty days prior to filing a congressional
10 redistricting bill under paragraph (1), the State Government
11 Committee of the Senate and the State Government Committee of
12 the House of Representatives shall hold public hearings in at
13 least five different geographic areas of this Commonwealth to
14 solicit public input on expectations relevant to
15 redistricting.

16 (3) During the time period under paragraph (2), the
17 President pro tempore of the Senate and the Speaker of the
18 House of Representatives shall accept written comments from
19 the public, including citizens' redistricting plans. All
20 communications between the Governor and members of the
21 General Assembly regarding redistricting shall be posted on
22 the General Assembly's publicly accessible Internet website.

23 (c) Veto.--If the Governor vetoes a redistricting plan
24 approved by the General Assembly, the Governor shall return the
25 bill with an explanation of the veto. The General Assembly shall
26 have 30 days to pass a revised bill and send it to the Governor
27 to sign into law. The Commonwealth Court shall develop a
28 congressional district plan if the Governor vetoes the revised
29 plan.

30 Section 11. Appeals.

1 (a) General rule.--A citizen of the Commonwealth of
2 Pennsylvania has standing to file suit to redress violations of
3 this act.

4 (b) Public information.--All official documents relating to
5 an appeal of a final plan shall be posted on the appropriate
6 publicly accessible Internet website developed under section
7 9(d).

8 Section 12. Advertising.

9 (a) Advertisement of commission's final plan.--The
10 commission's final redistricting plan shall be advertised as
11 prescribed under section 17(i) of Article II of the Constitution
12 of Pennsylvania.

13 (b) Publication of commission plans.--The commission's
14 preliminary and final plans shall be posted on the commission's
15 publicly accessible Internet website in various formats. The
16 website shall include how:

17 (1) District boundaries of the proposed and final plans
18 overlay with the county and municipal boundaries.

19 (2) Proposed and final plans compare with existing and
20 prior plans approved by the commission.

21 (3) Districts comply with all standards required under
22 section 7.

23 (c) Advertisement of congressional plan.--The enacted
24 congressional redistricting plan shall be advertised in the
25 newspaper with the largest circulation in each county and posted
26 on the publicly accessible Internet websites of the Governor,
27 the Senate, the House of Representatives and the commission, or
28 on a joint website developed under section 9(d)(2) in various
29 formats. The websites shall demonstrate how:

30 (1) District boundaries of the enacted plan overlay with

1 the county and municipal boundaries.

2 (2) The enacted plan compared with existing and prior
3 plans enacted by the General Assembly.

4 (3) Districts comply with all standards required under
5 section 7.

6 Section 13. Prohibited activities.

7 (a) General rule.--No individual shall attempt to influence
8 the commission except through testimony at a public hearing or
9 by written document submitted to the commission. The commission
10 may check references to verify the qualifications of individuals
11 being considered to serve as the commission's chair. This
12 subsection shall not apply to the deliberations among commission
13 members if any of the members are also members of the General
14 Assembly.

15 (b) Selecting commission chairperson.--No person, except a
16 member of the Supreme Court or the Supreme Court's staff, shall
17 attempt to influence the Supreme Court's selection process if
18 the Supreme Court is called upon to select a fifth member to the
19 commission under section 17 of Article II of the Constitution of
20 Pennsylvania. The Supreme Court may check references to verify
21 the qualifications of individuals being considered to serve as
22 the commission's chairperson.

23 Section 14. Penalties.

24 The following penalties shall apply:

25 (1) A violation of section 6(b) shall result in the
26 immediate removal of the commission chair.

27 (2) A violation of section 7 shall be grounds for
28 declaring the map unconstitutional.

29 (3) A violation of section 9, 10 or 12 shall result in
30 an appropriate penalty as prescribed under 65 Pa.C.S. § 714

1 (relating to penalty) and section 1305 of the act of February
2 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

3 (4) A violation of section 13 shall result in
4 appropriate penalties as prescribed under 65 Pa.C.S. §
5 13A07(f) (relating to prohibited activities) and, if
6 committed by an elected or appointed public official, shall
7 be grounds for removal from office.

8 Section 15. Severability.

9 The provisions of this act are severable. If any provision of
10 this act or its application to any person or circumstance is
11 held invalid, the invalidity shall not affect other provisions
12 or applications of this act which can be given effect without
13 the invalid provision or application.

14 Section 16. Effective date.

15 This act shall take effect in 60 days.