

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 22 Session of
2019

INTRODUCED BY BOSCOLA, FOLMER, COSTA, BROWNE, FONTANA, SCHWANK,
HAYWOOD, YUDICHAK, BARTOLOTTA, DiSANTO, KILLION, SCAVELLO AND
WHITE, APRIL 3, 2019

REFERRED TO STATE GOVERNMENT, APRIL 3, 2019

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for the Legislative
3 Reapportionment Commission.

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

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 17 of Article II be amended to read:

9 § 17. [Legislative] Independent Reapportionment and
10 Redistricting Commission.

11 (a) In each year [following the year] of the Federal
12 decennial census [,a Legislative], but not later than July 1, an
13 Independent Reapportionment and Redistricting Commission shall
14 be constituted for the purpose of reapportioning and
15 redistricting the [Commonwealth] Commonwealth's congressional,
16 senatorial, representative and any other districts authorized
17 under this Constitution. The commission shall act by a majority

1 of its entire membership.

2 (b) The commission shall consist of [five] 11 members[: four
3 of whom shall be the majority and minority leaders of both the
4 Senate and the House of Representatives, or deputies appointed
5 by each of them, and a chairman selected as hereinafter
6 provided.] and the General Assembly shall prescribe by law:

7 (1) The qualifications to serve as a member of the
8 commission, provided that no person who has been registered as a
9 lobbyist, held elective or appointive public office at the
10 Federal or State level or elective judicial office in this
11 Commonwealth, or any position of public service in aid or
12 support of such a person, in the five years immediately
13 preceding the date of appointment to the commission shall be
14 eligible for appointment.

15 (2) The manner by which the Secretary of the Commonwealth
16 shall provide for an open and transparent process to:

17 (i) Receive applications for appointment as a member of the
18 commission.

19 (ii) Determine eligibility of applicants.

20 (iii) Ensure applicants to be considered reasonably reflect
21 the geographic, gender and racial diversity of this
22 Commonwealth.

23 (3) Reasons for removing a member of the commission and the
24 manner by which vacancies shall be filled.

25 (4) The manner by which the Secretary of the Commonwealth
26 shall submit to the Governor and the General Assembly a list of
27 qualified applicants by political party affiliation.

28 (b.1) Upon receipt of the list of qualified applicants from
29 the Secretary of the Commonwealth, members of the commission
30 shall be appointed as follows:

1 (1) The Governor shall recommend three individuals from the
2 list of qualified applicants who are not registered with either
3 of the two largest political parties in this Commonwealth based
4 upon registration for approval by a two-thirds vote of the
5 General Assembly.

6 (2) The Majority Leader and Minority Leader of the Senate
7 shall each recommend two individuals from the list of qualified
8 applicants for approval by a two-thirds vote of the Senate.

9 (3) The Majority Leader and Minority Leader of the House of
10 Representatives shall each recommend two individuals from the
11 list of qualified applicants for approval by a two-thirds vote
12 of the House of Representatives.

13 (4) Each individual recommended for appointment shall have
14 been continuously registered in this Commonwealth with the same
15 political party, or continuously unaffiliated with a political
16 party, in the three years immediately preceding the date of
17 appointment to the commission.

18 (5) In making appointments to the commission, the General
19 Assembly shall consider such factors as deemed appropriate so
20 that the commission reasonably reflects the geographic, gender
21 and racial diversity of this Commonwealth.

22 No later than [60 days following the official reporting of
23 the Federal census as required by Federal law] July 1 in each
24 year of the Federal decennial census, the [four] members
25 approved under this section shall be certified by the President
26 pro tempore of the Senate and the Speaker of the House of
27 Representatives to the elections officer of the Commonwealth who
28 under law shall have supervision over elections.

29 [The four members within] Within 45 days after their
30 certification, the members shall select [the fifth member, who

1 shall serve as] a chairman of the commission.[, and shall
2 immediately certify his name to such elections officer. The
3 chairman shall be a citizen of the Commonwealth other than a
4 local, State or Federal official holding an office to which
5 compensation is attached.

6 If the four members fail to select the fifth member within
7 the time prescribed, a majority of the entire membership of the
8 Supreme Court within 30 days thereafter shall appoint the
9 chairman as aforesaid and certify his appointment to such
10 elections officer.

11 Any vacancy in the commission shall be filled within 15 days
12 in the same manner in which such position was originally
13 filled.] If the 11 members fail to select a chairman within the
14 time prescribed, the General Assembly, by a two-thirds vote of
15 each chamber, shall appoint the chairman of the commission
16 within 30 days.

17 (c) No later than 90 days after either the commission has
18 been duly certified or the population data for the Commonwealth
19 as determined by the Federal census are available, whichever is
20 later in time, the commission shall file a preliminary
21 reapportionment and redistricting plan with such elections
22 officer[.] based upon Federal census data for each geographic
23 and political unit. The preliminary reapportionment and
24 redistricting plan must be approved by at least seven
25 affirmative votes that must include at least two votes of
26 members registered from each of the two largest political
27 parties in this Commonwealth based on registration and two votes
28 of members not registered with either of the two largest
29 political parties based upon registration. The commission shall
30 schedule and conduct at least six public hearings on the

1 preliminary reapportionment and redistricting plan in different
2 geographic regions throughout this Commonwealth.

3 In addition to the requirements of section 16, the following
4 shall apply:

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

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

17 (3) Congressional districts shall each have a population
18 within the maximum population deviation permissible and shall be
19 composed of compact and contiguous territory and, unless
20 absolutely necessary, no county, city, incorporated town,
21 borough, township or ward shall be divided in forming
22 congressional districts. The commission shall provide a written
23 explanation for each division.

24 (4) The boundaries of each district shall be a single non-
25 intersecting continuous line.

26 (5) In establishing districts, the commission shall not
27 consider the following data:

28 (i) Addresses of any individual.

29 (ii) Political affiliation of registered voters.

30 (iii) Previous election results, unless required by Federal

1 law.

2 (6) All meetings of the commission at which a quorum is
3 present held for the purpose of deliberating official business
4 or taking official action shall be conducted in an open forum
5 and in a manner by which the public may contemporaneously
6 observe the proceedings.

7 (7) Commission members and commission employees and advisors
8 may not communicate with or receive communications from any
9 other person about reapportionment or redistricting matters
10 unless during an open public meeting or under such exceptions as
11 the General Assembly may prescribe by law.

12 The commission shall have 30 days after filing the
13 preliminary plan and completing the six public hearings on the
14 plan to make corrections in the plan.

15 Any person aggrieved by the preliminary plan shall have the
16 same 30-day period to file exceptions with the commission in
17 which case the commission shall have 30 days after the date the
18 exceptions were filed to prepare and file with such elections
19 officer a revised reapportionment and redistricting plan. If no
20 exceptions are filed within 30 days, or if filed and acted upon,
21 the commission's plan shall be final and have the force of law.

22 (c.1) The final reapportionment and redistricting plan must
23 be approved by at least seven affirmative votes that must
24 include at least two votes of members registered from each of
25 the two largest political parties in this Commonwealth based on
26 registration and two votes of members not registered with either
27 of the two largest political parties based upon registration.

28 (d) Any aggrieved person may file an appeal from the final
29 plan directly to the Supreme Court within 30 days after the
30 filing thereof. Upon receipt of an appeal, the Supreme Court

1 shall immediately direct the appointment of a special master.
2 The special master shall hold a hearing and take testimony on
3 the final plan, and return the record and a transcript of the
4 testimony together with a report and recommendations as
5 prescribed by general rules of procedure. If the appellant
6 establishes that the final plan is contrary to law, the Supreme
7 Court shall issue an order remanding the plan to the commission
8 and directing the commission to reapportion and redistrict the
9 Commonwealth in a manner not inconsistent with such order.

10 (e) When the Supreme Court has finally decided an appeal or
11 when the last day for filing an appeal has passed with no appeal
12 taken, the reapportionment and redistricting plan shall have the
13 force of law and the districts therein provided shall be used
14 thereafter in elections [to the General Assembly] until the next
15 reapportionment and redistricting as required under this section
16 17.

17 (f) Any district which does not include the residence from
18 which a member of the Senate was elected whether or not
19 scheduled for election at the next general election shall elect
20 a Senator at such election.

21 (g) The General Assembly shall appropriate sufficient funds
22 for the compensation and expenses of members and staff appointed
23 by the commission, and other necessary expenses. The members of
24 the commission shall be entitled to such compensation for their
25 services as the General Assembly from time to time shall
26 determine. [, but no part thereof shall be paid until a
27 preliminary plan is filed. If a preliminary plan is filed but
28 the commission fails to file a revised or final plan within the
29 time prescribed, the commission members shall forfeit all right
30 to compensation not paid.]

1 (h) If a preliminary, revised or final reapportionment and
2 redistricting plan is not filed by the commission [within the
3 time prescribed by this section unless the time be extended by
4 the Supreme Court for cause shown, the Supreme Court shall
5 immediately proceed on its own motion to reapportion the
6 Commonwealth.] by October 1 of each year ending in one, the
7 following shall apply:

8 (1) The commission shall consider the proposed
9 reapportionment and redistricting plan under this section.

10 (2) Not later than October 15 of each year ending in one,
11 the commission shall submit at least two, but not more than
12 three, maps for reapportionment and redistricting of
13 congressional, senatorial and representative districts to the
14 General Assembly. All maps submitted to the General Assembly
15 under this paragraph shall be made available for review by the
16 public for a period of not less than 10 days prior to any vote
17 by the General Assembly.

18 (3) The General Assembly shall approve one map submitted in
19 each category by a two-thirds vote of each chamber.

20 (4) If the General Assembly fails to approve the maps under
21 paragraph (3) by December 31 of each year ending in one, the
22 General Assembly shall submit the same sets of maps for each
23 category to the Supreme Court within seven days, which shall
24 approve one map submitted in each category. Upon receipt of the
25 maps submitted under this paragraph, the Supreme Court shall
26 immediately direct the appointment of a special master. The
27 special master shall hold a hearing and take testimony on the
28 maps submitted by the General Assembly and return the record and
29 a transcript of the testimony together with a report and
30 recommendations as prescribed by general rules of procedure.

1 (5) Any plan approved by the commission finally shall
2 supersede all previous plans.

3 (i) Any reapportionment and redistricting plan filed by the
4 commission, or [ordered or prepared] approved by the [Supreme
5 Court] General Assembly or Supreme Court upon the failure of the
6 commission to act, shall be published by the elections officer
7 once in at least one newspaper of general circulation in each
8 senatorial and representative district. The publication shall
9 contain a map of the Commonwealth showing the complete
10 reapportionment [of the General Assembly] and redistricting by
11 districts, and a map showing the [reapportionment] reapportioned
12 and redistricted districts in the area normally served by the
13 newspaper in which the publication is made. The publication
14 shall also state the population of the senatorial and
15 representative districts having the smallest and largest
16 population and the percentage variation of such districts from
17 the average population for senatorial and representative
18 districts.

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

27 (b) Upon the second passage by the General Assembly of this
28 proposed constitutional amendment, the Secretary of the
29 Commonwealth shall proceed immediately to comply with the
30 advertising requirements of section 1 of Article XI of the

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