

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1242 Session of 2020

INTRODUCED BY KILLION, BOSCOLA, MARTIN, DINNIMAN, KEARNEY, LAUGHLIN AND MUTH, JULY 27, 2020

SENATOR DISANTO, STATE GOVERNMENT, AS AMENDED, SEPTEMBER 22, 2020

AN ACT

1 Providing for legislative and congressional redistricting;
2 imposing duties on the Legislative Data Processing Committee;
3 and providing for redistricting criteria.

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

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13 CHAPTER 1

14 PRELIMINARY PROVISIONS

15 Section 101. Short title.

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

18 Section 102. 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 "Commission." The Legislative Reapportionment Commission
23 authorized by section 17 of Article II of the Constitution of
24 Pennsylvania to adopt a legislative redistricting plan.

25 "Committee" or "committees." The Committee on State
26 Government of the Senate and the Committee on State Government
27 of the House of Representatives or their successor committees.

28 "Community of interest." A neighborhood or geographically
29 confined area of persons who share similar social, cultural and
30 economic interests or other shared interests that may be subject

1 to legislative action. A community's shared interest does not
2 include a shared relationship with a political party, incumbent
3 or political candidate.

4 "Congressional redistricting plan." A redistricting plan for
5 congressional districts drawn under the requirements of this
6 act.

7 "Federal census." The decennial census required by Federal
8 law to be conducted by the United States Bureau of the Census in
9 every year ending in zero.

10 "LDPC." The Legislative Data Processing Committee created by
11 section 1(a) of the act of December 10, 1968 (P.L.1158, No.365),
12 entitled "An act creating and establishing the Legislative Data
13 Processing Committee: providing for its membership; prescribing
14 its powers, functions and duties; and making an appropriation."

15 "Legislative district." The term includes Pennsylvania's
16 senatorial districts and representative districts.

17 "Legislative redistricting plan." A plan adopted under
18 Article II of the Constitution of Pennsylvania and this act. The
19 term includes a reapportionment plan.

20 "Plan." A congressional redistricting plan or legislative
21 redistricting plan drawn under the requirements of this act.

22 "Political subdivision." A county, city, incorporated town,
23 borough, township or ward.

24 "Responsive." In reference to a district, that the voting
25 blocs are substantially and similarly able to translate their
26 popular support into representation in an elected body and that
27 such representation is substantially and similarly reflective of
28 shifts in the electorate's preferences.

29 "Secretary." The Secretary of the Commonwealth.

30 "Shapefile." A simplified, nontopological format for storing

1 geometric location and attribute information of geographic
2 areas.

3 Section 103. Legislative Data Processing Committee
4 responsibilities.

5 Not later than 30 days after the official reporting of the
6 Federal census, LDCP shall:

7 (1) Obtain from the United States Census Bureau the
8 population data needed for redistricting that the United
9 States Census Bureau is required to provide the Commonwealth
10 under 13 U.S.C. § 141 (relating to population and other
11 census information).

12 (2) Use the data obtained to:

13 (i) Prepare necessary descriptions of census blocks,
14 precincts, wards, municipalities and counties for which
15 census data is reported and that are suitable for use as
16 components of legislative and congressional districts.

17 (ii) Assign a population figure based upon census
18 data to each geographic and political unit described
19 under subparagraph (i).

20 (iii) Prepare maps of census blocks, precincts,
21 wards, municipalities and counties within this
22 Commonwealth that may be used to illustrate the locations
23 of district boundaries proposed in plans.

24 Section 104. Transparency.

25 (a) Open meetings.--All proceedings of the commission and
26 committees related to legislative and congressional
27 redistricting under this act shall comply with 65 Pa.C.S. Ch. 7
28 (relating to open meetings). The proceedings of the commission
29 or committees shall be contemporaneously broadcast on the
30 publicly accessible Internet website created under Chapter 9 in

1 a way that allows for public viewing and public interaction. To
2 ensure public participation, meetings and hearings shall be
3 widely advertised in multiple languages, where necessary, and be
4 held at times that allow for broad attendance.

5 (b) Public comments.--The commission and committees shall
6 develop a system for receiving written comments from the public,
7 including all electronic mail formats and a comment portal on
8 the publicly accessible Internet website created under Chapter
9 9. The portal shall be able to facilitate real-time public
10 comment during live-streamed commission and committees meetings
11 and hearings. The comments shall be reviewed by the commission
12 and committees and given consideration equal to in-person
13 testimony.

14 CHAPTER 3

15 LEGISLATIVE REAPPORTIONMENT COMMISSION

16 Section 301. Chair.

17 (a) Qualifications.--The chair of the commission must be a
18 citizen of this Commonwealth, but not a Federal, State or local
19 official holding an office to which compensation is attached,
20 and who:

21 (1) Has voted in two of the last three Statewide general
22 elections immediately preceding the date of appointment to
23 the commission.

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

28 (3) Has not been nominated, nor has a spouse who has
29 been nominated, as a candidate for elective office in this
30 Commonwealth by a political party or political body in the

1 five years immediately preceding the date of appointment to
2 the commission.

3 (4) Has not served, nor has a spouse who has served, as
4 a staff member or officer of a political party, political
5 body, political committee or political action committee in
6 this Commonwealth in the five years immediately preceding the
7 date of appointment to the commission.

8 (5) HAS NOT SERVED, NOR HAS A SPOUSE WHO HAS SERVED, AS <--
9 A STAFF MEMBER OF AN ELECTED OFFICIAL IN THIS COMMONWEALTH IN
10 THE FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPOINTMENT
11 TO THE COMMISSION.

12 (b) Ethical standards.--The provisions of 65 Pa.C.S. Ch. 11
13 (relating to ethics standards and financial disclosure) shall
14 apply to the commission chair, who shall complete and file a
15 financial disclosure report prior to taking office and one year
16 after leaving office.

17 CHAPTER 5

18 LEGISLATIVE REDISTRICTING PLANS

19 Section 501. Process.

20 (a) Citizen plans.--A resident of this Commonwealth may
21 submit to the commission a redistricting plan for any or all
22 legislative districts or parts of districts.

23 (b) Preliminary plan.--

24 (1) Prior to the date that a preliminary plan is filed
25 with the secretary, the commission shall schedule and conduct
26 at least four public hearings in different regions of this
27 Commonwealth.

28 (2) Upon completion of the public hearings, the
29 commission shall approve a preliminary plan at a public
30 meeting. The commission shall give at least seven days'

1 notice to the public prior to the meeting the commission
2 approves the preliminary plan.

3 (3) The commission shall file the approved preliminary
4 plan with the secretary.

5 (4) Records pertaining to the commission's action on a
6 preliminary plan shall be disclosed on the publicly
7 accessible Internet website created under Chapter 9 as soon
8 as practicable after adoption.

9 (5) A person aggrieved by the preliminary plan may file
10 exceptions no later than 15 days after adoption.

11 (6) If a person files a timely exception to the plan,
12 the commission shall schedule and conduct at least two public
13 hearings to hear testimony regarding the exception.

14 (c) Final plan.--The commission shall approve a final plan
15 at a public meeting. The commission shall give at least seven
16 days' notice to the public prior to the meeting the commission
17 approves the final plan.

18 (d) Publication.--The commission shall publish the proposed
19 final plan on the publicly accessible Internet website created
20 under Chapter 9 for at least seven days prior to the meeting the
21 final plan is approved.

22 (e) Filing.--Upon approval the final plan shall be filed
23 with the secretary.

24 Section 502. Contents of plans.

25 A legislative redistricting plan shall include the following:

26 (1) The senatorial and representative districts
27 authorized by the Constitution of Pennsylvania and the
28 political subdivisions, or parts of political subdivisions,
29 to be included within each district.

30 (2) Maps depicting the division of this Commonwealth

1 into senatorial and representative districts and all
2 political subdivisions, or parts of political subdivisions,
3 to be included within each district.

4 (3) The underlying data used to create or evaluate maps
5 in a format easily usable for analysis.

6 (4) Precinct-level shapefiles and census block
7 equivalency files.

8 (5) An explanation of the necessity for each division of
9 a political subdivision.

10 (6) An explanation of how each district map complies
11 with the criteria described in section 503 and this section
12 and responses to public comment.

13 Section 503. Redistricting criteria.

14 (a) General rule.--In addition to the requirements of
15 section 16 of Article II of the Constitution of Pennsylvania and
16 Federal law, the following shall apply to the drawing of
17 legislative district lines:

18 (1) Districts shall provide racial and language
19 minorities with an equal opportunity to participate in the
20 political process and may not dilute or diminish their
21 ability to elect candidates of choice by themselves or in
22 coalition with others.

23 (2) A county may not contain more senatorial districts
24 than the number required by the population plus one.

25 (3) A county may not contain more representative
26 districts than the number required by the population plus
27 two.

28 (4) A redistricting plan shall not divide precincts.

29 (b) Plan priorities.--To the extent possible and in
30 compliance with subsection (a), a redistricting plan shall

1 include the following in order of priority:

2 (1) Keep communities of interest intact.

3 (2) Be responsive, as measured by one or more widely
4 accepted measures of responsiveness.

5 (3) Conform district boundaries to natural boundaries
6 existing in the physical geography of an area.

7 Section 504. Political discrimination.

8 A legislative redistricting plan shall not purposefully or
9 unduly favor or disfavor an incumbent elected official,
10 candidate or prospective candidate for elective office. A
11 redistricting plan on a Statewide basis shall not purposefully
12 or unduly favor or disfavor a political party.

13 CHAPTER 7

14 CONGRESSIONAL REDISTRICTING PLANS

15 Section 701. Form of plans.

16 A congressional redistricting plan shall be in the form of a
17 bill listing the congressional districts allocated to the
18 Commonwealth and the political subdivisions, or parts of
19 political subdivisions, to be included within each district.

20 Section 702. Congressional redistricting process.

21 (a) Citizen plans.--A resident of this Commonwealth may
22 submit to the committees a congressional redistricting plan for
23 any or all congressional districts or parts of districts for
24 consideration.

25 (b) Preliminary hearings.--No later than 60 days after the
26 official reporting of the Federal census, the committees shall
27 conduct at least four public hearings in different regions of
28 this Commonwealth to receive testimony on redistricting of the
29 Commonwealth's congressional districts. The committees may
30 convene as a joint committee for this purpose or may agree to

1 divide the hearings as they deem advisable.

2 (c) Preliminary committee plans.--Upon completion of the
3 hearings required under subsection (b), either committee may
4 approve a preliminary congressional redistricting plan with not
5 less than seven days' prior notice to the public. The plan shall
6 be available on the publicly accessible Internet website created
7 under Chapter 9 for that seven-day period. A preliminary plan
8 shall be supplemented by the following:

9 (1) A map depicting the division of the Commonwealth
10 into congressional districts and the political subdivisions,
11 or parts of political subdivisions, to be included within
12 each district.

13 (2) The underlying data used to create or evaluate maps
14 in a format easily usable for analysis.

15 (3) Precinct-level shapefiles and census block
16 equivalency files.

17 (4) An explanation of the necessity for each division of
18 a political subdivision.

19 (5) An explanation of how each district map complies
20 with the criteria described in sections 703 and 704.

21 (6) The committee response to public comment.

22 (d) Hearings on preliminary plans.--Upon approval of a
23 preliminary plan, the committees shall conduct at least four
24 public hearings in different regions of this Commonwealth to
25 receive testimony on the preliminary plan.

26 (e) Committee action.--Upon completion of the hearings
27 required under subsection (d) and with no less than seven days'
28 prior notice to the public, the committee shall consider any
29 proposed amendment to the preliminary plan and report the plan
30 and supplementary information for consideration by the Senate

1 and House of Representatives.

2 Section 703. Redistricting criteria.

3 (a) General rule.--In addition to the requirements of
4 Federal law, the following shall apply to the drawing of
5 congressional district lines:

6 (1) Districts shall be composed of compact and
7 contiguous territory and, unless absolutely necessary, no
8 county, city, incorporated town, borough, township or ward
9 shall be divided.

10 (2) Districts shall provide racial and language
11 minorities with an equal opportunity to participate in the
12 political process and may not dilute or diminish their
13 ability to elect candidates of choice by themselves or in
14 coalition with others.

15 (3) A county may not contain more congressional
16 districts than the number required by the population plus
17 one.

18 (4) A redistricting plan shall not divide precincts.

19 (b) Plan priorities.--To the extent possible and in
20 compliance with subsection (a), a redistricting plan shall
21 include the following in order of priority:

22 (1) Keep communities of interest intact.

23 (2) Be responsive, as measured by one or more widely
24 accepted measures of responsiveness.

25 (3) Conform district boundaries to natural boundaries
26 existing in the physical geography of an area.

27 Section 704. Political discrimination.

28 A congressional redistricting plan shall not purposefully or
29 unduly favor or disfavor an incumbent elected official,
30 candidate or prospective candidate for elective office. A

1 redistricting plan on a Statewide basis shall not purposefully
2 or unduly favor or disfavor a political party.

3 CHAPTER 9

4 DATA TRANSPARENCY

5 Section 901. Dissemination of information to public.

6 The LDPC shall establish a publicly accessible, user-friendly
7 Internet website to disseminate the information and data
8 required by this act. All data posted to the website must be
9 easily available to the public free of charge.

10 Section 902. Redistricting data.

11 During the redistricting process, the LDPC shall assist the
12 commission and committees in collecting and posting data to the
13 publicly accessible Internet website required under section 901.
14 In addition to the data and information required by other
15 provisions of this act, the data shall include, but is not
16 limited to, the following:

17 (1) Data intended for use in drafting a preliminary plan
18 or any revised plan in a format easily usable for analysis.

19 (2) Access to software and a portal that can be used by
20 any Pennsylvania resident to prepare and submit a plan.

21 (3) Plans submitted by residents in, at least, PDF and
22 shapefile formats.

23 (4) Adequate notice of commission and committee meetings
24 and public hearings.

25 (5) Transcripts of testimony presented at public
26 meetings and hearings.

27 (6) Written testimony.

28 (7) All written communications between the commission or
29 committees and other persons concerning a plan.

30 (8) Preliminary plans and final plans available in, at

1 least, PDF and shapefile formats.

2 (9) A detailed written explanation of the differences
3 between a preliminary plan and a final plan, how the plans
4 comply with criteria and how the plans incorporated public
5 comment and map submissions.

6 (10) The underlying data used to create or evaluate maps
7 in a format easily usable for analysis.

8 (11) Precinct-level shapefiles and census block
9 equivalency files.

10 (12) All reports analyzing maps.

11 (13) A video archive of all commission and committee
12 meetings and hearings.

13 Section 903. Timing.

14 All data posted on the publicly accessible Internet website
15 created under section 901 shall provide the public with adequate
16 time for review, but not longer than three days after the data's
17 receipt by the commission, committee or LDPC. The data shall
18 remain available on the website for at least 10 years following
19 its publication.

20 CHAPTER 21

21 MISCELLANEOUS PROVISIONS

22 Section 2101. Effective date.

23 This act shall take effect immediately.