
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2207 Session of
2022

INTRODUCED BY GROVE, JANUARY 4, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 4, 2022

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for
3 Legislative Reapportionment Commission and providing for the
4 Citizens' Legislative Reapportionment 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 amended to read:

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
14 constituted for the purpose of reapportioning the Commonwealth.
15 The commission shall act by a majority of its entire membership.

16 (b) The commission shall consist of five members: four of
17 whom shall be the majority and minority leaders of both the
18 Senate and the House of Representatives, or deputies appointed
19 by each of them, and a chairman selected as hereinafter

1 provided. No later than 60 days following the official reporting
2 of the Federal decennial census as required by Federal law, the
3 four members shall be certified by the President pro tempore of
4 the Senate and the Speaker of the House of Representatives to
5 the elections officer of the Commonwealth who under law shall
6 have supervision over elections.

7 The four members within 45 days after their certification
8 shall select the fifth member, who shall serve as chairman of
9 the commission, and shall immediately certify his name to such
10 elections officer. The chairman shall be a citizen of the
11 Commonwealth other than a local, State or Federal official
12 holding an office to which compensation is attached.

13 If the four members fail to select the fifth member within
14 the time prescribed, a majority of the entire membership of the
15 Supreme Court within 30 days thereafter shall appoint the
16 chairman as aforesaid and certify his appointment to such
17 elections officer.

18 Any vacancy in the commission shall be filled within 15 days
19 in the same manner in which such position was originally filled.

20 (c) No later than 90 days after either the commission has
21 been duly certified or the population data for the Commonwealth
22 as determined by the Federal decennial census are available,
23 whichever is later in time, the commission shall file a
24 preliminary reapportionment plan with such elections officer.

25 The commission shall have 30 days after filing the
26 preliminary plan to make corrections in the plan.

27 Any person aggrieved by the preliminary plan shall have the
28 same 30-day period to file exceptions with the commission in
29 which case the commission shall have 30 days after the date the
30 exceptions were filed to prepare and file with such elections

1 officer a revised reapportionment plan. If no exceptions are
2 filed within 30 days, or if filed and acted upon, the
3 commissions's plan shall be final and have the force of law.

4 (d) Any aggrieved person may file an appeal from the final
5 plan directly to the Supreme Court within 30 days after the
6 filing thereof. If the appellant establishes that the final plan
7 is contrary to law, the Supreme Court shall issue an order
8 remanding the plan to the commission and directing the
9 commission to reapportion the Commonwealth in a manner not
10 inconsistent with such order.

11 (e) When the Supreme Court has finally decided an appeal or
12 when the last day for filing an appeal has passed with no appeal
13 taken, the reapportionment plan shall have the force of law and
14 the districts therein provided shall be used thereafter in
15 elections to the General Assembly until the next reapportionment
16 as required under this section 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 preliminary
27 plan is filed. If a preliminary plan is filed but the commission
28 fails to file a revised or final plan within the time
29 prescribed, the commission members shall forfeit all right to
30 compensation not paid.

1 (h) If a preliminary, revised or final reapportionment plan
2 is not filed by the commission within the time prescribed by
3 this section, unless the time be extended by the Supreme Court
4 for cause shown, the Supreme Court shall immediately proceed on
5 its own motion to reapportion the Commonwealth.

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

20 (2) That Article II be amended by adding a section to read:
21 § 17.1. Citizens' Legislative Reapportionment Commission.

22 (a) Commission established.--In each year following the year
23 of the Federal decennial census and the calendar year in which
24 this section takes effect, a Citizens' Legislative
25 Reapportionment Commission shall be constituted for the purpose
26 of reapportioning the Commonwealth. Except as otherwise provided
27 in this section, the commission shall act by a majority of its
28 entire membership.

29 (b) Commission membership.--The commission shall consist of
30 the following members to be appointed as provided under this

1 section:

2 (1) Two of whom shall be appointed by the Majority Leader of
3 the Senate.

4 (2) Two of whom shall be appointed by the Minority Leader of
5 the Senate.

6 (3) Two of whom shall be appointed by the Majority Leader of
7 the House of Representatives.

8 (4) Two of whom shall be appointed by the Minority Leader of
9 the House of Representatives.

10 (5) Two of whom shall be appointed by county governments in
11 this Commonwealth.

12 (6) One of whom shall be appointed by the judges of the
13 Commonwealth Court.

14 (c) Legislative appointees.--

15 (1) The elections officer of the Commonwealth who under law
16 shall have supervision over elections shall receive applications
17 for a period of 14 days from individuals who offer to serve as
18 members of the commission beginning:

19 (i) no later than February 1 of each year following the year
20 of the Federal decennial census as required by Federal law; or

21 (ii) no later than 14 days after the effective date of this
22 section for the commission constituted for the calendar year in
23 which this section takes effect.

24 (2) No later than two days after the end of the period under
25 paragraph (1), the elections officer of the Commonwealth who
26 under law shall have supervision over elections shall provide
27 copies of the applications received to the individuals who may
28 make appointments under subsection (b) (1), (2), (3) and (4).

29 (3) No later than 14 days after the receipt of applications
30 under paragraph (2), each individual who may make appointments

1 under subsection (b) (1), (2), (3) and (4) shall certify to the
2 elections officer of the Commonwealth who under law shall have
3 supervision over elections the individuals appointed to be
4 members of the commission.

5 (d) County appointees.--The two members appointed under
6 subsection (b) (5) shall be selected by a vote of the governing
7 bodies of counties or cities which are coterminous with a county
8 of this Commonwealth in which each county or city which is
9 coterminous with a county shall receive one vote. The two
10 members selected shall be registered members of different
11 political parties and shall have been registered members of the
12 party for at least five years prior to appointment. Except as
13 otherwise provided by law, the elections officer of the
14 Commonwealth who under law shall have supervision over elections
15 shall establish the procedures for the vote for the selection of
16 the two members appointed under this subsection, including the
17 means by which the members shall be certified to the elections
18 officer of the Commonwealth who under law shall have supervision
19 over elections. The members shall be certified no later than the
20 final date for certifications under subsection (c) (3).

21 (e) Judicial appointee.--The member appointed under
22 subsection (b) (6) shall be a former judge of the Commonwealth
23 Court who shall be selected by an order of the court after a
24 vote of the judges of the Commonwealth Court. The order shall be
25 certified to the elections officer of the Commonwealth who under
26 law shall have supervision over elections. The member shall be
27 certified no later than the final date for certifications under
28 subsection (c) (3). If no former judge of the Commonwealth Court
29 is available to serve as a member, the Commonwealth Court may
30 select a former judge of a court of common pleas.

1 (f) Membership qualifications.--A member must be a
2 registered elector of this Commonwealth for the immediately
3 preceding five years. The General Assembly may provide by
4 statute additional qualifications for individuals to serve as
5 commission members and the reasons for which members may be
6 removed. An individual may not be selected as a member of the
7 commission if the individual in the immediately preceding five
8 years:

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

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

14 (3) has been nominated, or has a spouse who has been
15 nominated, as a candidate for elective office in this
16 Commonwealth by a political party or political body or served,
17 or has a spouse who has served, as a staff member or officer of
18 a political party, political body, political committee or
19 political action committee in this Commonwealth.

20 (g) Chairperson.--The members of the commission shall select
21 a member to serve as chair of the commission.

22 (h) Vacancies.--Any vacancy in the commission shall be
23 filled within 15 days in the same manner in which such position
24 was originally filled, except that a vacant position appointed
25 under subsection (b)(1), (2), (3) and (4) shall be made by the
26 leader who appointed the individual who created the vacancy from
27 the individuals who had previously applied to be members.

28 (i) Reapportionment plan process.--

29 (1) No later than 60 days after either the commission has
30 been duly certified or the population data for the Commonwealth

1 as determined by the Federal decennial census are available,
2 whichever is later in time, the commission shall prepare and
3 file a preliminary reapportionment plan for the Senate and a
4 preliminary reapportionment plan for the House of
5 Representatives with the elections officer of the Commonwealth
6 who under law shall have supervision over elections. A
7 preliminary reapportionment plan shall be adopted by a vote of
8 at least two-thirds of the members of the commission.

9 (2) The commission shall have 14 days after filing each
10 preliminary reapportionment plan to make corrections in a plan.

11 (3) Any person aggrieved by a preliminary reapportionment
12 plan shall have the same 14-day period to file exceptions with
13 the commission.

14 (4) The commission shall have 14 days after the end of the
15 period for filing exceptions under paragraph (3) to prepare and
16 file with the elections officer of the Commonwealth who under
17 law shall have supervision over elections a proposed
18 reapportionment plan for the Senate and a proposed
19 reapportionment plan for the House of Representatives. A
20 proposed reapportionment plan shall be adopted by a vote of at
21 least two-thirds of the members of the commission. The proposed
22 reapportionment plan for the Senate shall be transmitted to the
23 Senate. The proposed reapportionment plan for the House of
24 Representatives shall be transmitted to the House of
25 Representatives.

26 (j) Senate review.--

27 (1) No later than 21 days after the receipt of the proposed
28 reapportionment plan for the Senate, the Senate shall consider
29 the plan.

30 (2) If the proposed reapportionment plan is not adopted in

1 whole by the Senate within the period for consideration under
2 paragraph (1), the commission shall revise the plan and submit a
3 revised proposed reapportionment plan for the Senate to the
4 Senate within 21 days of the end of the period for consideration
5 under paragraph (1). A revised proposed reapportionment plan
6 shall be adopted by a vote of at least two-thirds of the members
7 of the commission. The revised proposed reapportionment plan
8 shall be transmitted to the Senate.

9 (3) No later than 14 days after the receipt of the
10 commission's revised proposed reapportionment plan for the
11 Senate, the Senate shall consider the plan.

12 (4) The Senate shall provide for the reapportionment of the
13 Senate by resolution, which shall not be subject to presentment
14 to the Governor or require adoption by the House of
15 Representatives if any of the following occur:

16 (i) the revised proposed reapportionment plan for the Senate
17 is not adopted in whole by the Senate within 14 days of receipt;

18 (ii) the commission fails to timely adopt a preliminary
19 reapportionment plan for the Senate, a proposed reapportionment
20 plan for the Senate or a revised proposed reapportionment plan
21 for the Senate; or

22 (iii) a plan is remanded to the Senate under subsection (1).

23 (4) Any reapportionment plan adopted by the Senate under
24 this subsection shall be final and have the force of law in
25 accordance with subsection (m).

26 (k) House of Representatives review.--

27 (1) No later than 21 days after the receipt of the proposed
28 reapportionment plan for the House of Representatives, the House
29 of Representatives shall consider the plan.

30 (2) If the proposed reapportionment plan is not adopted in

1 whole by the House of Representatives within the period for
2 consideration under paragraph (1), the commission shall revise
3 the plan and submit a revised proposed reapportionment plan for
4 the House of Representatives to the House of Representatives
5 within 21 days of the end of the period for consideration under
6 paragraph (1). A revised proposed reapportionment plan shall be
7 adopted by a vote of at least two-thirds of the members of the
8 commission. The revised proposed reapportionment plan shall be
9 transmitted to the House of Representatives.

10 (3) No later than 14 days after the receipt of the
11 commission's revised proposed reapportionment plan for the House
12 of Representatives, the House of Representatives shall consider
13 the plan.

14 (4) The House of Representatives shall provide for the
15 reapportionment of the House of Representatives by resolution,
16 which shall not be subject to presentment to the Governor or
17 require adoption by the Senate if any of the following occur:

18 (i) the revised proposed reapportionment plan for the House
19 of Representatives is not adopted in whole by the House of
20 Representatives within 14 days of receipt;

21 (ii) the commission fails to timely adopt a preliminary
22 reapportionment plan for the House of Representatives, a
23 proposed reapportionment plan for the House of Representatives
24 or a revised proposed reapportionment plan for the House of
25 Representatives; or

26 (iii) a plan is remanded to the House of Representatives
27 under subsection (l).

28 (4) Any reapportionment plan adopted by the House of
29 Representatives under this subsection shall be final and have
30 the force of law in accordance with subsection (m).

1 (l) Appeals.--Any aggrieved person may file an appeal from
2 an adopted reapportionment plan directly to the Supreme Court
3 within 30 days after adoption under subsection (j) or (k). If
4 the appellant establishes that the adopted reapportionment plan
5 is contrary to law, the Supreme Court shall issue an order
6 remanding the plan to the Senate or House of Representatives, as
7 applicable, and providing an opportunity to reapportion the
8 Commonwealth in a manner not inconsistent with such order.

9 (m) Judicial review.--When the Supreme Court has finally
10 decided an appeal or when the last day for filing an appeal has
11 passed with no appeal taken, the adopted reapportionment plan
12 shall become a final reapportionment plan and 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 as required under this section 17.1.

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

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

1 (p) Remedy.--If a reapportionment plan does not acquire the
2 force of law under subsection (m) by January 15 of a year of a
3 general election, the apportionment of the Senate or the House
4 of Representatives, as applicable, then in effect shall continue
5 to have the force of law until December 1 of that year, and
6 thereafter until a reapportionment plan has been adopted by the
7 Senate or the House of Representatives, as applicable.

8 (q) Publication.--Any reapportionment plan adopted by the
9 commission shall be published by the elections officer of the
10 Commonwealth who under law shall have supervision over elections
11 once in at least one newspaper of general circulation in each
12 senatorial and representative district. The publication shall
13 contain a map of the Commonwealth showing the complete
14 reapportionment of the General Assembly by districts, and a map
15 showing the reapportionment districts in the area normally
16 served by the newspaper in which the publication is made. The
17 publication shall also state the population of the senatorial
18 and representative districts having the smallest and largest
19 population and the percentage variation of such districts from
20 the average population for senatorial and representative
21 districts.

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

30 (b) Upon the second passage by the General Assembly of these

1 proposed constitutional amendments, the Secretary of the
2 Commonwealth shall proceed immediately to comply with the
3 advertising requirements of section 1 of Article XI of the
4 Constitution of Pennsylvania and shall transmit the required
5 advertisements to two newspapers in every county in which such
6 newspapers are published in sufficient time after passage of
7 these proposed constitutional amendments. The Secretary of the
8 Commonwealth shall submit the proposed constitutional amendments
9 under section 1 of this resolution to the qualified electors of
10 this Commonwealth as a single ballot question at the first
11 primary, general or municipal election which meets the
12 requirements of and is in conformance with section 1 of Article
13 XI of the Constitution of Pennsylvania and which occurs at least
14 three months after the proposed constitutional amendments are
15 passed by the General Assembly.

16 (c) The Secretary of the Commonwealth shall state the
17 integrated ballot question under section 1 as follows:

18 Do you favor amending the Pennsylvania Constitution,
19 beginning with the general election of 2024, to achieve
20 the singular purpose of restructuring the reapportionment
21 process for the State Legislature, in an interrelated
22 fashion, by maintaining existing provisions on existence
23 of a commission to reapportion the State Senate and House
24 of Representative districts, on judicial review, and on
25 nonresident Senators; by revising existing provisions on
26 commission membership, on procedure and operation, on
27 legislative oversight, on appropriations, on remedies,
28 and on public notification; and by adding provisions on
29 eligibility and appointment of commission members and on
30 legislative oversight?