
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1209 Session of
2022

INTRODUCED BY ARGALL, SCAVELLO, MENSCH, J. WARD AND YUDICHAK,
APRIL 28, 2022

REFERRED TO STATE GOVERNMENT, APRIL 28, 2022

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, prohibiting the Legislative Reapportionment
3 Commission from adjusting the population data for the
4 Commonwealth as determined by the Federal decennial census
5 for any group quarters population.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby resolves as follows:

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

10 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 (c.1) The commission may not adjust the population data for
5 the Commonwealth as determined by the Federal decennial census
6 for any group quarters population.

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

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

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

24 (g) The General Assembly shall appropriate sufficient funds
25 for the compensation and expenses of members and staff appointed
26 by the commission, and other necessary expenses. The members of
27 the commission shall be entitled to such compensation for their
28 services as the General Assembly from time to time shall
29 determine, but no part thereof shall be paid until a preliminary
30 plan is filed. If a preliminary plan is filed but the commission

1 fails to file a revised or final plan within the time
2 prescribed, the commission members shall forfeit all right to
3 compensation not paid.

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

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

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

1 (b) Upon the second passage by the General Assembly of this
2 proposed constitutional amendment, the Secretary of the
3 Commonwealth shall proceed immediately to comply with the
4 advertising requirements of section 1 of Article XI of the
5 Constitution of Pennsylvania and shall transmit the required
6 advertisements to two newspapers in every county in which such
7 newspapers are published in sufficient time after passage of
8 this proposed constitutional amendment. The Secretary of the
9 Commonwealth shall submit this proposed constitutional amendment
10 to the qualified electors of this Commonwealth 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 amendment is
15 passed by the General Assembly.