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INTRODUCED BY SOLOMON, KENYATTA, VENKAT, MADDEN, WEBSTER,
D. WILLIAMS, PROBST AND HILL-EVANS, JUNE 21, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 21, 2023

AN ACT

1 Providing for legislative and congressional redistricting and
2 for proceedings of the Legislative Reapportionment
3 Commission.

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11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

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 entity authorized by section 17 of Article
23 II of the Constitution of Pennsylvania to adopt a legislative
24 redistricting plan.

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

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

1 subject to legislative action. The term does not include a
2 shared relationship with a political party, incumbent or
3 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 "Legislative Data Processing Committee." The entity created
11 under section 1(a) of the act of December 10, 1968 (P.L.1158,
12 No.365), entitled "An act creating and establishing the
13 Legislative Data Processing Committee: providing for its
14 membership; prescribing its powers, functions and duties; and
15 making an appropriation."

16 "Legislative district." The term includes senatorial
17 districts and representative districts.

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

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

23 "Reapportionment plan." A congressional redistricting plan
24 or legislative redistricting plan drawn under the requirements
25 of this act.

26 "Responsive." A district shall be responsive if voting
27 blocks are substantially and similarly able to translate their
28 popular support into representation in an elected body and if
29 the representation is substantially and similarly reflective of
30 shifts in the electorate's preferences.

1 "Secretary." The Secretary of the Commonwealth.

2 "Shapefile." A simplified, nontopological format for storing
3 geometric location and attribute information of geographic
4 areas.

5 Section 103. Duties of Legislative Data Processing Committee.

6 Not later than 30 days after the official reporting of the
7 Federal census, the Legislative Data Processing Committee shall:

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

13 (2) Use the data obtained to:

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

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

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

25 CHAPTER 3

26 LEGISLATIVE REAPPORTIONMENT COMMISSION

27 Section 301. Chair.

28 (a) Qualifications.--The chair of the commission shall be a
29 resident of this Commonwealth, other than a Federal, State or
30 local official holding an office to which compensation is

1 attached, who has:

2 (1) Voted in two of the last three Statewide general
3 elections immediately preceding the date of appointment to
4 the commission.

5 (2) Not registered nor has a spouse who has registered
6 as a Federal or State lobbyist in this Commonwealth in the
7 five years immediately preceding the date of appointment to
8 the commission.

9 (3) Not been nominated nor has a spouse who has been
10 nominated as a candidate for elective office in this
11 Commonwealth by a political party or political body in the
12 five years immediately preceding the date of appointment to
13 the commission.

14 (4) Not served nor has a spouse who has served as a
15 staff member or officer of a political party, political body,
16 political committee or political action committee in this
17 Commonwealth in the five years immediately preceding the date
18 of appointment to the commission.

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

24 Section 302. Transparency.

25 (a) Open meetings.--All proceedings of the commission
26 related to legislative redistricting under this act shall comply
27 with 65 Pa.C.S. Ch. 7 (relating to open meetings). The
28 proceedings of the commission shall be electronically and
29 contemporaneously broadcast on the website created under
30 Chapter 9 in a way that allows for as much public viewing and

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

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

14 Section 303. Legislative redistricting process.

15 (a) Resident plans.--Any resident of this Commonwealth may
16 submit to the commission a legislative redistricting plan for
17 any or all legislative districts or parts of districts.

18 (b) Preliminary plan.--

19 (1) Prior to the date that a preliminary legislative
20 redistricting plan is filed with the secretary, the
21 commission shall schedule and conduct at least four public
22 hearings in different regions of this Commonwealth.

23 (2) Upon completion of the public hearings, the
24 commission shall approve a preliminary legislative
25 redistricting plan at a public meeting upon not less than
26 seven days' prior notice to the public. The commission shall
27 file the approved plan with the secretary.

28 (3) Records pertaining to the commission's action on a
29 preliminary plan shall be publicly disclosed on the publicly
30 accessible Internet website created under Chapter 9 as soon

1 as practicable after the records are created.

2 (4) No later than 15 days after any person aggrieved by
3 the preliminary plan files timely exceptions to the plan, the
4 commission shall schedule and conduct at least two public
5 hearings to hear testimony regarding the exceptions.

6 (c) Approval of final plan.--The commission shall approve a
7 final plan at a public meeting upon not less than seven days'
8 prior notice to the public. The commission shall release the
9 proposed final plan and display the proposed plan on the website
10 created under Chapter 9 for at least seven days prior to the
11 meeting at which the final plan is approved. Upon approval, the
12 final plan shall be filed with the secretary.

13 CHAPTER 5

14 LEGISLATIVE REDISTRICTING PLANS

15 Section 501. Content of plans.

16 A legislative redistricting plan shall include the following:

17 (1) The senatorial and representative districts
18 authorized by the Constitution and the political
19 subdivisions, or parts thereof, to be included within each
20 district.

21 (2) Maps depicting the division of the Commonwealth into
22 senatorial and representative districts and all political
23 subdivisions, or parts thereof, to be included within each
24 district.

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

27 (4) Precinct-level shapefiles and census block
28 equivalency files.

29 (5) An explanation of the necessity for each division of
30 a political subdivision.

1 (6) An explanation of how each district map complies
2 with the criteria required under sections 502 and 503 and
3 responds to public comment.

4 Section 502. Redistricting criteria.

5 In addition to the requirements of section 16 of Article II
6 of the Constitution and Federal law, the following shall apply
7 to the drawing of legislative district lines:

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

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

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

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

20 (5) To the extent possible without violating the
21 preceding criteria, in the following order of priority, a
22 legislative redistricting plan shall:

23 (i) keep communities of interest intact;

24 (ii) be responsive, as measured by one or more
25 widely accepted measures of responsiveness; and

26 (iii) conform district boundaries to natural
27 boundaries existing in the physical geography of an area.

28 Section 503. Political discrimination.

29 A legislative redistricting plan shall not purposefully or
30 unduly favor or disfavor any incumbent elected official,

1 candidate or prospective candidate for elective office. A
2 legislative redistricting plan, on a Statewide basis, shall not
3 purposefully or unduly favor or disfavor any political party.

4 CHAPTER 7

5 CONGRESSIONAL REDISTRICTING PLANS

6 Section 701. Form and content of plans.

7 A congressional redistricting plan shall be in the form of a
8 bill listing the congressional districts allocated to the
9 Commonwealth and the political subdivisions, or parts thereof,
10 to be included within each district.

11 Section 702. Transparency.

12 (a) Open meetings.--All proceedings of the committees
13 related to redistricting under this act shall comply with 65
14 Pa.C.S. Ch. 7 (relating to open meetings), particularly those
15 requirements under 65 Pa.C.S. § 712 (relating to General
16 Assembly meetings covered). The proceedings of the committees
17 shall be electronically and contemporaneously broadcast on the
18 website created under Chapter 9 in a way that allows for as much
19 public viewing as possible. To ensure public participation,
20 meetings and hearings shall be widely advertised in multiple
21 languages, where necessary, and be held at times that allow for
22 broad attendance.

23 (b) Public comments.--The committees shall develop a system
24 for receiving written comments from the public, including all
25 electronic mail formats and a comment portal on the website
26 created under Chapter 9. The portal should be able to facilitate
27 real-time public comment during live-streamed committee meetings
28 and hearings. This information shall be reviewed by the
29 committees and given consideration equal to consideration given
30 to the in-person testimony of those who have appeared before the

1 committees.

2 Section 703. Congressional redistricting process.

3 (a) Resident plans.--Any resident of this Commonwealth may
4 submit a congressional redistricting plan for any or all
5 congressional districts or parts of districts for consideration
6 by the committees.

7 (b) Preliminary hearings.--Not later than 60 days after the
8 official reporting of the Federal census, the committees shall
9 conduct at least four public hearings in different regions of
10 this Commonwealth to receive testimony on redistricting of the
11 Commonwealth's congressional districts. The committees may
12 convene as a joint committee for this purpose or may agree to
13 divide the hearings as they deem advisable.

14 (c) Preliminary committee plans.--Upon completion of the
15 hearings required under subsection (b), either committee may
16 approve a preliminary congressional redistricting plan upon not
17 less than seven days' prior notice to the public. The plan shall
18 be available on the website created pursuant to Chapter 9 for
19 that seven-day period. A preliminary plan shall be supplemented
20 by the following:

21 (1) A map depicting the division of the Commonwealth
22 into congressional districts and the political subdivisions,
23 or parts thereof, to be included within each district.

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

26 (3) Precinct-level shapefiles and census block
27 equivalency files.

28 (4) An explanation of the necessity for each division of
29 a political subdivision.

30 (5) An explanation of how each district map complies

1 with the criteria described in this section and section 704
2 and responds to public comment.

3 (d) Hearings on preliminary plans.--Upon approval of a
4 preliminary plan, the committee shall conduct at least four
5 public hearings in different regions of this Commonwealth to
6 receive testimony on the preliminary plan.

7 (e) Committee action.--Upon completion of the hearings
8 required under subsection (d) and not less than seven days'
9 prior notice to the public, the committee shall consider any
10 proposed amendments to the preliminary plan and report the plan
11 and supplementary information for consideration by the Senate or
12 House of Representatives.

13 Section 704. Redistricting criteria.

14 In addition to the requirements of Federal law, the following
15 shall apply to the drawing of congressional district lines:

16 (1) Districts shall be composed of compact and
17 contiguous territory and, unless absolutely necessary, no
18 county, city, incorporated town, borough, township or ward
19 shall be divided.

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

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

28 (4) A congressional redistricting plan may not divide
29 precincts.

30 (5) To the extent possible without violating the

1 preceding criteria, in the following order of priority, a
2 congressional redistricting plan shall:

3 (i) keep communities of interest intact;

4 (ii) be responsive, as measured by one or more
5 widely accepted measures of responsiveness; and

6 (iii) conform district boundaries to natural
7 boundaries existing in the physical geography of an area.

8 Section 705. Political discrimination.

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

14 CHAPTER 9

15 DATA TRANSPARENCY

16 Section 901. Public website.

17 The Legislative Data Processing Committee shall establish a
18 publicly accessible, user-friendly Internet website to
19 disseminate the information and data required by this act. All
20 data posted to the website must be easily available to the
21 public free of charge.

22 Section 902. Redistricting data.

23 During the redistricting process, the Legislative Data
24 Processing Center shall assist the commission and committees in
25 collecting and posting data to the website required under
26 section 901. In addition to the data and information required
27 under this act, which data shall include, but is not limited to,
28 the following:

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

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

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

5 (4) Adequate notice of commission meetings and public
6 hearings.

7 (5) Transcripts of testimony presented at public
8 meetings and hearings.

9 (6) Any written testimony.

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

12 (8) Preliminary plans and final plans, available in at
13 least PDF and shapefile formats.

14 (9) A detailed written explanation of the differences
15 between a preliminary plan and final plan, how the plans
16 comply with criteria and how the plans incorporated public
17 comment and map submissions.

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

20 (11) Precinct-level shapefiles and census block
21 equivalency files.

22 (12) All reports analyzing maps.

23 (13) A video archive of all commission and committee
24 meetings and hearings.

25 Section 903. Timing.

26 All data posted on the website created under section 901
27 shall be provided with enough time to allow the public adequate
28 time to review the data, but not longer than three days after
29 the data's receipt by the commission, committee or the
30 Legislative Data Processing Center. This data shall remain

1 available on the website for at least the 10 years following its
2 publication.

3

CHAPTER 21

4

MISCELLANEOUS PROVISIONS

5 Section 2101. Effective date.

6

This act shall take effect immediately.