

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1832 Session of 2023

INTRODUCED BY RABB AND GILLEN, NOVEMBER 8, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 8, 2023

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
 2 "An act concerning elections, including general, municipal,  
 3 special and primary elections, the nomination of candidates,  
 4 primary and election expenses and election contests; creating  
 5 and defining membership of county boards of elections;  
 6 imposing duties upon the Secretary of the Commonwealth,  
 7 courts, county boards of elections, county commissioners;  
 8 imposing penalties for violation of the act, and codifying,  
 9 revising and consolidating the laws relating thereto; and  
 10 repealing certain acts and parts of acts relating to  
 11 elections," in election districts and polling places, further  
 12 providing for wards in cities of the first class may be  
 13 created, divided, realigned, or consolidated; and making an  
 14 editorial change.

15 The General Assembly of the Commonwealth of Pennsylvania  
 16 hereby enacts as follows:

17 Section 1. Subdivision (c) heading of Article V and section  
 18 532 of the act of June 3, 1937 (P.L.1333, No.320), known as the  
 19 Pennsylvania Election Code, are amended to read:

20 (c) [Creation, Division, Realignment and  
 21 Consolidation] Reapportionment of Wards in Cities of the First  
 22 Class

23 Section 532. Reapportionment of Wards in Cities of the First  
 24 Class.--[May be Created, Divided, Realigned, or Consolidated.--

1 (a) Wards in a city of the first class may be created,  
2 divided, realigned or consolidated, along clearly visible  
3 physical boundaries conforming with census block lines from the  
4 most recently completed Federal decennial census, by the court  
5 of common pleas of the county in which said city is located,  
6 upon application thereto for those purposes by the petition of  
7 at least a total of one hundred qualified electors from the ward  
8 or wards sought to be affected, or of the council of such city.

9 (b) Upon such petition, the said court shall appoint five  
10 impartial persons as a commission to inquire into and consider  
11 the merits of said petition, by such procedure as said court  
12 shall direct, to inspect the ward or wards sought to be  
13 affected, and to prepare a plan of the ward or wards proposed to  
14 be created, divided, realigned or consolidated.

15 (c) Said commission shall submit its report and plan within  
16 such time as shall be fixed by the said court.

17 (d) Unless at least four of said commissioners report  
18 favorably upon said petition and agree upon an implementing  
19 plan, said petition shall be dismissed by said court and the  
20 subject or subjects of said petition shall not be reconsidered  
21 for at least two years from the date of such dismissal.

22 (e) No final plan shall be entered until at least ten days  
23 after notice to the electors in the wards to be affected  
24 thereby. Such notice shall be in the manner, form and means  
25 directed by the commission, shall state the date of  
26 consideration by the commission and shall contain a warning that  
27 all objections to said report and plan must be set forth in  
28 writing and filed with the commission prior to such date.

29 (f) On or after such given date, the commission shall  
30 prepare a final plan which will best serve the public interest,

1 shall number the new ward or wards and shall cause a certified  
2 copy of the whole proceedings to be placed of record among the  
3 minutes of the city council and with the Mayor of said city.

4 (g) In the event that any final plan shall affect less than  
5 fifty (50) per centum of the wards in existence prior to the  
6 preparation of said plan, the city council, upon receipt of said  
7 plan from the commission, shall cause the same to be placed upon  
8 the ballot for the purpose of approval or rejection by vote of  
9 the qualified electors of the ward or wards divided, created,  
10 consolidated or realigned by said plan at the primary election  
11 next following the preparation of said plan.

12 (h) In the event that any final plan shall affect fifty (50)  
13 per centum or more of the wards in existence prior to the  
14 preparation of said plan, the city council upon receipt of said  
15 plan from the commission, shall cause the same to be placed upon  
16 the ballot for the purpose of approval or rejection by vote of  
17 the qualified electors of the city at the primary election next  
18 following the preparation of said plan.

19 (i) No plan dividing, creating, consolidating or realigning  
20 any ward shall be valid or take effect unless approved by the  
21 vote of the qualified electors as provided by subsections (g) or  
22 (h) of this act, whichever is applicable.

23 (j) Upon the appointment of said commission, it shall  
24 prepare and submit to the said court, for consideration and  
25 approval, a proposed budget of the expenses involved in  
26 connection with its duties and functions. After the filing of  
27 its report, the commission shall prepare and submit to said  
28 court for consideration and approval, its request for allowance  
29 of fees and any supplemental expenses. Upon approval of these  
30 items, said court shall enter an order directing payment by said

1 city.]

2 (a.1) Wards in a city of the first class shall be  
3 reapportioned by the governing body within the year following  
4 the Federal census, decennial or special, is officially and  
5 finally reported.

6 (b.1) The following shall apply:

7 (1) The governing body shall create a nonpartisan commission  
8 consisting of seven (7) members who shall present a plan to  
9 reapportion wards in a city of the first class to the governing  
10 body.

11 (2) The governing body shall determine qualifications to  
12 serve as a member of the commission created under paragraph (1).

13 A commissioner may not be appointed if the commissioner:

14 (i) Has been employed by a city of the first class or a  
15 political party.

16 (ii) Held elective or appointive public office at the  
17 Federal or State level or within a city of the first class.

18 (iii) Has donated more than two hundred fifty dollars (\$250)  
19 in the past year to a Federal, State or city of the first class  
20 political candidate who represents a city of the first class.

21 (iv) Has a close relative of any such person listed under  
22 subparagraph (i), (ii) or (iii).

23 (3) The governing body shall ensure that applications to be  
24 considered reasonably reflect the geographic, gender and racial  
25 diversity of a city of the first class.

26 (4) Applications for the commission shall be made available  
27 on a city of the first class' publicly accessible Internet  
28 website and shall be advertised in at least three citywide print  
29 or online publications. The application process shall include:

30 (i) Individuals interested in applying for the commission

1 shall apply on a city of the first class' publicly accessible  
2 Internet website and eligibility shall be determined by a city  
3 of the first class' city reapportionment official.

4 (ii) The city of the first class' city reapportionment  
5 official shall submit to the governing body a list of all  
6 qualified applications by political party affiliation.

7 (iii) Each applicant submitted under this paragraph to the  
8 governing body shall have been continuously registered in this  
9 Commonwealth with the same political party or continuously  
10 unaffiliated with a political party in the three years  
11 immediately preceding the date of application.

12 (5) Upon receipt of the list of qualified applications under  
13 paragraph (4), the governing body shall have up to thirty (30)  
14 days to review applications and interview applicants.

15 (6) No later than July 1 in the year following the year of  
16 the Federal census, decennial or special, the governing body  
17 shall vote for seven (7) qualified candidates using a voting  
18 method. In voting for applicants to serve on the commission, the  
19 governing body shall consider such factors as deemed appropriate  
20 so that the commission reasonably reflects the geographic,  
21 gender and racial diversity of a city of the first class.

22 (7) The seven (7) candidates with the most votes shall be  
23 appointed as commissioners provided no more than four (4)  
24 members of the commission are from the same political party.

25 (8) No fewer than fourteen (14) days prior to the first  
26 meeting of the commission, the governing body shall publish on a  
27 city of the first class' publicly accessible Internet website  
28 the number and aggregate demographics of applicants, including,  
29 but not limited to, age range, gender identity, race, zip code,  
30 occupation and political affiliation.

1 (9) The commission shall have the following duties:

2 (i) Within thirty (30) days of appointment, the commission  
3 shall choose a chair from among the commissioners by majority  
4 vote.

5 (ii) The commission shall hold no fewer than ten (10) public  
6 hearings to receive public remarks from city residents and shall  
7 solicit and review proposals for ward reapportionment from city  
8 residents.

9 (iii) No later than ninety (90) days after either the  
10 commission has been appointed or the population data as  
11 determined by the Federal census is available, whichever is  
12 longer, the commission shall file a preliminary ward  
13 reapportionment plan for wards in the city of the first class.  
14 The commission shall schedule and conduct no fewer than six (6)  
15 public hearings of the preliminary ward reapportionment plan in  
16 different geographical regions of the city of the first class.  
17 Wards shall be composed of compact and contiguous territory as  
18 nearly equal in population as practicable as officially and  
19 finally reported in the most recent Federal census, decennial or  
20 special.

21 (iv) All meetings of the commission at which at least a  
22 majority of members are present and held for the purpose of  
23 deliberating official business or taking official action shall  
24 be conducted in an open forum, in a manner by which the public  
25 may contemporaneously observe the proceedings and comply with 65  
26 Pa.C.S. Ch. 7 (relating to open meetings).

27 (v) Commission members may not communicate with or receive  
28 communications from any other person about the reapportionment  
29 of wards in the city of the first class unless during an open  
30 public meeting.

1 (vi) The commission shall have sixty (60) days after the  
2 filing of the preliminary ward reapportionment plan to hold the  
3 six (6) public hearings and make corrections to the plan. The  
4 final ward reapportionment plan shall be approved by a majority  
5 vote of the commission no later than thirty (30) days after the  
6 filing of the preliminary ward reapportionment plan.

7 (10) The commission shall make a report to the governing  
8 body upon approval of the final ward reapportionment plan and  
9 shall include with it a plot showing the boundaries of the  
10 present wards and a plot showing the wards as proposed by the  
11 commission, along with pertinent information relating to  
12 population and area of the proposed wards. The commission shall  
13 make a meaningful effort to deliver the report to the governing  
14 body ahead of the Legislative Reapportionment Commission's  
15 preliminary reapportionment plan for senatorial and  
16 representative districts of this Commonwealth.

17 (11) Upon presentation under paragraph (10), the governing  
18 body shall confirm the report absolutely by majority vote. The  
19 governing body shall designate a number for each of the wards.  
20 The governing body shall make a meaningful effort to confirm the  
21 report ahead of the Legislative Reapportionment Commission's  
22 preliminary reapportionment plan for senatorial and  
23 representative districts of this Commonwealth.

24 (c.1) The following shall apply to reapportionment by a  
25 petition:

26 (1) If there has not been a reapportionment of wards by a  
27 nonpartisan commission and confirmed by the governing body under  
28 this section within the year following the year in which the  
29 Federal census, decennial or special, is officially and finally  
30 reported, a petition signed by one or more electors who are

1 residents of a city of the first class may be submitted to the  
2 court of common pleas of the county in which the city of the  
3 first class is located, and reapportionment may be done in  
4 accordance with this subsection.

5 (2) Upon receiving the petition to reapportion under  
6 paragraph (1), the court may appoint seven (7) impartial  
7 individuals as commissioners.

8 (3) Any four (4) of the commissioners appointed by the court  
9 under this subsection shall make a report to the court within  
10 the time the court directs and shall include in the report a  
11 plot showing the boundaries of the present wards and a plot  
12 showing the wards as proposed, along with pertinent information  
13 relating to population and area of the proposed wards. The  
14 report shall include a rationale for how the proposed wards  
15 comply with the criteria for reapportionment under subsection  
16 (b.1) (9) (iii) and how public comment received by the nonpartisan  
17 reapportionment commission was considered in the plan.

18 (4) After submitting the report under paragraph (3) to the  
19 court, the court shall confirm the report and notice of  
20 submission of the report shall be given by publication in a  
21 newspaper of general circulation stating that exceptions may be  
22 filed to the report within thirty (30) days after the report was  
23 filed. If no exceptions are filed or if the court dismisses the  
24 exceptions, the court shall confirm the report absolutely and  
25 issue a decree. The court in the decree shall designate a number  
26 for each of the wards.

27 (d.1) The following shall apply to compensation of the  
28 commission:

29 (1) A commissioner of a nonpartisan commission either chosen  
30 by the governing body or appointed by the court, shall each

1 receive compensation for service.

2 (2) All costs and expenses incurred in the proceedings to  
3 reapportionment shall be paid by a city of the first class.

4 (e.1) The following shall apply to a contest of  
5 reapportionment by the governing body:

6 (1) In the event there has been a reapportionment by  
7 nonpartisan commission under this section, the reapportionment  
8 may be contested as not being in compliance with the criteria  
9 for reapportionment under subsection (b.1) (9) (iii).

10 (2) To contest a reapportionment, a petition signed by  
11 twenty (20) electors who are residents of the city of the first  
12 class shall be submitted to the court of common pleas of the  
13 county in which the city of the first class is located.

14 (3) The court shall review the reapportionment plan and  
15 either accept the reapportionment plan and dismiss the petition  
16 or reject the reapportionment plan and return the plan to the  
17 governing body for correction and resubmission to the court.

18 (4) If the court rejects the reapportionment plan under  
19 paragraph (3), the court may, in accordance with subsection  
20 (c.1) appoint seven (7) impartial commissioners.

21 (5) Any four (4) of the commissioners appointed under  
22 paragraph (4) shall submit a report to the court within the time  
23 the court directs and shall include in the report a plot showing  
24 the boundaries of the present wards and a plot showing the wards  
25 as proposed by the commission along with pertinent information  
26 relating to population and area of the proposed wards. The  
27 report shall include a rationale for how the proposed wards  
28 comply with the criteria for reapportionment under (b.1) (9) (iii)  
29 and how public comment received by the nonpartisan  
30 reapportionment commission was considered in the plan.

1 (6) After submission of the report under paragraph (5), the  
2 court shall confirm the report and direct that notice of the  
3 submission of the report shall be given by publication in a  
4 newspaper of general circulation stating that exceptions may be  
5 filed to the report within thirty (30) days after the report was  
6 submitted. If no exceptions are filed or if the court dismisses  
7 the exceptions, the court shall confirm the report absolutely  
8 and issue a decree. The court in the decree shall designate a  
9 number for each of the wards.

10 (f.1) The following shall apply to costs and expenses of the  
11 contest under subsection (e.1):

12 (1) All costs and expenses incurred in a proceeding  
13 described in subsection (e.1) shall be paid by a city of the  
14 first class or the petitioners as the court directs, but, if the  
15 court reapportions the city of the first class, the costs and  
16 expenses shall be paid by the city of the first class which was  
17 reapportioned.

18 (2) The petitioners may be required to post a bond set by  
19 the court to secure the payment of costs and expenses.

20 (g.1) As used in this section, the following words and  
21 phrases shall have the meanings given to them in this subsection  
22 unless the context clearly indicates otherwise:

23 "City reapportionment official." A nonpartisan city  
24 official, appointed by the governing body, responsible for  
25 supporting, facilitating and overseeing the reapportionment of  
26 wards by nonpartisan commission.

27 "Governing body." The city council in a city of the first  
28 class.

29 Section 2. This act shall take effect in 60 days.