
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2601 Session of
2024

INTRODUCED BY BELLMON, HILL-EVANS, KAZEEM, PROBST, KHAN AND
BRENNAN, SEPTEMBER 30, 2024

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 30, 2024

AN ACT

1 Providing for legislative reapportionment, for the powers and
2 duties of the Legislative Reapportionment Commission and for
3 a population count that includes incarcerated individuals.

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2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the
6 Reapportionment Openness and Fairness Act.

7 Section 2. Declaration of policy.

8 The General Assembly finds and declares as follows:

9 (1) In our representative democracy, the people elect
10 their elected officials and entrust to them the complex task
11 of government.

12 (2) In order for this process to work ideally, openness
13 and fairness in the legislative reapportionment process is
14 essential, as are efforts to educate, inform and engage the
15 residents of this Commonwealth about the matter.

16 (3) Public participation must be encouraged to help
17 ensure that reapportionment plans developed are responsive to
18 the will of the people and provide an equal opportunity for
19 incumbents and challengers alike to compete absent political
20 favor to either.

21 Section 3. Definitions.

22 The following words and phrases when used in this act shall
23 have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Commission." The Legislative Reapportionment Commission.

26 "Facility." One of the following:

27 (1) A Federal or State correctional facility.

28 (2) A State public facility for adjudicated delinquent
29 youth.

30 "Last known residence." The address at which an individual

1 was last domiciled prior to the individual's incarceration or
2 placement in a facility, as reported by the individual. For
3 individuals experiencing homelessness prior to incarceration or
4 placement in a facility, the term shall mean the location where
5 the individual regularly stayed or regularly received services
6 prior to incarceration or placement, as reported by the
7 individual.

8 "Secretary." The Secretary of State of the Commonwealth.
9 Section 4. Commission.

10 (a) General rule.--In each year following the Federal
11 decennial census, a commission shall be constituted for the
12 purpose of reapportioning the districts of the Senate and House
13 of Representatives of the General Assembly. Unless otherwise
14 directed by court order, legislative reapportionment shall only
15 be permitted once in the decade following the Federal decennial
16 census.

17 (b) Membership.--The membership of the commission shall be
18 consistent with the requirements of section 17 of Article II of
19 the Constitution of Pennsylvania. The fifth member selected as
20 chairman shall:

21 (1) Be an eligible elector of this Commonwealth at the
22 time of selection and have been a resident of this
23 Commonwealth for at least four years at the time of
24 appointment.

25 (2) Not have served as an elected Federal, State or
26 local government official or political party official or
27 registered lobbyist during the 10 years prior to the time of
28 appointment.

29 (3) Not be a relative of a member of the General
30 Assembly or have been employed by the General Assembly in the

1 past 10 years.

2 Section 5. Population count including incarcerated individuals.

3 (a) Reapportionment plan for the General Assembly.--The
4 population count used after each Federal decennial census by the
5 Legislative Reapportionment Commission for the purpose of
6 creating the legislative reapportionment plan for the General
7 Assembly:

8 (1) Shall count individuals incarcerated or held in a
9 facility, as determined by the Federal decennial census, at
10 the individuals' last known residence if the individuals were
11 residents of this Commonwealth.

12 (2) May not include incarcerated individuals who were
13 not residents of this Commonwealth before incarceration or
14 placement in a facility.

15 (b) Governing body of a municipality.--The population count
16 used after each Federal decennial census for the purpose of
17 creating the legislative districts that are used to elect the
18 governing body of a municipality:

19 (1) Shall count individuals incarcerated or held in a
20 facility, as determined by the Federal decennial census, at
21 the individuals' last known residence if the individuals were
22 residents of this Commonwealth.

23 (2) May not include incarcerated individuals who were
24 not residents of this Commonwealth before incarceration or
25 placement in a facility.

26 (c) Reporting requirement.--In each year immediately
27 following the year in which the Federal decennial census is
28 taken and in which the United States Census Bureau continues to
29 count an individual as a resident of the facility in which they
30 are incarcerated or held, the Department of Corrections and the

1 Department of Human Services shall furnish to the Legislative
2 Reapportionment Commission, the Legislative Data Processing
3 Center and other bodies used to reapportion districts for
4 political subdivision elections the information necessary to
5 implement this section no later than 15 days after the United
6 States Census Bureau releases the PL-94-171 population data for
7 Pennsylvania. The information shall include, but not be limited
8 to:

9 (1) A unique identifier, not including the name of every
10 individual incarcerated or held in a facility at the time of
11 the Federal decennial census.

12 (2) The last known residence of an individual described
13 under paragraph (1) before incarceration or placement in a
14 facility.

15 (3) The census block of the facility in which an
16 individual under paragraph (1) was incarcerated or held.

17 (4) The race, ethnicity and age of every individual
18 incarcerated or held in a facility described under paragraph
19 (1), if known.

20 (d) Duty of Secretary of Corrections.--The Secretary of
21 Corrections shall request from the Federal Bureau of Prisons the
22 information listed under subsection (c) for every individual
23 held in a facility under the jurisdiction of the Federal Bureau
24 of Prisons and located in this Commonwealth.

25 (e) Duty of commission.--Entities responsible for drafting
26 reapportionment plans in this Commonwealth shall use the data
27 provided under subsections (c) and (d) to adjust the PL-94-171
28 population data for this Commonwealth to ensure that individuals
29 incarcerated or held in a facility are counted at the
30 individual's last known residence with regards to

1 reapportionment.

2 Section 6. Preliminary plan.

3 (a) Filing.--No later than 90 days after either the
4 commission has been duly certified or usable population data for
5 the Commonwealth is available, whichever is later in time, the
6 commission shall file a preliminary plan with the secretary.

7 (b) Public comment.--A public comment period of 30 days
8 shall commence with the filing of the preliminary plan.

9 Section 7. Final plan.

10 The commission shall have 30 days after the date of the
11 expiration of the public comment period to prepare and adopt a
12 revised reapportionment plan for both houses of the General
13 Assembly, which shall become the final plan. The final plan
14 shall be accompanied by an explanation of the revisions.

15 Section 8. Commission failure to file.

16 If a preliminary or final plan is not filed by the commission
17 within the time prescribed by sections 6 or 7 unless the time is
18 extended by the Supreme Court for cause shown, the Supreme Court
19 shall immediately proceed on its own motion to reapportion this
20 Commonwealth.

21 Section 9. Appeals.

22 An aggrieved person may file an appeal from the final plan
23 directly to the Supreme Court within 30 days after the filing of
24 the final plan. If the appellant establishes that the final plan
25 is contrary to law, the Supreme Court shall issue an order
26 remanding the final plan to the commission and directing the
27 commission to reapportion this Commonwealth in a manner not
28 inconsistent with the order.

29 Section 10. Resident plans.

30 (a) General rule.--During the public comment period, a

1 resident of this Commonwealth may submit a reapportionment plan
2 or plans for any or all districts of the General Assembly to the
3 commission. These plans shall be considered by the commission.

4 (b) Information to be made available.--The commission shall
5 make software and demographic data available on its publicly
6 accessible Internet website for use by residents of this
7 Commonwealth to develop plans.

8 Section 11. Openness and solicitation of public input.

9 (a) Meetings.--The commission shall meet at the call of the
10 chairperson as necessary.

11 (b) Public hearings.--Prior to the development of the
12 preliminary plan and again prior to the development of the final
13 plan:

14 (1) The commission shall conduct five separate public
15 hearings.

16 (2) Each hearing shall be held in a different geographic
17 region of this Commonwealth.

18 (c) Open meetings.--The commission shall comply with 65
19 Pa.C.S. Ch. 7 (relating to open meetings) and the act of
20 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

21 (d) Public testimony.--The commission shall hear public
22 testimony at all public hearings. A good faith effort shall be
23 made by the commission to hear from as many Commonwealth
24 residents as possible.

25 (e) Expert testimony.--The commission may invite experts to
26 testify publicly at any public hearing or meeting on matters
27 relevant to the legislative reapportionment process. An expert
28 invited to testify shall represent a diverse range of subjects
29 and perspectives, reflecting the diversity of this Commonwealth.

30 (f) Written testimony.--The commission shall develop a

1 method of receiving written testimony, including all electronic
2 mail formats, such as email and text mail, from members of the
3 public who cannot or choose not to testify in person. The
4 testimony shall be reviewed by members of the commission and
5 given consideration equal to consideration given to the
6 testimony of those who have appeared before the commission.
7 Section 12. Dissemination of public information.

8 (a) Internet website.--The commission shall establish a
9 publicly accessible Internet website for the purpose of the
10 dissemination of information. The information contained on the
11 website shall include:

12 (1) All population and geographic data utilized in
13 drawing plans, including maps.

14 (2) All written communications between the commission
15 and other persons concerning a plan.

16 (3) The preliminary and final plan.

17 (4) A detailed explanation of the differences between
18 the preliminary and final plan.

19 (5) Resident plans submitted to the commission.

20 (6) Notice of public hearings held by the commission.

21 (7) Notice of meetings of the commission.

22 (8) Transcripts of testimony presented at public
23 hearings held by the commission.

24 (9) Official minutes of meetings of the commission.

25 (10) Contact information for the commission and its
26 members, including mailing addresses, telephone and facsimile
27 numbers and email addresses, if available.

28 (b) Software.--The commission's publicly accessible Internet
29 website shall also be used by the commission to facilitate the
30 use of software that residents of this Commonwealth can utilize

1 to develop reapportionment plans.

2 (c) Publication.--A reapportionment plan filed by the
3 commission, or ordered by the Supreme Court upon failure of the
4 commission to act, shall be published by the secretary once in
5 at least one newspaper of general circulation in each senatorial
6 and representative district. The publication shall contain a map
7 of this Commonwealth showing the complete reapportionment of the
8 General Assembly by districts and a map showing the
9 reapportionment districts in the area normally served by the
10 newspaper in which the publication is made. The publication
11 shall also state the population of the senatorial and
12 representative districts having the smallest and largest
13 population and the percentage variation of the districts from
14 the average population for senatorial and representative
15 districts.

16 Section 13. Appropriation.

17 The General Assembly shall appropriate sufficient money for
18 the compensation and expenses of members and staff appointed by
19 the commission and other necessary expenses.

20 Section 14. Reimbursement.

21 The members of the commission who are not elected members of
22 the General Assembly shall be entitled to compensation for their
23 services as the General Assembly from time to time shall
24 determine, but no part thereof shall be paid until a preliminary
25 plan is filed. If a preliminary plan is filed but the commission
26 fails to file a revised or final plan within the time
27 prescribed, the commission members shall forfeit all right to
28 compensation not paid.

29 Section 15. Effective date.

30 This act shall take effect in 60 days.