

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 484 Session of  
2015

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INTRODUCED BY BOSCOLA, LEACH, TEPLITZ, EICHELBERGER, WILLIAMS,  
FONTANA, YUDICHAK, BLAKE AND BROWNE, OCTOBER 26, 2015

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REFERRED TO STATE GOVERNMENT, OCTOBER 26, 2015

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## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, further providing for the Legislative  
3 Reapportionment Commission for the purpose of reapportioning  
4 and redistricting the Commonwealth of Pennsylvania.

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

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

9 That section 17 of Article II be amended to read:

10 § 17. Legislative [Reapportionment] and Congressional  
11 Redistricting Commission.

12 (a) [In each year following the year of the Federal  
13 decennial census] Not later than December 31 of each year ending  
14 in zero, a Legislative [Reapportionment] and Congressional  
15 Redistricting Commission shall be constituted for the purpose of  
16 reapportioning the Commonwealth. The commission shall [act by a  
17 majority of its entire membership.]:

18 (1) Conduct an open and transparent process enabling full

1 public consideration of and comment on the drawing of district  
2 lines.

3 (2) Draw district lines according to the redistricting  
4 criteria specified in this article.

5 (3) Conduct itself with integrity and fairness.

6 [(b) The commission shall consist of five members: four of  
7 whom shall be the majority and minority leaders of both the  
8 Senate and the House of Representatives, or deputies appointed  
9 by each of them, and a chairman selected as hereinafter  
10 provided. No later than 60 days following the official reporting  
11 of the Federal census as required by Federal law, the four  
12 members shall be certified by the President pro tempore of the  
13 Senate and the Speaker of the House of Representatives to the  
14 elections officer of the Commonwealth who under law shall have  
15 supervision over elections.

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

22 If the four members fail to select the fifth member within  
23 the time prescribed, a majority of the entire membership of the  
24 Supreme Court within 30 days thereafter shall appoint the  
25 chairman as aforesaid and certify his appointment to such  
26 elections officer.

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

29 (c) No later than 90 days after either the commission has  
30 been duly certified or the population data for the Commonwealth

1 as determined by the Federal census are available, whichever is  
2 later in time, the commission shall file a preliminary  
3 reapportionment plan with such elections officer.

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

6 Any person aggrieved by the preliminary plan shall have the  
7 same 30-day period to file exceptions with the commission in  
8 which case the commission shall have 30 days after the date the  
9 exceptions were filed to prepare and file with such elections  
10 officer a revised reapportionment plan. If no exceptions are  
11 filed within 30 days, or if filed and acted upon, the  
12 commission's plan shall be final and have the force of law.

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

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

26 (f) Any district which does not include the residence from  
27 which a member of the Senate was elected whether or not  
28 scheduled for election at the next general election shall elect  
29 a Senator at such election.

30 (g) The General Assembly shall appropriate sufficient funds

1 for the compensation and expenses of members and staff appointed  
2 by the commission, and other necessary expenses. The members of  
3 the commission shall be entitled to such compensation for their  
4 services as the General Assembly from time to time shall  
5 determine, but no part thereof shall be paid until a preliminary  
6 plan is filed. If a preliminary plan is filed but the commission  
7 fails to file a revised or final plan within the time  
8 prescribed, the commission members shall forfeit all right to  
9 compensation not paid.

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

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

29 (b) The commission shall consist of 11 members, as follows:  
30 four who are registered with the largest political party in this

1 Commonwealth based on registration, four who are registered with  
2 the second-largest political party in this Commonwealth based on  
3 registration and three who are not registered with either of the  
4 two largest political parties in this Commonwealth based on  
5 registration.

6 (c) Each commission member shall possess all of the  
7 following qualifications:

8 (1) Be a voter who has been continuously registered in this  
9 Commonwealth with the same political party or unaffiliated with  
10 a political party or political body and whose political  
11 affiliation has not changed in the previous three years  
12 immediately preceding the date of appointment to the commission.

13 (2) Has voted in two of the last three Statewide general  
14 elections immediately preceding the date of appointment to the  
15 commission.

16 (3) Has not held, nor has a spouse who has held, elective  
17 public office at the Federal, State or political subdivision  
18 level in this Commonwealth in the previous five years  
19 immediately preceding the date of appointment to the commission.

20 (4) Has not served as a paid staff member or paid consultant  
21 to Congress, the General Assembly, the Commonwealth or any  
22 political subdivision in this Commonwealth in the previous five  
23 years immediately preceding the date of appointment to the  
24 commission.

25 (5) Has not registered as a Federal, State or local lobbyist  
26 in this Commonwealth in the previous five years immediately  
27 preceding the date of appointment to the commission.

28 (6) Has not held office or served as a paid staff member for  
29 a political party or political body in the previous five years  
30 immediately preceding the date of appointment to the commission.

1 (7) Has not been nominated as a candidate for elective  
2 office by a political party or political body or served as a  
3 paid staff member or officer of a political party, political  
4 body, political committee or political action committee in the  
5 previous five years immediately preceding the date of  
6 appointment to the commission.

7 (d) Application and selection of the members of the  
8 commission shall be subject to the following:

9 (1) Application to serve as a member of the commission may  
10 be filed with, and on a form developed by, the Secretary of the  
11 Commonwealth indicating thereon evidence of his or her  
12 qualifications as provided by this section.

13 (2) The Secretary of the Commonwealth shall verify the  
14 qualifications of each applicant. If the Secretary of the  
15 Commonwealth finds that an applicant is not qualified, the  
16 Secretary of the Commonwealth shall not include the applicant's  
17 name in the pool of applicants.

18 (3) The Secretary of the Commonwealth shall separate all  
19 qualified applicants into three groups consisting of those who  
20 are:

21 (i) registered with the largest political party in this  
22 Commonwealth based on registration;

23 (ii) registered with the second-largest political party in  
24 this Commonwealth based on registration; and

25 (iii) not registered with either of the two largest  
26 political parties in this Commonwealth based on registration.

27 (4) The Secretary of the Commonwealth shall select, for  
28 appointment as members of the commission, on a random basis from  
29 each of the three groups of qualified applicants. In addition to  
30 the qualification requirements provided in subsection (c),

1 appointments from each group shall reasonably reflect the  
2 racial, geographic and gender diversity of this Commonwealth.

3 (5) One of the members shall be selected as chair by a vote  
4 of at least six members of the commission.

5 (e) The term of office of each member of the commission  
6 shall expire at the same time the commission expires as provided  
7 in this section.

8 (f) Removal of a member and vacancies on the commission  
9 shall be subject to the following:

10 (1) If a member of the commission fails to attend more than  
11 two consecutive meetings at which a vote of the commission is  
12 scheduled, the member's position shall be deemed vacant unless  
13 the member is absent due to death of an immediate family member,  
14 personal illness or illness of an immediate family member.

15 (2) Any vacancy in the commission shall be filled within 14  
16 days from the time the commission is notified of the vacancy in  
17 the same manner in which the position was originally filled and  
18 using the same pool of applicants from which the vacating member  
19 was chosen. If none of those remaining applicants are available  
20 for service, the Secretary of the Commonwealth shall fill the  
21 vacancy from a new pool of applicants created for the same voter  
22 registration category as the vacating member.

23 (g) A member shall be ineligible for a period of three years  
24 beginning from the expiration of the term for which the member  
25 was appointed to the commission to:

26 (1) Hold an appointive Federal, State or political  
27 subdivision position in this Commonwealth.

28 (2) Serve as a paid staff member or paid consultant to  
29 Congress, the General Assembly, the Commonwealth or any  
30 political subdivision.

1 (3) Register as a Federal, State or local lobbyist in this  
2 Commonwealth.

3 (4) Hold office or serve as a paid staff member or paid  
4 political consultant for a political party, political body,  
5 political committee or political action committee.

6 (g.1) A member shall be ineligible for a period of five  
7 years beginning from the expiration of the term for which the  
8 member was appointed to the commission to:

9 (1) Hold elective public office at the Federal, State or  
10 political subdivision level in this Commonwealth.

11 (2) Be eligible for nomination as a candidate for elective  
12 office by a political party or political body.

13 (h) Seven members of the commission shall constitute a  
14 quorum. Seven or more affirmative votes shall be required for  
15 any official action. The final redistricting plan must be  
16 approved by at least seven affirmative votes, which must include  
17 at least one vote of a member registered from each of the two  
18 largest political parties in this Commonwealth based on  
19 registration and one vote from a member who is not registered  
20 with either of the two largest political parties.

21 (i) To begin the process of preparing information necessary  
22 to the redistricting process, the commission shall complete all  
23 of the following:

24 (1) The commission shall acquire all necessary and  
25 appropriate information, review and evaluate available  
26 facilities and develop programs and procedures, which may  
27 include the use of software, in preparation for drawing  
28 congressional and legislative redistricting plans on the basis  
29 of each Federal census. The commission shall make the  
30 information available to the public through the commission's

1 publicly accessible Internet website.

2 (2) As soon as possible after December 31 of each year  
3 ending in zero, the commission shall obtain from the United  
4 States Census Bureau the population data needed for legislative  
5 districting that the Census Bureau is required to provide the  
6 Commonwealth under 13 U.S.C. § 141 (relating to population and  
7 other census information) and shall use that data to assign a  
8 population figure based upon census data to each geographic and  
9 political unit described pursuant to subparagraph (i). Upon  
10 completing that task, the commission shall begin the preparation  
11 of congressional and legislative redistricting plans as required  
12 by this subsection and subsection (j). The commission shall use  
13 the data obtained to prepare:

14 (i) Necessary descriptions of census blocks, voting  
15 districts, wards, municipalities and counties for which census  
16 data will be reported and which are suitable for use as  
17 components of districts.

18 (ii) Maps of census blocks, voting districts, wards,  
19 municipalities and counties within this Commonwealth, which may  
20 be used to illustrate the locations of district boundaries  
21 proposed in plans drawn in accordance with subsection (j).

22 (j) The commission shall establish congressional and  
23 legislative districts pursuant to a mapping process using the  
24 following criteria as set forth in the following order of  
25 priority:

26 (1) Districts shall comply with the Constitution of the  
27 United States and shall be established on the basis of  
28 population as follows:

29 (i) Senatorial and representative districts, respectively,  
30 shall each have a population as nearly equal as practicable to

1 the ideal population for such districts, determined by dividing  
2 the number of districts to be established into the population of  
3 this Commonwealth reported in the Federal census. Senatorial  
4 districts and representative districts shall not vary in  
5 population from the respective ideal district populations except  
6 as necessary to comply with one of the other standards  
7 enumerated in this section. In no case shall the quotient,  
8 obtained by dividing the total of the absolute values of the  
9 deviations of all district populations from the applicable ideal  
10 district population by the number of districts established,  
11 exceed 3.5% of the applicable ideal district population. No  
12 senatorial district shall have a population which exceeds that  
13 of any other senatorial district by more than 5%, and no  
14 representative district shall have a population which exceeds  
15 that of any other representative district by more than 5%.

16 (ii) Congressional districts shall each have a population as  
17 close to the applicable ideal district population as possible.

18 (2) To the extent consistent with paragraph (1), district  
19 boundaries shall coincide with the boundaries of political  
20 subdivisions of this Commonwealth. The number of counties and  
21 municipalities divided among more than one district shall be as  
22 small as possible. When there is a choice between dividing local  
23 political subdivisions, the more populous subdivisions shall be  
24 divided before the less populous, but this criterion does not  
25 apply to a legislative district boundary drawn along a county  
26 line which passes through a municipality that lies in more than  
27 one county.

28 (3) Districts shall be composed of contiguous territory.  
29 Areas which meet only at the points of adjoining corners are not  
30 contiguous.

1 (4) Districts should represent communities of interest.

2 (5) The geographic integrity of a municipality or local  
3 community of interest shall be respected in a manner that  
4 minimizes its division to the extent possible without violating  
5 the requirements of any of the preceding subsections.

6 (6) It is preferable that districts be compact in form,  
7 except that the standards established in paragraphs (1), (2) and  
8 (3) shall take precedence over compactness where a conflict  
9 arises between compactness and these standards. Compactness  
10 shall be determined through the use of one of the standard  
11 compactness measures that compares the area, population or  
12 geography of the districts to one another.

13 (7) No district shall be drawn for the purpose of favoring a  
14 political party, incumbent legislator or member of Congress or  
15 other person or group. In establishing districts, the following  
16 data shall not be considered:

17 (i) Addresses of incumbent legislators or members of  
18 Congress.

19 (ii) Political affiliations of registered voters.

20 (iii) Previous election results.

21 (8) Each plan drawn under this section shall provide that  
22 any vacancy in the General Assembly which is filled under the  
23 plan, occurring at a time which makes it necessary to fill the  
24 vacancy at a special election held under section 629 of the act  
25 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
26 Election Code, shall be filled from the same district which  
27 elected the senator or representative whose seat is vacant.

28 (k) The commission, within 30 days prior to the deadline for  
29 approval of a preliminary plan as set forth in subsection (l)  
30 (1), shall schedule and conduct at least four public hearings in

1 different geographic regions of this Commonwealth.

2 (1) (1) Not later than July 1 of each year ending in one,  
3 the commission shall complete and approve a preliminary  
4 redistricting plan and maps as required under this section and  
5 make such preliminary plan and maps available to the public  
6 through the commission's publicly accessible Internet website.

7 (2) The commission, within 30 days following the deadline  
8 for approval of a preliminary plan as set forth in paragraph  
9 (1), shall schedule and conduct at least four public hearings,  
10 in different geographic regions of this Commonwealth, on the  
11 preliminary plan.

12 (3) Not later than August 15 of each year ending in one, the  
13 commission shall approve a final redistricting plan. Upon  
14 approval, the commission shall certify the resulting plan to the  
15 Secretary of the Commonwealth, which plan shall constitute the  
16 certified final plan.

17 (4) If the commission fails to approve a final plan in  
18 accordance with paragraph (3), the following shall apply:

19 (i) Not later than September 1 of each year ending in one,  
20 the commission shall complete and approve a second preliminary  
21 redistricting plan and maps prepared in accordance with  
22 subsection (j) and make such second preliminary plan and maps  
23 available to the public through the commission's publicly  
24 accessible Internet website.

25 (ii) Within 30 days following the deadline for approval of  
26 the second preliminary plan as set forth in subparagraph (i),  
27 the commission shall schedule and conduct at least four public  
28 hearings, in different geographic regions of this Commonwealth,  
29 on the second preliminary plan.

30 (iii) Not later than October 15 of each year ending in one,

1 the commission shall approve a final redistricting plan. Upon  
2 approval, the commission shall certify the resulting plan to the  
3 Secretary of the Commonwealth, which plan shall constitute the  
4 certified final plan.

5 (m) If the commission does not complete and approve a final  
6 redistricting plan by October 16 of each year ending in one, the  
7 Secretary of the Commonwealth shall immediately petition the  
8 Supreme Court for an order directing the appointment of a  
9 special master to develop and complete a final redistricting  
10 plan in accordance with the criteria and requirements set forth  
11 in subsection (j). The special master must demonstrate expertise  
12 in geographic information systems by holding a graduate degree  
13 in geographic information systems and currently serving as a  
14 faculty member for a geographic information systems program at  
15 an institution of higher learning located within this  
16 Commonwealth and must meet the qualifications in subsection (c)  
17 and be bound by the restrictions in subsection (g). Upon its  
18 approval of the master's plan, the court shall certify the  
19 resulting plan to the Secretary of the Commonwealth, which plan  
20 shall constitute the certified final plan.

21 (n) The commission has the sole legal standing to defend any  
22 action regarding a certified final plan and shall inform the  
23 General Assembly if it determines that funds or other resources  
24 provided for the operation of the commission are not adequate.

25 (o) (1) The Supreme Court has original and exclusive  
26 jurisdiction in all proceedings in which a certified final plan  
27 is challenged or is claimed not to have taken timely effect.

28 (2) Any aggrieved person who is a registered voter in this  
29 Commonwealth may file a petition with the Supreme Court within  
30 30 days after the commission has certified a final plan to the

1 Secretary of the Commonwealth to bar the Secretary of the  
2 Commonwealth from implementing the plan on the grounds that the  
3 filed plan violates the Constitution of the United States, this  
4 Constitution or any Federal or State statute.

5 (p) The Department of State shall provide staff as needed to  
6 support the commission in the performance of its duties.

7 (q) Upon the filing of all redistricting plans required  
8 under this section and the exhaustion of all appeals of a  
9 redistricting plan:

10 (1) the commission shall expire and the commission's  
11 responsibilities shall terminate; and

12 (2) the final plan shall have the force of law and the  
13 districts therein provided shall be used thereafter in elections  
14 to the General Assembly until the next redistricting as required  
15 under this section.

16 (r) The General Assembly shall appropriate sufficient funds  
17 for the compensation and expenses of members and staff appointed  
18 by the commission and for other necessary expenses. In addition  
19 to necessary expenses, the members of the commission shall  
20 receive a per diem for each day or part of a day spent  
21 performing their official duties. The per diem shall be the most  
22 recent per diem rate for locations in this Commonwealth as  
23 established and published by the United States General Services  
24 Administration.

25 (s) Any district which does not include the residence from  
26 which a member of the Senate was elected whether or not  
27 scheduled for election at the next general election shall elect  
28 a Senator at the election.

29 (t) The following words and phrases when used in this  
30 section shall have the meanings given to them in this subsection

1 unless the context clearly indicates otherwise:

2 "Commission." The Legislative and Congressional  
3 Redistricting Commission.

4 "Community of interest." A contiguous population which  
5 shares common social and economic interests that should be  
6 included within a single district for purposes of its effective  
7 and fair representation. It shall not include relationships with  
8 political parties, incumbents or political candidates.

9 "Federal census." The decennial census required by Federal  
10 law to be conducted by the United States Census Bureau in every  
11 year ending in zero.

12 "Immediate family." A parent, spouse, child, brother or  
13 sister.

14 "Member." A member of the Legislative and Congressional  
15 Redistricting Commission.

16 "Plan." A plan for legislative and congressional  
17 redistricting drawn under the requirements of this section.

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

26 (b) Upon the second passage by the General Assembly of this  
27 proposed constitutional amendment, the Secretary of the  
28 Commonwealth shall proceed immediately to comply with the  
29 advertising requirements of section 1 of Article XI of the  
30 Constitution of Pennsylvania and shall transmit the required

1 advertisements to two newspapers in every county in which such  
2 newspapers are published in sufficient time after passage of  
3 this proposed constitutional amendment. The Secretary of the  
4 Commonwealth shall submit this proposed constitutional amendment  
5 to the qualified electors of this Commonwealth at the first  
6 primary, general or municipal election which meets the  
7 requirements of and is in conformance with section 1 of Article  
8 XI of the Constitution of Pennsylvania and which occurs at least  
9 three months after the proposed constitutional amendment is  
10 passed by the General Assembly.