

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 569** Session of
2017

INTRODUCED BY DAVIS, DRISCOLL, SNYDER, YOUNGBLOOD, McNEILL,
STURLA, DEAN, SCHLOSSBERG, MURT, KINSEY, D. MILLER, NEILSON,
SOLOMON, BULLOCK, GOODMAN, DeLUCA, THOMAS, MULLERY AND
FREEMAN, FEBRUARY 21, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 21, 2017

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, deleting provisions relating to
3 the Legislative Reapportionment Commission; and providing for
4 the Independent Redistricting Commission.

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

7 Section 1. The following integrated amendments to the
8 Constitution of Pennsylvania are proposed in accordance with
9 Article XI:

10 (1) 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

1 Senate and the House of Representatives, or deputies appointed
2 by each of them, and a chairman selected as hereinafter
3 provided. No later than 60 days following the official reporting
4 of the Federal decennial census as required by Federal law, the
5 four members shall be certified by the President pro tempore of
6 the Senate and the Speaker of the House of Representatives to
7 the elections officer of the Commonwealth who under law shall
8 have supervision over elections.

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

15 If the four members fail to select the fifth member within
16 the time prescribed, a majority of the entire membership of the
17 Supreme Court within 30 days thereafter shall appoint the
18 chairman as aforesaid and certify his appointment to such
19 elections officer.

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

22 (c) No later than 90 days after either the commission has
23 been duly certified or the population data for the Commonwealth
24 as determined by the Federal decennial census are available,
25 whichever is later in time, the commission shall file a
26 preliminary reapportionment plan with such elections officer.

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

29 Any person aggrieved by the preliminary plan shall have the
30 same 30-day period to file exceptions with the commission in

1 which case the commission shall have 30 days after the date the
2 exceptions were filed to prepare and file with such elections
3 officer a revised reapportionment plan. If no exceptions are
4 filed within 30 days, or if filed and acted upon, the
5 commissions's plan shall be final and have the force of law.

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

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

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

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

1 prescribed, the commission members shall forfeit all right to
2 compensation not paid.

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

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

22 (2) That Article II be amended by adding a section to read:
23 § 18. Independent Redistricting Commission.

24 (a) By February 28, 2021, and every 10 years thereafter, an
25 Independent Redistricting Commission shall be established for
26 the purpose of reapportioning this Commonwealth. The commission
27 shall act by a majority of its entire membership. The commission
28 shall consist of five members and shall meet the following
29 requirements:

30 (1) No more than two members may be members of the same

1 political party.

2 (2) Of the first four members appointed, no more than two
3 may reside in the same county.

4 (3) A member shall be a registered voter in this
5 Commonwealth who has been continuously registered with the same
6 political party or registered as unaffiliated with a political
7 party for no less than three years preceding appointment to the
8 commission.

9 (4) A member shall take and subscribe an oath or affirmation
10 before a person authorized to administer oaths attesting that
11 the member will apply the provisions of this section in an
12 honest, independent and impartial fashion and uphold public
13 confidence in the integrity of the redistricting process.

14 (5) Within three years preceding appointment to the
15 commission, a member shall not have been appointed to, elected
16 to or a candidate for any other public office, excluding a
17 school board director. A member shall not have served as an
18 officer of a political party or served as a registered paid
19 lobbyist or as an officer of a candidate's campaign committee.

20 (b) By January 8, 2021, and every 10 years thereafter,
21 Commonwealth Court by majority vote shall select candidates for
22 appointment to the commission from a pool of citizens registered
23 to vote in this Commonwealth who are willing to serve on and are
24 qualified for appointment to the commission in accordance with
25 this section. The pool of candidates shall consist of 25
26 nominees, with 10 nominees from each of the two largest
27 political parties in this Commonwealth based on party
28 registration and five nominees who are not registered with
29 either of the two largest political parties in this
30 Commonwealth.

1 (c) (1) No later than January 31, 2021, and every 10 years
2 thereafter, the following shall make an appointment to
3 commission from the candidates selected by Commonwealth Court
4 under subsection (b):

5 (i) The Majority Leader of the Senate.

6 (ii) The Minority Leader of the Senate.

7 (iii) The Speaker of the House of Representatives.

8 (iv) The Minority Leader of the House of Representatives.

9 (2) An official under paragraph (1) shall have a 10-day
10 period in which to make an appointment. An official under
11 paragraph (1) who fails to make an appointment within the
12 specified time period shall forfeit the appointment privilege.

13 (3) (i) If there is a vacancy in an appointed position
14 under this subsection on March 21, 2021, and every 10 years
15 thereafter, Commonwealth Court by majority vote, striving for
16 political balance and fairness, shall appoint a member to fill
17 the vacancy from the candidates selected by Commonwealth Court
18 under subsection (b).

19 (ii) Except as provided under clause (i), Commonwealth Court
20 shall nominate three candidates from candidates selected by
21 Commonwealth Court under subsection (b) within 30 days after a
22 vacancy occurs in an appointed position under this subsection.
23 The nominees shall be of the same political party or status as
24 was the member who vacated the office at the time of his or her
25 appointment. The appointment, except for the chairman appointed
26 under subsection (d), shall be made by the current holder of the
27 office designated to make the original appointment. After a
28 vacancy occurs in the chair position, the appointment of a
29 chairman shall be made by the remaining commission members. If
30 an appointment under this clause is not made within 14 days

1 after the presentation of the nominees, Commonwealth Court by
2 majority vote, striving for political balance and fairness,
3 shall make the appointment. A commission member or chair
4 appointed under this clause may serve on the commission until
5 the expiration of the original term of the member.

6 (d) At a meeting called by the Secretary of the
7 Commonwealth, the members shall select a fifth member by
8 majority vote from the candidates selected by Commonwealth Court
9 under subsection (b) who shall not be registered with a party
10 represented on the commission and who shall serve as chair of
11 the commission. If the four commission members fail to appoint a
12 chair within 15 days, Commonwealth Court by majority vote,
13 striving for political balance and fairness, shall appoint a
14 fifth member from the pool of candidates under subsection (b)
15 who shall serve as chair.

16 (e) The five members shall then select by majority vote one
17 of the members to serve as vice chairman.

18 (f) After having been served written notice and provided
19 with an opportunity for a response, a member may be removed by
20 the Governor, with the concurrence of two-thirds of the Senate,
21 for substantial neglect of duty, gross misconduct in office or
22 inability to discharge the duties of office.

23 (g) Three members, including the chair or vice chairman,
24 shall constitute a quorum. Three or more affirmative votes are
25 required for any official action. Where a quorum is present, the
26 commission shall conduct business in meetings open to the public
27 with at least 48 hours' notice to the public before the
28 commencement of the meetings.

29 (h) A member, during the member's term of office and for
30 three years thereafter, shall be ineligible for registration as

1 a paid lobbyist.

2 (i) The commission shall reapportion congressional and
3 legislative districts within this Commonwealth. The commencement
4 of the mapping process for both the congressional and
5 legislative districts shall be the creation of districts of
6 equal population in a grid-like pattern across this
7 Commonwealth. The commission shall make adjustments to the grid
8 in accordance with the following:

9 (1) Districts shall comply with the Constitution of the
10 United States and the Voting Rights Act of 1965 (Public Law 89-
11 110, 52 U.S.C. § 10301 et seq.).

12 (2) Districts shall have equal population to the extent
13 practicable.

14 (3) Districts shall be geographically compact and contiguous
15 to the extent practicable.

16 (4) District boundaries shall respect communities of
17 interest to the extent practicable.

18 (5) District lines shall use visible geographic features,
19 city, town and county boundaries and undivided census tracts to
20 the extent practicable.

21 (6) Competitive districts shall be favored if competitive
22 districts will not cause significant detriment to the other
23 goals to the extent practicable.

24 (7) Party registration and voting history data shall be
25 excluded from the initial phase of the mapping process but may
26 be used to test maps for compliance with the goals under
27 paragraphs (1), (2), (3), (4), (5) and (6).

28 (8) The places of residence of incumbents or candidates
29 shall not be identified or considered in the mapping process.

30 (j) (1) No later than 90 days after the commission is

1 formed under this section, the commission shall file a draft map
2 of congressional districts and a draft map of legislative
3 districts with an elections officer for public comment. The
4 commission shall consider the public comments. The public
5 comment period shall be for at least 30 days.

6 (2) The General Assembly may submit recommendations to the
7 commission during the public comment period for consideration.
8 After the public comment period, the commission shall establish
9 a final redistricting plan.

10 (k) The Department of General Services shall make adequate
11 office space available for the commission. The General Assembly
12 shall appropriate \$6,000,000 from the General Fund to the
13 commission for its operations beginning after the official
14 reporting of the 2020 Federal decennial census. The commission
15 shall transmit any unused money to the State Treasurer for
16 deposit into the General Fund. By July 1, 2028, and every 10
17 years thereafter, the Governor's Office shall submit a
18 recommendation to the General Assembly for an appropriation for
19 the commission's expenses.

20 (l) The commission, with fiscal oversight from the
21 Governor's Office, shall have procurement and contracting
22 authority and may hire staff and consultants for the purposes of
23 this section, including legal representation.

24 (m) The commission shall have standing in legal actions
25 regarding a final redistricting plan.

26 (n) Members shall be reimbursed for all necessary expenses
27 in conducting their duties on the commission as provided by the
28 laws of this Commonwealth.

29 (o) A member's term shall expire upon the appointment of the
30 first member of the next redistricting commission. The

1 independent redistricting commission shall not meet or incur
2 expenses after the final redistricting plan is completed, except
3 if litigation or any governmental approval of the final
4 redistricting plan is pending, or to revise districts if
5 required by court order or if the number of congressional or
6 legislative districts has changed.

7 Section 2. (a) Upon the first passage by the General
8 Assembly of these proposed constitutional amendments, the
9 Secretary of the Commonwealth shall proceed immediately to
10 comply with the advertising requirements of section 1 of Article
11 XI of the Constitution of Pennsylvania and shall transmit the
12 required advertisements to two newspapers in every county in
13 which such newspapers are published in sufficient time after
14 passage of these proposed constitutional amendments.

15 (b) Upon the second passage by the General Assembly of these
16 proposed constitutional amendments, the Secretary of the
17 Commonwealth shall proceed immediately to comply with the
18 advertising requirements of section 1 of Article XI of the
19 Constitution of Pennsylvania and shall transmit the required
20 advertisements to two newspapers in every county in which such
21 newspapers are published in sufficient time after passage of
22 these proposed constitutional amendments. The Secretary of the
23 Commonwealth shall submit these proposed constitutional
24 amendments to the qualified electors of this Commonwealth at the
25 first primary, general or municipal election which meets the
26 requirements of and is in conformance with section 1 of Article
27 XI of the Constitution of Pennsylvania and which occurs at least
28 three months after these proposed constitutional amendments are
29 passed by the General Assembly.