
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2449 Session of
2018

INTRODUCED BY REED, ROE, BENNINGHOFF, BARRAR, CHARLTON,
DRISCOLL, DUNBAR, ENGLISH, EVERETT, KAUFER, RYAN, SANTORA,
SIMMONS, SOLOMON, STAATS, THOMAS, WATSON, GILLEN AND SANKEY,
JUNE 5, 2018

REFERRED TO COMMITTEE ON RULES, JUNE 5, 2018

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 decennial
13 census, a Legislative [Reapportionment] and Congressional
14 Redistricting Commission shall be constituted for the purpose of
15 [reapportioning] redistricting the Commonwealth. The commission
16 shall [act by a majority of its entire membership.]:

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

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

3 (2) Conduct itself with integrity and fairness.

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

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

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

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

27 (c) No later than 90 days after either the commission has
28 been duly certified or the population data for the Commonwealth
29 as determined by the Federal census are available, whichever is
30 later in time, the commission shall file a preliminary

1 reapportionment plan with such elections officer.

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

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

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

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

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

28 (g) The General Assembly shall appropriate sufficient funds
29 for the compensation and expenses of members and staff appointed
30 by the commission, and other necessary expenses. The members of

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

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

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

27 (b) The commission shall consist of 11 members, as follows:
28 four who are registered with the largest political party in this
29 Commonwealth based on registration, four who are registered with
30 the second-largest political party in this Commonwealth based on

1 registration and three who are not registered with either of the
2 two largest political parties in this Commonwealth based on
3 registration.

4 (c) The General Assembly shall prescribe by law the
5 qualification to serve as a commission member. Each commission
6 member shall possess all of the following qualifications, in
7 addition to any qualifications prescribed by law:

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

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

16 (3) Has not held nor has an immediate family member who has
17 held elective public office at the Federal or State level or
18 elective judicial office in this Commonwealth.

19 (4) Has not served nor has a spouse who has served as a paid
20 staff member or paid consultant to a political party, a
21 political body, a candidate for any elective office, a member of
22 Congress, a member of the General Assembly or the Governor.

23 (5) Has not registered nor has a spouse who has registered
24 as a Federal or State lobbyist in this Commonwealth.

25 (6) Has not been nominated nor has a spouse who has been
26 nominated as a candidate for elective office by a political
27 party or political body nor served nor has a spouse who has
28 served as a paid staff member or officer of a political party,
29 political body, political committee or political action
30 committee.

1 (d) Selection of the members of the commission shall be
2 subject to the following:

3 (1) Following the general election in a year of a Federal
4 decennial census, the Secretary of the Commonwealth shall
5 prepare a list of possible candidates for membership on the
6 commission. The list shall be prepared by randomly selecting
7 registered voters in this Commonwealth and shall include each
8 person's party registration or affiliation. Each person on the
9 list shall be assigned an ordinal number according to the order
10 in which the person was randomly selected. The list shall be
11 provided to the majority and minority leaders of both the Senate
12 and the House of Representatives, or deputies appointed by each
13 of them.

14 (2) The majority and minority leaders of both the Senate and
15 the House of Representatives, or deputies appointed by each of
16 them, shall meet as necessary to determine the members of the
17 commission or to fill a vacancy on the commission, in accordance
18 with the following:

19 (i) The person on the list under paragraph (1) who has been
20 assigned the highest ordinal number remaining shall be
21 considered for membership on the commission.

22 (ii) During the consideration for membership of the person
23 under subparagraph (i), the majority or minority leader of
24 either the Senate or the House of Representatives, or deputies
25 appointed by either of them, may object to the membership of the
26 person only on the grounds of ineligibility under subsection
27 (c). Upon objection, the majority or minority leader of either
28 the Senate or the House of Representatives, or deputies
29 appointed by either them, shall present evidence of the
30 ineligibility of the person for membership on the commission.

1 Questions of ineligibility under this subparagraph shall be
2 decided by a majority vote.

3 (iii) If no objection to the person is raised or if the
4 person has been deemed eligible by a majority vote under
5 subparagraph (ii), the person shall become a member of the
6 commission unless the commission consists of the maximum amount
7 of members who represent the person's party registration as
8 authorized under subsection (b).

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

11 (e) The term of office of each member of the commission
12 shall expire at the same time the commission expires as provided
13 in this section.

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

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

21 (2) If a member of the commission has been convicted, found
22 guilty or pled guilty or nolo contendere to embezzlement of
23 public money, bribery, perjury or another infamous crime,
24 whether or not sentence has been imposed, the member's position
25 shall be deemed vacant.

26 (3) A vacancy in the commission shall be filled within 14
27 days from the time the commission is notified of the vacancy in
28 the same manner that the position was originally filled and
29 using the same procedure as from which the vacating member was
30 chosen.

1 (g) A member shall be ineligible to do the following for a
2 period of three years beginning from the expiration of the term
3 for which the member was appointed to the commission:

4 (1) Serve as a paid staff member or paid consultant to a
5 political party, a political body, a candidate for any elective
6 office, a member of Congress, a member of the General Assembly
7 or the Governor.

8 (2) Register as a Federal or State lobbyist in this
9 Commonwealth.

10 (3) Serve as a paid staff member or paid political
11 consultant for a political party, political body, political
12 committee or political action committee.

13 (h) A member and the member's spouse shall be ineligible to
14 do the following for a period of five years beginning from the
15 expiration of the term for which the member was appointed to the
16 commission:

17 (1) Hold an appointed position or elective public office at
18 the Federal or State level in this Commonwealth.

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

21 (3) Hold office for a political party, political body,
22 political committee or political action committee.

23 (i) Seven members of the commission shall constitute a
24 quorum. Seven or more affirmative votes shall be required for
25 any official action. The final redistricting plan must be
26 approved by at least seven affirmative votes that must include
27 at least one vote of a member registered from each of the two
28 largest political parties in this Commonwealth based on
29 registration and one vote from a member who is not registered
30 with either of the two largest political parties.

1 (j) To begin the process of preparing information necessary
2 to the redistricting process, the commission shall:

3 (1) Acquire all necessary and appropriate information,
4 review and evaluate available facilities and develop programs
5 and procedures, that may include the use of software, in
6 preparation for drawing congressional and legislative
7 redistricting plans on the basis of each Federal census. The
8 commission shall make the information available to the public in
9 a manner prescribed by law.

10 (2) As soon as possible the year following the Federal
11 decennial census, obtain from the United States Census Bureau
12 the population data needed for congressional and legislative
13 redistricting that the Census Bureau provides the Commonwealth
14 and use that data to assign a population figure based upon
15 census data to each geographic and political unit described
16 pursuant to subparagraph (i). Upon completing that task, the
17 commission shall begin the preparation of congressional and
18 legislative redistricting plans as required by this subsection
19 and subsection (k). The commission shall use the data obtained
20 to prepare:

21 (i) Necessary descriptions of census blocks, voting
22 districts, wards, municipalities and counties for which census
23 data will be reported and which are suitable for use as
24 components of districts.

25 (ii) Maps of census blocks, voting districts, wards,
26 municipalities and counties within this Commonwealth, that may
27 be used to illustrate the locations of district boundaries
28 proposed in plans.

29 (3) In establishing districts, the commission shall not
30 consider the following data:

1 (i) Addresses of any individual.

2 (ii) Political affiliations of registered voters.

3 (iii) Previous election results, unless required by Federal
4 or State law.

5 (k) The commission shall establish congressional and
6 legislative districts pursuant to a mapping process in
7 accordance with Federal and State law.

8 (l) Each plan drawn under this section shall provide that
9 any vacancy in the General Assembly that is filled under the
10 plan, occurring at a time that makes it necessary to fill the
11 vacancy at a special election shall be filled from the same
12 district that elected the senator or representative whose seat
13 is vacant.

14 (m) The commission, within 30 days prior to the deadline for
15 approval of a preliminary plan as set forth in subsection (o)
16 (1), shall schedule and conduct at least four public hearings in
17 different geographic regions of this Commonwealth.

18 (n) All commission meetings that are attended or
19 participated in by a quorum of the members of the commission
20 held for the purpose of deliberating official business of taking
21 official action shall be open to the public.

22 (o) (1) Not later than June 15 of the year the commission
23 is constituted, the commission shall complete and approve a
24 preliminary redistricting plan and maps as required under this
25 section and make the preliminary plan and maps available to the
26 public in a manner prescribed by law.

27 (2) The commission, within 30 days following the deadline
28 for approval of a preliminary plan as provided in paragraph (1),
29 shall schedule and conduct at least four public hearings, in
30 different geographic regions of this Commonwealth, on the

1 preliminary plan.

2 (3) Not later than August 1 of the year the commission is
3 constituted, the commission shall approve a final redistricting
4 plan. The commission shall transmit the plan adopted under this
5 paragraph to each House within two days.

6 (4) Within 15 days of the receipt of a transmission under
7 paragraph (3), the General Assembly may reject a final
8 redistricting plan through the adoption of a resolution by both
9 Houses. A resolution under this paragraph shall not be subject
10 to section 9 of Article III.

11 (5) Upon approval under paragraph (3) and unless a final
12 plan is rejected under paragraph (4), the commission shall
13 certify the resulting plan to the Secretary of the Commonwealth,
14 and that plan shall constitute the certified final plan when the
15 time for rejection of a plan under paragraph (4) has elapsed.

16 (6) If the commission fails to approve a final plan in
17 accordance with paragraph (3) or if a final plan is rejected
18 under paragraph (4), the following shall apply:

19 (i) Not later than September 1 of the year the commission is
20 constituted, the commission shall complete and approve a second
21 preliminary redistricting plan and maps prepared in accordance
22 with subsections (j) and (k) and make the second preliminary
23 plan and maps available to the public in a manner prescribed by
24 law.

25 (ii) Within 15 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 1 of the year the commission is

1 constituted, the commission shall approve a final redistricting
2 plan. The commission shall transmit the plan adopted under this
3 paragraph to each House within two days.

4 (7) Within 15 days of the receipt of a transmission under
5 paragraph (6)(iii), the General Assembly may reject a final
6 redistricting plan through the adoption of a resolution by both
7 Houses. A resolution under this paragraph shall not be subject
8 to section 9 of Article III.

9 (8) Upon approval under paragraph (6)(iii) and unless a
10 final plan is rejected under paragraph (7), the commission shall
11 certify the resulting plan to the Secretary of the Commonwealth,
12 and that plan shall constitute the certified final plan when the
13 time for rejection of a plan under paragraph (7) has elapsed.

14 (p) If the commission does not complete and approve a final
15 redistricting plan or if a final redistricting plan is rejected
16 under paragraph (7) by October 16 of the year the commission is
17 constituted, the commission shall expire.

18 (p.1) If the commission expires under subsection (p), the
19 General Assembly may enact a redistricting plan.

20 (p.2) If the commission expires under subsection (p) and a
21 redistricting plan is not enacted under (p.1) by December 31 of
22 the year the commission is constituted, the Supreme Court shall
23 have the power and the exclusive jurisdiction to adopt a
24 redistricting plan from among redistricting plans submitted to
25 the Supreme Court.

26 (g) The commission has the sole legal standing to defend an
27 action regarding a certified final plan and shall inform the
28 General Assembly if it determines that funds or other resources
29 provided for the operation of the commission are not adequate.

30 (r) (1) The Supreme Court has original and exclusive

1 jurisdiction in all proceedings that a certified final plan is
2 challenged or is claimed not to have taken timely effect.

3 (2) An aggrieved person who is a registered voter in this
4 Commonwealth may file a petition with the Supreme Court within
5 30 days after the commission has certified a final plan to the
6 Secretary of the Commonwealth to bar the Secretary of the
7 Commonwealth from implementing the plan on the grounds that the
8 filed plan violates the Constitution of the United States, the
9 Constitution of Pennsylvania or any Federal or State statute.

10 (s) Upon the filing of all redistricting plans required
11 under this section and the exhaustion of all appeals of a
12 redistricting plan:

13 (1) the commission shall expire and the commission's
14 responsibilities shall terminate; and

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

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

28 (u) A district that does not include the residence from
29 which a member of the Senate was elected whether or not
30 scheduled for election at the next general election shall elect

1 a Senator at the election.

2 (v) The following words and phrases when used in this
3 section shall have the meanings given to them in this subsection
4 unless the context clearly indicates otherwise:

5 "Commission." The Legislative and Congressional
6 Redistricting Commission.

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

10 "Immediate family." A parent, spouse, child, brother or
11 sister.

12 "Member." A member of the Legislative and Congressional
13 Redistricting Commission.

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

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

24 (b) Upon the second passage by the General Assembly of this
25 proposed constitutional amendment, the Secretary of the
26 Commonwealth shall proceed immediately to comply with the
27 advertising requirements of section 1 of Article XI of the
28 Constitution of Pennsylvania and shall transmit the required
29 advertisements to two newspapers in every county in which such
30 newspapers are published in sufficient time after passage of

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