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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2020 Session of  
2018

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INTRODUCED BY CONKLIN, DEAN, DRISCOLL, HILL-EVANS, KAVULICH,  
KORTZ, D. MILLER, NEILSON, SCHLOSSBERG, SCHWEYER, THOMAS,  
WARREN, YOUNGBLOOD, DeLUCA AND MURT, JANUARY 22, 2018

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 22, 2018

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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 district boundaries; providing for  
13 congressional redistricting process; and establishing a  
14 congressional redistricting commission.

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

17 Section 1. Section 506 of the act of June 3, 1937 (P.L.1333,  
18 No.320), known as the Pennsylvania Election Code, is amended to  
19 read:

20 Section 506. District Boundaries.--In administering  
21 elections for the nomination and election of candidates for [the  
22 United States House of Representatives and] the General  
23 Assembly, county boards of election shall adhere to the

1 following rule: Where an election district is used in or  
2 pursuant to [a congressional redistricting statute or] the Final  
3 Plan of the Legislative Reapportionment Commission to define the  
4 boundary of [a congressional district or] State legislative  
5 district, the boundary of such election district shall be the  
6 boundary existing and recognized by the Legislative  
7 Reapportionment Commission for the adoption of its Final Plan.  
8 The boundaries of [the congressional districts as established by  
9 statute and] State legislative districts as set forth in the  
10 Final Plan of the Legislative Reapportionment Commission shall  
11 remain in full force and effect for use thereafter until the  
12 next [reapportionment or] redistricting as required by law and  
13 shall not be deemed to be affected by any action taken pursuant  
14 to this article.

15 Section 2. The act is amended by adding an article to read:

16 ARTICLE V-A

17 Congressional Redistricting Process

18 Section 501-A. Definitions.

19 The following words and phrases when used in this article  
20 shall have the meanings given to them in this section unless the  
21 context clearly indicates otherwise:

22 "Applicant." An individual who meets the qualifications  
23 enumerated in section 503-A(c).

24 "Commission." A congressional redistricting commission  
25 established under this article.

26 "Commissioner." An applicant who has been selected to serve  
27 on the commission.

28 "Crimes against the public interest." Any of the offenses  
29 defined in the following provisions of Title 18 (Crimes and  
30 Offenses) of the Pennsylvania Consolidated Statutes or other

1 enumerated statutes where the offense involves public funds,  
2 property, resources or services:

3 Section 3922 (relating to theft by deception).

4 Section 3923 (relating to theft by extortion).

5 Section 3926 (relating to theft of services).

6 Section 3927 (relating to theft by failure to make  
7 required disposition of funds received).

8 Section 4101 (relating to forgery).

9 Section 4104 (relating to tampering with records or  
10 identification).

11 Section 4113 (relating to misapplication of entrusted  
12 property and property of government or financial  
13 institutions).

14 Section 4701 (relating to bribery in official and  
15 political matters).

16 Section 4702 (relating to threats and other improper  
17 influence in official and political matters).

18 Section 4902 (relating to perjury).

19 Section 4903(a) (relating to false swearing).

20 Section 4904 (relating to unsworn falsification to  
21 authorities).

22 Section 4906 (relating to false reports to law  
23 enforcement authorities).

24 Section 4909 (relating to witness or informant taking  
25 bribe).

26 Section 4910 (relating to tampering with or fabricating  
27 physical evidence).

28 Section 4911 (relating to tampering with public records  
29 or information).

30 Section 4952 (relating to intimidation of witnesses or

1 victims).

2 Section 4953 (relating to retaliation against witness,  
3 victim or party).

4 Section 5101 (relating to obstructing administration of  
5 law or other governmental function).

6 Section 5301 (relating to official oppression).

7 Section 5302 (relating to speculating or wagering on  
8 official action or information).

9 Article III of the act of March 4, 1971 (P.L.6, No.2),  
10 known as the "Tax Reform Code of 1971."

11 In addition to the foregoing specific crimes, the term also  
12 includes all criminal offenses as set forth in Federal law  
13 substantially the same as the crimes enumerated herein. This  
14 definition shall also include any other infamous crime.

15 "Immediate family member." A parent, spouse, child, brother  
16 or sister.

17 "Political subdivision." A county, city, borough,  
18 incorporated town or township.

19 "Public office." The Governor, member of the General  
20 Assembly or member of the Congress of the United States.

21 "Qualified elector." An individual who:

22 (1) possesses all of the qualifications for voting  
23 prescribed by the Constitution of Pennsylvania and the laws  
24 of this Commonwealth under 25 Pa.C.S. § 1102 (relating to  
25 definitions); or

26 (2) being otherwise qualified by continued residence as  
27 prescribed in 25 Pa.C.S. § 1302 (relating to residence of  
28 electors) in the election district, obtains the  
29 qualifications before the next ensuing election.

30 "Registered lobbyist." An individual who is registered as

1 prescribed in 65 Pa.C.S. Ch. 13A (relating to lobbying  
2 disclosure) or the Lobbying Disclosure Act of 1995 (Public Law  
3 104-65, 2 U.S.C. § 1601 et seq.).

4 "Secretary." The Secretary of the Commonwealth.

5 "Special master." An individual who:

6 (1) Is appointed by the Pennsylvania Supreme Court under  
7 section 507-A(d).

8 (2) Demonstrates expertise in geographic information  
9 systems.

10 (3) Holds a graduate degree in geographic information  
11 systems.

12 (4) Serves as a faculty member for a geographic  
13 information systems program at an institution of higher  
14 education located within this Commonwealth.

15 (5) Meets the qualifications in section 503-A(c).

16 "Website." The publicly accessible Internet website of the  
17 Congressional Redistricting Commission under section 506-A(b).  
18 Section 502-A. Census data.

19 Notwithstanding any other provision of law, in the year  
20 immediately following the Federal decennial census, the  
21 Legislative Data Processing Center shall:

22 (a) Obtain the census data for all qualified electors in  
23 this Commonwealth from the United States Census Bureau.

24 (b) Provide the adjusted population data, identifying all  
25 qualified electors, to the commission within 30 days after the  
26 secretary receives the census data from the United States Census  
27 Bureau.

28 Section 503-A. Congressional redistricting commission.

29 (a) Establishment.--No later than March 1 in the year  
30 immediately following the Federal decennial census, a

1 congressional redistricting commission shall be constituted for  
2 the purpose of redistricting the congressional districts of this  
3 Commonwealth.

4 (b) Commission composition.--The commission shall consist of  
5 the following members:

6 (1) Three applicants who are registered with the largest  
7 political party in this Commonwealth based on registration.

8 (2) Three applicants who are registered with the second-  
9 largest political party in this Commonwealth based on  
10 registration.

11 (3) Three applicants who are not registered with either  
12 of the two largest political parties in this Commonwealth  
13 based on registration.

14 (c) Qualifications.--Within the five years immediately  
15 preceding the date of appointment to the commission, an  
16 applicant:

17 (1) Must be a qualified elector who:

18 (i) has been registered in this Commonwealth with  
19 the same political party, or unaffiliated with a  
20 political party, and has not changed political party  
21 affiliation during the five-year period; and

22 (ii) has voted in at least three general or  
23 municipal elections.

24 (2) Must not have been a candidate for election to or  
25 served in public office.

26 (3) Must not be an immediate family member of a  
27 candidate for public office.

28 (4) Must not have been convicted, found guilty or  
29 pleaded guilty or nolo contendere to a crime against the  
30 public interest.

1           (5) Must not be registered as a lobbyist.

2           (6) Must not have served as staff or consultant to the  
3 Governor, a member of the General Assembly or a member of the  
4 Congress of the United States representing the Commonwealth.

5           (7) Must not have held an appointive office in the  
6 executive branch or legislative branch of Federal, State or  
7 local government.

8           (d) Procedure for selection of commissioner members.--

9 Application and selection of the members of the commission shall  
10 be subject to the following:

11           (1) The secretary shall provide an application for  
12 membership to the commission, in a form prescribed by the  
13 secretary, which shall be made available no later than  
14 November 1 in the year of a decennial census. The application  
15 shall be made available on the website.

16           (2) Applications to serve as a member of the commission  
17 must be filed with the secretary before January 31 of the  
18 year following the Federal decennial census.

19           (3) The secretary shall verify the qualifications of  
20 each applicant according to subsection (c). If an applicant  
21 is not qualified, the secretary shall remove the applicant's  
22 name from the pool of applicants and notify the applicant.

23           (4) The secretary shall separate all qualified  
24 applicants into three subpools consisting of qualified  
25 applicants who are:

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

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

30           (iii) not registered with either of the two largest

1 political parties in this Commonwealth based on  
2 registration.

3 (5) The secretary shall convene a two-day seminar in  
4 Harrisburg before February 15 for all qualified applicants.  
5 This seminar shall pertain to the principles, current law and  
6 current redistricting technology.

7 (6) At the conclusion of the seminar provided in  
8 paragraph (5), the secretary shall supervise the random  
9 selection of 20 qualified applicants from each of the three  
10 subpools provided in paragraph (4). The selection shall be  
11 conducted in the following manner:

12 (i) The applicants in each subpool shall draw a  
13 number from a set of sequentially numbered cards. The  
14 applicants who draw cards numbered 1 through 20 shall  
15 remain in that subpool.

16 (ii) If the 60 selected applicants do not reasonably  
17 reflect the racial, geographic and gender diversity of  
18 this Commonwealth, all the applicants shall draw the  
19 cards again.

20 (iii) The secretary shall immediately provide the  
21 names of the 60 selected applicants to the President of  
22 the Senate and the Speaker of the House of  
23 Representatives for presentation to the Majority Leader  
24 and Minority Leader of the Senate and the Majority Leader  
25 and Minority Leader of the House of Representatives,  
26 respectively.

27 (iv) The Majority Leader and Minority Leader of the  
28 Senate and the Majority Leader and Minority Leader of the  
29 House of Representatives shall each strike up to two  
30 applicants from each subpool. The names of the stricken



1 applicants shall be reported to the secretary before  
2 March 10.

3 (v) Upon being notified of the stricken applicants  
4 by the legislative leaders, the secretary shall  
5 immediately notify the remaining applicants of the date  
6 of final selection.

7 (vi) No later than March 15 of the year following a  
8 decennial census, the secretary shall convene a meeting  
9 and all applicants notified under subparagraph (v) shall  
10 draw numbers from a set of sequentially numbered cards  
11 assigned to each subpool.

12 (vii) The secretary shall appoint the applicants who  
13 draw cards numbered 1, 2 and 3 in each subpool to serve  
14 on the commission. Applicants who draw any other card  
15 shall serve as alternates in their respective subpool.

16 (viii) A commissioner shall be selected as  
17 chairperson by a vote of at least a majority of the  
18 commissioners at the first meeting of the commission.

19 (e) Terms.--The terms of office of each commissioner shall  
20 expire December 31 of the year immediately preceding the year in  
21 which the following Federal decennial census is conducted.

22 (f) Compensation.--Members of the commission may not receive  
23 a salary but shall be entitled to reimbursement of reasonable  
24 and necessary expenses for members and staff appointed by the  
25 commission incurred in the performance of their duties under  
26 this article.

27 (g) Member removal.--

28 (1) If a member of the commission is convicted, found  
29 guilty or pleads guilty or nolo contendere to a crime against  
30 the public interest, whether or not sentence has been

1 imposed, the member's position shall be deemed vacant.

2 (2) If a member of the commission fails to attend more  
3 than two consecutive meetings or hearings duly called by the  
4 chair, the member's position shall be deemed vacant. An  
5 absence may be excused if the member is absent due to the  
6 member's serious illness or the death or serious illness of  
7 an immediate family member.

8 (h) Vacancies.--A vacancy on the commission shall be filled  
9 within 21 days from the time the chair is notified of the  
10 vacancy in the following manner:

11 (1) Upon receipt of notification of a vacancy, the  
12 chairperson shall call a meeting of the commission at which  
13 time a replacement commissioner shall be selected from the  
14 subpool which the vacating member was originally chosen.

15 (2) The secretary shall notify each remaining applicant  
16 in the subpool no later than 24 hours after the meeting in  
17 paragraph (1) has been scheduled. Applicants shall attend the  
18 meeting to be considered for the vacancy.

19 (3) The secretary shall provide the chairperson of the  
20 commission with the number selected by each member of the  
21 subpool described in subsection (d) (6) (vii) that is in  
22 attendance at the meeting described in paragraph (1). No  
23 names or information about the applicants may be provided to  
24 the chairperson or any other commissioners.

25 (4) The chairperson shall select a number corresponding  
26 to the applicants in attendance at the meeting described in  
27 paragraph (1). The chosen applicant shall immediately fill  
28 the vacancy.

29 Section 504-A. (Reserved).

30 Section 505-A. Commission meetings.

1 (a) Quorum.--The commission may not take official action  
2 without a majority plus two commissioners present and voting at  
3 a meeting duly called by the chairperson.

4 (b) Voting.--Except as provided in section 507-A(c)(4), at  
5 least a majority vote of all commissioners shall be required for  
6 official action.

7 (c) Notice of meetings and hearings.--Notice of commission  
8 meetings and hearings shall be given in accordance with the  
9 provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).  
10 Public notice of any meeting shall occur at least 14 days before  
11 the meeting and shall include the event's time, date and  
12 location.

13 (d) Public participation.--The commission shall provide a  
14 reasonable opportunity during all commission meetings for oral  
15 public comment and deliberation to comment on matters of  
16 concern, official action or deliberation which are or may be  
17 before the commission prior to taking official action.  
18 Section 506-A. Public access.

19 (a) Right-to-know.--The activities of the commission shall  
20 be subject to the act of February 14, 2008 (P.L.6, No.3), known  
21 as the Right-to-Know Law. The commission shall be considered a  
22 legislative agency as defined in section 102 of the Right-to-  
23 Know Law.

24 (b) Commission website.--No later than September 1, 2020,  
25 the department shall develop a publicly accessible Internet  
26 website for the commission. The website shall include all of the  
27 following:

28 (1) Adjusted population data described in section 502-A.

29 (2) All information provided to the applicants at the  
30 seminar provided in section 503-A(d)(5).

1           (3) The ability of any person to provide public comment  
2 on all information on the website.

3           (4) Notice of each meeting or hearing in accordance with  
4 65 Pa.C.S. § 709(a) (relating to public notice).

5           (5) The minutes of all meetings of the commission.

6           (6) All testimony and documentation provided during  
7 hearings.

8           (7) The preliminary and final redistricting plans.

9           (8) Any other information deemed necessary by the  
10 commission in order to justify any decisions or votes cast by  
11 the commission.

12 Section 507-A. Congressional redistricting process.

13 (a) Initial hearings.--

14           (1) After the commission is appointed, the commission  
15 shall schedule at least six initial public hearings for the  
16 purpose of obtaining public comment on the redistricting  
17 process. The hearings shall be held before July 1 of the year  
18 following a decennial census.

19           (2) The hearings shall comply with the provisions  
20 specified in section 505-A.

21           (3) The schedule of hearings shall be published on the  
22 website in accordance with the provisions of section 506-  
23 A(b).

24           (4) Hearings shall be held at times that are likely to  
25 maximize public participation and in locations that encompass  
26 the geographic, racial and ethnic diversity of this  
27 Commonwealth.

28 (b) Preliminary plan.--

29           (1) Between July 1 and August 30 of the year following a  
30 decennial census, the commission shall prepare and adopt a

1 preliminary plan for congressional districts.

2 (2) The preliminary plan shall include:

3 (i) maps of the new congressional districts;

4 (ii) a list of all municipal governments encompassed  
5 in each congressional district; and

6 (iii) a report explaining the basis used by the  
7 commission to prepare the preliminary plan and the  
8 rationale for any deviation by the commission from the  
9 district requirements established in section 508-A).

10 (3) The plan shall be adopted at a public meeting in  
11 accordance with section 505-A.

12 (4) The preliminary plan shall be published on the  
13 website and in at least one newspaper of general circulation  
14 in each existing congressional district no later than seven  
15 days prior to a scheduled meeting to adopt the preliminary  
16 plan.

17 (5) Between September 1 and October 30 of the year  
18 following a decennial census, the commission shall hold at  
19 least four public hearings on the preliminary plan.

20 (c) Final plan.--

21 (1) No later than November 30 of the year following a  
22 decennial census, the commission shall prepare and adopt a  
23 final congressional redistricting plan.

24 (2) The final plan shall include:

25 (i) maps of the new congressional districts;

26 (ii) a list of all municipal governments encompassed  
27 in each congressional district; and

28 (iii) a report that explains the basis used by the  
29 commission to prepare the final plan and the rationale  
30 for any deviation from the district requirements

1 established in section 508-A.

2 (3) The final plan shall be adopted at a public meeting  
3 pursuant to section 505-A.

4 (4) A final plan shall be adopted by the commission with  
5 at least a majority plus two votes of all commissioners.

6 (5) No later than seven days after adoption by the  
7 commission, the secretary shall certify the final  
8 congressional redistricting plan and publish it on the  
9 website and in one newspaper of general circulation in each  
10 of the new congressional districts in the final plan.

11 (6) Appeals by aggrieved persons.--An aggrieved person  
12 may file an appeal to the final congressional redistricting  
13 plan with the Supreme Court of Pennsylvania.

14 (d) Special master.--

15 (1) (i) If the commission does not approve a final  
16 redistricting plan by November 30 of the year following a  
17 decennial census, the secretary shall immediately  
18 petition the Supreme Court of Pennsylvania for the  
19 appointment of a special master.

20 (ii) If the commission demonstrates cause for failure to  
21 meet the deadline, the Supreme Court may grant the  
22 commission a single, 30-day continuance to approve a  
23 final congressional redistricting plan.

24 (2) If an individual is appointed special master, the  
25 special master shall develop and complete a final  
26 redistricting plan in accordance with the district  
27 requirements provided in section 508-A.

28 (3) (i) No later than 30 days from appointment, the  
29 special master shall submit a final plan to the Supreme  
30 Court.

1        (ii) If the special master does not complete a final  
2        plan in 30 days, the Supreme Court may grant the special  
3        master a single, 30-day continuance for demonstration of  
4        cause.

5        (4) No later than seven days from the date of submission  
6        of the final plan from the special master, the Supreme Court  
7        shall certify the resulting plan to the Secretary. The  
8        certified plan shall constitute the final congressional  
9        redistricting plan for the Commonwealth.

10       (e) Effective date of final congressional redistricting  
11 plan.--

12       (1) The final congressional redistricting plan shall  
13       have the force and effect of law when the Supreme Court of  
14       Pennsylvania decides the appeals under subsection (c) (6).

15       (2) The districts identified in the final congressional  
16       redistricting plan shall be used in elections for  
17       representatives to the House of Representatives of the United  
18       States from this Commonwealth until the adoption of a new  
19       congressional redistricting plan following the next Federal  
20       decennial census.

21 Section 508-A. Congressional district requirements.

22       (a) Population.--Congressional districts shall be  
23       established on the basis of population and equal in population,  
24       except where deviation is required to comply with the Voting  
25       Rights Act of 1965 (Public Law 89-110, 52 U.S.C. § 10301 et  
26       seq.) or is otherwise allowed by law. When determining the  
27       population of each congressional district, population of  
28       qualified electors shall respect the requirements in 25 Pa.C.S.  
29       § 1302 (relating to residence of electors).

30       (b) Compliance with law.--Each congressional district shall

1 comply with the Constitution of the United States of America and  
2 the Voting Rights Act of 1965 (Public Law 89-110, 79 Stat. 437).  
3 A new redistricting plan shall not diminish minority voting  
4 power.

5 (c) Boundaries of political subdivisions.--Congressional  
6 districts shall respect the boundaries of a political  
7 subdivision unless doing so would violate another provision of  
8 this section.

9 (d) Geographical contiguity.--Congressional districts shall  
10 have an identifiable geometric form. No part of the district may  
11 be physically separate from the rest of that district. Areas  
12 that meet only at the points of adjoining corners shall not be  
13 deemed contiguous.

14 (e) Compactness.--Congressional districts shall be  
15 geographically compact as determined according to the smallest-  
16 circle or perimeter-to-area measures.

17 (f) Other consideration.--In establishing congressional  
18 districts consistent with Federal and State law and the  
19 requirements of this section, the commission may utilize other  
20 redistricting data, including voter registration and previous  
21 election results.

22 Section 3. This act shall take effect immediately.