

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2368 Session of  
2018

INTRODUCED BY SIMS, JUNE 7, 2018

REFERRED TO COMMITTEE ON RULES, JUNE 7, 2018

## A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, in the Legislature, further  
3 providing for Legislative Reapportionment Commission; and  
4 providing for the Legislative Districting Commission, for  
5 legislative redistricting, for Congressional Districting  
6 Commission and for congressional redistricting.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby resolves as follows:

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

12 (1) That section 17 of Article II be repealed:

13 [§ 17. Legislative Reapportionment Commission.

14 (a) In each year following the year of the Federal decennial  
15 census, a Legislative Reapportionment Commission shall be  
16 constituted for the purpose of reapportioning the Commonwealth.  
17 The commission shall act by a majority of its entire membership.

18 (b) The commission shall consist of five members: four of  
19 whom shall be the majority and minority leaders of both the  
20 Senate and the House of Representatives, or deputies appointed

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

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

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

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

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

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

28 Any person aggrieved by the preliminary plan shall have the  
29 same 30-day period to file exceptions with the commission in  
30 which case the commission shall have 30 days after the date the

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

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

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

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

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

1 compensation not paid.

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

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

21 (2) That the Constitution be amended by adding articles to  
22 read:

23 ARTICLE XII

24 LEGISLATIVE REDISTRICTING

25 Sec.

26 1. Definitions.

27 2. Legislative Districting Commission.

28 3. Powers and duties of director.

29 4. Composition of commission and term limits.

30 5. Removal of commission members.

1 6. Legislative redistricting plan.

2 7. Original jurisdiction.

3 8. Applicability.

4 § 1. Definitions.

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

8 "Bureau." The Legislative Reference Bureau.

9 "Commission." The Legislative Districting Commission  
10 constituted under section 2 of this article.

11 "Director." The director of the bureau.

12 "Plan." The legislative redistricting plan prepared under  
13 section 6 of this article.

14 § 2. Legislative Districting Commission.

15 No later than June 1 of the year after the year of the  
16 Federal decennial census, the Legislative Districting Commission  
17 shall be constituted for the purpose of legislative  
18 reapportioning elected offices of the General Assembly in  
19 accordance with this article.

20 § 3. Powers and duties of director.

21 (a) The director shall have the following powers and duties:

22 (1) Determining the size and composition of the commission.

23 (2) No later than June 1 of the year after the year of the  
24 Federal decennial census, selecting the members of the  
25 commission in accordance with this section.

26 (b) The commission shall be composed of all of the  
27 following:

28 (1) A demographer.

29 (2) A cartographer.

30 (3) An applied mathematician.

1 (4) A computer scientist.

2 (5) A lawyer or legal expert who specializes in election and  
3 redistricting law.

4 (c) The director shall determine the education and  
5 experience that an individual is required to have in order to be  
6 selected as one of the members listed under subsection (b) of  
7 this section. In determining the education and experience  
8 required, the director may not deviate from what is normally  
9 considered to be the minimum qualifications required to be  
10 employed as the professional listed under subsection (b) of this  
11 section.

12 § 4. Composition of commission and term limits.

13 (a) The members of the commission shall be:

14 (1) full-time employees of the bureau; or

15 (2) if the director determines that the needs of the  
16 commission cannot be met by full-time employees of the bureau,  
17 the director shall hire, on a contractual basis, employees for  
18 the purpose of serving on the commission.

19 (b) An individual may not serve on the commission if the  
20 individual is any of the following:

21 (1) An elected official.

22 (2) An official who holds a position as result of the  
23 consent of the Senate.

24 (3) A candidate for elected office.

25 (4) A member of the Congressional Districting Commission  
26 established under Article XIII.

27 (c) The term of a member of the commission begins when the  
28 member is selected and ends when a legislative redistricting  
29 plan is adopted by the General Assembly under section 6 of this  
30 article or the Supreme Court is required to prepare the

1 legislative redistricting plan under section 6 of this article.

2 § 5. Removal of commission members.

3 (a) A member of the commission may only be removed during  
4 the member's term in accordance with section 7 of Article VI.

5 (b) If a member of the commission is removed from the  
6 commission in accordance with section 7 of Article VI and the  
7 member is an employee of the bureau, the bureau may not  
8 terminate the employment of the employee unless the grounds for  
9 removal would violate the bureau's employment policies as  
10 determined by the director.

11 § 6. Legislative redistricting plan.

12 (a) No later than 90 days after either the commission has  
13 been formed or the population data for this Commonwealth as  
14 determined by the Federal decennial census is available,  
15 whichever is later in time, the commission shall hold public  
16 hearings and prepare a plan establishing the boundaries of the  
17 legislative districts for the General Assembly that complies  
18 with applicable Federal and State law.

19 (b) The commission shall present the plan to the President  
20 pro tempore of the Senate and the Speaker of the House of  
21 Representatives, who shall introduce the plan as a bill no later  
22 than the first day of its regular session in the second year  
23 after the Federal decennial census. The General Assembly may not  
24 amend the bill.

25 (c) The Governor may call a special session for the  
26 presentation of the plan before the first day of its regular  
27 session in the second year after the Federal decennial census.

28 (d) If the General Assembly fails to adopt the plan within  
29 17 days from the beginning of its regular session in the second  
30 year after the Federal decennial census, the commission shall

1 prepare an alternative plan and submit it to the President pro  
2 tempore of the Senate and the Speaker of the House of  
3 Representatives, who shall introduce the plan as a bill.

4 (e) If the alternative plan introduced under subsection (d)  
5 of this section fails to receive a majority vote of the General  
6 Assembly within 52 days of its regular session in the second  
7 year after the Federal decennial census, the Supreme Court  
8 shall prepare the plan establishing the boundaries of the  
9 legislative districts.

10 § 7. Original jurisdiction.

11 If the General Assembly adopts a plan, on petition of any  
12 registered voter in this Commonwealth, the Supreme Court:

13 (1) shall have original jurisdiction to review the plan; and

14 (2) may grant appropriate relief if the Supreme Court finds  
15 that the redistricting of this Commonwealth is not consistent  
16 with applicable Federal and State law.

17 § 8. Applicability.

18 (a) This article shall apply to legislative districts on or  
19 after the date of the notice published under subsection (c).

20 (b) The director shall determine whether the Commonwealth of  
21 Virginia and the State of Maryland have adopted a legislative  
22 redistricting process that is substantially similar to the  
23 legislative redistricting process under this article. A  
24 legislative redistricting process is substantially similar to  
25 the legislative redistricting process under this article if the  
26 following criteria are met:

27 (1) The legislative redistricting plan is initially  
28 developed and proposed by a commission composed of individuals  
29 who are employees of or contracted by a nonpartisan agency that  
30 provides nonpartisan research or analysis for the Commonwealth

1 of Virginia or State of Maryland.

2 (2) The commission members are not selected by the Governor  
3 of the Commonwealth of Virginia or the Governor of the State of  
4 Maryland or a designated individual of the Governor of the  
5 Commonwealth of Virginia or the Governor of the State of  
6 Maryland.

7 (3) The commission members are not selected by the General  
8 Assembly of the Commonwealth of Virginia or the State of  
9 Maryland or a designated individual of the General Assembly of  
10 the Commonwealth of Virginia or the State of Maryland.

11 (4) The General Assembly of the Commonwealth of Virginia  
12 and the State of Maryland are permitted to vote on the  
13 legislative redistricting plan proposed by the commission.

14 (5) If the General Assembly of the Commonwealth of Virginia  
15 or the State of Maryland fails to adopt the legislative  
16 redistricting plan proposed by the commission, the Supreme Court  
17 of Virginia or the Court of Appeals of Maryland shall prepare a  
18 legislative redistricting plan.

19 (c) Upon determining that the Commonwealth of Virginia and  
20 the State of Maryland have adopted a legislative redistricting  
21 process that is substantially similar to the legislative  
22 redistricting process under this article, the director shall  
23 submit a notice of the determination for publication in the  
24 Pennsylvania Bulletin.

25 ARTICLE XIII

26 CONGRESSIONAL REAPPORTIONMENT

27 Sec.

28 1. Definitions.

29 2. Congressional Districting Commission.

30 3. Powers and duties of director.

1 4. Composition of commission and term limits.

2 5. Removal of commission members.

3 6. Congressional redistricting plan.

4 7. Original jurisdiction.

5 8. Applicability.

6 § 1. Definitions.

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

10 "Bureau." The Legislative Reference Bureau.

11 "Commission." The Congressional Districting Commission  
12 constituted under section 2 of this article.

13 "Director." The director of the bureau.

14 "Plan." The congressional redistricting plan prepared under  
15 section 6 of this article.

16 § 2. Congressional Districting Commission.

17 No later than June 1 of the year after the year of the  
18 Federal decennial census, the Congressional Districting  
19 Commission shall be constituted for the purpose of  
20 reapportioning Federal elected offices of the United States  
21 House of Representatives in accordance with this article.

22 § 3. Powers and duties of director.

23 (a) The director shall have the following powers and duties:

24 (1) Determining the size and composition of the commission.

25 (2) No later than June 1 of the year after the year of the  
26 Federal decennial census, selecting the members of the  
27 commission in accordance with this section.

28 (b) The commission shall be composed of all of the  
29 following:

30 (1) A demographer.

- 1     (2) A cartographer.  
2     (3) An applied mathematician.  
3     (4) A computer scientist.  
4     (5) A lawyer or legal expert who specializes in election and  
5 redistricting law.

6     (c) The director shall determine the education and  
7 experience that an individual is required to have in order to be  
8 selected as one of the members listed in subsection (b) of this  
9 section. In determining the education and experience required,  
10 the director may not deviate from what is normally considered to  
11 be the minimum qualifications required to be employed as the  
12 professional listed.

13 § 4. Composition of commission and term limits.

14     (a) The members of the commission shall be:

- 15     (1) full-time employees of the bureau; or  
16     (2) if the director determines that the needs of the  
17 commission cannot be met by full-time employees of the bureau,  
18 the director shall hire, on a contractual basis, employees for  
19 the purpose of serving on the commission.

20     (b) An individual may not serve on the commission if the  
21 individual is any of the following:

- 22     (1) An elected official.  
23     (2) An official who holds a position as result of the  
24 consent of the Senate.  
25     (3) A candidate for elected office.  
26     (4) A member of the Legislative Districting Commission  
27 established under Article XII.

28     (c) The term of a member of the commission begins when the  
29 member is selected and ends when a congressional redistricting  
30 plan is adopted by the General Assembly under section 6 of this

1 article or the Supreme Court is required to prepare the  
2 legislative redistricting plan under section 6 of this article.  
3 § 5. Removal of commission members.

4 (a) A member of the commission may only be removed during  
5 the member's term in accordance with section 7 of Article VI.

6 (b) If a member of the commission is removed from the  
7 commission in accordance with section 7 of Article VI and the  
8 member is an employee of the bureau, the bureau may not  
9 terminate the employment of the employee unless the grounds for  
10 removal would violate the bureau's employment policies as  
11 determined by the director.

12 § 6. Congressional redistricting plan.

13 (a) No later than 90 days after either the commission has  
14 been formed or the population data for the Commonwealth as  
15 determined by the Federal decennial census are available,  
16 whichever is later in time, the commission shall hold public  
17 hearings and prepare a plan establishing the boundaries of  
18 congressional districts that complies with applicable Federal  
19 and State law.

20 (b) The commission shall present the plan to the President  
21 pro tempore of the Senate and the Speaker of the House of  
22 Representatives, who shall introduce the plan as a bill no later  
23 than the first day of its regular session in the second year  
24 after the Federal decennial census. The General Assembly may not  
25 amend the bill.

26 (c) The Governor may call a special session for the  
27 presentation of the plan before the first day of its regular  
28 session in the second year after the Federal decennial census.

29 (d) If the General Assembly fails to adopt the plan within  
30 17 days from the beginning of its regular session in the second

1 year following the Federal decennial census, the commission  
2 shall prepare an alternative plan and submit it to the President  
3 pro tempore of the Senate and the Speaker of the House of  
4 Representatives, who shall introduce the plan as a bill.

5 (e) If the alternative plan introduced under subsection (d)  
6 of this section fails to receive a majority vote of the General  
7 Assembly within 52 days of its regular session in the second  
8 year after the Federal decennial census, the Supreme Court  
9 shall prepare the plan establishing the boundaries of the  
10 congressional districts.

11 (f) With regard to natural boundaries and the boundaries of  
12 political subdivisions, each congressional district shall:

- 13 (1) consist of adjoining territory;  
14 (2) be compact in form; and  
15 (3) be substantially of equal population.

16 § 7. Original jurisdiction.

17 If the General Assembly adopts a plan, on petition of any  
18 registered voter in this Commonwealth, the Supreme Court:

- 19 (1) shall have original jurisdiction to review the plan; and  
20 (2) may grant appropriate relief if the Supreme Court finds  
21 that the congressional redistricting of this Commonwealth is not  
22 consistent with applicable Federal and State law.

23 § 8. Applicability.

24 (a) This article shall apply to legislative districts on or  
25 after the date of the notice published under subsection (c).

26 (b) The director shall determine whether the Commonwealth of  
27 Virginia and the State of Maryland have adopted a congressional  
28 redistricting process that is substantially similar to the  
29 congressional redistricting process under this article. A  
30 congressional redistricting process is substantially similar to

1 a congressional redistricting process under this article if the  
2 following criteria are met:

3 (1) The congressional redistricting plan is initially  
4 developed and proposed by a commission composed of individuals  
5 who are employees of or contracted by a nonpartisan agency that  
6 provides nonpartisan research or analysis for the Commonwealth  
7 of Virginia or State of Maryland.

8 (2) The commission members are not selected by the Governor  
9 of the Commonwealth of Virginia or the Governor of the State of  
10 Maryland or a designated individual of the Governor of the  
11 Commonwealth of Virginia or the Governor of the State of  
12 Maryland.

13 (3) The commission members are not selected by the General  
14 Assembly of the Commonwealth of Virginia or the State of  
15 Maryland or a designated individual of the General Assembly of  
16 the Commonwealth of Virginia or the State of Maryland.

17 (4) The General Assembly of the Commonwealth of Virginia  
18 and the State of Maryland are permitted to vote on the  
19 congressional redistricting plan proposed by the commission.

20 (5) If the General Assembly of the Commonwealth of Virginia  
21 or the State of Maryland fails to adopt the congressional  
22 redistricting plan proposed by the commission, the Supreme Court  
23 of Virginia or the Court of Appeals of Maryland shall prepare a  
24 congressional redistricting plan.

25 (c) Upon determining that the Commonwealth of Virginia and  
26 the State of Maryland have adopted a congressional redistricting  
27 process that is substantially similar to the congressional  
28 redistricting process under this article, the director shall  
29 submit a notice of the determination for publication in the  
30 Pennsylvania Bulletin.

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

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