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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2379 Session of  
2018

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INTRODUCED BY DAVIS, JUNE 7, 2018

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REFERRED TO COMMITTEE ON RULES, JUNE 7, 2018

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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  
18 Senate and the House of Representatives, or deputies appointed  
19 by each of them, and a chairman selected as hereinafter

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

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

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

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

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

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

27 Any person aggrieved by the preliminary plan shall have the  
28 same 30-day period to file exceptions with the commission in  
29 which case the commission shall have 30 days after the date the  
30 exceptions were filed to prepare and file with such elections

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

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

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

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

21 (g) The General Assembly shall appropriate sufficient funds  
22 for the compensation and expenses of members and staff appointed  
23 by the commission, and other necessary expenses. The members of  
24 the commission shall be entitled to such compensation for their  
25 services as the General Assembly from time to time shall  
26 determine, but no part thereof shall be paid until a preliminary  
27 plan is filed. If a preliminary plan is filed but the commission  
28 fails to file a revised or final plan within the time  
29 prescribed, the commission members shall forfeit all right to  
30 compensation not paid.

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

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

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

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

28 (1) No more than two members may be members of the same  
29 political party.

30 (2) Of the first four members appointed, no more than two

1 may reside in the same county.

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

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

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

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

29 (c) (1) No later than January 31, 2021, and every 10 years  
30 thereafter, the following shall make an appointment to

1 commission from the candidates selected by Commonwealth Court  
2 under subsection (b):

3 (i) The Majority Leader of the Senate.

4 (ii) The Minority Leader of the Senate.

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

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

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

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

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

1 shall make the appointment. A commission member or chair  
2 appointed under this clause may serve on the commission until  
3 the expiration of the original term of the member.

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

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

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

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

27 (h) A member, during the member's term of office and for  
28 three years thereafter, shall be ineligible for registration as  
29 a paid lobbyist.

30 (i) The commission shall reapportion congressional and

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

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

10 (2) Districts shall have equal population to the extent  
11 practicable.

12 (3) Districts shall be geographically compact and contiguous  
13 to the extent practicable.

14 (4) District boundaries shall respect communities of  
15 interest to the extent practicable.

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

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

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

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

28 (j) (1) No later than 90 days after the commission is  
29 formed under this section, the commission shall file a draft map  
30 of congressional districts and a draft map of legislative



1 districts with an elections officer for public comment. The  
2 commission shall consider the public comments. The public  
3 comment period shall be for at least 30 days.

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

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

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

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

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

27 (o) A member's term shall expire upon the appointment of the  
28 first member of the next redistricting commission. The  
29 independent redistricting commission shall not meet or incur  
30 expenses after the final redistricting plan is completed, except

1 if litigation or any governmental approval of the final  
2 redistricting plan is pending, or to revise districts if  
3 required by court order or if the number of congressional or  
4 legislative districts has changed.

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

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