
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 552 Session of
2015

INTRODUCED BY LEACH, TEPLITZ, FONTANA, SCHWANK, SMITH AND
BOSCOLA, FEBRUARY 25, 2015

REFERRED TO STATE GOVERNMENT, FEBRUARY 25, 2015

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for a Legislative
3 Reapportionment Commission to designate legislative districts
4 for the General Assembly within this Commonwealth.

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 Commission.

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

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 commission'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 (a) In each year following the Federal decennial census, a
22 Reapportionment Commission shall be constituted for the purpose
23 of reapportioning the districts of the Senate and House of
24 Representatives of the General Assembly and the districts
25 apportioned to the Commonwealth in the House of Representatives
26 of the Congress. Unless otherwise directed by court order,
27 legislative and congressional reapportionment shall only be
28 permitted once in the decade following the Federal decennial
29 census.

30 (b) The commission shall consist of nine members: eight of

1 whom shall be the majority and minority leaders and whips of
2 both the Senate and House of Representatives, or deputies
3 appointed by each of them. The Supreme Court shall appoint one
4 member who shall serve as chairman who shall be a registered
5 voter within the Commonwealth for at least two years prior to
6 appointment. The chairman may not hold an office of Federal,
7 State or local government to which compensation is attached at
8 the time of his appointment. The chairman may not have held a
9 position within a political party for at least 10 years prior to
10 appointment. No later than 60 days following the official
11 reporting of the Federal decennial census as required by Federal
12 law, the legislator members of the commission shall be certified
13 by the President pro tempore of the Senate and the Speaker of
14 the House of Representatives to the elections officer of the
15 Commonwealth who, under law, shall have supervision over
16 elections. The Supreme Court shall appoint the chairman of the
17 commission during the same 60-day period and shall certify the
18 appointment to the elections officer of the Commonwealth. Any
19 vacancy in the commission shall be filled within 15 days in the
20 same manner in which that position was originally filled.

21 (c) The commission may not utilize any political or personal
22 considerations in drafting a reapportionment plan either
23 legislative or congressional. The commission may not divide any
24 voting precinct that forms a single polygon in drafting a
25 reapportionment plan. The commission may not divide a county,
26 city, township, borough or incorporated town unless absolutely
27 necessary. In finding that a division is necessary, the
28 commission must file the findings in an addendum to each plan
29 adopted by the commission. The appropriate addendum must be
30 submitted to the General Assembly and the Supreme Court along

1 with each reapportionment plan under the provisions of this
2 section. The commission shall adopt a standard measurement
3 defining compactness for the districts in each plan. No district
4 in any plan may be drafted by the commission with a compactness
5 measurement of less than 15% of the total ideal measurement for
6 a district.

7 (d) No later than 60 days after either the commission has
8 been duly certified or usable population data for the
9 Commonwealth is available, whichever is later in time, the
10 commission shall file a preliminary reapportionment plan for the
11 General Assembly with such elections officer. A public comment
12 period of 30 days shall commence with the filing of the
13 preliminary plan.

14 (e) The commission shall have 30 days after the date of the
15 expiration of the public comment period to prepare and adopt a
16 revised reapportionment plan for both Houses of the General
17 Assembly. The revised reapportionment plan shall be adopted and
18 submitted to the General Assembly upon a vote of at least seven
19 members of the commission for approval. The General Assembly
20 shall vote to approve or reject the plan without amendment
21 within 30 days from the date of submission. Upon approval of the
22 plan, the presiding officer of each House shall, in the presence
23 of the House over which the officer presides, sign the
24 reapportionment plan after its title has been read publicly
25 immediately before signing. The fact of the signing shall be
26 entered on the journal and the plan shall be filed with the
27 chief elections officer of the Commonwealth.

28 (f) If the revised reapportionment plan submitted by the
29 commission is not approved by both Houses of the General
30 Assembly within 30 days of submission, the commission shall

1 adopt a final reapportionment plan. In the event the revised
2 reapportionment plan is rejected by either House of the General
3 Assembly, it shall be returned to the commission by the
4 presiding officer with a communication that the plan was
5 rejected. An additional 30-day public comment period shall
6 commence from the date of the rejection. The commission shall
7 have a succeeding 30 days after the public comment period to
8 adopt a final plan upon approval of at least seven members. The
9 final plan shall be submitted to both Houses of the General
10 Assembly for approval. The General Assembly shall vote to
11 approve or reject the plan without amendment within 30 days from
12 the date of submission. Upon approval of the plan, the presiding
13 officer of each House shall, in the presence of the House over
14 which the officer presides, sign the reapportionment plan after
15 its title has been read publicly immediately before signing. The
16 fact of the signing shall be entered on the journal and the plan
17 shall then be filed with the chief elections officer of the
18 Commonwealth.

19 (g) An aggrieved person may file an appeal from the final
20 plan directly to the Supreme Court within 30 days after the
21 filing of the final plan. If the appellant establishes that the
22 final plan is contrary to law, the Supreme Court shall issue an
23 order remanding the plan to the commission and directing the
24 commission to reapportion the Commonwealth in a manner not
25 inconsistent with the order.

26 (h) If the final reapportionment plan submitted by the
27 commission is not approved by both Houses of the General
28 Assembly within 30 days, the reapportionment commission shall
29 then submit both the revised and final reapportionment plans to
30 the Supreme Court within five days.

1 (i) The Supreme Court shall have 30 days to adopt either the
2 revised reapportionment plan or the final reapportionment plan
3 as the plan to be utilized thereafter in elections to the
4 General Assembly until the next reapportionment as required
5 under this section. If the Supreme Court finds that both plans
6 are contrary to law, it shall issue an order remanding the plan
7 to the commission and directing the commission to reapportion
8 the Commonwealth in a manner not inconsistent with the order.
9 The commission shall then have 30 days to submit the
10 reapportionment plan to the Supreme Court.

11 (j) The General Assembly shall appropriate sufficient funds
12 for the compensation and expenses of members and staff appointed
13 by the commission, and other necessary expenses. The members of
14 the commission who are not members of the General Assembly shall
15 be entitled to such compensation for their services as the
16 General Assembly from time to time shall determine, but no part
17 of the compensation shall be paid until a preliminary
18 legislative reapportionment plan is filed. If a preliminary plan
19 is filed but the commission fails to file a revised or a final
20 plan within the time prescribed, the commission members shall
21 forfeit all right to compensation not paid.

22 (k) If a preliminary, revised or final legislative
23 reapportionment plan is not filed by the commission within the
24 time prescribed by this section, unless the time be extended by
25 the Supreme Court for cause shown, the Supreme Court shall
26 immediately proceed on its own motion to reapportion the
27 Commonwealth.

28 (l) Any reapportionment plan filed by the commission, or
29 ordered by the Supreme Court upon failure of the commission to
30 act, shall be published by the elections officer once in at

1 least one newspaper of general circulation in each senatorial
2 and representative district. The publication shall contain a map
3 of the Commonwealth showing the complete reapportionment of the
4 General Assembly by districts, and a map showing the
5 reapportioned districts in the area normally served by the
6 newspaper in which the publication is made. The publication
7 shall also state the population of the senatorial and
8 representative districts having the smallest and largest
9 population and the percentage variation of those districts from
10 the average population for senatorial and representative
11 districts.

12 (m) No later than 20 days after the final legislative
13 reapportionment plan has been approved by either the General
14 Assembly or the Supreme Court, the commission shall file a
15 preliminary reapportionment plan for Representatives in the
16 Congress with the chief elections officer of the Commonwealth. A
17 public comment period of 30 days shall commence with the filing
18 of the preliminary congressional plan.

19 (n) The commission shall have 20 days after the date of the
20 expiration of the public comment period to prepare and adopt a
21 revised reapportionment plan for Representatives in the
22 Congress. The revised reapportionment plan shall be adopted and
23 submitted to the General Assembly upon a vote of at least seven
24 members of the commission for approval. The General Assembly
25 shall vote to approve or reject the plan without amendment
26 within 15 days from the date of submission. Upon approval of the
27 plan, the presiding officer of each House shall, in the presence
28 of the House over which the officer presides, sign the
29 reapportionment plan after its title has been read publicly
30 immediately before signing and the fact of the signing shall be

1 entered on the journal. The plan shall then be filed with the
2 chief elections officer of the Commonwealth.

3 (o) If the revised reapportionment plan submitted by the
4 commission is not approved by both Houses of the General
5 Assembly within 15 days of submission, the commission shall
6 adopt a final reapportionment plan for the congressional
7 districts. In the event the revised reapportionment plan is
8 rejected by either House of the General Assembly, it shall be
9 returned to the commission by the presiding officer with a
10 communication that the plan was rejected. An additional 20-day
11 public comment period shall commence from the date of the
12 rejection of the revised plan. The commission shall have a
13 succeeding 20 days after the public comment period to adopt a
14 final plan upon approval of at least seven members. The final
15 plan shall be submitted to both Houses of the General Assembly
16 for approval. The General Assembly shall vote to approve or
17 reject the plan without amendment within 15 days from the date
18 of submission. Upon approval of the plan, the presiding officer
19 of each House shall, in the presence of the House over which the
20 officer presides, sign the reapportionment plan after its title
21 has been read publicly immediately before signing and the fact
22 of the signing shall be entered on the journal. The plan shall
23 then be filed with the chief elections officer of the
24 Commonwealth.

25 (p) An aggrieved person may file an appeal from the final
26 plan directly to the Supreme Court within 30 days after the
27 filing of the final plan. If the appellant establishes that the
28 final plan is contrary to law, the Supreme Court shall issue an
29 order remanding the plan to the commission and directing the
30 commission to reapportion the Commonwealth in a manner not

1 inconsistent with that order.

2 (g) If the final reapportionment plan submitted by the
3 commission is not approved by both Houses of the General
4 Assembly within 15 days, the reapportionment commission shall
5 then submit both the revised and final reapportionment plans to
6 the Supreme Court within five days.

7 (r) If an entirely new senatorial district is formed and if
8 it would not normally be electing a member of the Senate in the
9 following general election, the district shall initially elect a
10 senator for a term of two years in the general election. After
11 the initial two-year term the district shall elect a senator for
12 a term of four years. No member of the Senate may continue to
13 serve in office after another member of the Senate begins that
14 Senator's term of service on the first day of December next
15 after the election representing the district.

16 (s) Population requirements are as follows:

17 (1) Congressional districts shall each have a population as
18 nearly equal as practicable.

19 (2) Legislative districts shall be established on the basis
20 of population. In no case shall the deviation of the overall
21 range of population of the most populous district from the least
22 populous district be greater than 8% of the average district
23 population for each house.

24 (t) The Supreme Court shall have 30 days to adopt either the
25 revised congressional reapportionment plan or the final
26 congressional reapportionment plan as the plan to be utilized
27 thereafter in elections to the Congress of the United States
28 until the next reapportionment as required under this section.
29 If the Supreme Court finds that both plans are contrary to law,
30 it shall issue an order remanding the plan to the commission and

1 directing the commission to reapportion the Commonwealth in a
2 manner not inconsistent with the order. The commission shall
3 then have 15 days to submit the reapportionment plan to the
4 Supreme Court.

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

11 (v) A congressional reapportionment plan filed by the
12 commission, or ordered by the Supreme Court upon failure of the
13 commission to act, shall be published by the elections officer
14 once in at least one newspaper of general circulation in each
15 congressional district. The publication shall contain a map of
16 the Commonwealth showing the complete reapportionment of the
17 congressional districts, and a map showing the reapportioned
18 districts in the area normally served by the newspaper in which
19 the publication is made. The publication shall also state the
20 population of the congressional districts having the smallest
21 and largest population and the percentage variation of those
22 districts from the average population for congressional
23 districts.

24 (w) Nothing contained in this section may preclude the
25 General Assembly from enacting legislation that further defines
26 the provisions of this section or provides for additional
27 requirements or restrictions for legislative or congressional
28 reapportionment.

29 Section 2. (a) Upon the first passage by the General
30 Assembly of this proposed constitutional amendment, the

1 Secretary of the Commonwealth shall proceed immediately to
2 comply with the advertising requirements of section 1 of Article
3 XI of the Constitution of Pennsylvania and shall transmit the
4 required advertisements to two newspapers in every county in
5 which such newspapers are published in sufficient time after
6 passage of this proposed constitutional amendment.

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