

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**No. **2352** Session of  
2018

INTRODUCED BY CONKLIN, JUNE 7, 2018

REFERRED TO COMMITTEE ON RULES, JUNE 7, 2018

## 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  
24 following rule: Where an election district is used in or

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

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

15 ARTICLE V-A

16 Congressional Redistricting Process

17 Section 501-A. Definitions.

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

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

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

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

27 "Crimes against the public interest." Any of the offenses  
28 defined in the following provisions of Title 18 (Crimes and  
29 Offenses) of the Pennsylvania Consolidated Statutes or other  
30 enumerated statutes where the offense involves public funds,

1 property, resources or services:

2 Section 3922 (relating to theft by deception).

3 Section 3923 (relating to theft by extortion).

4 Section 3926 (relating to theft of services).

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

7 Section 4101 (relating to forgery).

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

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

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

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

17 Section 4902 (relating to perjury).

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

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

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

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

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

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

29 Section 4952 (relating to intimidation of witnesses or  
30 victims).

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

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

5       Section 5301 (relating to official oppression).

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

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

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

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

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

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

20       "Qualified elector." An individual who:

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

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

29       "Registered lobbyist." An individual who is registered as  
30 prescribed in 65 Pa.C.S. Ch. 13A (relating to lobbying

1 disclosure) or the Lobbying Disclosure Act of 1995 (Public Law  
2 104-65, 2 U.S.C. § 1601 et seq.).

3 "Secretary." The Secretary of the Commonwealth.

4 "Special master." An individual who:

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

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

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

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

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

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

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

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

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

27 Section 503-A. Congressional redistricting commission.

28 (a) Establishment.--No later than March 1 in the year  
29 immediately following the Federal decennial census, a  
30 congressional redistricting commission shall be constituted for

1 the purpose of redistricting the congressional districts of this  
2 Commonwealth.

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

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

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

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

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

16 (1) Must be a qualified elector who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29           (iii) not registered with either of the two largest  
30 political parties in this Commonwealth based on

1           registration.

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

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

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

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

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

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



1 March 10.

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

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

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

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

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

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

26 (g) Member removal.--

27 (1) If a member of the commission is convicted, found  
28 guilty or pleads guilty or nolo contendere to a crime against  
29 the public interest, whether or not sentence has been  
30 imposed, the member's position shall be deemed vacant.

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

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

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

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

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

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

28 Section 504-A. (Reserved).

29 Section 505-A. Commission meetings.

30           (a) Quorum.--The commission may not take official action

1 without a majority plus two commissioners present and voting at  
2 a meeting duly called by the chairperson.

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

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

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

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

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

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

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

30 (3) The ability of any person to provide public comment

1 on all information on the website.

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

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

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

7 (7) The preliminary and final redistricting plans.

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

11 Section 507-A. Congressional redistricting process.

12 (a) Initial hearings.--

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

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

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

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

27 (b) Preliminary plan.--

28 (1) Between July 1 and August 30 of the year following a  
29 decennial census, the commission shall prepare and adopt a  
30 preliminary plan for congressional districts.

1           (2) The preliminary plan shall include:

2           (i) maps of the new congressional districts;

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

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

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

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

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

19 (c) Final plan.--

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

23           (2) The final plan shall include:

24           (i) maps of the new congressional districts;

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

27           (iii) a report that explains the basis used by the  
28 commission to prepare the final plan and the rationale  
29 for any deviation from the district requirements  
30 established in section 508-A.

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

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

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

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

13 (d) Special master.--

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

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

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

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

30           (ii) If the special master does not complete a final

1 plan in 30 days, the Supreme Court may grant the special  
2 master a single, 30-day continuance for demonstration of  
3 cause.

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

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

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

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

20 Section 508-A. Congressional district requirements.

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

29 (b) Compliance with law.--Each congressional district shall  
30 comply with the Constitution of the United States of America and

1 the Voting Rights Act of 1965 (Public Law 89-110, 79 Stat. 437).  
2 A new redistricting plan shall not diminish minority voting  
3 power.

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

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

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

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

21 Section 3. This act shall take effect immediately.