

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 558 Session of
2019INTRODUCED BY BLAKE, FONTANA, FARNESE, HAYWOOD, COSTA, SCHWANK,
SANTARSIERO, BOSCOLA AND YUDICHAK, APRIL 18, 2019

REFERRED TO STATE GOVERNMENT, APRIL 18, 2019

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, in the legislature, further providing for
3 the designation of legislative and congressional districts
4 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] Redistricting Commission.

11 (a) In each year following the year of the Federal decennial
12 census, a Legislative [Reapportionment] Redistricting Commission
13 shall 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.] redistricting the districts of the Senate
19 and House of Representatives of the General Assembly and the
20 districts apportioned to the Commonwealth in the House of
21 Representatives of the United States Congress.

22 (b.1) The following shall apply to the commission:

23 (1) The commission shall consist of the following members:

24 (i) Eight legislative appointees. The majority and minority
25 leaders of the Senate and the House of Representatives shall
26 each appoint two commissioners under this subparagraph.

27 (ii) One commissioner chosen by at least six of the eight
28 commissioners appointed under subparagraph (i). The commissioner
29 chosen under this subparagraph shall serve as chairperson.

30 (2) Each commissioner shall be a citizen of this

1 Commonwealth and may not hold a local, State or Federal office
2 to which compensation is attached.

3 (3) A commissioner may not be a staff person of a local,
4 State or Federal official holding an office to which
5 compensation is attached.

6 (4) No later than 60 days following the official reporting
7 of the Federal decennial census as required by Federal law, the
8 eight commissioners under paragraph (1)(i) shall be certified by
9 the President pro tempore of the Senate and the Speaker of the
10 House of Representatives to the Secretary of the Commonwealth.

11 (5) The eight commissioners under paragraph (1)(i) must,
12 within 45 days after their certification, select the ninth
13 commissioner, who shall serve as chairperson of the commission,
14 and shall immediately certify that individual's name to the
15 Secretary of the Commonwealth.

16 (6) If at least six of the eight commissioners appointed
17 under paragraph (1)(i) fail to select the ninth commissioner
18 within the time required under paragraph (5), a majority of the
19 justices of the Supreme Court must, within 30 days after the
20 time required under paragraph (5), appoint the chairperson and
21 certify that individual's appointment to the Secretary of the
22 Commonwealth.

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

25 (b.2) Each meeting of the commission must be held in public
26 and must comply with any law which applies to open meetings.

27 (c) No later than 90 days after [either the commission has
28 been duly certified or the population data for the Commonwealth
29 as determined by the Federal decennial census are available,
30 whichever is later in time, the commission shall file a

1 [preliminary reapportionment plan with such elections officer.]
2 the commission has certified that the population data for this
3 Commonwealth, as determined by the Federal decennial census, is
4 available, the commission shall file a preliminary redistricting
5 plan with the Secretary of the Commonwealth that has been
6 approved by at least seven of the nine commissioners and that
7 includes both the legislative and congressional districts.

8 The commission shall have 30 days after filing the
9 preliminary plan to make corrections in the plan. During the 30-
10 day period, the commission must hold at least two public
11 meetings for citizen input. These meetings shall be
12 geographically dispersed throughout this Commonwealth.

13 Any person aggrieved by the preliminary plan shall have the
14 same 30-day period to file exceptions with the commission in
15 which case the commission shall have 30 days after the date the
16 exceptions were filed to prepare and file with [such elections
17 officer] the Secretary of the Commonwealth a revised
18 [reapportionment] redistricting plan to be approved by at least
19 seven of the nine commissioners. If no exceptions are filed
20 within 30 days, or if filed and acted upon, the [commissions's]
21 commission's plan shall be final and have the force of law.

22 (d) Any aggrieved person may file an appeal from the final
23 plan directly to the Supreme Court within 30 days after the
24 filing thereof. If the appellant establishes that the final plan
25 is contrary to law, the Supreme Court shall issue an order
26 remanding the plan to the commission and directing the
27 commission to [reapportion] redistrict the Commonwealth in a
28 manner not inconsistent with such order. A plan adopted after
29 remand must be approved by at least seven of the nine
30 commissioners.

1 (e) When the Supreme Court has finally decided an appeal or
2 when the last day for filing an appeal has passed with no appeal
3 taken, the [reapportionment] redistricting plan shall have the
4 force of law and the districts therein provided shall be used
5 thereafter in elections to the General Assembly and Congress
6 until the next [reapportionment] redistricting as required under
7 this section 17.

8 (f) Any district which does not include the residence from
9 which a member of the Senate was elected whether or not
10 scheduled for election at the next general election shall elect
11 a Senator at such election.

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

22 (h) If a preliminary, revised or final [reapportionment]
23 redistricting 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]
27 redistrict the Commonwealth.

28 (i) Any [reapportionment] redistricting plan filed by the
29 commission, or ordered or prepared by the Supreme Court upon the
30 failure of the commission to act, shall be published by the

1 [elections officer] Secretary of the Commonwealth once in at
2 least one newspaper of general circulation in each senatorial
3 [and], representative and congressional district. The
4 publication shall contain a map of the Commonwealth showing the
5 complete [reapportionment] redistricting of the General Assembly
6 and Congress by districts, and a map showing the
7 [reapportionment] redistricted districts in the area normally
8 served by the newspaper in which the publication is made. The
9 publication shall also state the population of the senatorial
10 [and], representative and congressional districts having the
11 smallest and largest population and the percentage variation of
12 such districts from the average population for senatorial [and],
13 representative and congressional districts.

14 (j) Redistricting of Congress and the General Assembly must
15 be completed by the end of the calendar year following the
16 Federal decennial census.

17 Section 2. (a) Upon the first passage by the General
18 Assembly of this proposed constitutional amendment, the
19 Secretary of the Commonwealth shall proceed immediately to
20 comply with the advertising requirements of section 1 of Article
21 XI of the Constitution of Pennsylvania and shall transmit the
22 required advertisements to two newspapers in every county in
23 which such newspapers are published in sufficient time after
24 passage of this proposed constitutional amendment.

25 (b) Upon the second passage by the General Assembly of this
26 proposed constitutional amendment, the Secretary of the
27 Commonwealth shall proceed immediately to comply with the
28 advertising requirements of section 1 of Article XI of the
29 Constitution of Pennsylvania and shall transmit the required
30 advertisements to two newspapers in every county in which such

1 newspapers are published in sufficient time after passage of
2 this proposed constitutional amendment. The Secretary of the
3 Commonwealth shall submit this proposed constitutional amendment
4 to the qualified electors of this Commonwealth at the first
5 primary, general or municipal election which meets the
6 requirements of and is in conformance with section 1 of Article
7 XI of the Constitution of Pennsylvania and which occurs at least
8 three months after the proposed constitutional amendment is
9 passed by the General Assembly.