
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1022 Session of
2020

INTRODUCED BY BOSCOLA, KILLION, COSTA, FARNESE, COLLETT,
KEARNEY, LEACH, SANTARSIERO AND YUDICHAK, JANUARY 31, 2020

REFERRED TO STATE GOVERNMENT, JANUARY 31, 2020

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10 (1) That section 17 of Article II be repealed:

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

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 Article II be amended by adding a section to read:
22 § 18. Independent Redistricting Commission.

23 (a) In each year following the year of the Federal decennial
24 census, an Independent Redistricting Commission shall be
25 constituted for the purpose of redistricting the Commonwealth.
26 The commission shall adopt a redistricting plan for legislative
27 and congressional districts on the basis of each Federal
28 decennial census in accordance with this section and such laws
29 as the General Assembly may enact to implement this section.

30 (b) The commission shall consist of eleven members, as

1 follows: four voters who are registered with the largest
2 political party in this Commonwealth based on registration; four
3 voters who are registered with the second largest political
4 party in this Commonwealth based on registration; and three
5 voters who are not registered with either of the two largest
6 political parties in this Commonwealth based on registration.

7 (c) The General Assembly shall prescribe by law the
8 qualifications to serve as a commission member, the reasons for
9 which members may be removed, and the manner by which vacancies
10 shall be filled. No person shall be eligible who in the five
11 years immediately preceding the date of appointment to the
12 commission:

13 (1) has held, or has a spouse who has held, any other public
14 office or paid position at the Federal or State level in this
15 Commonwealth;

16 (2) has registered, or has a spouse who has registered, as a
17 Federal or State lobbyist in this Commonwealth; or

18 (3) has been nominated, or has a spouse who has been
19 nominated, as a candidate for elective office in this
20 Commonwealth by a political party or political body or served,
21 or has a spouse who has served, as a staff member or officer of
22 a political party, political body, political committee or
23 political action committee in this Commonwealth.

24 (d) The membership of the commission shall reasonably
25 reflect the racial, geographic and gender diversity of this
26 Commonwealth.

27 (e) The Secretary of the Commonwealth shall appoint members
28 of the commission through a random selection process which the
29 General Assembly shall prescribe by law.

30 (f) Seven members of the commission shall constitute a

1 quorum and seven or more affirmative votes shall be required for
2 any official action. A final redistricting plan must be approved
3 by at least seven affirmative votes that must include at least
4 two votes of members registered with each of the two largest
5 political parties in this Commonwealth based on registration and
6 two votes of members who are not registered with either of the
7 two largest political parties.

8 (g) All commission meetings that are attended or
9 participated in by a quorum of the members held for the purpose
10 of deliberating official business or taking official action
11 shall be open to the public. Commission members and their
12 employees and advisors shall not communicate with or receive
13 communications from any other person about redistricting matters
14 unless during an open public meeting or under such exceptions as
15 the General Assembly may prescribe by law.

16 (h) In establishing districts, except as necessary to comply
17 with subsection (i)(4), the commission shall not consider the
18 following data:

19 (1) Addresses of any individual.

20 (2) Political affiliations of registered voters.

21 (3) Previous election results, unless required by Federal
22 law.

23 (i) In addition to the requirements of section 16, the
24 following shall apply:

25 (1) Senatorial districts shall be drawn with the fewest
26 number of divisions to counties, municipalities and wards within
27 the maximum population deviation permissible. A county may not
28 contain more senatorial districts than the number required by
29 the population plus one. The commission shall provide a written
30 explanation for each division.

1 (2) Representative districts shall be drawn with the fewest
2 number of divisions to counties, municipalities and wards within
3 the maximum population deviation permissible. A county may not
4 contain more representative districts than the number required
5 by the population plus two. The commission shall provide a
6 written explanation for each division.

7 (3) Congressional districts shall each have a population
8 within the maximum population deviation permissible and shall be
9 composed of compact and contiguous territory and, unless
10 absolutely necessary, no county, city, incorporated town,
11 borough, township or ward shall be divided in forming
12 congressional districts. A county may not contain more
13 congressional districts than the number required by the
14 population plus one. The commission shall provide a written
15 explanation for each division.

16 (4) A redistricting plan shall not purposefully or unduly
17 favor or disfavor any incumbent elected official, candidate or
18 prospective candidate for elective office. A redistricting plan
19 on a statewide basis shall not purposefully or unduly favor or
20 disfavor any political party.

21 (5) Districts shall provide racial minorities an equal
22 opportunity to participate in the political process and may not
23 dilute or diminish their ability to elect candidates of choice
24 whether alone or in coalition with others.

25 (j) The commission shall conduct at least eight public
26 hearings in different geographic regions of this Commonwealth
27 according to a schedule that the General Assembly shall
28 prescribe by law.

29 (k) Not later than November 1 of each year ending in one,
30 the commission shall approve a final redistricting plan. Upon

1 approval, the commission shall certify the plan to the Secretary
2 of the Commonwealth, and that plan shall constitute the
3 certified final plan.

4 (1) If the commission does not complete and approve a final
5 redistricting plan by November 1, the following shall apply:

6 (1) The commission shall consider proposed plans for each
7 category of district separately from all other categories.

8 (2) Each commissioner or group of commissioners may propose
9 one plan in each category. Each proposed plan shall be
10 accompanied by a written report that demonstrates the plan's
11 compliance with all applicable Federal and State laws, including
12 redistricting criteria.

13 (3) All proposed plans and supporting written reports shall
14 be made available for public review and comment for a period of
15 ten days.

16 (4) After the close of the public comment period, the
17 commission shall vote on all proposed plans as follows:

18 (i) Each commissioner shall rank the plans submitted in each
19 category according to preference, with each plan being assigned
20 a point value inverse to its ranking among the number of choices
21 in a category, giving the lowest ranked plan one point and the
22 highest ranked plan a point value equal to the number of plans
23 submitted in that category.

24 (ii) The plan or plans receiving the lowest combined ranking
25 in each category shall be eliminated.

26 (iii) The commission shall repeat the process until only one
27 plan remains in each category.

28 (5) Upon approval of plans for all categories, the
29 commission shall certify the resulting combined plan to the
30 Secretary of the Commonwealth, and that plan shall constitute

1 the certified final plan.

2 (m) An aggrieved person who is a registered voter in this
3 Commonwealth may file a petition with the Supreme Court within
4 30 days after the commission has certified a final plan to the
5 Secretary of the Commonwealth to bar the Secretary of the
6 Commonwealth from implementing the plan on the grounds that the
7 filed plan violates the Constitution of the United States, this
8 Constitution or any Federal or State statute. The commission
9 shall have sole legal standing to defend an action regarding a
10 certified final plan.

11 (n) If the commission does not file a final redistricting
12 plan by December 15 of each year ending in one, unless the time
13 be extended by the Supreme Court for cause shown, the Supreme
14 Court shall immediately proceed on its own motion to approve a
15 redistricting plan. The Supreme Court shall certify the plan to
16 the Secretary of the Commonwealth, and that plan shall
17 constitute the certified final plan.

18 (o) The final plan shall have the force of law and the
19 districts provided in the plan shall be used thereafter in
20 elections to the General Assembly and Congress until the next
21 redistricting as required under this section.

22 (p) The Department of State shall provide support to the
23 commission in the performance of its duties.

24 (q) The General Assembly shall prescribe by law how
25 commission members shall be compensated and shall appropriate
26 sufficient funds for the compensation and expenses of commission
27 members and for other necessary expenses.

28 (r) Upon the filing of all redistricting plans required
29 under this section and the exhaustion of all appeals of a
30 redistricting plan, the commission shall expire and its

1 responsibilities shall terminate.

2 (s) A district that does not include the residence from
3 which a member of the Senate was elected whether or not
4 scheduled for election at the next general election shall elect
5 a Senator at the election.

6 (t) The following words and phrases when used in this
7 section shall have the meanings given to them in this subsection
8 unless the context clearly indicates otherwise:

9 "Commission." The Independent Redistricting Commission.

10 "Commissioner" or "member." A member of the Independent
11 Redistricting Commission.

12 "Federal census." The decennial census required by Federal
13 law to be conducted by the United States Census Bureau in every
14 year ending in zero.

15 "Final plan." A plan for both congressional and legislative
16 redistricting filed with the Secretary of the Commonwealth.

17 "Plan." A plan for congressional or legislative
18 redistricting or a plan for both congressional and legislative
19 redistricting.

20 Section 2. (a) If prior to voter approval of this
21 constitutional amendment the General Assembly has enacted a law
22 establishing an Independent Redistricting Commission, the
23 enactment shall continue in effect to the extent not
24 inconsistent with this constitutional amendment. An Independent
25 Redistricting Commission that has been constituted under the
26 previously enacted law shall proceed to reapportion and
27 redistrict the Commonwealth's congressional, senatorial and
28 representative districts as if the same commission had been
29 constituted under the provisions contained in this
30 constitutional amendment.

1 (b) In the event that a Legislative Reapportionment
2 Commission has been constituted prior to voter approval of this
3 constitutional amendment, the members of the Legislative
4 Reapportionment Commission shall immediately vacate their office
5 upon the issuance of the proclamation certifying voter approval
6 and, all proceedings pending before the Legislative
7 Reapportionment Commission and all records shall be transferred
8 to the Independent Redistricting Commission.

9 Section 3. (a) Upon the first passage by the General
10 Assembly of these proposed constitutional amendments, the
11 Secretary of the Commonwealth shall proceed immediately to
12 comply with the advertising requirements of section 1 of Article
13 XI of the Constitution of Pennsylvania and shall transmit the
14 required advertisements to two newspapers in every county in
15 which such newspapers are published in sufficient time after
16 passage of these proposed constitutional amendments.

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

1 three months after the proposed constitutional amendments are
2 passed by the General Assembly.