

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1776 Session of
2024

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APRIL 17, 2024

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 17, 2024

A JOINT RESOLUTION

1 Proposing integrated and distinct amendments to the Constitution
2 of the Commonwealth of Pennsylvania, repealing provisions
3 relating to Legislative Reapportionment Commission and
4 providing for Independent Redistricting Commission and for
5 redistricting criteria.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby resolves as follows:

8 Section 1. The following integrated amendments to the
9 Constitution of Pennsylvania are proposed in accordance with
10 Article XI:

11 (1) That section 17 of Article II be repealed:

12 [§ 17. Legislative Reapportionment Commission.

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

1 (b) The commission shall consist of five members: four of
2 whom shall be the majority and minority leaders of both the
3 Senate and the House of Representatives, or deputies appointed
4 by each of them, and a chairman selected as hereinafter
5 provided. No later than 60 days following the official reporting
6 of the Federal decennial census as required by Federal law, the
7 four members shall be certified by the President pro tempore of
8 the Senate and the Speaker of the House of Representatives to
9 the elections officer of the Commonwealth who under law shall
10 have supervision over elections.

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

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

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

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

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

1 Any person aggrieved by the preliminary plan shall have the
2 same 30-day period to file exceptions with the commission in
3 which case the commission shall have 30 days after the date the
4 exceptions were filed to prepare and file with such elections
5 officer a revised reapportionment plan. If no exceptions are
6 filed within 30 days, or if filed and acted upon, the
7 commission's plan shall be final and have the force of law.

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

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

21 (f) Any district which does not include the residence from
22 which a member of the Senate was elected whether or not
23 scheduled for election at the next general election shall elect
24 a Senator at such election.

25 (g) The General Assembly shall appropriate sufficient funds
26 for the compensation and expenses of members and staff appointed
27 by the commission, and other necessary expenses. The members of
28 the commission shall be entitled to such compensation for their
29 services as the General Assembly from time to time shall
30 determine, but no part thereof shall be paid until a preliminary

1 plan is filed. If a preliminary plan is filed but the commission
2 fails to file a revised or final plan within the time
3 prescribed, the commission members shall forfeit all right to
4 compensation not paid.

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

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

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

26 (a) In each year of the Federal decennial census, an
27 Independent Redistricting Commission shall be constituted for
28 the purpose of redistricting the Commonwealth. The commission
29 shall adopt a redistricting plan for legislative and
30 congressional districts on the basis of each Federal decennial

1 census in accordance with this section and such laws as the
2 General Assembly may enact to implement this section.

3 (b) The commission shall consist of 11 members, as follows:

4 (1) Four voters who are registered with the largest
5 political party in this Commonwealth based on registration.

6 (2) Four voters who are registered with the second-largest
7 political party in this Commonwealth based on registration.

8 (3) Three voters who are not registered with either of the
9 two largest political parties in this Commonwealth based on
10 registration, with no more than one from any specific minor
11 party.

12 (c) Each commissioner shall be a voter who has:

13 (1) been continuously registered in Pennsylvania with the
14 same political party or unaffiliated with a political party in
15 the five years immediately preceding the date of his or her
16 appointment; and

17 (2) voted in at least two of the last three Statewide
18 general elections immediately preceding the date of his or her
19 appointment.

20 (d) No person shall be eligible for appointment who is or
21 has been at any time in the past five years:

22 (1) A declared candidate for partisan Federal, State or
23 local office.

24 (2) An elected or appointed official to Federal, State or
25 local office, which shall not include local precinct election
26 officials.

27 (3) An officer or member of the governing body of a
28 national, State or local political party.

29 (4) A paid consultant or employee of a Federal, State or
30 local elected official or political candidate of a Federal,

1 State or local political candidate's campaign or of a political
2 party, legislative caucus or action committee.

3 (5) A registered lobbyist.

4 (e) No person shall be eligible for appointment who is a
5 parent, stepparent, child, stepchild, sibling or spouse of any
6 individual disqualified under subsection (d).

7 (f) For five years after the date of appointment, a
8 commissioner shall be ineligible to hold elective office at the
9 State, county or city level. For 10 years after the date of
10 appointment, a commissioner shall be ineligible to hold or be a
11 candidate for any elective office for which the districts are
12 enacted by this commission.

13 (g) For five years after the date of appointment, a
14 commissioner shall be ineligible to hold appointive Federal,
15 State or local public office, to serve as paid staff for the
16 General Assembly or any individual legislator or to register as
17 a Federal, State or local lobbyist in this Commonwealth.

18 (h) The commission in whole shall reflect the Commonwealth's
19 geographic and demographic diversity, including, but not limited
20 to, racial, ethnic and gender diversity, to the greatest extent
21 practicable.

22 (i) The secretary shall administer an application process
23 for individuals seeking appointment to the commission as
24 follows:

25 (1) The secretary shall design an application form which
26 shall clearly state the legal obligations and expectations of
27 potential commissioners.

28 (2) Beginning January 1 in each year ending in zero, the
29 secretary shall provide public notice of the application
30 process, commissioner qualifications and the selection process.

1 Notice shall be widely distributed in order to reach as many
2 potential applicants as is feasible, including, but not limited
3 to, the following:

4 (i) On the home page of all publicly accessible Internet
5 websites of Commonwealth agency communications platforms.

6 (ii) In the 10 most prominent print or online media outlets
7 in this Commonwealth and in at least one prominent print
8 publication in every county as determined by circulation or
9 online readership.

10 (iii) On local television stations during local news
11 broadcasts in this Commonwealth.

12 (iv) In media outlets that serve specific racial and ethnic
13 communities in this Commonwealth, with specific attention to
14 underserved or underrepresented populations.

15 (v) Through community groups that work with underserved or
16 underrepresented populations.

17 (3) The secretary shall continue to accept applications
18 until June 1 of each year ending in zero or, if the following is
19 not satisfied by June 1, until the following is met:

20 (i) At least 80 eligible individuals who are registered with
21 the largest political party in this Commonwealth have applied.

22 (ii) At least 80 eligible individuals who are registered
23 with the second-largest political party in this Commonwealth
24 have applied.

25 (iii) At least 80 eligible individuals who are not
26 registered with the largest political party or second-largest
27 political party in this Commonwealth have applied.

28 (4) An applicant must disclose, under the penalty of
29 perjury, the following information pertaining to the five years
30 before the submission of an application:

1 (i) Political party registration.

2 (ii) An explanation of why the applicant desires to serve on
3 the commission.

4 (iii) Relevant leadership and community experiences.

5 (iv) All reportable political contributions to candidates
6 for Federal, State or municipal office or to any committee
7 supporting or opposing the election of candidates to Federal,
8 State or municipal office.

9 (v) Contractual and other financial interests with the
10 Commonwealth and with any other government-related entity.

11 (5) Applicants under paragraph (4) may include up to four
12 letters of recommendation with their application.

13 (6) The secretary shall determine the eligibility of
14 applicants to serve on the commission. If the documentation
15 submitted by an applicant is insufficient to determine whether
16 the applicant is eligible, the applicant shall be notified of
17 elements lacking and allowed seven days from the date of
18 notification to cure the application. Following the cure
19 deadline applicants determined or deemed to be ineligible shall
20 be notified of the reasons why they will not be included in the
21 final pool of applicants to be considered for appointment to the
22 commission.

23 (7) Once ineligible applicants have been excluded, the
24 secretary shall separate applications into three pools
25 consisting of those who are:

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

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

30 (iii) not registered with either of the two largest

1 political parties in this Commonwealth based on registration.

2 (j) Once separated, each applicant pool shall be narrowed by
3 the State Ethics Commission to the most qualified 60 applicants
4 as reflective of the diversity of the Commonwealth as possible.
5 In narrowing pools, the State Ethics Commission shall consider
6 applicant submissions, letters of recommendation, relevant
7 publicly available information and geographic, gender, racial
8 and ethnic diversity.

9 (k) Once pools are narrowed, the State Ethics Commission
10 shall provide the lists of applicants to the leaders of the
11 General Assembly. No later than July 15 of each year ending in
12 zero, the Majority Leader and Minority Leader of the Senate and
13 the Majority Leader and Minority Leader of the House of
14 Representatives may each strike up to two applicants from each
15 subpool.

16 (l) Members of the commission shall be selected as follows:

17 (1) No later than August 1 of each year ending in zero, the
18 secretary shall convene a public event, made available to public
19 view through all appropriate technologies, for the random
20 selection of the first eight commissioners.

21 (2) (i) Names shall be drawn at random by the secretary or
22 designee in the following order:

23 (A) Three from the largest party pool.

24 (B) Three from the second-largest party pool.

25 (C) Two from the unaffiliated or minor party pool.

26 (ii) If a choice from the unaffiliated or minor party pool
27 is a second from a specific minor party, that choice shall be
28 set aside and another name drawn.

29 (3) Following the public drawing of the first eight
30 candidates, the State Ethics Commission shall have 15 days to

1 select an additional candidate from each pool to further balance
2 commission demographics to reasonably reflect the racial,
3 geographic and gender diversity of the Commonwealth and, if
4 possible, add needed skills or experience that may be lacking in
5 the randomly selected eight commissioners.

6 (m) Commissioners shall be compensated at the rate of \$250
7 per day, plus reimbursement for reasonable expenses incurred in
8 connection with the duties performed pursuant to this section,
9 for each day attending commission meetings or otherwise carrying
10 out the responsibilities of the commission. The rate of
11 compensation shall be adjusted annually for inflation.

12 (n) The commission may remove one of its members in the
13 event of substantial neglect of duty, gross misconduct in office
14 or inability to discharge the duties of office. Removal shall
15 require seven affirmative votes from the other members, after
16 the member has been served written notice and provided an
17 opportunity to respond. Substantial neglect of duty includes
18 repeated failure to attend voting meetings without reasons
19 deemed excusable by the chair.

20 (o) A vacancy in the commission shall be filled within 14
21 days from the time the commission is notified of the vacancy
22 using the same pool of applicants from which the vacating member
23 was chosen. The State Ethics Commission shall narrow the pool to
24 demographics reasonably reflecting the commissioner to be
25 replaced, and the secretary shall randomly select a new
26 commissioner. If none of the remaining applicants are available
27 for service, the secretary shall fill the vacancy from a new
28 pool of applicants created from the same voter registration
29 category as the vacating member.

30 (p) The secretary shall establish a publicly accessible

1 communications platform for the commission. Once the
2 commissioners have been appointed and a communications
3 technology manager has been hired by the secretary, the
4 commission shall assume responsibility for managing and updating
5 the platform.

6 (g) The communications platform shall include, but not be
7 limited to, all of the following information:

8 (1) A description of the role of the commission.

9 (2) Timely information about the application process.

10 (3) Prominently posted information about the time, place and
11 purpose of commission meetings.

12 (4) Precinct-level shapefiles and census block equivalency
13 files.

14 (5) Precinct-level results from Statewide primary and
15 general elections for the past 10 years.

16 (6) Legal description and shapefiles from previous
17 redistricting cycles for all relevant maps.

18 (7) Links to free, publicly accessible software tools
19 members of the public can use to create maps for submission and
20 quantitatively evaluate all proposed maps.

21 (8) A portal for the submission of proposed congressional
22 and legislative district maps.

23 (9) All congressional and legislative district maps or
24 portions of maps drawn by the commission or submitted by the
25 public.

26 (10) The underlying data used to create or evaluate maps in
27 a format easily usable for analysis.

28 (11) A portal for submission and curation of comments and
29 responses to any proposed maps or portions of maps.

30 (12) Means for members of the public to comment directly on

1 specific submitted maps.

2 (13) A video archive of all meetings of the commission.

3 (14) Transcripts of all commission meetings.

4 (15) Reports providing analysis of all submitted maps using
5 respected, readily available tools assessing required criteria.

6 (r) The commission shall post any data regarding
7 congressional and legislative redistricting on the publicly
8 accessible communications portal at the same time the data is
9 made available to the commission and the data shall be
10 considered public record under applicable laws.

11 (s) The commission shall deem each incarcerated person as
12 residing at his or her last known place of residence, rather
13 than at the institution of his or her incarceration, except if
14 the last known place of residence is outside of this
15 Commonwealth. This reallocation of population data shall be
16 furnished prior to the drafting of any proposed maps and be made
17 available to the public.

18 (t) Actions by the commission shall be in a public meeting
19 by the affirmative vote of no less than seven commissioners,
20 including the following:

21 (1) At least two commissioners registered with the largest
22 political party in this Commonwealth.

23 (2) At least two commissioners registered with the second-
24 largest political party in this Commonwealth.

25 (3) At least two commissioners who are not registered with
26 the largest political party or second-largest political party in
27 this Commonwealth.

28 (u) No later than October 1 of each year ending in zero, the
29 secretary or designee shall convene a series of public meetings
30 of the commission for the purposes of orientation and training,

1 including, but not limited to, the following topics:

2 (1) The Voting Rights Act of 1965 (Public Law 89-110, 52
3 U.S.C. § 10301 et seq.) and minority representation in
4 Pennsylvania.

5 (2) Mapping tools and respected analysis of district plans.

6 (3) Understanding redistricting criteria.

7 (4) Review of effective redistricting processes in other
8 states with independent citizens commissions.

9 (v) No later than January 10 of each year ending in one, the
10 commissioners shall select one of the commissioners to serve as
11 a chair and one of the commissioners to serve as vice chair. The
12 chair and vice chair may not be registered with the same
13 political party.

14 (w) The commission has the sole power to make its own rules
15 of procedure. The commission shall have procurement and
16 contracting authority and may hire staff and consultants for the
17 purposes of this section, including legal representation.

18 (x) The General Assembly shall appropriate funds sufficient
19 to compensate the commissioners and to enable the commission to
20 carry out its functions, operations and activities. The
21 commission shall furnish reports of expenditures, at least
22 annually, to the Governor and the General Assembly and shall be
23 subject to annual audit as provided by law.

24 (y) The commission shall have legal standing to prosecute an
25 action regarding the adequacy of resources provided for the
26 operation of the commission and to defend any action regarding
27 an adopted plan. The commission shall inform the General
28 Assembly if the commission determines that funds or other
29 resources provided for operation of the commission are not
30 adequate. The General Assembly shall provide adequate funding to

1 allow the commission to defend any action regarding an adopted
2 plan.

3 (y.1) The following shall apply to commission meetings,
4 records and communications:

5 (1) The commission shall be considered a public body subject
6 to laws applicable to Commonwealth agencies, including open
7 meetings laws and laws allowing access to public records.

8 (2) The proceedings of the commission or committees shall be
9 contemporaneously broadcast on the publicly accessible
10 communication platform in a way that allows for public viewing
11 and public interaction. To ensure public participation, meetings
12 and hearings shall be widely advertised in multiple languages,
13 where necessary, and be held at times that allow for broad
14 attendance.

15 (3) Except for documents or communications subject to
16 attorney-client privilege, documents or communications created
17 or received by a commissioner, a commission staff member or a
18 consultant to the commission as a part of the commission's
19 duties under this section shall not be exempt by any privilege.

20 (4) Records pertaining to a commission's action on a
21 preliminary congressional or legislative district map or the
22 analysis of a preliminary map shall be publicly disclosed on the
23 commission's publicly accessible communication platform as soon
24 as practicable after the records are created.

25 (5) The commission shall develop a system for receiving
26 written comments from the public, including all electronic mail
27 formats and a comment portal on the publicly accessible Internet
28 website. The portal shall be able to facilitate real-time public
29 comment during live-streamed commission and committee meetings
30 and hearings. The comments shall be reviewed by the commission

1 and committees and given consideration equal to in-person
2 testimony.

3 (6) A commissioner, commission staff member or consultant to
4 the commissioner may not communicate with any outside persons
5 attempting to influence the map drawing process outside of
6 public meetings and public comment periods. To the extent that a
7 commissioner, commission staff member or consultant to the
8 commissioner receives a communication described under this
9 paragraph, the communication shall be publicly disclosed on the
10 commission's publicly accessible Internet website as soon as
11 practicable after the communication is received.

12 (y.2) The following shall apply to public hearings of the
13 commission:

14 (1) To identify communities of interest and obtain other
15 information relevant to the drawing of congressional and
16 legislative districts, the commission shall seek public input.
17 Before any proposed district maps are drawn, the commission
18 shall hold no less than eight public hearings across this
19 Commonwealth to solicit testimony from a representative cross-
20 section of this Commonwealth's population. The commission shall
21 provide at least 14 days' notice before a public hearing is held
22 as specified under paragraph (2). At least one hearing shall be
23 held in each of the four largest cities in this Commonwealth by
24 population, in central locations easily accessible by public
25 transportation. Remaining hearings shall be located to balance
26 accessibility in remaining portions of this Commonwealth.

27 (2) The commission shall adequately advertise a public
28 hearing and schedule a public hearing in a manner to encourage
29 attendance, including scheduling the public hearings outside of
30 regular work hours and using technology that allows for real-

1 time, virtual participation and feedback in the public hearing.
2 The commission shall record a public hearing and post a video of
3 the public hearing on the commission's publicly accessible
4 communication platform within three days of the public hearing.

5 (z) The commission shall provide a meaningful opportunity
6 for all persons to participate in the redistricting process,
7 including, but not limited to, the following:

8 (1) Issuing notices in multiple languages.

9 (2) Ensuring that adequate translation services are
10 available at public hearings.

11 (3) Complying with all Federal and State law protections for
12 individuals with disabilities.

13 (4) If the initial public input during the commission's
14 public hearings does not appear to represent the diversity of
15 this Commonwealth, the commission shall take remedial steps,
16 including, but not limited to, conducting additional outreach,
17 holding additional public hearings and identifying
18 underrepresented communities.

19 (z.1) The following shall apply to the consideration and
20 approval of redistricting plans:

21 (1) No later than July 1 of each year ending in one, or no
22 later than 60 days after population data for the Commonwealth as
23 determined by the Federal decennial census are available,
24 whichever comes first, the commission shall complete and provide
25 for public review at least one proposed redistricting plan for
26 each type of district.

27 (2) All proposed redistricting plans and supporting reports
28 shall be made available to the public through the commission's
29 publicly accessible communication portal.

30 (3) Accompanying reports shall include statistical data

1 regarding compliance with criteria, comparison to top scoring
2 submissions and explanation of rationale, plus explanation of
3 ways public submissions and comment were incorporated.

4 (4) The commission, within 60 days following publication of
5 all preliminary plans as specified in paragraph (1), shall
6 schedule and conduct at least eight public hearings, in
7 different geographic regions of this Commonwealth, to receive
8 comment and recommended changes for the preliminary plans. At
9 least one hearing shall be held in each of the four largest
10 cities in this Commonwealth by population, in central locations
11 easily accessible by public transportation. Remaining hearings
12 shall be located to balance accessibility in remaining portions
13 of this Commonwealth. The public communication portal shall
14 provide opportunity for public comment or partial maps
15 submissions suggesting alterations on each preliminary plan.

16 (5) No later than October 1 of each year ending in one, or
17 no later than 120 days after population data for the
18 Commonwealth as determined by the Federal decennial census are
19 available, whichever comes first, the commission shall approve a
20 final redistricting plan for each category. Final plans must be
21 accompanied by reports which shall include statistical data
22 regarding compliance with criteria, comparison to top scoring
23 submissions and explanation of rationale, plus explanation of
24 ways public submissions and comment were incorporated.

25 (6) Upon approval, the commission shall certify the
26 resulting redistricting plan to the secretary, which plan shall
27 constitute the certified final plan.

28 (z.2) If the commission does not complete and approve a
29 final redistricting plan by November 1, the following shall
30 apply:

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

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

8 (3) All proposed plans and supporting written reports shall
9 be made available for public review and comment for a period of
10 10 days.

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

13 (i) Each commissioner shall rank the plans submitted in each
14 category according to preference, with each redistricting plan
15 being assigned a point value inverse to its ranking among the
16 number of choices in a category, giving the lowest-ranked
17 redistricting plan one point and the highest-ranked
18 redistricting plan a point value equal to the number of plans
19 submitted in that category.

20 (ii) The redistricting plan or plans receiving the lowest
21 combined ranking in each category shall be eliminated.

22 (iii) The commission shall repeat the process until only one
23 redistricting plan remains in each category.

24 (5) Upon approval of plans for all categories, the
25 commission shall certify the resulting combined redistricting
26 plan to the secretary, and that redistricting plan shall
27 constitute the certified final plan.

28 (z.3) The final plan shall have the force of law and the
29 districts provided in the final plan shall be used thereafter in
30 elections to the General Assembly and the United States Congress

1 until the next redistricting as required under this section.

2 (z.4) The Department of State shall provide support to the
3 commission in the performance of its duties.

4 (z.5) The term of office of each member of the commission
5 expires upon the appointment of the first member of the
6 succeeding commission.

7 (z.6) A district that does not include the residence from
8 which a member of the Senate was elected whether or not
9 scheduled for election at the next general election shall elect
10 a Senator at the election.

11 (z.7) The following words and phrases when used in this
12 section shall have the meanings given to them in this subsection
13 unless the context clearly indicates otherwise:

14 "Commission." The Independent Redistricting Commission.

15 "Commissioner" or "member." A member of the Independent
16 Redistricting Commission.

17 "Federal decennial census." The decennial census required by
18 Federal law to be conducted by the United States Census Bureau
19 in every year ending in zero.

20 "Final plan." A plan for both congressional and legislative
21 redistricting filed with the secretary.

22 "Redistricting plan." A plan for congressional or
23 legislative redistricting, or a plan for both congressional and
24 legislative redistricting.

25 "Secretary." The Secretary of the Commonwealth.

26 Section 2. The following distinct amendment to the
27 Constitution of Pennsylvania is proposed in accordance with
28 Article XI:

29 That Article II be amended by adding a section to read:

30 § 19. Redistricting criteria.

1 (a) In addition to the requirements of section 16, the
2 following shall apply:

3 (1) Districts shall comply with the United States
4 Constitution and comply with the Voting Rights Act of 1965
5 (Public Law 89-110, 52 U.S.C. § 10301 et seq.) and other Federal
6 laws.

7 (2) A redistricting plan may not:

8 (i) Purposefully or unduly favor or disfavor any incumbent
9 elected official, candidate or prospective candidate for
10 elective office.

11 (ii) Provide a disproportionate advantage to any political
12 party. A disproportionate advantage to a political party shall
13 be determined by using accepted measures of partisan fairness.

14 (3) Districts shall provide racial minorities an equal
15 opportunity to participate in the political process and may not
16 dilute or diminish their ability to elect candidates of choice
17 whether alone or in coalition with others.

18 (4) Districts shall respect communities of interest to the
19 extent practicable and after compliance with the requirements of
20 paragraphs (1) and (2).

21 (5) Senatorial and representative districts shall be drawn
22 with the fewest number of divisions to counties, municipalities
23 and wards within a population deviation of 2.5% above or below
24 the ideal population. A county may not contain more senatorial
25 districts than the number required by the population plus one. A
26 county may not contain more representative districts than the
27 number required by the population plus two. A precinct may not
28 be split in the drawing of district lines.

29 (6) Congressional districts shall be drawn with the fewest
30 number of divisions to counties, municipalities and wards within

1 a population deviation of .25% above or below the ideal
2 population. A county may not contain more congressional
3 districts than the number required by the population plus one. A
4 precinct may not be split in the drawing of district lines.

5 (7) The boundaries of each district shall be contiguous.
6 Boundaries shall be drawn using a single nonintersecting
7 continuous line. A county or municipal fragment or enclave
8 containing less than 50 persons shall be considered contiguous
9 to the district if the remainder of the county or municipality
10 is wholly within the same district.

11 (8) To the extent possible without violating the preceding
12 criteria, districts shall be compact in form as determined
13 through standard compactness measures and district boundaries
14 shall conform to natural boundaries existing in the physical
15 geography of an area.

16 (b) (Reserved).

17 Section 3. (a) Upon the first passage by the General
18 Assembly of these proposed constitutional amendments, 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 these proposed constitutional amendments.

25 (b) Upon the second passage by the General Assembly of these
26 proposed constitutional amendments, 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 these proposed constitutional amendments. The Secretary of the
3 Commonwealth shall:

4 (1) Submit the proposed constitutional amendments under
5 section 1 of this resolution to the qualified electors of
6 this Commonwealth as a single ballot question at the first
7 primary, general or municipal election which meets the
8 requirements of and is in conformance with section 1 of
9 Article XI of the Constitution of Pennsylvania and which
10 occurs at least three months after the proposed
11 constitutional amendments are passed by the General Assembly.

12 (2) Submit the proposed constitutional amendment under
13 section 2 of this resolution to the qualified electors of
14 this Commonwealth as a separate ballot question at the first
15 primary, general or municipal election which meets the
16 requirements of and is in conformance with section 1 of
17 Article XI of the Constitution of Pennsylvania and which
18 occurs at least three months after the proposed
19 constitutional amendment is passed by the General Assembly.