

## AMENDMENTS TO SENATE BILL NO. 22

Sponsor: REPRESENTATIVE SAMUELSON

Printer's No. 1865

1 Amend Bill, page 1, lines 1 through 10, by striking out all  
2 of said lines and inserting

3 Proposing an amendment to the Constitution of the Commonwealth  
4 of Pennsylvania, further providing for the Legislative  
5 Reapportionment Commission for the purpose of reapportioning  
6 and redistricting the Commonwealth of Pennsylvania.

7 Amend Bill, page 1, lines 13 through 19; pages 2 through 13,  
8 lines 1 through 30; page 14, lines 1 through 5; by striking out  
9 all of said lines on said pages and inserting

10 Section 1. The following amendment to the Constitution of  
11 Pennsylvania is proposed in accordance with Article XI:

12 That section 17 of Article II be amended to read:

13 § 17. Legislative [Reapportionment] and Congressional  
14 Redistricting Commission.

15 (a) [In each year following the year of the Federal  
16 decennial census] Not later than December 31 of each year ending  
17 in zero, a Legislative [Reapportionment] and Congressional  
18 Redistricting Commission shall be constituted for the purpose of  
19 [reapportioning] redistricting the Commonwealth. The commission  
20 shall [act by a majority of its entire membership.];

21 (1) Conduct an open and transparent process enabling full  
22 public consideration of and comment on the drawing of district  
23 lines.

24 (2) Conduct itself with integrity and fairness.

25 [(b) The commission shall consist of five members: four of  
26 whom shall be the majority and minority leaders of both the  
27 Senate and the House of Representatives, or deputies appointed  
28 by each of them, and a chairman selected as hereinafter  
29 provided. No later than 60 days following the official reporting  
30 of the Federal census as required by Federal law, the four  
31 members shall be certified by the President pro tempore of the  
32 Senate and the Speaker of the House of Representatives to the  
33 elections officer of the Commonwealth who under law shall have  
34 supervision over elections.

35 The four members within 45 days after their certification

1 shall select the fifth member, who shall serve as chairman of  
2 the commission, and shall immediately certify his name to such  
3 elections officer. The chairman shall be a citizen of the  
4 Commonwealth other than a local, State or Federal official  
5 holding an office to which compensation is attached.

6 If the four members fail to select the fifth member within  
7 the time prescribed, a majority of the entire membership of the  
8 Supreme Court within 30 days thereafter shall appoint the  
9 chairman as aforesaid and certify his appointment to such  
10 elections officer.

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

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

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

20 Any person aggrieved by the preliminary plan shall have the  
21 same 30-day period to file exceptions with the commission in  
22 which case the commission shall have 30 days after the date the  
23 exceptions were filed to prepare and file with such elections  
24 officer a revised reapportionment plan. If no exceptions are  
25 filed within 30 days, or if filed and acted upon, the  
26 commission's plan shall be final and have the force of law.

27 (d) Any aggrieved person may file an appeal from the final  
28 plan directly to the Supreme Court within 30 days after the  
29 filing thereof. If the appellant establishes that the final plan  
30 is contrary to law, the Supreme Court shall issue an order  
31 remanding the plan to the commission and directing the  
32 commission to reapportion the Commonwealth in a manner not  
33 inconsistent with such order.

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

40 (f) Any district which does not include the residence from  
41 which a member of the Senate was elected whether or not  
42 scheduled for election at the next general election shall elect  
43 a Senator at such election.

44 (g) The General Assembly shall appropriate sufficient funds  
45 for the compensation and expenses of members and staff appointed  
46 by the commission, and other necessary expenses. The members of  
47 the commission shall be entitled to such compensation for their  
48 services as the General Assembly from time to time shall  
49 determine, but no part thereof shall be paid until a preliminary  
50 plan is filed. If a preliminary plan is filed but the commission  
51 fails to file a revised or final plan within the time

1 prescribed, the commission members shall forfeit all right to  
2 compensation not paid.

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

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

22 (b) The commission shall consist of 11 members, as follows:  
23 four who are registered with the largest political party in this  
24 Commonwealth based on registration, four who are registered with  
25 the second-largest political party in this Commonwealth based on  
26 registration and three who are not registered with either of the  
27 two largest political parties in this Commonwealth based on  
28 registration.

29 (c) The General Assembly shall prescribe by law the  
30 qualification to serve as a commission member. Each commission  
31 member shall possess all of the following qualifications, in  
32 addition to any qualifications prescribed by law:

33 (1) Be a voter who has been continuously registered in this  
34 Commonwealth with the same political party or unaffiliated with  
35 a political party or political body and whose political  
36 affiliation has not changed in the three years immediately  
37 preceding the date of appointment to the commission.

38 (2) Has voted in two of the last three Statewide general  
39 elections immediately preceding the date of appointment to the  
40 commission.

41 (3) Has not held nor has an immediate family member who has  
42 held elective public office at the Federal or State level or  
43 elective judicial office in this Commonwealth in the five years  
44 immediately preceding the date of appointment to the commission.

45 (4) Has not served nor has a spouse who has served as a paid  
46 staff member or paid consultant to Congress, the General  
47 Assembly or staff appointed by the Governor in the five years  
48 immediately preceding the date of appointment to the commission.

49 (5) Has not registered nor has a spouse who has registered  
50 as a Federal or State lobbyist in this Commonwealth in the five  
51 years immediately preceding the date of appointment to the

1 commission.

2 (6) Has not been nominated nor has a spouse who has been  
3 nominated as a candidate for elective office by a political  
4 party or political body or served nor has a spouse who has  
5 served as a paid staff member or officer of a political party,  
6 political body, political committee or political action  
7 committee in the five years immediately preceding the date of  
8 appointment to the commission.

9 (d) Application and selection of the members of the  
10 commission shall be subject to the following:

11 (1) Application to serve as a member of the commission may  
12 be filed with, and on a form developed by, the Secretary of the  
13 Commonwealth indicating thereon evidence of the applicant's  
14 qualifications as provided by this section.

15 (2) The Secretary of the Commonwealth shall verify the  
16 qualifications of each applicant. If the Secretary of the  
17 Commonwealth finds that an applicant is not qualified, the  
18 Secretary of the Commonwealth shall not include the applicant's  
19 name in the pool of applicants.

20 (3) The Secretary of the Commonwealth shall separate all  
21 qualified applicants into three subpools consisting of those who  
22 are:

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

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

27 (iii) not registered with either of the two largest  
28 political parties in this Commonwealth based on registration.

29 (4) The Secretary of the Commonwealth shall select, on a  
30 random basis, 40 qualified applicants from each of the three  
31 subpools provided in paragraph (3). The Majority Leader and  
32 Minority Leader of the Senate and the Majority Leader and  
33 Minority Leader of the House of Representatives may each strike  
34 up to two applicants from each subpool. Each leader shall have  
35 no more than six strikes.

36 (5) After the legislative leaders have exercised their  
37 strikes under paragraph (4), the Secretary of the Commonwealth  
38 shall select for appointment as members of the commission on a  
39 random basis from the remaining applicants in each of the three  
40 subpools of qualified applicants. In addition to the  
41 qualification requirements provided in subsection (c),  
42 appointments shall reasonably reflect the racial, geographic and  
43 gender diversity of this Commonwealth.

44 (6) One of the members shall be selected as chair by a vote  
45 of at least six members of the commission.

46 (e) The term of office of each member of the commission  
47 shall expire at the same time the commission expires as provided  
48 in this section.

49 (f) Removal of a member and vacancies on the commission  
50 shall be subject to the following:

51 (1) If a member of the commission fails to attend more than

1 two consecutive meetings at which a vote of the commission is  
2 scheduled, the member's position shall be deemed vacant unless  
3 the member is absent due to death of an immediate family member,  
4 personal illness or illness of an immediate family member.

5 (2) If a member of the commission has been convicted, found  
6 guilty or pled guilty or nolo contendere to embezzlement of  
7 public money, bribery, perjury or other infamous crime, whether  
8 or not sentence has been imposed, the member's position shall be  
9 deemed vacant.

10 (3) A vacancy in the commission shall be filled within 14  
11 days from the time the commission is notified of the vacancy in  
12 the same manner that the position was originally filled and  
13 using the same pool of applicants from which the vacating member  
14 was chosen. If none of those remaining applicants are available  
15 for service, the Secretary of the Commonwealth shall fill the  
16 vacancy from a new pool of applicants created from the same  
17 voter registration category as the vacating member.

18 (g) A member shall be ineligible to do the following for a  
19 period of three years beginning from the expiration of the term  
20 for which the member was appointed to the commission:

21 (1) Serve as a paid staff member or paid consultant to  
22 Congress, the General Assembly or staff appointed by the  
23 Governor.

24 (2) Register as a Federal or State lobbyist in this  
25 Commonwealth.

26 (3) Serve as a paid staff member or paid political  
27 consultant for a political party, political body, political  
28 committee or political action committee.

29 (h) A member and the member's spouse shall be ineligible to  
30 do the following for a period of five years beginning from the  
31 expiration of the term for which the member was appointed to the  
32 commission:

33 (1) Hold an appointed position or elective public office at  
34 the Federal or State level in this Commonwealth.

35 (2) Be eligible for nomination as a candidate for elective  
36 office by a political party or political body.

37 (3) Hold office for a political party, political body,  
38 political committee or political action committee.

39 (i) Seven members of the commission shall constitute a  
40 quorum. Seven or more affirmative votes shall be required for  
41 any official action. The final redistricting plan must be  
42 approved by at least seven affirmative votes that must include  
43 at least two votes of members registered from each of the two  
44 largest political parties in this Commonwealth based on  
45 registration and two votes of members who are not registered  
46 with either of the two largest political parties.

47 (j) To begin the process of preparing information necessary  
48 to the redistricting process, the commission shall:

49 (1) Acquire all necessary and appropriate information,  
50 review and evaluate available facilities and develop programs  
51 and procedures, that may include the use of software, in

1 preparation for drawing congressional and legislative  
2 redistricting plans on the basis of each Federal census. The  
3 commission shall make the information available to the public in  
4 a manner prescribed by law.

5 (2) As soon as possible after December 31 of each year  
6 ending in zero, obtain from the United States Census Bureau the  
7 population data needed for legislative redistricting that the  
8 Census Bureau is required to provide the Commonwealth under 13  
9 U.S.C. § 141 (relating to population and other census  
10 information) and use that data to assign a population figure  
11 based upon census data to each geographic and political unit  
12 described pursuant to subparagraph (i). Upon completing that  
13 task, the commission shall begin the preparation of  
14 congressional and legislative redistricting plans as required by  
15 this subsection and subsection (k). The commission shall use the  
16 data obtained to prepare:

17 (i) Necessary descriptions of census blocks, voting  
18 districts, wards, municipalities and counties for which census  
19 data will be reported and which are suitable for use as  
20 components of districts.

21 (ii) Maps of census blocks, voting districts, wards,  
22 municipalities and counties within this Commonwealth, that may  
23 be used to illustrate the locations of district boundaries  
24 proposed in plans.

25 (k) The commission shall establish congressional and  
26 legislative districts pursuant to a mapping process in  
27 accordance with Federal or State law. In addition to the  
28 requirements of section 16, the following shall apply:

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

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

41 (3) Congressional districts shall each have a population  
42 within the maximum population deviation permissible and shall be  
43 composed of compact and contiguous territory and, unless  
44 absolutely necessary, no county, city, incorporated town,  
45 borough, township or ward shall be divided in forming  
46 congressional districts. The commission shall provide a written  
47 explanation for each division.

48 (4) The boundaries of each district shall be a single non-  
49 intersecting continuous line.

50 (5) In establishing districts, the commission shall not  
51 consider the following data:

- 1 (i) Addresses of any individual.
- 2 (ii) Political affiliation of registered voters.
- 3 (iii) Previous election results, unless required by Federal
- 4 law.

5 (6) Commission members and their employees and advisors  
6 shall not communicate with or receive communications from any  
7 other person about reapportionment or redistricting matters  
8 unless during an open public meeting or under such exceptions as  
9 the General Assembly may prescribe by law.

10 (l) Each plan drawn under this section shall provide that  
11 any vacancy in the General Assembly that is filled under the  
12 plan, occurring at a time that makes it necessary to fill the  
13 vacancy at a special election held under section 629 of the act  
14 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
15 Election Code, shall be filled from the same district that  
16 elected the senator or representative whose seat is vacant.

17 (m) The commission, within 30 days prior to the deadline for  
18 approval of a preliminary plan as set forth in subsection (o)  
19 (1), shall schedule and conduct at least four public hearings in  
20 different geographic regions of this Commonwealth.

21 (n) All commission meetings that are attended or  
22 participated in by a quorum of the members of the commission  
23 held for the purpose of deliberating official business of taking  
24 official action shall be open to the public.

25 (o) (1) Not later than July 1 of each year ending in one,  
26 the commission shall complete and approve a preliminary  
27 redistricting plan and maps as required under this section and  
28 make the preliminary plan and maps available to the public in a  
29 manner prescribed by law.

30 (2) The commission, within 30 days following the deadline  
31 for approval of a preliminary plan as provided in paragraph (1),  
32 shall schedule and conduct at least four public hearings, in  
33 different geographic regions of this Commonwealth, on the  
34 preliminary plan.

35 (3) Not later than August 15 of each year ending in one, the  
36 commission shall approve a final redistricting plan. Upon  
37 approval, the commission shall certify the resulting plan to the  
38 Secretary of the Commonwealth, and that plan shall constitute  
39 the certified final plan.

40 (4) If the commission fails to approve a final plan in  
41 accordance with paragraph (3), the following shall apply:

42 (i) Not later than September 1 of each year ending in one,  
43 the commission shall complete and approve a second preliminary  
44 redistricting plan and maps prepared in accordance with  
45 subsections (j) and (k) and make the second preliminary plan and  
46 maps available to the public in a manner prescribed by law.

47 (ii) Within 30 days following the deadline for approval of  
48 the second preliminary plan as set forth in subparagraph (i),  
49 the commission shall schedule and conduct at least four public  
50 hearings, in different geographic regions of this Commonwealth,  
51 on the second preliminary plan.

1 (iii) Not later than November 15 of each year ending in one,  
2 the commission shall approve a final redistricting plan. Upon  
3 approval, the commission shall certify the resulting plan to the  
4 Secretary of the Commonwealth, and that plan shall constitute  
5 the certified final plan.

6 (p) If the commission does not complete and approve a final  
7 redistricting plan by November 15 of each year ending in one,  
8 the following shall apply:

9 (1) The commission shall consider proposed maps for each  
10 category of district separately from all other categories.

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

16 (3) All proposed maps and supporting written reports shall  
17 be made available for public review and comment for a period of  
18 ten days.

19 (4) After the close of the public comment period, the  
20 commission shall vote on all proposed maps by ranked choice as  
21 follows:

22 (i) Each commissioner shall rank the maps submitted in each  
23 category according to preference, with each map being assigned a  
24 point value inverse to its ranking among the number of choices  
25 in a category, giving the lowest ranked map one point and the  
26 highest ranked map a point value equal to the number of maps  
27 submitted in that category.

28 (ii) The map or maps receiving the lowest combined ranking  
29 in each category shall be eliminated.

30 (iii) The commission shall repeat the process until only one  
31 map remains in each category.

32 (5) Upon approval of maps for all categories, the commission  
33 shall certify the resulting plan to the Secretary of the  
34 Commonwealth, and that plan shall constitute the certified final  
35 plan.

36 (6) If a final reapportionment and redistricting plan is not  
37 filed by the commission by December 15 of each year ending in  
38 one, the Supreme Court shall approve a plan.

39 (q) The commission has the sole legal standing to defend an  
40 action regarding a certified final plan and shall inform the  
41 General Assembly if it determines that funds or other resources  
42 provided for the operation of the commission are not adequate.

43 (r) The Department of State shall provide staff as needed to  
44 support the commission in the performance of its duties.

45 (s) Upon the filing of all redistricting plans required  
46 under this section and the exhaustion of all appeals of a  
47 redistricting plan:

48 (1) the commission shall expire and the commission's  
49 responsibilities shall terminate; and

50 (2) the final plan shall have the force of law and the  
51 districts provided in the plan shall be used thereafter in



1 elections to the General Assembly until the next redistricting  
2 as required under this section.

3 (t) The General Assembly shall appropriate sufficient funds  
4 for the compensation and expenses of members and staff appointed  
5 by the commission and for other necessary expenses. In addition  
6 to necessary expenses, the members of the commission shall  
7 receive a per diem for each day or part of a day spent  
8 performing their official duties. The per diem shall be the most  
9 recent per diem rate for locations in this Commonwealth as  
10 established and published by the United States General Services  
11 Administration.

12 (u) A district that does not include the residence from  
13 which a member of the Senate was elected whether or not  
14 scheduled for election at the next general election shall elect  
15 a Senator at the election.

16 (v) The following words and phrases when used in this  
17 section shall have the meanings given to them in this subsection  
18 unless the context clearly indicates otherwise:

19 "Commission." The Legislative and Congressional  
20 Redistricting Commission.

21 "Federal census." The decennial census required by Federal  
22 law to be conducted by the United States Census Bureau in every  
23 year ending in zero.

24 "Immediate family." A parent, spouse, child, brother or  
25 sister.

26 "Member." A member of the Legislative and Congressional  
27 Redistricting Commission.

28 "Plan." A plan for legislative and congressional  
29 redistricting drawn under the requirements of this section.

30 Section 2. (a) Upon the first passage by the General  
31 Assembly of this proposed constitutional amendment, the  
32 Secretary of the Commonwealth shall proceed immediately to  
33 comply with the advertising requirements of section 1 of Article  
34 XI of the Constitution of Pennsylvania and shall transmit the  
35 required advertisements to two newspapers in every county in  
36 which such newspapers are published in sufficient time after  
37 passage of this proposed constitutional amendment.

38 (b) Upon the second passage by the General Assembly of this  
39 proposed constitutional amendment, the Secretary of the  
40 Commonwealth shall proceed immediately to comply with the  
41 advertising requirements of section 1 of Article XI of the  
42 Constitution of Pennsylvania and shall transmit the required  
43 advertisements to two newspapers in every county in which such  
44 newspapers are published in sufficient time after passage of  
45 this proposed constitutional amendment. The Secretary of the  
46 Commonwealth shall submit this proposed constitutional amendment  
47 to the qualified electors of this Commonwealth at the first  
48 primary, general or municipal election which meets the  
49 requirements of and is in conformance with section 1 of Article  
50 XI of the Constitution of Pennsylvania and which occurs at least  
51 three months after the proposed constitutional amendment is

1 passed by the General Assembly.