
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1023 Session of
2020

INTRODUCED BY KILLION, BOSCOLA, AUMENT, BROWNE, COLLETT,
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REFERRED TO STATE GOVERNMENT, JANUARY 31, 2020

AN ACT

1 Establishing the Independent Redistricting Commission; and
2 providing for congressional and legislative redistricting.

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5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Congressional
11 and Legislative Redistricting Act.

12 Section 102. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Commission." The Independent Redistricting Commission
17 established under section 301.

18 "Commissioner" or "member." A member of the commission.

19 "Congressional redistricting plan." A redistricting plan for
20 congressional districts drawn under the requirements of this
21 act.

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

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

27 "Legislative district." The term includes senatorial
28 districts and representative districts.

29 "Legislative Reapportionment Commission." The entity
30 authorized by the Constitution of Pennsylvania to adopt a

1 legislative redistricting plan.

2 "Legislative redistricting plan." A plan adopted pursuant to
3 Article II of the Constitution of Pennsylvania and this act. The
4 term includes a reapportionment plan.

5 "Plan" or "redistricting plan." A congressional
6 redistricting plan or legislative redistricting plan drawn under
7 the requirements of this act, including one or more maps
8 depicting district boundaries.

9 "Secretary." The Secretary of the Commonwealth.

10 CHAPTER 3

11 INDEPENDENT REDISTRICTING COMMISSION

12 Section 301. Establishment of commission and appointment of
13 members.

14 (a) Commission creation.--In each year following the year of
15 the Federal decennial census, an Independent Redistricting
16 Commission shall be constituted for the purpose of redistricting
17 the Commonwealth. The commission shall:

18 (1) Conduct an open and transparent process enabling
19 full public consideration of and comment on the drawing of
20 district lines.

21 (2) Draw district lines according to the redistricting
22 criteria specified in this act.

23 (3) Conduct itself with integrity and fairness.

24 (b) Commission membership.--The commission shall consist of
25 the following members:

26 (1) four voters who are registered with the largest
27 political party in this Commonwealth based on registration;

28 (2) four voters who are registered with the second
29 largest political party in this Commonwealth based on
30 registration; and

1 (3) three voters who are not registered with either of
2 the two largest political parties in this Commonwealth based
3 on registration.

4 (c) Qualifications.--Each member shall possess all of the
5 following qualifications:

6 (1) Be a voter who has been continuously registered in
7 this Commonwealth with the same political party or who has
8 been continually unaffiliated with a political party or
9 political body for the three years immediately preceding the
10 date of appointment to the commission.

11 (2) Has voted in two of the last three Statewide general
12 elections immediately preceding the date of appointment to
13 the commission.

14 (3) Has not held nor has a spouse who has held any other
15 public office or paid position at the Federal or State level
16 in this Commonwealth in the five years immediately preceding
17 the date of appointment to the commission.

18 (4) Has not registered nor has a spouse who has
19 registered as a Federal or State lobbyist in this
20 Commonwealth in the five years immediately preceding the date
21 of appointment to the commission.

22 (5) Has not been nominated nor has a spouse who has been
23 nominated as a candidate for elective office in this
24 Commonwealth by a political party or political body or served
25 nor has a spouse who has served as a staff member or officer
26 of a political party, political body, political committee or
27 political action committee in this Commonwealth in the five
28 years immediately preceding the date of appointment to the
29 commission.

30 (d) Application and selection.--Application and selection of

1 members shall be subject to the following:

2 (1) Application to serve as a member may be filed with,
3 and on a form developed by, the secretary indicating thereon
4 evidence of the applicant's qualifications as provided by
5 this section.

6 (2) The secretary shall verify the qualifications of
7 each applicant. If the secretary finds that an applicant is
8 not qualified, the secretary shall not include the
9 applicant's name in the pool of applicants.

10 (3) The secretary shall separate all qualified
11 applicants into three subpools consisting of those who are:

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

14 (ii) registered with the second largest political
15 party in this Commonwealth based on registration; and

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

19 (4) The secretary shall select, on a random basis, 40
20 qualified applicants from each of the three subpools provided
21 in paragraph (3). The Majority Leader and Minority Leader of
22 the Senate and the Majority Leader and Minority Leader of the
23 House of Representatives may each strike up to two applicants
24 from each subpool. Each leader shall have no more than six
25 strikes.

26 (5) After the legislative leaders have exercised their
27 strikes under paragraph (4), the secretary shall select for
28 appointment as members on a random basis from the remaining
29 applicants in each of the three subpools of qualified
30 applicants. In addition to the qualification requirements

1 provided in subsection (c), appointments shall reasonably
2 reflect the racial, geographic and gender diversity of this
3 Commonwealth.

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

6 (e) Term.--The term of office of each member shall expire at
7 the time the commission expires as provided in section 305.

8 (f) Removal.--Removal of a member and vacancies on the
9 commission shall be subject to the following:

10 (1) If a member fails to attend more than two
11 consecutive meetings at which a vote of the commission is
12 scheduled, the member's position shall be deemed vacant
13 unless the member is absent due to death of an immediate
14 family member, personal illness or illness of an immediate
15 family member.

16 (2) If a member has been convicted, found guilty or pled
17 guilty or nolo contendere to embezzlement of public money,
18 bribery, perjury or other infamous crime, whether or not
19 sentence has been imposed, the member's position shall be
20 deemed vacant.

21 (3) A vacancy in the commission shall be filled within
22 14 days from the time the commission is notified of the
23 vacancy in the same manner that the position was originally
24 filled and using the same pool of applicants from which the
25 vacating member was chosen. If none of those remaining
26 applicants are available for service, the secretary shall
27 fill the vacancy from a new pool of applicants created from
28 the same voter registration category as the vacating member.

29 (g) Member ineligibility.--A member shall be ineligible to
30 do the following for a period of three years beginning from the

1 expiration of the term for which the member was appointed to the
2 commission:

3 (1) Serve as a paid staff member or paid consultant to
4 Congress, the General Assembly or staff appointed by the
5 Governor.

6 (2) Register as a Federal or State lobbyist in this
7 Commonwealth.

8 (3) Serve as a paid staff member or paid political
9 consultant for a political party, political body, political
10 committee or political action committee in this Commonwealth.

11 (h) Member and spouse ineligibility.--A member and the
12 member's spouse shall be ineligible to do the following for a
13 period of five years beginning from the expiration of the term
14 for which the member was appointed to the commission:

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

17 (2) Be eligible for nomination as a candidate for
18 elective office by a political party or political body in
19 this Commonwealth.

20 (3) Hold office for a political party, political body,
21 political committee or political action committee in this
22 Commonwealth.

23 (i) Quorum and voting.--Seven members shall constitute a
24 quorum. Seven or more affirmative votes shall be required for
25 any official action. The final redistricting plan must be
26 approved by at least seven affirmative votes that must include
27 at least two votes of members registered with each of the two
28 largest political parties in this Commonwealth based on
29 registration and two votes of members who are not registered
30 with either of the two largest political parties.

1 Section 302. Redistricting process.

2 (a) Initial preparation.--To begin the process of preparing
3 information necessary to the redistricting process, the
4 commission shall:

5 (1) Acquire all necessary and appropriate information,
6 review and evaluate available facilities and develop programs
7 and procedures, that may include the use of software, in
8 preparation for drawing redistricting plans on the basis of
9 each Federal census. The commission shall make the
10 information available to the public.

11 (2) Obtain from the United States Census Bureau the
12 population data needed for redistricting that the Census
13 Bureau is required to provide the Commonwealth under 13
14 U.S.C. § 141 (relating to population and other census
15 information) and use that data to assign a population figure
16 based upon census data to each geographic and political unit
17 described pursuant to subparagraph (i). Upon completion of
18 that task, the commission shall begin the preparation of a
19 redistricting plan or plans as required by this act. The
20 commission shall use the data obtained to prepare:

21 (i) Necessary descriptions of census blocks, voting
22 districts, wards, municipalities and counties for which
23 census data will be reported and that are suitable for
24 use as components of districts.

25 (ii) Maps of census blocks, voting districts, wards,
26 municipalities and counties within this Commonwealth,
27 that may be used to illustrate the locations of district
28 boundaries proposed in plans.

29 (b) Transparency.--

30 (1) All commission hearings, and all commission meetings

1 that are attended or participated in by a quorum of the
2 members held for the purpose of deliberating official
3 business or taking official action, shall be open to the
4 public.

5 (2) Members and their employees and advisors shall not
6 communicate with or receive communications from any other
7 person about redistricting matters unless during an open
8 public meeting or under circumstances where the communication
9 is shared contemporaneously with all members and entered into
10 the public record.

11 (c) Initial hearings.--Prior to the deadline for approval of
12 a preliminary plan as set forth in subsection (d)(1), the
13 commission shall schedule and conduct at least four public
14 hearings in different regions of this Commonwealth.

15 (d) Preliminary and final redistricting plans.--

16 (1) Not later than July 1 of each year ending in one,
17 the commission shall complete and approve a preliminary
18 redistricting plan as required under this section and make
19 the preliminary plan available to the public.

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

25 (3) Not later than August 15 of each year ending in one,
26 the commission shall approve a final redistricting plan. Upon
27 approval, the commission shall certify the resulting plan to
28 the secretary, and that plan shall constitute the certified
29 final plan.

30 (4) If the commission fails to approve a final plan in

1 accordance with paragraph (3), the following shall apply:

2 (i) Not later than September 1 of each year ending
3 in one, the commission shall complete and approve a
4 second preliminary redistricting plan prepared in
5 accordance with subsections (a) and (b) and make the
6 second preliminary plan available to the public.

7 (ii) Within 30 days following the deadline for
8 approval of a second preliminary plan as set forth in
9 subparagraph (i), the commission shall schedule and
10 conduct at least four public hearings, in different
11 geographic regions of this Commonwealth, on the second
12 preliminary plan.

13 (iii) Not later than November 1 of each year ending
14 in one, the commission shall approve a final
15 redistricting plan. Upon approval, the commission shall
16 certify the plan to the secretary, and that plan shall
17 constitute the certified final plan.

18 (e) Failure to approve plan.--If the commission does not
19 complete and approve a final redistricting plan by November 1 of
20 each year ending in one, the following shall apply:

21 (1) Each commissioner or group of commissioners may
22 propose one plan that may include one or more maps depicting
23 the districts included in the plan. Each proposed plan shall
24 be accompanied by a written report that demonstrates the
25 plan's compliance with all applicable Federal and State laws,
26 including redistricting criteria.

27 (2) All proposed plans and supporting written reports
28 shall be made available for public review and comment for a
29 period of 10 days.

30 (3) After the close of the public comment period, the

1 commission shall vote on all proposed plans as follows:

2 (i) Each commissioner shall rank the plans submitted
3 according to preference, with each plan being assigned a
4 point value inverse to the plan's ranking among the
5 number of choices, giving the lowest ranked plan one
6 point and the highest ranked plan a point value equal to
7 the number of plans submitted.

8 (ii) The plan or plans receiving the lowest combined
9 ranking shall be eliminated.

10 (iii) The commission shall repeat the process until
11 only one plan remains.

12 (4) Upon approval of a plan under this subsection, the
13 commission shall certify the plan to the secretary, and that
14 plan shall constitute the certified final plan.

15 (5) If a final redistricting plan is not filed by the
16 commission by December 15 of each year ending in one, unless
17 the time be extended by the Supreme Court for cause shown,
18 the Supreme Court shall immediately proceed on its own motion
19 to approve a plan. The Supreme Court shall certify the plan
20 to the secretary, and that plan shall constitute the
21 certified final plan.

22 Section 303. Standing.

23 The commission has the sole legal standing to defend an
24 action regarding a certified final plan and shall inform the
25 General Assembly if the commission determines that funds or
26 other resources provided for the operation of the commission are
27 not adequate.

28 Section 304. Staffing.

29 The Department of State shall provide staff as needed to
30 support the commission in the performance of the commission's

1 duties.

2 Section 305. Commission expiration and effect of plan.

3 Upon the filing of all redistricting plans required under
4 this chapter and the exhaustion of all appeals of a
5 redistricting plan:

6 (1) the commission shall expire and the commission's
7 responsibilities shall terminate; and

8 (2) the final plan shall have the force of law and the
9 districts provided in the plan shall be used thereafter in
10 elections until the next redistricting as required under this
11 act.

12 Section 306. Funding.

13 The General Assembly shall appropriate sufficient funds for
14 the compensation and expenses of members and staff appointed by
15 the commission and for other necessary expenses. In addition to
16 necessary expenses, the members shall receive a per diem for
17 each day or part of a day spent performing their official
18 duties. The per diem shall be the most recent per diem rate for
19 locations in this Commonwealth as established and published by
20 the United States General Services Administration.

21 CHAPTER 5

22 CONGRESSIONAL AND LEGISLATIVE REDISTRICTING PLANS

23 Section 501. Prohibited criteria.

24 (a) Political discrimination.--A redistricting plan shall
25 not purposefully or unduly favor or disfavor any incumbent
26 elected official, candidate or prospective candidate for
27 elective office. A redistricting plan on a Statewide basis shall
28 not purposefully or unduly favor or disfavor any political
29 party.

30 (b) Voter information.--Except as necessary to comply with

1 subsection (a), a redistricting plan shall not include
2 consideration of the following data:

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

7 Section 502. Redistricting criteria.

8 In addition to the requirements of section 501 and Federal
9 law, the following shall apply to the drawing of district lines:

- 10 (1) Districts shall each have a population within the
11 maximum population deviation permissible.
- 12 (2) Districts shall provide racial minorities an equal
13 opportunity to participate in the political process and may
14 not dilute or diminish their ability to elect candidates of
15 choice whether alone or in coalition with others.
- 16 (3) Districts shall be composed of compact and
17 contiguous territory and, unless absolutely necessary, no
18 county, city, incorporated town, borough, township or ward
19 shall be divided. A redistricting plan shall include a
20 written explanation for each division.
- 21 (4) A county may not contain more senatorial districts
22 than the number required by the population plus one.
- 23 (5) A county may not contain more representative
24 districts than the number required by the population plus
25 two.
- 26 (6) A county may not contain more congressional
27 districts than the number required by the population plus
28 one.

29 CHAPTER 7

30 LEGISLATIVE REAPPORTIONMENT COMMISSION

1 Section 701. Redistricting process.

2 (a) Initial preparation.--To begin the process of preparing
3 information necessary to the redistricting process, the
4 Legislative Reapportionment Commission shall:

5 (1) Acquire all necessary and appropriate information,
6 review and evaluate available facilities and develop programs
7 and procedures, that may include the use of software, in
8 preparation for drawing legislative redistricting plans on
9 the basis of each Federal census. The commission shall make
10 the information available to the public.

11 (2) Obtain from the United States Census Bureau the
12 population data needed for redistricting that the Census
13 Bureau is required to provide the Commonwealth under 13
14 U.S.C. § 141 (relating to population and other census
15 information) and use that data to assign a population figure
16 based upon census data to each geographic and political unit
17 described pursuant to subparagraph (i). Upon completion of
18 that task, the commission shall begin the preparation of a
19 legislative redistricting plan or plans as required by this
20 act. The commission shall use the data obtained to prepare:

21 (i) Necessary descriptions of census blocks, voting
22 districts, wards, municipalities and counties for which
23 census data will be reported and that are suitable for
24 use as components of districts.

25 (ii) Maps of census blocks, voting districts, wards,
26 municipalities and counties within this Commonwealth,
27 that may be used to illustrate the locations of district
28 boundaries proposed in plans.

29 (b) Transparency.--All hearings, and all meetings that are
30 attended or participated in by a quorum of the members of the

1 Legislative Reapportionment Commission held for the purpose of
2 deliberating official business or taking official action, shall
3 be open to the public.

4 (c) Hearings and approval of final plan.--

5 (1) Prior to the date that a preliminary plan is filed
6 with the secretary, the Legislative Reapportionment
7 Commission shall schedule and conduct at least four public
8 hearings in different regions of this Commonwealth.

9 (2) No later than 15 days after any person aggrieved by
10 the preliminary plan files timely exceptions to the plan, the
11 Legislative Reapportionment Commission shall schedule and
12 conduct at least two public hearings to hear testimony
13 regarding such exceptions.

14 (3) After the conclusion of the hearings required by
15 paragraph (2), the Legislative Reapportionment Commission
16 shall approve a final plan at a public meeting upon not less
17 than seven days' prior notice to the public.

18 CHAPTER 21

19 MISCELLANEOUS PROVISIONS

20 Section 2101. Effective date.

21 This act shall take effect immediately.