

LEGISLATIVE REFERENCE BUREAU

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Legislative Reference Bureau

A Joint Resolution proposing integrated and distinct amendments to the Constitution of the Commonwealth of Pennsylvania, repealing provisions relating to Legislative Redistricting Commission and providing for Independent Redistricting Commission and for redistricting criteria.

INTRODUCED _____

By Kearney, Timothy P. District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on

Date _____

Reported _____

As Committed-Amended

Recomendation

By Hon. _____

A JOINT RESOLUTION

1 Proposing integrated and distinct amendments to the Constitution
2 of the Commonwealth of Pennsylvania, repealing provisions
3 relating to Legislative Redistricting 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11 (1) That section 17 of Article II be repealed: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.

17 (b) The commission shall consist of five members: four of
18 whom shall be the majority and minority leaders of both the

1 Senate and the House of Representatives, or deputies appointed
2 by each of them, and a chairman selected as hereinafter
3 provided. No later than 60 days following the official reporting
4 of the Federal decennial census as required by Federal law, the
5 four members shall be certified by the President pro tempore of
6 the Senate and the Speaker of the House of Representatives to
7 the elections officer of the Commonwealth who under law shall
8 have supervision over elections.

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

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

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

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

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

29 Any person aggrieved by the preliminary plan shall have the
30 same 30-day period to file exceptions with the commission in

1 which case the commission shall have 30 days after the date the
2 exceptions were filed to prepare and file with such elections
3 officer a revised reapportionment plan. If no exceptions are
4 filed within 30 days, or if filed and acted upon, the
5 commission's plan shall be final and have the force of law.

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

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

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

23 (g) The General Assembly shall appropriate sufficient funds
24 for the compensation and expenses of members and staff appointed
25 by the commission, and other necessary expenses. The members of
26 the commission shall be entitled to such compensation for their
27 services as the General Assembly from time to time shall
28 determine, but no part thereof shall be paid until a preliminary
29 plan is filed. If a preliminary plan is filed but the commission
30 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 (2) That Article II be amended by adding a section to read:
23 § 18. Independent Redistricting Commission.

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

1 (b) The commission shall consist of 11 members, as follows:
2 four voters who are registered with the largest political party
3 in this Commonwealth based on registration; four voters who are
4 registered with the second-largest political party in this
5 Commonwealth based on registration; and three voters who are not
6 registered with either of the two largest political parties in
7 this Commonwealth based on registration, with no more than one
8 from any specific minor party.

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

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

14 (2) voted in at least two of the last three Statewide
15 general elections immediately preceding the date of his or her
16 appointment.

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

19 (1) A declared candidate for partisan Federal, State or
20 local office.

21 (2) An elected or appointed official to Federal, State or
22 local office, which shall not include local precinct election
23 officials.

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

26 (4) A paid consultant or employee of a Federal, State or
27 local elected official or political candidate of a Federal,
28 State or local political candidate's campaign or of a political
29 party, legislative caucus or action committee.

30 (5) A registered lobbyist.

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

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

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

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

19 (i) The secretary shall administer an application process
20 for individuals seeking appointment to the commission as
21 follows:

22 (1) The secretary shall design an application form which
23 shall clearly state the legal obligations and expectations of
24 potential commissioners.

25 (2) Beginning January 1 in each year ending in zero, the
26 secretary shall provide public notice of the application
27 process, commissioner qualifications and the selection process.
28 Notice shall be widely distributed in order to reach as many
29 potential applicants as is feasible, including, but not limited
30 to, the following:

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

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

7 (iii) On local television stations during local news
8 broadcasts in this Commonwealth.

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

12 (v) Through community groups that work with underserved or
13 underrepresented populations.

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

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

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

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

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

28 (i) Political party registration.

29 (ii) An explanation of why the applicant desires to serve on
30 the commission.

1 (iii) Relevant leadership and community experiences.

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

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

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

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

20 (7) Once ineligible applicants have been excluded, the
21 secretary shall separate applications into three pools
22 consisting of those who 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 (j) Once separated, each applicant pool shall be narrowed by
30 the State Ethics Commission to the most qualified 60 applicants

1 as reflective of the diversity of the Commonwealth as possible.
2 In narrowing pools, the State Ethics Commission shall consider
3 applicant submissions, letters of recommendation, relevant
4 publicly available information and geographic, gender, racial
5 and ethnic diversity.

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

13 (1) Members of the commission shall be selected as follows:

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

18 (2) Names shall be drawn at random by the secretary or
19 designee in the following order: three from the largest party
20 pool; three from the second-largest party pool; two from the
21 unaffiliated or minor party pool. If a choice from the
22 unaffiliated or minor party pool is a second from a specific
23 minor party, that choice shall be set aside and another name
24 drawn.

25 (3) Following the public drawing of the first eight
26 candidates, the State Ethics Commission shall have 15 days to
27 select an additional candidate from each pool to further balance
28 commission demographics to reasonably reflect the racial,
29 geographic and gender diversity of the Commonwealth and, if
30 possible, add needed skills or experience that may be lacking in

1 the randomly selected eight commissioners.

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

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

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

26 (p) The secretary shall establish a publicly accessible
27 communications platform for the commission. Once the
28 commissioners have been appointed and a communications
29 technology manager has been hired by the secretary, the
30 commission shall assume responsibility for managing and updating

1 the platform.

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

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

5 (2) Timely information about the application process.

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

8 (4) Precinct-level shapefiles and census block equivalency
9 files.

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

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

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

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

19 (9) All congressional and legislative district maps or
20 portions of maps drawn by the commission or submitted by the
21 public.

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

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

26 (12) Means for members of the public to comment directly on
27 specific submitted maps.

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

29 (14) Transcripts of all commission meetings.

30 (15) Reports providing analysis of all submitted maps using

1 respected, readily available tools assessing required criteria.

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

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

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

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

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

21 (3) At least two commissioners who are not registered with
22 the largest political party or second-largest political party in
23 this Commonwealth.

24 (u) No later than October 1 of each year ending in zero, the
25 secretary or designee shall convene a series of public meetings
26 of the commission for the purposes of orientation and training,
27 including, but not limited to, the following topics:

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

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

2 (3) Understanding redistricting criteria.

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

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

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

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

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

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

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

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

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

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

21 (5) The commission shall develop a system for receiving
22 written comments from the public, including all electronic mail
23 formats and a comment portal on the publicly accessible Internet
24 website. The portal shall be able to facilitate real-time public
25 comment during live-streamed commission and committee meetings
26 and hearings. The comments shall be reviewed by the commission
27 and committees and given consideration equal to in-person
28 testimony.

29 (6) A commissioner, commission staff member or consultant to
30 the commissioner may not communicate with any outside persons

1 attempting to influence the map drawing process outside of
2 public meetings and public comment periods. To the extent that a
3 commissioner, commission staff member or consultant to the
4 commissioner receives a communication described under this
5 paragraph, the communication shall be publicly disclosed on the
6 commission's publicly accessible Internet website as soon as
7 practicable after the communication is received.

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

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

23 (2) The commission shall adequately advertise a public
24 hearing and schedule a public hearing in a manner to encourage
25 attendance, including scheduling the public hearings outside of
26 regular work hours and using technology that allows for real-
27 time, virtual participation and feedback in the public hearing.
28 The commission shall record a public hearing and post a video of
29 the public hearing on the commission's publicly accessible
30 communication platform within three days of the public hearing.

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

4 (1) Issuing notices in multiple languages.

5 (2) Ensuring that adequate translation services are
6 available at public hearings.

7 (3) Complying with all Federal and State law protections for
8 individuals with disabilities.

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

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

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

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

26 (3) Accompanying reports shall include statistical data
27 regarding compliance with criteria, comparison to top scoring
28 submissions and explanation of rationale, plus explanation of
29 ways public submissions and comment were incorporated.

30 (4) The commission, within 60 days following publication of

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

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

21 (6) Upon approval, the commission shall certify the
22 resulting redistricting plan to the secretary, which plan shall
23 constitute the certified final plan.

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

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

29 (2) Each commissioner or group of commissioners may propose
30 one redistricting plan in each category. Each proposed

1 redistricting plan shall be accompanied by a written report that
2 demonstrates the plan's compliance with all applicable Federal
3 and State laws, including redistricting criteria.

4 (3) All proposed plans and supporting written reports shall
5 be made available for public review and comment for a period of
6 10 days.

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

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

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

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

20 (5) Upon approval of plans for all categories, the
21 commission shall certify the resulting combined redistricting
22 plan to the secretary, and that redistricting plan shall
23 constitute the certified final plan.

24 (z.3) An aggrieved person who is a registered voter in this
25 Commonwealth may file a petition with the Supreme Court within
26 60 days after the commission has certified a final plan to bar
27 the secretary from implementing the final plan on the grounds
28 that the filed final plan violates the provisions of this
29 section or section 16 or 19. This does not preclude any person
30 from filing a petition at a later date regarding violation of

1 the Constitution of the United States, the Constitution of
2 Pennsylvania or any Federal or other State statute. The
3 commission shall have sole legal standing to defend an action
4 regarding a certified final plan.

5 (z.4) If the commission does not file a final plan by
6 November 30 of each year ending in one, unless the time be
7 extended by the Supreme Court for cause shown, the Supreme Court
8 shall immediately proceed on its own motion to approve a
9 redistricting plan. The Supreme Court shall certify the plan to
10 the secretary, and that plan shall constitute the certified
11 final plan.

12 (z.5) The final plan shall have the force of law and the
13 districts provided in the final plan shall be used thereafter in
14 elections to the General Assembly and United States Congress
15 until the next redistricting as required under this section.

16 (z.6) The Department of State shall provide support to the
17 commission in the performance of its duties.

18 (z.7) The term of office of each member of the commission
19 expires upon the appointment of the first member of the
20 succeeding commission.

21 (z.8) A district that 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 the election.

25 (z.9) The following words and phrases when used in this
26 section shall have the meanings given to them in this subsection
27 unless the context clearly indicates otherwise:

28 "Commission." The Independent Redistricting Commission.

29 "Commissioner" or "member." A member of the Independent
30 Redistricting Commission.

1 "Federal decennial census." The decennial census required by
2 Federal law to be conducted by the United States Census Bureau
3 in every year ending in zero.

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

6 "Redistricting plan." A plan for congressional or
7 legislative redistricting, or a plan for both congressional and
8 legislative redistricting.

9 "Secretary." The Secretary of the Commonwealth.

10 Section 2. The following distinct amendment to the
11 Constitution of Pennsylvania is proposed in accordance with
12 Article XI:

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

14 § 19. Redistricting criteria.

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

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

21 (2) A redistricting plan may not:

22 (i) Purposefully or unduly favor or disfavor any incumbent
23 elected official, candidate or prospective candidate for
24 elective office.

25 (ii) Provide a disproportionate advantage to any political
26 party. A disproportionate advantage to a political party shall
27 be determined by using accepted measures of partisan fairness.

28 (3) Districts shall provide racial minorities an equal
29 opportunity to participate in the political process and may not
30 dilute or diminish their ability to elect candidates of choice

1 whether alone or in coalition with others.

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

5 (5) Senatorial and representative districts shall be drawn
6 with the fewest number of divisions to counties, municipalities
7 and wards within a population deviation of 2.5% above or below
8 the ideal population. A county may not contain more senatorial
9 districts than the number required by the population plus one. A
10 county may not contain more representative districts than the
11 number required by the population plus two. A precinct may not
12 be split in the drawing of district lines.

13 (6) Congressional districts shall be drawn with the fewest
14 number of divisions to counties, municipalities and wards within
15 a population deviation of .25% above or below the ideal
16 population. A county may not contain more congressional
17 districts than the number required by the population plus one. A
18 precinct may not be split in the drawing of district lines.

19 (7) The boundaries of each district shall be contiguous.
20 Boundaries shall be drawn using a single nonintersecting
21 continuous line. A county or municipal fragment or enclave
22 containing less than 50 persons shall be considered contiguous
23 to the district if the remainder of the county or municipality
24 is wholly within the same district.

25 (8) To the extent possible without violating the preceding
26 criteria, districts shall be compact in form as determined
27 through standard compactness measures and district boundaries
28 shall conform to natural boundaries existing in the physical
29 geography of an area.

30 (b) The following words and phrases when used in this

1 section shall have the meanings given to them in this subsection
2 unless the context clearly indicates otherwise:

3 "Community of interest." An area with recognized
4 similarities of interests, including, but not limited to,
5 ethnic, racial, economic, tribal, social, cultural, geographic
6 or historic identities. The term may include political
7 subdivisions such as counties, municipalities, tribal lands and
8 reservations or school districts but shall not include common
9 relationships with political parties or political candidates.

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

18 (b) Upon the second passage by the General Assembly of these
19 proposed constitutional amendments, the Secretary of the
20 Commonwealth shall proceed immediately to comply with the
21 advertising requirements of section 1 of Article XI of the
22 Constitution of Pennsylvania and shall transmit the required
23 advertisements to two newspapers in every county in which such
24 newspapers are published in sufficient time after passage of
25 these proposed constitutional amendments. The Secretary of the
26 Commonwealth shall:

27 (1) Submit the proposed constitutional amendments under
28 section 1 of this resolution to the qualified electors of
29 this Commonwealth as a single ballot question at the first
30 primary, general or municipal election which meets the

1 requirements of and is in conformance with section 1 of
2 Article XI of the Constitution of Pennsylvania and which
3 occurs at least three months after the proposed
4 constitutional amendments are passed by the General Assembly.

5 (2) Submit the proposed constitutional amendment under
6 section 2 of this resolution to the qualified electors of
7 this Commonwealth as a separate ballot question at the first
8 primary, general or municipal election which meets the
9 requirements of and is in conformance with section 1 of
10 Article XI of the Constitution of Pennsylvania and which
11 occurs at least three months after the proposed
12 constitutional amendment is passed by the General Assembly.