

Summary of an Amendment to the Pennsylvania Constitution

Creating an Independent Redistricting Commission

251008

House Bill 31 and Senate Bill 131 amends the PA Constitution by replacing the Legislative Reapportionment Commission with an independent citizens redistricting commission to draw both congressional and state legislative districts with defined transparency and public input and clear, prioritized mapping standards.

COMMISSION INDEPENDENCE:

Creates an Independent Redistricting Commission that is reasonably representative of the Commonwealth's diversity and free from legislative influence in both the selection of commission members and actions of the commission.

TRANSPARENT PUBLIC PROCESS:

Requires the adoption of a transparent redistricting process that includes public hearings, sharing of information about redistricting proposals, and equal access to all data and information for both the general public and commissioners.

PRIORITIZED MAPPING STANDARDS:

Provides clearly prioritized, measurable standards to promote equitable representation for counties, municipalities, and communities of interest, with defined limits on population deviation and attention to compactness, contiguity, and geographic boundaries.

COMMISSION INDEPENDENCE: DESIGN AND SELECTION

Number of commissioners

Commissioner eligibility

Restrictions on future government service

Diversity

§ 18 (a-h)

- The commission is constituted in the year of the federal census.
- The commission will consist of 11 members: 4 voters registered with each of the two major political parties and 3 voters not registered with either major party.
- Eligible persons: Pennsylvania voters whose registration with a political party or with no political party has remained the same for the previous 5 years and who have voted in no less than 2 of the last 3 statewide general elections.
- Ineligible persons: political candidates; elected or appointed holders of political office; members of a political party governing body, PAC, or political campaign; employees, consultants, or close family members of the foregoing; registered lobbyists.
- Commissioners are barred from serving in the above capacities for a period of 5 years before and after service on the commission.
- The commission shall reflect Pennsylvania's geographic, ethnic, racial, and gender diversity.

Process for appointing commissioners

Random selection of some commissioners; final selection ensuring diversity

Vacancies and removal

§ 18 (i-q)

- Beginning January 1 in the year of the census, the commission application process will be widely publicized to reach as many potential applicants as possible.
- The Department of State reviews applications and divides applicants into 3 pools: the party with the largest number of registered voters; the party with the 2nd largest number of registrants; and unaffiliated and 3rd-party voters.
- The State Ethics Commission narrows the pools to the 60 most qualified, while keeping each pool as reflective of the geographic, gender, racial, and ethnic diversity of the Commonwealth as possible
- House and Senate majority and minority leaders may each strike up to two applicants from each pool.
- At a public event, the Secretary of State will randomly select 6 applicants: 2 from each major party pool and 2 from the unaffiliated/minor-party pool.
- The initial six commissioners will choose five additional commissioners (two from each major party pool and one from the unaffiliated/minor-party pool) to further balance demographics and add needed skills and experience.
- The commission may vote to remove a commissioner for cause. Vacancies are to be filled by the State Ethics Commission from the original pool of applicants.

TRANSPARENT PUBLIC PROCESS: OPEN MEETINGS, PUBLIC INPUT

Public access to tools and data

Data for incarcerated persons

Open meetings with public access

Voting by commissioners

§ 18 (r-dd)

- Commissioners will receive training and orientation in topics including (but not limited to) the Voting Rights Act, mapping tools, redistricting criteria, and effective redistricting processes from other states.
- Redistricting data, mapping technology, and all meeting transcripts and recordings will be accessible to the public on a free communications platform.
- Data for incarcerated persons will reflect the person's last known address (unless it is outside Pennsylvania) rather than their place of incarceration.
- All actions of the commissioners are to take place at widely publicized public meetings. Decisions will require an affirmative vote of at least 7 commissioners, including at least 2 commissioners from each pool.
- At least 8 public meetings will precede the drawing of maps. Another 8 are required after preliminary maps have been made public. At least 4 of each must be held in PA's 4 largest cities.
- PA open meeting laws apply, including restrictions on ex parte communications.

Reports & data accompany proposed plans; plans receive public review

Plan approvals

§ 18 (ee)

On a prescribed schedule the commission shall:

- publicly communicate a proposed redistricting plan or plans for each type of district, including statistical data and data on compliance with constitutionally prescribed criteria;
- hold public hearings to receive comments and recommended changes;
- and approve and certify a final redistricting plan for each category, together with explanatory data, reports, and rationales for decisions.

Failsafes

Appeals

§ 18 (ff-gg)

- If the Commission fails to approve a final redistricting plan in any category by the established deadline, any individual commissioner or group of commissioners may propose a plan in that category.
- After ten days of public review the commission will vote in public, using an elimination vote, until one plan remains.

PRIORITIZED MAPPING STANDARDS: CLEARLY DEFINED CRITERIA § 19

- Districts shall comply with the United States Constitution, the federal Voting Rights Act and other federal laws.
- Districts shall provide racial minorities an equal opportunity to participate in the political process and may not dilute or diminish their ability to elect candidates of their choice, whether alone or in coalition with others.
- A redistricting plan shall not provide an advantage to any political party, as determined by accepted measures of partisan fairness, and may not purposefully or unduly favor or disfavor any incumbent elected official, political party, candidate, or prospective candidate.
- Districts shall respect communities of interest to the extent practicable.
- Boundaries of districts shall be contiguous, with exceptions for county or municipal fragments.
- A county may not contain more congressional or senatorial districts than the number required by the population plus one. A county may not contain more representative districts than the number required by the population plus two.
- A precinct may not be split in the drawing of district lines.
- To the extent practicable, districts must be drawn with the fewest divisions of counties and municipalities within 2.5% above or below the ideal population for House and Senate districts and within .25% for congressional districts.
- To the extent possible without violating the preceding criteria, districts shall be compact in form as determined through standard compactness measures, and district boundaries shall conform to existing natural boundaries.