



# Conference of Consumer Organizations

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## INTRODUCTION

The [first chapter](#) of our report on Gerrymandering in Pennsylvania<sup>1</sup> summarized the redistricting proposals currently before the General Assembly. That chapter provided a 29 item list of things Pennsylvania consumers had a right to rely on in the redistricting process.

The [second chapter](#) is a detailed examination of the Boscola/Samuelson<sup>2</sup> proposal for an independent redistricting commission. A group of editorial corrections are offered. (Even lawyers make spelling and punctuation mistakes!) This is augmented with some conceptual considerations toward implementing the intent of the Boscola/Samuelson Proposal. Ideas are offered to sort the language which should be in the Constitutional Amendment and which should be in the implementing statute. The chapter concludes with a specific proposal for a new printer number on the Boscola/Samuelson proposal.

The [third chapter](#) provides a review of the current law affecting redistricting in Pennsylvania in 2018. There are two Constitutional, and eight traditional, vectors.

- a) The Constitution and the Civil Rights Act of 1965, and
- b) Traditional redistricting principles:
  - 1) Distribution. Districts are not to deviate more than 1% in population.
  - 2) Eligibility. Districts must reflect the eligible voting population rather than just registered voters
  - 3) Compactness. Districts must be measured using the “smallest-circle” or “perimeter-to-area”.
  - 4) Contiguity. Districts must have an identifiable form. They must not be bizarre. Single “touch points” are illegal.
  - 5) Geography. Districts must not be encumbered by geology.
  - 6) Subdivisions. Counties, municipalities, and precincts should not be split without an articulated reason.
  - 7) Communities of Interest. Contiguous populations that share common social and economic interests should be included within a single district.
  - 8) Race. “Non-retrogression” requires that a new plan must not diminish minority voting power. If race is considered above the traditional criteria, the district lines must be “narrowly tailored” to further a compelling governmental interest such as Section §5 of the Voting Rights Act.
- c) The line of decisions also strictly prohibits any consideration of political data and information, including:
  - 1) prior districts' voting performance,
  - 2) incumbent residency,
  - 3) political party registration, and

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<sup>1</sup>2017-03-06 [https://www.academia.edu/32072745/Gerrymandering\\_in\\_Pennsylvania](https://www.academia.edu/32072745/Gerrymandering_in_Pennsylvania)

<sup>2</sup> Sen. Lisa Boscola introduced SB22 P0397 in the Senate, and Rep. Steve Samuelson introduced HB722 P1671 as a companion Bill in the House.

4) past election results.

The [fourth chapter](#) provides enough review of the literature to provide an effective definition of the terms, and a sketch of the history of Gerrymandering before and after the impact of computer enhanced “Social Technographic” profiling.

There have been a material changes since those chapters were written. [League of Women Voters v PA](#) was decided on 2018-02-07, redrawing Pennsylvania’s Federal Congressional Districts. The special election was held on 2018-03-18. Justice Alito denied all appeals on 2018-03-19. The 2018 and 2020 Congressional elections will be held according to the districts set by our Supreme Court on 2018-02-07.

[Sen. Mike Folmer](#) (R48) convened a three hour [informational hearing](#) on redistricting on 2018-03-27. Sens. Boscola and Blake each explained their proposed Constitutional Amendments, and Sen. Costa explained his proposed statute.

- Sen. Boscola presented three members of California’s Independent Citizens’ Commission, and reported that the California legislature’s approval rating has climbed from 10% to 50% since they adopted the citizen redistricting system. California’s legislature has also risen to over 50% in Inter-Party Competition.
- T.J. Rooney and [Alan Novak](#), Chairman of Pennsylvania’s Republican Party, expressed concern that an independent citizens’ commission would be answerable to no one, whereas the duly elected legislators are answerable to their public. Legislative districting is appropriately, and lawfully, done by them.
- [FairDistrictsPA](#) chair, [Carol Kuniholm](#), testified that Gerrymandering reflected “a fundamental flaw in our electoral integrity” which would be best resolved through “an independent citizens commission and strict requirements for transparency and public participation”. When asked why the League had waited until 2017 to file its action she pointed out that; “the [Whitford v Gill](#) case in Wisconsin focused attention on new attempts to measure the extent of partisan gerrymandering. The most respected of those new measurements placed Pennsylvania’s congressional district map as the worst, or among the five worst, in the nation.” She showed how the Committee for Economic Development of The Conference Board showed the economic impact of Gerrymandering on the states. She even provided seven precise criteria of objectivity and transparency that constituted the essence of their proposal.
- [Amanda Holt](#), who had initiated the 2011 litigation against Pennsylvania’s districting process, provided written testimony. “The legislation before you proposes to take the map drawing power away from the legislature and place it in the hands of citizens. But I ask you: how would this change improve the checks and balances in redistricting?” There is an “absence of a clear and measurable standard.” She urged the Committee “to first address the underlying, more fundamental flaw exposed in redistricting in recent times before turning your attention to other reforms.”
- [Brian A. Gordon](#), of Concerned Citizens for Democracy, provided written testimony supporting “neutral districting rules”. Strictly apply the Supreme Court’s [January 26, 2018](#) rules: compactness, contiguity and equal population in elections. “Use the strict assembly of territory for electoral district based on counties and political subdivisions.” When drafters start with county boundaries, Gerrymandering is almost impossible. The districts should not “divide any county, city, incorporated town, borough, or ward except where necessary to ensure equality of population.” No partisan consideration, such as incumbency can be considered.
- [The Committee of 70](#) testified that “any redistricting process must guarantee full transparency, broad public engagement and clearly-stated principles for line-drawing.” “Managing the challenges of an evolving economy is unavoidable, but we do so in competition with other states. An unreliable system of governance is a serious handicap.”
- The Western Pennsylvania Conference of the United Methodist Church also provided Scriptural emphasis for fair districting and equal representation.
- [Roy Minet](#) provided late testimony on how “Splitline” districts, based only on the boundaries and populations of precincts; could yield equal districts.

Sen. Folmer set a [subsequent hearing](#) for 2018-04-24. This hearing will apply the current testimony to [SB22](#).

On 2018-04-10 Rep. Samuelson presented a discharge resolution on HB722 to the floor of the House. Rep. Metcalf held a spontaneous State Government Committee Hearing on 2018-04-11. That Committee [re-wrote](#) HB722 to delete the Independent Citizens' Commission, and replace the 5 member Legislative Redistricting Committee with a 7 member Legislative Redistricting Committee.

On 2018-04-16 Gov. Wolf publicly endorsed the use of a citizens' independent commission in redistricting.

## **Accountability:**

Four arguments were made against using an Independent Citizens' Commission during Sen. Folmer's March 27 informational hearing:

- 1) **A delegation of legislative leaders is more accountable**, and more representative, of the voting public. This has not sustained been our experience. These men represent only the district from which they are elected. There is an inherent conflict of interest which leads the most honest of men into temptation.

The present system was adopted in 1968. Each subsequent Legislative Reapportionment Commission was made up of the Legislative Leaders personally. White, male, lawyer/politicians from populous districts were abundantly represented on these Commissions. In 2011 the Commissioners met all these criteria, plus they were all from the same denomination. Sen. Jay Costa, the last dissenter, was the first Latino on these Commissions.

The Legislative Reapportionment Commissions do not have a good record on Gerrymandering. The sweetheart deals, kidnapping and hijacking of the 20<sup>th</sup> Century, have been replaced with computer assisted packing and cracking. This is what perpetrated Pennsylvania's 2011 districting map. Our Supreme Court dismissed that map as "clearly, plainly and palpably" unrepresentative.

The allegation that a Legislative Reapportionment Commission is more responsive to the Pennsylvania voters because they are elected representatives simply fails.

- 2) **There are no identifiable standards for districting or Gerrymandering.** This is an extension of Pennsylvania's [Vieth v. Jubelirer \(2004\)](#). This argument also fails. Nine Constitutional and traditional criteria have accumulated since [Baker v Carr](#). Our 21<sup>st</sup> Century obsession with computer assisted analysis finally lead us to the "efficiency gap" evaluation in [Gill v. Whitford](#). This provides our first tangible, measurable criteria of packing and cracking. The equitable distribution of voters can be measured in both real time and across a three election experience. An identifiable standard for measuring Gerrymandering now exists.
- 3) **There are no checks and balances on an independent citizens redistricting commission.** This is a misreading of the proposal. The entire drafting process is manifestly transparent, and aggrieved voters are provided a precise remedy to our Supreme Court. Transparency is the core defect in the Legislative Redistricting Commission. [SR148\(2011\)](#) was never debated! The new proposal explicitly depends on transparency and judicial review.
- 4) **Article I, Section 4, Provision 1 of the US Constitution mandates that the state legislature must personally draw the district lines.** This is a misreading of the language. The legislature is assigned a mission, not given an operative order. The case in point is [Arizona State Legislature v. Arizona Independent Redistricting Commission](#) (2015) in which SCOTUS affirmed the use of an independent citizens' redistricting commission. In allegory, Congress is charged with providing post offices and post roads. Benjamin Franklin was not charged with personally delivering letters and packages. Congress delegated him the duty of seeing that they were delivered. Mail is now delivered by an independent corporation, the United States Postal Service. That corporation has further sub-contracted some of its services to another private corporation. The Constitution

charges state legislatures with prescribing “the times, places and manner of holding elections.” They are specifically not charged with personally drawing district lines.

## **Constitutional Construction:**

There was a persistent question throughout the 2018-03-27 hearing. How much text should be inserted as a Constitutional amendment? What text is better as part of the Election Code in 25 Pa.C.S.? The remainder of this chapter is devoted to that question.

*“The primary purpose of the Constitution was to form a government ... (and) to establish the rights of citizens which could not be curbed by the government nor by populism. It is the combustion of the two embodying the government's powers and, most importantly, the limits on the government's power that gave us a democratic republic.”*

Leigh Ratiner

A Constitution is deliberately difficult to alter. In a sense, this makes a Constitution an anti-majoritarian document. By binding the hands of future generations, it prevents a majority from granting tyrannical powers to the government in a time of crises. It also prevents a majority from easily taking away the rights of minorities. And it prevents those in office from holding on to power by increasing their terms in office.

A Constitution is written in terms general or abstract enough to retain a core set of values yet be amenable to changing interpretations as called for by the times. If it is too detailed and inflexible it becomes obsolete.

The United States Constitution was about 10 pages long. It used simple language which was designed to be elaborated by the legislators. Viz:

*The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.*

Two conditions are added; 1) the representative must be 25, and 2) must have been a citizen of that state for seven years. Everything else was left to the implementer.

Again:

*The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof;*

Constitutional provisions should be simple, succinct “mission” statements which allow legislators to adopt implementing language which reflect their times.

The Pennsylvania Constitution follows this same form:

§ 16. *Legislative districts.*

*The Commonwealth shall be divided into 50 senatorial and 203 representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each senatorial district shall elect one Senator, and each representative district one Representative. Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.*

The number is fixed, and so is the single district rule. All the rest of the language consists of guidelines to be elaborated by the implementer. The provision is 64 words long.

Contrast this with Section §17 which is 783 words long, and contains extensive details regarding membership, schedules, appeals, funding and publication. The rigidity of this section is one of the reasons for the current struggle.

What are the critical, conceptual issues which must be amended into the Constitution as we replace §17? What implementing language should be recited in the Election Code?

First, there is to be an Independent Citizens' Redistricting Commission!

**§ 17. Legislative Redistricting Commission.**

- (a) An Independent Citizens' Legislative Redistricting Commission shall be constituted, before January 31 of each year following the Federal decennial census. This Commission shall redistrict the Commonwealth.
- (b) The Commission shall consist of nine (9) Pennsylvania voters. Three shall be registered with the largest political party in this Commonwealth. Three shall be registered with the second-largest political party in this Commonwealth. Three shall not be registered with either of the two largest political parties in this Commonwealth.
- (c) The Commission shall conduct all meetings in an open and transparent manner enabling full public consideration and comment. All meetings shall comply with all Pennsylvania or Federal open meetings laws. All meetings shall be open to the public, broadcast and recorded using current technology.
- (d) The districts drawn by the Commission shall be contiguous and compact. The districts shall not divide any county, city, township, borough or incorporated town unless absolutely necessary. The districts shall be within 1% population of each other.
- (e) The Commission shall complete and publish its final redistricting plan no later than October 15 of each year following the Federal decennial census.

There it is! A compact vision statement! The Constitutional language establishes the Commission, defines its membership, demands transparency and public accountability, recites the imperative vectors, and sets a due date. A succinct statement chiseled into the Constitution. All other matters are then recited in our Election Code where they can be adapted to reflect the ever evolving social standards.

Language would be added to the Bill regarding the publication and adoption of this amendment: viz:

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

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary shall proceed immediately to comply with the advertising requirements of Section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment. The Secretary shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election which meets the requirements of and is in conformance with Section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

This language would be followed by the body of the Bill:

**AN ACT**

**Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising**

and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further providing for district boundaries; providing for legislative redistricting process; and establishing a legislative redistricting commission.

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

Section 1. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

**(a) Preamble:**

(1) Not later than December 31 of each Federal census year, a Legislative Redistricting Commission shall be constituted for the purpose of redistricting the Commonwealth.

(2) The Commission shall:

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

(b) Draw district lines according to the redistricting criteria specified in this section.

(c) Conduct itself with integrity and fairness.

**(b) Commission Membership:** The Commission shall consist of nine (9) members:

(1) three who are registered with the largest political party in this Commonwealth,

(2) three who are registered with the second-largest political party in this Commonwealth, and

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

**(c) Membership Qualifications:** (1) Each Commission member shall possess the following qualifications:

(a) Be a voter who has been continuously registered in this Commonwealth with the same political party or unaffiliated with a political party or political body for the three years immediately preceding the date of appointment to the Commission.

(b) Has voted in two of the last three statewide general elections immediately preceding the date of appointment to the Commission.

(2) Exclusions from Membership: No person may be appointed to the Commission who:

(a) Has held, or has a spouse who has held, elective or appointed public office at the Federal or State level, or elective judicial office in this Commonwealth, in the five years immediately preceding the date of appointment to the Commission.

(b) Has served, or has a spouse who has served, as a paid staff member or paid consultant to Congress, the General Assembly or as staff appointed by the Governor, in the five years immediately preceding the date of appointment to the Commission.

(c) Has registered, or has a spouse who has registered, as a Federal or State lobbyist in this Commonwealth in the five years immediately preceding the date of appointment to the Commission.

(d) Has been nominated, or has a spouse who has been nominated, as a candidate for elective office by a political party or political body.

(e) Has served or has a spouse who has served as a paid staff member or officer of a political party, political body, political committee or political action committee in the five years immediately preceding the date of appointment to the Commission.

(f) Has held, or has a spouse who has held, a local, State or Federal office to which compensation is attached.

(g) Has been convicted, found guilty or pled guilty or nolo contendere to embezzlement of public money, bribery, perjury or other infamous crime, whether or not sentence has been imposed.

**(d) Application Process:** Application and selection of the members of the Commission shall be subject to

the following:

- (1) The Secretary shall publish a form which allows citizens of the Commonwealth to apply for Commission membership during the second half of each year ending in zero. This form shall be published, on the Commission's Internet Website before July 1 of each Federal census year.
  - (2) Citizens may file this form with the Secretary, delineating their qualifications, until January 1 of each year following a Federal census.
  - (3) Before January 31 of each year following a Federal census, the Secretary shall:
    - (i) verify the qualifications of each applicant.
    - (ii) Notify each applicant of any deficiencies in their application.
    - (iii) delete the name of any unqualified applicant from the pool of applicants.
  - (4) The Secretary shall separate all qualified applicants into three subpools consisting of those who are:
    - (i) registered with the largest political party in this Commonwealth;
    - (ii) registered with the second-largest political party in this Commonwealth; and
    - (iii) not registered with either of the two largest political parties in this Commonwealth.
  - (5) On January 31 of each year following the Federal census:
    - (i) the Secretary shall select, on a random basis, 40 qualified applicants from each of the three subpools provided in paragraph (4).
    - (ii) the Secretary shall immediately provide this list of applicants to the Majority Leader and Minority Leader of the Senate and the Majority Leader and Minority Leader of the House of Representatives.
  - (6) The Majority Leader and Minority Leader of the Senate and the Majority Leader and Minority Leader of the House of Representatives may each strike up to two applicants from each subpool. Each leader shall have no more than six strikes. These strikes shall be published on or before February 15 of each year following a Federal census.
  - (7) The Secretary shall immediately select members of the Commission, on a random basis, from the remaining applicants in each subpool of qualified applicants.
  - (8) If members selected under subparagraph (c)(7) do not generally reflect the racial, geographic and gender diversity of this Commonwealth, the Secretary shall make a new drawing.
  - (9) The applicants who are not selected under this paragraph shall be alternates from whom vacancies may be filled.
  - (10) No more than two members of the Commission may reside in the same county.
  - (11) No more than three members may have served on any previous districting Commission.
- (e) Initial Meeting:** The Secretary shall convene the Commission's initial meeting before February 20 of each year following each Federal census.
- (1) One of the members shall be selected as chair, at the initial meeting, by a vote of at least six members of the Commission.
  - (2) The Commissioners shall be provided with a packet of preliminary information before the initial meeting.
  - (3) The Commission shall adopt, and publish, a schedule of meetings and hearings, through July 1, at the initial meeting.
- (f) Vacancies:** Removal of a member and vacancies on the Commission shall be subject to the following:
- (1) If a member of the Commission fails to attend more than two consecutive scheduled meetings, the member's position shall be deemed vacant unless the member is absent due to death of an immediate family member, personal illness or illness of an immediate family member.
  - (2) A vacancy in the Commission shall be filled within 14 days from the time the Commission determines that a vacancy exists. The vacancy shall be filled from the alternate, applicants in the subpool from which the vacating member was chosen.

**(g) Member Prohibitions:**

(1) A member shall be ineligible to do the following for a period of three years beginning from the expiration of the term for which the member was appointed to the Commission:

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

(b) Register as a Federal or State lobbyist in this Commonwealth.

(c) Serve as a paid staff member or paid political consultant for a political party, political body, political committee or political action committee.

(2) A member and the member's spouse shall be ineligible to do the following for a period of three years beginning from the expiration of the term for which the member was appointed to the Commission:

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

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

(c) Hold office for a political party, political body, political committee or political action committee.

**(h) Reserved**

**(i) Procedures**

(1) Those members present and voting at a meeting duly called by the chair shall constitute a quorum. Seven or more affirmative votes shall be required for any official action.

(2) Each meeting of the Commission must comply with Pennsylvania's Sunshine Act, 65 Pa.C.S. §§ 701-716, and any other Commonwealth or Federal open meetings law.

(3) All Commission meetings shall be open to the public, broadcast, and recorded using current technology.

(4) The time, date and place of each meeting shall be published on the Commission's Internet website at least 48 hours prior to the meeting.

(5) The final redistricting plan must be approved by at least seven affirmative votes. At least one of these seven votes must be cast by a member of each subpool.

**(j) Preliminary Information;** the Secretary shall acquire, before December 31 of each Federal census year:

(1) (a) The preliminary, necessary and appropriate information regarding redistricting. This will include, but not be limited to, the current districting statutes, regulations, case law, computer models, and professional literature. This information shall be published on the Commission's publicly accessible Internet website. The Secretary may also develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each Federal census.

(b) The population distribution data required in the Pennsylvania Election Code, specifically pertaining to registrations and exclusions. This information shall be included in determining the adjusted population data.

(2)(i) As soon as possible after each Federal census, the Secretary shall obtain from the United States Census Bureau the population data needed for legislative redistricting that the Census Bureau is required to provide the Commonwealth under 13 U.S.C. § 141 (relating to population and other census information).

(ii) The Secretary shall immediately use the adjusted population data to propose districts of equal population into an initial grid-like pattern across this Commonwealth. The Commission shall make adjustments to these proposed grids as part of their deliberations.

(iii) The Secretary shall use the adjusted population data to assign a population figure, based upon census data, to each geographic and political unit.

(3) As soon as the Commission is appointed under subsection (d), the members shall review the preliminary information gathered by the Secretary according to subsection (j)(1) and (2).

(4) The Commission shall use the preliminary information obtained under subsection (i), and the Federal census data obtained under subparagraph (j) to prepare:

(i) Necessary descriptions of communities of interest, census blocks, voting districts, wards, municipalities and counties for use as components of districts.

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

(5) The Commission shall then begin the preparation of legislative redistricting plans as required by this subsection and subsection (k).

(6) In establishing districts, the Commission shall not consider the following data:

(i) Any political or personal considerations.

(ii) Addresses of any individual.

(iii) Political affiliations of registered voters.

(iv) Previous election results, unless required by Federal or State law. However, voter registration and voting history may be used to test maps for compliance with the goals under paragraph (k).

**(k) Applicable law:** (1) The Commission shall establish legislative districts pursuant to a mapping process in accordance with Federal and State law.

(2) Legislative districts:

a) Shall not, as a whole, favor a specific person, political party or political body.

b) Shall be politically competitive, unless the competitive districts cause significant detriment to the other goals set forth in this section.

c) Shall respect visible geographic and undivided census tracts.

d) Shall be geographically compact and contiguous.

e) Shall reflect a current standard measurement of compactness for the districts in each plan.

The Commission shall define this standard measurement of compactness before July 1 of each year ending in one. No district may have a compactness measurement of less than 15% of the total ideal measurement for a district. The measure of compactness shall consider, among other things, the extent to which the shape of a district is spread out from its center, how smooth or contorted the boundaries of a district are, the variance of distances from all points in the districts to the district's areal center, and the distribution of the population within a district.

f) Shall not divide any voting precinct that forms a single polygon.

g) Shall not divide any county, city, township, borough or incorporated town unless absolutely necessary. If any political division is partitioned, the Commission must file an addendum to that plan. The addendum must recite the exact rationale for each partitioning.

h) Shall respect Communities of Interest as defined in subsection (v).

i) Shall respect the Constitution of the United States and the Voting Rights Act of 1965 (Public Law 89-110, 52 U.S.C. § 10301 et seq.)

(3) As provided in subparagraph (s)(2), this section shall apply to legislative elections on or after the date the final plan is adopted. Any vacancy in the General Assembly which requires a special election under Section 629 of the Act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall be filled from the district from which the member was last elected.

**(m) Public hearings:** The Commission shall schedule and conduct at least four public hearings, in different geographic regions of this Commonwealth, during the month of June of each year following a Federal census. Members of the General Assembly, and other Pennsylvania elected officials shall be allowed to present information at these hearings.

**(n) Preliminary plans:** (1) Not later than July 1 of each year ending in one, the Commission shall complete and approve a preliminary redistricting plan and maps as required under this section. This

preliminary plan and maps shall be published on the Commission's Internet website, and published in the newspapers of common circulation.

(2) The Commission shall schedule and conduct at least four public hearings, in different geographic regions of this Commonwealth, on the preliminary plan between July 1 and August 15 of each year following a Federal census.

(3) Not later than August 15 of each year following the Federal census:

(i) The Commission shall approve a final redistricting plan in accordance with subsections (j) and (k).

(ii) This final plan shall be available to the public, including on the Commission's website.

(iii) Upon approval, the Commission shall certify the resulting final plan to the Secretary.

(iv) That plan shall constitute the certified final plan.

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

(i) Not later than September 1 of each year ending in one, the Commission shall complete and approve a second preliminary redistricting plan and maps prepared in accordance with subsections (j) and (k). This second preliminary plan shall be available to the public including on the Commission's website.

(ii) Before October 1 of each year ending in one, the Commission shall schedule and conduct at least four public hearings, in different geographic regions of this Commonwealth, on the second preliminary plan.

(iii) Not later than October 15 of each year following a Federal census, the Commission shall approve a final redistricting plan. Upon approval, the Commission shall certify the resulting plan to the Secretary. That plan shall constitute the certified final plan. The final plan shall be available to the public including on the Commission's website.

**(o) Special Master:**

(1) If the Commission does not complete and approve a final redistricting plan by October 16 of a year following a Federal census, the Secretary shall immediately petition the Supreme Court for an order directing the appointment of a special master to develop and complete a final redistricting plan in accordance with the criteria and requirements provided in subsections (j) and (k).

(2) The special master shall publish a preliminary plan within 30 days of appointment.

(3) The Pennsylvania Supreme Court shall hold a hearing on the master's preliminary plan within 30 days of its publication. The hearing shall determine whether the master's preliminary plan meets the requirements, standards and criteria set forth in this Section.

(4) If the master's preliminary plan does not comply with those requirements, the Supreme Court may grant a single, 30 day, continuance for the master to cure the defects therein.

(3) Upon the Supreme Court's approval of the master's plan, the court shall certify the resulting plan to the Secretary, and that plan shall constitute the certified final plan.

**(p) Standing:** The Commission has the sole legal standing to defend an action regarding a certified final plan. The Commission shall inform the General Assembly if it determines that funds or other resources provided for the operation of the Commission are not adequate for such purpose.

**(q) Jurisdiction:** (1) The Pennsylvania Supreme Court has original and exclusive jurisdiction in all proceedings in which a certified final plan is challenged or is claimed not to have taken timely effect.

(2) An aggrieved Pennsylvania voter may file a petition with the Pennsylvania Supreme Court within 30 days after the Commission has certified a final plan to the Secretary. Any such petition shall allege that the filed plan violates the Constitution of the United States, the Constitution of Pennsylvania or any Federal or State statute.

**(r) Staffing and compensation.** The Commission shall be provided with the staff and support necessary to perform the tasks assigned in this section. The Commission shall inform the General Assembly if it

determines that funds or other resources provided for the operation of the Commission are not adequate for such purpose.

(1) The Department of General Services shall make adequate office space available for the Commission and its staff.

(2) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the Commission, and other necessary expenses.

(3) The members of the Commission shall be entitled to such compensation as the General Assembly from time to time shall determine, but no part thereof shall be paid until the preliminary plan is filed. If a preliminary plan is filed, but the Commission fails to file a final plan, the Commission members shall forfeit all right to any remaining compensation.

(4) The Commission shall have procurement and contacting authority, and may hire staff and consultants for the purposes of this section, including legal representation.

**(s) Finality:** Upon the filing of all redistricting plans required under this section, and the exhaustion of all appeals of a redistricting plan:

(1) the Commission shall expire and the Commission's responsibilities shall terminate;

(2) the final plan shall have the force of law, and

(3) the districts provided in the plan shall be used thereafter in elections to the General Assembly until the next redistricting as required under this section.

**(t) Senate vacancy:** If the final plan creates a senatorial district in which no seated senator resides, a senator shall be elected to that district in the next election.

**(u) Definitions:** The following words and phrases when used in this section shall have the meanings given to them in this subsection:

"Adjusted population data." The population of the Commonwealth received from the Federal Census and modified in accordance with the Pennsylvania Election Code.

"Commission." The Legislative and Congressional Redistricting Commission.

"Community of interest." A contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. It shall not include relationships with political parties, incumbents or political candidates.

"Federal census." The decennial census required by Federal law to be conducted by the United States Census Bureau under 13 U.S.C. § 141 (relating to population and other census information).

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

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

"Plan." A plan for legislative districting drawn under the requirements of this section.

"Secretary." The Secretary of the Commonwealth of Pennsylvania.

**(w) Effective Date:** This act shall take effect immediately.