



PENNSYLVANIA REDISTRICTING Reform Commission



Appendix 5: Overview of PA's Current
Redistricting Process

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Congressional Redistricting

Congressional redistricting in Pennsylvania begins with the reapportionment of US House seats among the states after the decennial Census as provided for in Article 1, Section 2 of the US Constitution:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Each state is allotted a portion of the 435 seats in Congress based on its population relative to other states. Pennsylvania was allotted eighteen seats after the 2010 Census and is expected to lose at least one after the 2020 Census due to the state's relatively slow population growth.

In Pennsylvania, the power to draw congressional maps is therefore vested in the General Assembly, which draws districts through the regular legislative process whereby a bill is introduced and passed by the state House and Senate before being approved by the Governor. As with other bills, a redistricting statute must pass through a standing committee and be subject to public hearings; and a gubernatorial veto can be overridden with a two-thirds vote in both chambers.

The drawing of congressional districts in Pennsylvania is subject to federal law, including the Voting Rights Act, and certain state and federal court precedents.

State Legislative Redistricting

Up until 1968, Pennsylvania drew its state legislative maps (203 for the House and 50 for the Senate) in the same way it drew the congressional maps. But the Constitutional Convention of 1967-68 recommended a major change to the state process which was then approved by the voters. That change, described in Article II, Section 17 of the Pennsylvania Constitution, empowers a five-member, bipartisan body -- the Legislative Reapportionment Commission, or LRC -- to draw state legislative districts after each decennial census.

Each of the four legislative leaders (majority and minority leader in each chamber) may serve on the commission or appoint a deputy. The four initial members must choose a fifth to serve as chair, who must be a citizen of Pennsylvania but may not hold paid public office. If the four commissioners cannot agree on a chair within forty-five days, the state Supreme Court, by a majority vote, appoints a fifth person to serve as chair.

The Constitution prescribes a timeline both for the appointment of members to the commission and its duties to develop a reapportionment plan for state House and Senate districts. No later than 90 days after either the creation of the commission or the availability of census data, whichever is later, the commission must file a preliminary reapportionment plan with the Secretary of State. For thirty days after this filing, “any person aggrieved by the preliminary plan” can file “exceptions” or complaints with the commission regarding the plan. The commission has thirty days to respond to such exceptions by filing a revised plan. If no exceptions are filed within thirty days or if the commission responds to any exceptions made, the plan becomes final.

Individuals can appeal the final plan within thirty days of its filing to the Pennsylvania Supreme Court. If the court finds the plan “contrary to law,” the plan is sent back to the commission for correction. Once the last appeal has been decided or the thirty-day window closes without an appeal being filed, the plan will be used for each election until the next reapportionment is required after the next census.

If the commission fails to file a preliminary, revised or final plan according to the constitutionally required timeline, the Supreme Court must move to create its own plan.

Article II, Section 16 of the Pennsylvania Constitution dictates the number of single-member House (203) and Senate (50) districts represented in the General Assembly. Section 16 also requires that these districts “be composed of compact and contiguous territory as nearly equal in population as practicable” and that, “unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.”

Paths to Reform

More than one avenue is available to change the redistricting process in Pennsylvania, though each has limitations.

Certain changes can be made by statute (i.e., the Legislature passes a bill which is then signed by the Governor) and/or through amending the state Constitution, which is a significantly longer and more difficult path. Proposed constitutional amendments may be proposed in either the Senate or House but must be approved with a majority vote in each chamber. If this occurs, advertisements regarding the proposal must be published in every county in the Commonwealth at least three months before the next election, providing voters an opportunity to weigh the issue

at the ballot box. The next elected General Assembly must pass the same proposal before it goes directly to the voters for approval.¹

Another, less-discussed route to codified change is via constitutional convention, which Pennsylvania has held seven times since 1776. The last convention took place from 1967 to 1968, limited by law to only certain issues but yielding several substantial reforms, including the Legislative Reapportionment Commission. Initiating a convention is a two-step process involving the enactment of a bill followed by approval of voters in a statewide referendum. The bill can prescribe the scope and structure of the convention, including how delegates are selected, decision-making procedures and preparation of research materials. Each proposed constitutional amendment produced by the convention goes to the voters for ratification.

Paths for congressional redistricting

Because the state Constitution is silent on congressional redistricting, this process can be changed by statute and in a variety of ways. A bill passed by the Legislature and signed by the Governor could, for example, shift mapmaking duties to a new or existing body, or create additional rules and/or standards for the General Assembly to follow when drafting congressional districts. Legislation targeting congressional redistricting can also propose amending the Constitution, a more permanent change but requiring a longer and more difficult path.

NOTE: As noted above, A US Supreme Court decision in 2015 upheld the right of a state legislature to change the state's congressional redistricting process by delegating that power to another body (in this case, an independent commission in Arizona created by voters via ballot initiative).

Paths for state legislative redistricting

The provisions in Article II, Sections 16 and 17 of the Pennsylvania Constitution governing state House and Senate districts can only be changed through constitutional amendment or the convention process. There is also, however, some ability to supplement by statute the constitutional provisions dictating how the Legislative Reapportionment Commission functions. Past bills have proposed measures that would arguably increase transparency and opportunities for public engagement, requiring, e.g., consideration of citizens' plans and the online availability of data and mapping software.

¹ Pennsylvania Constitution, Article XI, Section 1