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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

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DEMOCRATIC POLICY

MEMORANDUM

TO: Members of the House of Representatives

FROM: Representative Thomas A. Tangretti

DATE: January 11, 2007

SUBJECT: Co-sponsorship of Proposed Legislation – Amend Pennsylvania's Constitution to Establish a New System for Reapportionment

In the near future, I intend to re-introduce legislation that amends the Pennsylvania Constitution to create a non-partisan state agency and establish a new system by which this agency will redraw the maps during the legislative and congressional reapportionment process.

As you know, the purpose of redrawing legislative districts every 10 years is to ensure that in the face of population shifts, the voice of each voter in Pennsylvania continues to carry the same weight. Regrettably, the reapportionment process has too often become a method for gaining political advantage in elections, or for protecting the seats of vulnerable incumbents. I believe it is time we create a system that ensures the results of reapportionment reflect its intent, and that it is used as a tool for protecting the integrity of our elections.

With that said, my legislation would require a non-partisan agency to create equality of population across the districts while respecting the boundaries of municipalities to the greatest extent possible. Districts would also have to be as compact as possible, avoid peculiar and disfigured shapes that challenge the meaning of contiguous and, most importantly, recognize communities of interest. Finally, the agency would be enjoined from considering voter registration, voter performance, and the home addresses of incumbent legislators when preparing redistricting maps.

If you would like to join me in co-sponsoring this legislation, please contact Cynthia Clory at (717) 783-5963 or at cclory@pahouse.net.

PREVIOUS CO-SPONSORS: BELFANTI, CALTAGIRONE, CREIGHTON, CURRY, FAIRCHILD, FREEMAN, GEORGE, GOODMAN, GRUCELA, HALUSKA, HANNA, HARPER, JOSEPHS, LEVDANSKY, MANN, MCILHATTAN, MELIO, NAILOR, PALLONE, PARKER, PETRARCA, REED, RUBLEY, SAMUELSON, SIPTROTH, STURLA, THOMAS, TRUE, WOJNAROSKI, YOUNGBLOOD, and YUDICHAK.

Comparison of Rep. Tangretti and Rep. Leach proposals for reapportionment

Tangretti sets up the Legislative and Congressional Reapportionment Bureau to develop new plan to reapportion PA. Bureau set up November 1 of a year ending in 0 and expires November 1 of a year ending in 1. Staffed by director and employees who are in classified service pursuant to the State Civil Service Act.

Leach sets up the Reapportionment Commission in years ending in 1. It must be set up within 60 days of the official reporting of the census. It has 9 members; 8 are the majority and minority leaders and whips or the deputies they appoint; 1 is appointed by the Supreme Court.

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Tangretti also sets up the Temporary Redistricting Advisory Commission consisting of 5 members; 4 are appointed by the majority and minority leaders; 1 is appointed by the other 4. It is formed by February 15 of a year ending in 1. It has four functions: (1) to provide direction to the Bureau when the Bureau is confronted with a decision for which it has no guidelines, (2) to decided what information about a plan can be released before the plan is given to the General Assembly, (3) to hold 3 public hearings in different parts of the state after the first plan is given to the GA, and to report back to the GA regarding the outcome of the hearings, and (4) to give information to the public once a plan is given to the GA.

Leach has nothing comparable to the TRAC.

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Tangretti provides that the first reapportionment plan is due to the GA by April 1 of a year ending in 1. The Bureau shall deliver two identical bills, one each to the House and to the Senate. Each bill shall provide for reapportionment of GA districts and of Congressional districts. The GA can make only "corrective" amendments to the bills and shall vote on them "expeditiously" but not less than 7 days after receiving the TRAC report on the public hearings.

Leach provides for a preliminary plan to be filed with the chief elections officer of PA within 60 days of the formation of the Commission or of the availability of the census data. When the preliminary plan is filed, a 30-day public comment period begins. At the end of that period, the Commission has 30 days to adopt a first plan for reapportionment (called the revised plan in Leach's bill). It must be adopted by at least 7 members of the 9-person commission. It deals with the GA only. The GA has 30 days to vote on the plan and cannot amend the plan.

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Tangretti provides for the possibility of up to 2 more plans if the GA rejects the first plan. Again, only corrective amendments can be made to the second plan, but if a third plan is developed and submitted to the GA, the GA can amend it "in the same manner as other bills."

Leach provides for the possibility of a second plan if the first is rejected. His bill calls the second plan the "final" plan.

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Tangretti requires each reapportionment bill to provide that an "aggrieved" person can appeal to the Supreme Court within 30 days of the bill's passage. If the appellant (aggrieved person) proves that the plan is contrary to law, the Supreme Court shall order the Bureau to redo the plan pursuant to its order.

Leach provides that if the GA approves the second (final) plan, an "aggrieved" person can appeal to the Supreme Court within 30 days of its filing with the chief elections officer of PA, and if the appellant proves that it is contrary to law, the court shall order the Commission to redo the plan pursuant to its order.

Leach also provides that if the second (final) plan is not approved by the GA within 30 days of its submission, the Commission shall submit both the first (revised) and second (final) plans to the Supreme Court, and the court will have 30 days to review them. If the court finds that both are contrary to law, it shall order the Commission to do a third plan pursuant to its order.

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Leach provides that within 20 days of the date that the reapportionment plan for the GA is approved by the GA or the Supreme Court, the Commission will file a preliminary plan to reapportion Congressional districts, and a process similar to the GA reapportionment process begins. The main difference is that the time frames are shorter for the Congressional process.

Tangretti provides for the two reapportionments to be done simultaneously. However, Congressional districts can be reapportioned first if the census data is available earlier than for the GA, and if the GA directs that the Congressional districts be done first, in a separate bill.

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Leach provides that any plan that is filed by the Commission shall be published once in a newspaper of general circulation in each district of the GA (both House and Senate districts) with maps and other population information. Similarly, when the plan for Congress is filed, it must be published.

Tangretti provides for TRAC to make information and maps available to the public about a plan whenever it is submitted to the GA.

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Summary: Tangretti provides for a Bureau to do the reapportionment, with all of its employees subject to civil service. It exists from a date certain to a date certain, November 1 of a

year ending in 0 to November 1 of a year ending in 1. Leach provides for a Commission consisting of 8 members of the GA or deputies appointed by them and one person appointed by the Supreme Court. It is formed within 60 days of the official reporting of the census.

Tangretti provides for up to three plans submitted to the GA, with appeal by an aggrieved person to the Supreme Court. Leach provides for a preliminary plan submitted basically for public comment, with up to two plans submitted to the GA, and then submission to the Supreme Court if not approved by GA. Leach also provides for an aggrieved person to appeal to the Supreme Court once a plan is approved.

Tangretti provides for the GA and Congressional reapportionments to be done simultaneously in one bill, while Leach provides for the GA to be done first and Congress second.

Leach provides for publication of the filed (with chief elections officer) plans for GA and for Congress, but Tangretti provides for TRAC to make information available to the public.

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Tangretti provides that all districts are to be based on population and are to be "as nearly equal as practicable" to the ideal population for such a district.

The "ideal" population for GA districts must be determined by dividing the number of House (or Senate) districts into PA's population. Deviation from the ideal must be related to another standard set forth in the Constitution. "In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed 2.5% of the applicable ideal district population."

Tangretti provides that the population of no State House district or State Senate district shall be more than 5% greater than the population of any other House or Senate district, respectively.

Tangretti provides that the ideal for Congressional districts should be determined in the way prescribed for GA districts. The population of a Congressional district shall not vary more than 2.5% from the ideal.

Leach provides that all GA districts are to be based on population but provides for Congress that districts are to have population "as nearly equal as practicable." With regard to GA districts, "the deviation of the overall range of population of the most populous district from the least populous district [shall not] be greater than 8% of the average district population for each house."

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Tangretti provides that districts should be “compact,” i.e., square, rectangular, or hexagonal.

Leach provides that the Commission must adopt a way to measure compactness and states: “No district in any plan will be drafted by the commission with a compactness measurement of less than 15% of the total ideal measurement for a district.”

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Tangretti provides that districts “shall be composed of convenient contiguous territory.” District boundaries should reflect the boundaries of political subdivisions. If a political subdivision must be divided, and there is a choice as to which one must be divided, one with more population should be divided before one of less population.

Leach provides that a county, city, township, borough, or incorporated town cannot be divided unless it is “absolutely necessary.” If such a division is made, the Commission must justify it with findings in an addendum to that plan. A voting precinct that forms “a single polygon” cannot be divided.

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Tangretti provides that the Bureau cannot draw a district to favor an incumbent, a political party, or any other person or group. Additionally, when it determines the new districts, it cannot use the following information: address of incumbents, political affiliation of voters, or previous election results.

Leach provides that the Commission cannot use political or personal considerations when it draws districts.

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Summary: Both bills provide standards for drawing districts that consider population, compactness, and boundaries of political subdivisions, though the specifics of each bill vary. Both set standards designed to prevent political and personal considerations in the drawing of districts.

Tangretti’s approach provides for public hearings on reapportionment before there is any plan, so it is general stuff, while Leach’s provides for public comment on each plan developed, so the comment is specific to each proposal.