

MEETING MINUTES
2021 PA LEGISLATIVE REAPPORTIONMENT COMMISSION

Date and time of meeting: September 21, 2021, 10:00 – 10:41 a.m.

Location: Room 515, Irvis Building

AGENDA

1. Call to Order and Opening Remarks
2. Update on the Release and Processing of Census Data
3. Consideration of Second Proposed Resolution Regarding Prisoner Data Reallocation
4. New Business / Discussion
5. Adjournment

Chair Nordenberg called the meeting to order at 10:00 a.m.

He welcomed the members of the public in attendance, either in person or through the livestream, and recognized the other members of the Commission in attendance:

- House Majority Leader Kerry Benninghoff
- Senate Democratic Leader Jay Costa
- House Democratic Leader Joanna McClinton
- Senate Majority Leader Kim Ward

Chair Nordenberg introduced the first item of business, an update on the processing of the Federal census data. He noted at the Commission's previous meeting held on August 24, 2021, there had been three resolutions introduced and two had been passed. The second resolution, Resolution 4B, dealt with having two census data sets produced: one set with no provision for prisoner reallocation and the second set would provide for prisoner reallocation. He then thanked Jen Shultz, Director of the Penn State Data Center, Diana Woodside, from the Department of Corrections, and Brent McClintock, Executive Director of the PA Legislative Data Processing Center for their collaborative work in pulling together the data sets.

Chair Nordenberg then introduced Brent McClintock to provide an update to the Commission on the status of the data sets. Mr. McClintock stated that both data centers have been working diligently since receiving the Public Law census data on August 12, 2021. He reported that the process is ahead of the previously announced schedule but that it was still going to take five to seven weeks to complete the process on the second set of data. Thus, it would be sometime before the week of November 9 when the second set of data would be presented to the Commission. When further questioned by several Commissioners, Mr. McClintock said that he was hoping to have the data sets completed by the third week in October, but the November 9th date was the outside limit for completion. He also stated that should the Commission approve Resolution 5A at this meeting, it would have no impact on the time schedule for the completion of the data.

Commissioner Costa emphasized the need to have the data sets completed as soon as possible in order to meet the timeframe requirements to hold the May 2022 primary election.

Chairman Nordenberg noted that had the Commission not approved the process of prisoner reallocation, the data sets would have been completed by now. However, he did state that the passage of the prisoner reallocation resolution was an important step by the Commission.

Chair Nordenberg then briefly reviewed the actions taken by the Commission on Resolutions 4A and 4B at its meeting on August 24, 2021, along with tabling Resolution 4C at that time. That resolution dealt with excluding prisoners serving sentences longer than 10 years from the reallocation process. He then asked Commissioner Ward to reintroduce a revised resolution dealing with that matter. Commissioner Ward then introduced Resolution 5A:

-That notwithstanding any provision of the resolution adopted by the Commission on August 24, 02 (D05751) to the contrary, the population total used after the Federal Decennial Census of 2020 by the Legislative Reapportionment Commission for the purpose of legislative reapportionment for the General Assembly count an individual who is incarcerated in a State correctional facility, as determined by the census, and who was a resident of this Commonwealth immediately prior to being sentenced to incarceration, at the facility where the individual is incarcerated if the individual is subject to a minimum sentence expiring after April 1, 2030.

Commissioner Benninghoff second the motion.

Chair Nordenberg opened the floor for discussion. Commissioner Ward stated that prisoners in state correctional facilities use the resources of the districts where they are incarcerated. Thus, those serving sentences longer than 10 years, along with those serving life sentences, should be considered as residents within those districts where the state correctional facilities are located. She also cited that as previously stated by Mr. McClintock,

enacting this resolution will not add any additional time for the completion of the data sets.

Commissioner Costa stated that he does not support the resolution because it undermines Resolution 4A. He noted that there are many variables to how long a prisoner may or may not serve a full 10-year or more sentence. He cited the recidivism risk reduction program that was passed by the legislature as a reason that many long sentences may be reduced.

Commissioner Benninghoff stated that he supports the resolution because it speaks to more fairness and consistency. He commented that this will probably be a matter that will again have to be considered in the next reapportionment cycle in 2030. He also feels that this matter will reoccur as an issue because it does not include county or Federal prisoners incarcerated in facilities located in Pennsylvania. He concluded by noting the Resolution 4A excluded prisoners serving life sentences and this resolution treats in the same manner, those prisoners serving sentences that run beyond the next census in 2030.

Commissioner McClinton urged the Commission to reject Resolution 5A for four reasons:

1. This resolution is an attempt to reconsider and undo Resolution 4A by partially reversing Resolution 4A.
2. This resolution to count prisoners differently based on their minimum sentences conflicts with and undermines the policy reasons for reallocating prisoners in the first place.
3. This resolution fails to account for the numerous ways in which criminal sentences can and are reduced every day.
4. Counting prisoners differently based on the length of their minimum sentences will make Pennsylvania an outlier among other states that have adjusted their prisoners to their home communities.

She concluded that there is no sound policy reason for treating incarcerated people differently based on the length of their minimum

sentence and there is no accurate way to determine which prisoners will remain incarcerated and which ones will have returned home a decade from now.

Chair Nordenberg thanked everyone for their comments. He stated that the revised resolution is responsive to the comments that were made at the last meeting either in favor of or against this resolution. He noted that this resolution will have an impact on fewer prisoners than the life sentence exemption that was built into Resolution 4A. He cited that nearly 3,954 prisoners are affected by the life sentence exemption and 3,046 are affected by the 10-year sentence expiring after April 1, 2030, exemption. He then said that he considers Resolution 5A to be a reasonable proposal.

Chair Nordenberg then called for a vote on Resolution 5A:

- Commissioner Benninghoff – Aye
- Commissioner Costa – No
- Commissioner McClinton – No
- Commissioner Ward – Aye
- Chair Nordenberg – Aye

The resolution passed by the vote 3-2.

Chair Nordenberg reminded the Commission members of the hearing scheduled for later that same day beginning at 5:00 p.m.

With no further business, Chair Nordenberg adjourned the meeting at 10:41 a.m.