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2/7/2018
Supreme Court
Middle District

IN THE

Supreme Court of Pennsylvania

Middle District 159 MM 2017 LE

LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA, CARMEN FEBO SAN MIGUEL,
JAMES SOLOMON, JOHN GREINER, JOHN CAPOWSKI, GRETCHEN BRANDT,
THOMAS RENTSCHLER, MARY ELIZABETH LAWN, LISA ISAACS, DON LANCASTER,
JORDI COMAS, ROBERT SMITH, WILLIAM MARX, RICHARD MANTELL, PRISCILLA
MCNULTY, THOMAS ULRICH, ROBERT MCKINSTRY, MARK LICHTY, LORRAINE
PETROSKY, Petitioners,

v.

THE COMMONWEALTH OF PENNSYLVANIA; THE PENNSYLVANIA GENERAL
ASSEMBLY; THOMAS W. WOLF, IN HIS CAPACITY AS GOVERNOR OF
PENNSYLVANIA; MICHAEL J. STACK III, IN HIS CAPACITY AS LIEUTENANT
GOVERNOR OF PENNSYLVANIA AND PRESIDENT OF THE PENNSYLVANIA
SENATE; MICHAEL C. TURZAI, IN HIS CAPACITY AS SPEAKER OF THE
PENNSYLVANIA HOUSE OF REPRESENTATIVES; JOSEPH B. SCARNATI III, IN HIS
CAPACITY AS PENNSYLVANIA SENATE PRESIDENT PRO TEMPORE; ROBERT
TORRES, IN HIS CAPACITY AS ACTING SECRETARY OF THE COMMONWEALTH OF
PENNSYLVANIA; JONATHAN M. MARKS, IN HIS CAPACITY AS COMMISSIONER OF
THE BUREAU OF COMMISSIONS, ELECTIONS, AND LEGISLATION OF THE
PENNSYLVANIA DEPARTMENT OF STATE, Respondents.

On Appeal from the Commonwealth Court of Pennsylvania at No. 261 MD 2017

BRIEF FOR AMICUS CURIAE CONCERNED CITIZENS FOR DEMOCRACY

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IN THE SUPREME COURT OF PENNSYLVANIA

LEAGUE OF WOMEN VOTERS ET AL	:	No. 159 MM 2017
	:	
Petitioners	:	
	:	
v.	:	
	:	
THE COMMONWEALTH OF	:	
PENNSYLVANIA, ET AL.	:	

AMICUS BRIEF BY THE CONCERNED CITIZENS FOR DEMOCRACY

I. Introduction

Petitioner Concerned Citizens for Democracy (CCFD) is a think-tank composed of lawyers, computer scientists, and engineers dedicated to developing non-partisan judicially manageable standards for redistricting in Pennsylvania. CCFD is a non-profit unincorporated association organized under the laws of Pennsylvania pursuant to 15 P.S. 9111 et seq. CCFD has been studying and developing a neutral, judicially enforceable remedy to partisan gerrymandering in Pennsylvania since February of 2017.

It has come to our attention, based on the Emergency Application for a Stay to the United States Supreme Court by Legislative Defendants Michael C. Turzai and Joseph B. Scarnati, that the Legislative Defendants and other parties may need guidance on how to comply with the Court's January 22, 2018 Order.¹

The purpose of this memorandum is to present a step by step method for complying with the Court's Order to create a Congressional Map with districts that are compact, contiguous, have equal populations, and do not divide counties and other political subdivisions unless absolutely necessary to create equal population districts. We offer this brief to let all Parties know that redistricting can be done without further direction from this Court. We offer a methodology for creating a Pennsylvania Congressional Map which is consistent, non-partisan [independent of user-bias] and will withstand the scrutiny of the U.S. Supreme Court if the matter is successfully appealed to that body.

As a preliminary matter, we find the claim that this Court gave too little guidance to the Legislature on how to draw a non-partisan map which complies with the Pennsylvania Constitution to be disingenuous. Pennsylvania Legislatures were able to produce Congressional maps that were compact, contiguous, did not unnecessarily divide political subdivisions and were equal in population to the

¹ Scarnati and Turzai's Emergency Application for a Stay at pp. 6-7. "The court did not provide a basis for its ruling or indicate how—other than complying with the compactness, contiguity, equal-population, and subdivision integrity requirements—the General Assembly could satisfy the Pennsylvania Constitution. The Order only provides: "Opinion to follow." *Id.* at 3. Simply put, the General Assembly has now been placed on the clock without fulsome guidance."

extent reasonably practicable, with even less guidance from this Court in 1943, 1951, 1962, 1972 and 1982. See: Appendix F. PA Congressional maps from 1943 – 2011)

Specifically, the Legislative Defendants need to look no further than the 1972 Pennsylvania Congressional Map for guidance in how to construct a Map which complies with this Court's standard. See Appendix. D, 1972 Map. The only difference between the 1972 Map and today is the current requirement for equal population Congressional districts that has been interpreted to mean that each Congressional district may not vary in population by more than one person based on the preceding U.S. Census. This goal can be accomplished by dividing one municipality along each common Congressional district border to reach exactly equal population districts AFTER the Defendants have complied with the other criteria in the Court's January 22, 2018 Order.

CCFD used Article II, Section 16 of the Pennsylvania Constitution, the 1972 PA Congressional Map and this Court's January 22, 2018 Order in developing this approach. CCFD can unequivocally state that:

(1) the Court's standard for redistricting gives sufficient guidance for any person sincerely engaged in redistricting to form districts which are based on neutral and objective standards;

(2) exactly equal population Congressional districts can be obtained with the division of only a single township or ward along each common border between two districts;

(3) creating a Map that follows this Court's January 22, 2018 Order takes about 20 hours by hand with the aid of standard GIS software or less than an hour with the aid of a redistricting program.²

II. A Step by Step Guide to Complying with this Court's January 22, 2018 Order in creating new Congressional districts.

Step 1: Throw out the current unconstitutional, incumbent-protecting, partisan gerrymandered 2011 Congressional map in which the Legislature selected the voters instead of allowing the voters to elect their Members of Congress.

Step 2: Using the 2010 Census, assemble smaller population counties (below the target population of 705,688 persons) into groupings and divide larger population counties (above the target population of 705,688 persons) a minimum number of times to create 18 roughly equal size Congressional districts. For example, Philadelphia County, with a population of 2.16

Congressional districts may be divided ONLY 2 times; Montgomery

²CCFD's expert, Anne Hanna, created a map using this methodology with the aid of basic GIS software in twenty hours. Anne Hanna was admitted as an expert in the matter of *Agre v. Wolf*, ED PA No. 17-4392. Ms. Hanna is a expert in data analytics and computational science with a B.S. in Physics from California Institute of Technology, an M.S. in Physics from Univ. of Illinois and is a PhD candidate in Mechanical Engineering at Georgia Institute of Technology.

County, with a population of 1.13 Congressional districts, may be divided ONLY 1 time; and Allegheny County, with a population of 1.73 Congressional districts, may be divided ONLY 1 time. This step will yield an initial map with a population deviation between 5% and 10%.

Step 3: To get closer to exactly equal population districts, add or subtract territory consisting of whole townships, boroughs, towns, or cities, along the whole border of each divided County in a linear fashion before moving into or out of a neighboring county. (This is an extremely important step as it will prohibit picking and choosing territory based on past partisan voting performance and will help to form very compact districts from the start.)

The drafter must use up ALL of the district-to-district abutting whole townships, boroughs, towns, and cities before adding the next row of abutting townships, boroughs, towns, and cities (one district removed from the border districts). Continue this process down to the last whole township, borough or city along the border of each of the 18 districts. This step will yield an initial map with population deviations of about 2%.

Step 4: Then choose one and only one township, borough, town, or ward along each common border between two districts to divide in order to equalize population using census block data down to a single person. This step will allow the drafter to get to equal populations + or – one

person (5 districts comprised of 705,687 and 13 districts comprised of 705,688 persons).

Step 5: Look at concentrations of minority voters in any relevant region of Pennsylvania. Adjust the division of wards or other political subdivisions to ensure that minority votes are not diluted in violation of the Voting Rights Act, 42 U.S.C. §1973 et seq.

Notes

Where a County already has a population which is larger than the target population, do not add population from a neighboring county. This will minimize the number of splits of counties with larger populations as required by the Court (Philadelphia, Montgomery, and Allegheny Counties).

A drafter may not consider partisan data in forming districts or drawing any boundary lines and must be able to articulate a neutral non-discriminatory reason for any choice made in the redistricting process. While the foregoing methodology using the Court's 4 Rule Set will minimize the potential for partisan manipulation of districts, we anticipate that legislators who are used to gerrymandering will nevertheless try to game any system through the use of computers using partisan voting data, or mere knowledge of voting patterns to determine where to add or subtract whole municipalities to protect incumbents and/or pick up an additional

seat for their party. Therefore, any Map proven to have used partisan data or partisan intent in the manipulation of district boundaries must be stricken.

This step-by-step approach is 100% compliant with the Court's January 22, 2018 Order (the "Court's 4-Rule Set"). All 4 criteria are met. The requirement for compact and continuous territory is met. The requirement for not unnecessarily dividing Counties and other political subdivisions is met. The requirement for exactly equal population districts is met. The requirement for compliance with the Voting Rights Act is met.

This step-by-step approach, applied in good faith, will create stable Congressional districts with minimal partisan effect.

A more detailed explanation for technical consultants is attached as **Appendix A**. An exemplar 18-District PA Congressional Map, as an illustration of this methodology, is attached as **Appendix B 1, B 2, and B3**. The GIS data and statistical analysis for the proposed Map, similar to the data requested of all parties, is attached hereto as **Appendix C. parts b through f**. The proposed methodology consistently results in the divisions of only **16 counties** and **17 political subdivisions**.

III. How the Court's 4-Rule Set for Redistricting Will Greatly Reduce or End Gerrymandering.

A. Historical Background

To understand how the Court's 4-Rule Set will prevent gerrymandering it will be useful to note that during much of the last century, the Pennsylvania Legislature was able to draw Congressional Maps that were contiguous and compact, had roughly equal populations, and avoided splitting political subdivisions with little guidance from this Court.

The 1911 Federal Reapportionment Act, Pub.L. 62-5, 37 Stat. 13 August 8, 1911, contained three of the four redistricting requirements found in Article II, Section 16 of the 1968 Pennsylvania Constitution; namely the requirements that districts be compact, contiguous and have districts with equal populations to the extent reasonably practicable.³ The 1911 Act was deemed to have expired in the next reapportionment act which did not contain these provisions, See: *Wood v. Broom*, 287 U.S. 1 (1932). However, an examination of the Pennsylvania Congressional Maps enacted in 1943, 1951, 1962, and 1972 reveal that, despite this repeal, these rules continued to be followed. See: Appendix F. and the Pennsylvania Redistricting website at <http://www.redistricting.state.pa.us/congressional-redistricting.cfm>.

³ The 1911 Reapportionment Act states at **Section 3**. That, "... in each State entitled under this apportionment to more than one Representative, the Representatives to the Sixty-third and each subsequent Congress **shall be elected by districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants.** The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative."

These Maps show that the Pennsylvania Legislature had little problem creating Congressional Maps with districts that were compact, contiguous, equal in population to the extent reasonably practicable and did not divide political subdivisions unless absolutely necessary. *Id.*

As mentioned above, the 1972 Pennsylvania Congressional Map is of particular interest because it was drafted after the U.S. Supreme Court's decision in *Wesberry v. Sanders*, 376 U.S. 1 (1964) and after the newly enacted 1968 Pennsylvania Constitution. In *Wesberry* the Court emphasized the need for equal population districts to the extent reasonably practicable. The 1972 Map reveals a sincere effort to draft Congressional districts that are both compact and avoid splitting political subdivisions. The drafter appears to have begun with county boundaries and added or subtracted whole townships in a compact manner along the border of counties.

The 1982 Pennsylvania Congressional Map (Appendix F, Map No. 4.) continued the custom of creating Congressional districts that assume all of the requirements of Article II Section 16 and the 1911 Reapportionment Act. The drafter, once again, appears to have begun with county boundaries and added or subtracted whole townships in a compact manner along the border of counties. There are some minor irregularities in the choice of which township to add to a district which may be accounted for simply by getting closer to equal population

districts based upon the preceding census. Beginning with the 1992 Map⁴ (Appendix F, Map 6) , the Pennsylvania Legislature began to move away from respecting County and other political subdivision boundaries and show signs of gerrymandering in the choices made around Philadelphia and Pittsburgh.

From observation and historical facts, the first extreme gerrymandering in Pennsylvania occurs in the 2002 Pennsylvania Congressional Map⁵ (Appendix F, Map 7. In 2002, the Pennsylvania Legislature split Montgomery County into 6 pieces after the voters of the 13th Congressional District twice elected Democratic Members of Congress (Rep. Marjorie Mezvinski and Rep. Joe Hoeffel). The Democratic territory from Montgomery County was distributed in the neighboring 7th, 6th, 15th, and 2nd. We also see a significant gerrymander in the southwestern corner of the state, where Democrats from inner-ring suburbs of Pittsburgh were added to the 14th District. This packing would have affected the composition of the abutting 4th, 18th, and 12th Congressional Districts. The 12th Congressional District is especially egregious and may reflect a personal gerrymander for incumbent Representative John Murtha.

B. The 2011 Map - Patterns in Gerrymandering

⁴ Source:

http://www.redistricting.state.pa.us/Resources/GISData/Districts/Congressional/1991/PDF/CongressionalDistricts_1991.pdf

⁵ Source:

https://www2.census.gov/geo/maps/cong_dist/cd108_gen/ind_pdf/Pennsylvania/PA_CDloc.pdf

None of the past maps compare to the aggressive gerrymandering found in the 2011 Congressional Map.⁶ (Appendix E and Appendix F Map 8) Here, the Republican Majority Legislature and Republican Governor employed three techniques to dramatically increase the chances for Republican victories in 13 of 18 Congressional districts.

From careful examination of the maps and comparison to underlying partisan data introduced at trial, it is clear that the Republican Legislature gerrymandered the map on a state-wide basis, packing Democratic performing territory into five seats: the 1st, 2nd, 13th, 14th, and, to a lesser extent, the 17th.

The Republican drafters further packed the 1st Congressional District by attaching Democratic performing Swarthmore and Nether Providence Township in neighboring Delaware County. This also had the effect of cleansing Democrats from the 7th Congressional District.

The Republican drafters further packed the 2nd District by attaching Democratic performing Lower Merion in Montgomery County to an overwhelmingly Democratic 2nd District in Philadelphia. This also had the effect of cleansing Democrats from the 7th Congressional District.

⁶ Source:
<http://aws.redistricting.state.pa.us/Redistricting/Resources/GISData/Districts/Congressional/2011/PDF/2011-PA-Congressional-Map.pdf>

By carefully dividing Republican and Democratic voting territory between the 13th District and the 7th District, the Republican drafters simultaneously constructed a Republican leaning 7th and a Democratic packed 13th. The circuitous border on the eastern edge of the 7th, which appears as the ears and neck of the Disney character “Goofy”, is essentially a careful divide between Republican and Democratic voting territory.

Republican drafters of the 2011 Map packed the 14th District by attaching the City of Pittsburgh to its inner-ring Democratic performing suburbs and excluding outer-ring Republican performing suburbs in the same county. Not satisfied with that level of partisan manipulation, the drafters then extended the 14th to include Democratic voting river towns along the Allegheny, Monongahela, and Ohio rivers to cleanse Democratic votes out of the 12th and 18th Districts.

Republican drafters then assembled large portions of Democratic voting territory in Schuylkill, Carbon, Monroe, Lackawanna, and Luzerne Counties in order to form the 17th District.

Not satisfied with packing Democrats into these 5 districts, the Republicans then split concentrations of Democrats in Erie County and allocated those voters to the 5th and the 3rd Districts where their votes were lost in a sea of Republican voting territory, and so, could not significantly influence election outcomes.

The Republican drafters split the City of Harrisburg and its Democratic voting suburbs and divided these concentrations of Democratic voters between the 4th and 11th Districts.

The Republican drafters drew a line around the Democratic voting City of Reading and made those votes “disappear” by adding this Democratic voting territory to the overwhelmingly Republican voting 16th District. The same was done with the Borough of West Chester by adding this Democratic voting territory to overwhelmingly-Republican-voting 16th District. This configuration also made the 7th District more Republican voting for Congressman Pat Meehan.

The Republican drafters split Democratic Stroudsburg from the 17th and added it to the Republican majority 10th to make those votes disappear as well.

In the western part of Pennsylvania, Republican drafters split Democratic performing territory in Washington, Greene, and Fayette Counties and added these voters to the overwhelmingly-Republican-majority 9th District.

Not satisfied with packing and cracking concentrations of Democratic territory, Republican drafters elongated the districts of Republican incumbents westward in the eastern part of the State, and eastward in the western part of the State, to add proven, durable and strongly Republican voting territory to each Republican majority district. It was this technique that helped ensure 13 Republican Congressional victories in 2012, 2014 and 2016 regardless of the vote

share of each party in strong or weak years. Westward expansion of eastern districts into rural conservative voting counties is reflected in the addition of the “Donald Duck” portion of the 7th. Here, conservative portions of Chester, Lancaster and Berks Counties were added to a Philadelphia suburban district.

The westward elongation of districts in the east into rural portions of Pennsylvania is also seen in the westward loop of the 6th District into Berks and Lebanon Counties; the westward elongation of the 15th District into rural Lebanon and Dauphin Counties; the westward elongation of the 17th District into Schuylkill County; the westward elongation of the 11th District into rural Dauphin, Perry, and Cumberland Counties. In the western half of the state the elongation of districts into rural Republican territory is reflected in the southeastward elongation of the 3rd District into rural Clarion and Armstrong Counties; the eastward elongation of the 12th District into Cambria and Somerset Counties; and the eastward elongation of the 18th District into Westmoreland County.

A special mention must be given to the 12th District. If there were a “gerrymander of the decade award” it clearly belongs to the drafters of this district. The 12th District employs all of the aforementioned techniques of partisan gerrymandering, with the added bonus that two incumbents in the opposing Democratic party, Rep. Jason Altmire (D-PA 4th) and Rep. Mark Critz (D-PA 12th), were simultaneously unseated by the formation of a single District. The new

12th was made less Democratic by shifting additional Democratic territory into the 14th District (to the south) along the Ohio and Allegheny Rivers. The club portion of the 12th was the result of expanding the 12th District north and south into rural Republican voting territories of Cambria and Somerset Counties. Curiously the new 12th District was also drawn to include the home of Speaker Mike Turzai, who had expressed interest in running for Congress, and to exclude a potential Republican opponent, Keith Rothfus. Turzai did not run. Rothfus won the seat and moved into the district.

C. How the Court's 4-Rule Set Makes the 2011 Map Impossible:

The strict application of the requirement that districts shall be composed of compact territory and the strict application of the requirement that Districts shall not “divide any county, city, incorporated town, borough, or ward except where necessary to ensure equality of population” will severely hamper partisan gerrymandering in Pennsylvania. Each of the gerrymandering techniques displayed in the 2011 Map depends on being able to break through county and other municipal boundaries. By starting with counties to form districts and requiring the addition or subtraction of only whole municipalities (except for one) along county boundaries while requiring that districts remain compact, this Court will make it extremely difficult for gerrymanderers to ply their trade.

It is the combination of the rule for compactness and rule for not splitting counties or other political subdivisions, strictly applied, that makes it nearly impossible for gerrymanderers to pick and choose desired territory. If a drafter cannot pick and choose territory, a drafter cannot choose territory based on partisan voting behavior.

Compact districts would have rendered unlawful the following districts that were elongated to add Republican voting territory for the purpose of diluting Democratic votes: the 7th, 6th, 15th, 10th, 9th, 18th, 12th, and 3rd Districts.

Compact districts would have rendered unlawful the 1st, 17th, 13th, and 14th where Democratic tendrils were added to Democratic districts and removed from neutral or Republican leaning districts.

Requiring a drafter to minimize county splits and form Congressional districts using territory along the boundaries of counties before attaching other territory further inside of a county would render unlawful the partisan manipulation of all 18 Congressional districts. Compare 1972 Map (Appendix D) with 2011 Map (Appendix E).

In sum, the strict application of compactness and minimizing the number of splits will geometrically and geographically prevent virtually all of the gerrymandering (voter selection) seen in the 2011 Map.

More importantly, by geometrically and geographically preventing politicians from choosing their voters based upon partisan voting history in past elections and by insisting on boundaries composed of established municipal boundaries, the voters will once again choose their Congressional representatives instead of allowing politicians to choose the voters. Democracy and free and equal elections of Congressional representatives will again be restored in Pennsylvania.

D. Other Reasons to Minimize the Division of Counties and Other Municipalities

In addition to providing an objective and historically-grounded framework for neutral redistricting and frustrating the work of gerrymanderers, the preservation of whole counties and other municipalities should be paramount in drafting Congressional districts for the following policy reasons:

(1) Counties, cities, townships, and other municipalities have meaning to citizens because this is where people choose to live and/or raise their families.

(2) Counties, cities, townships, and other municipalities have meaning to citizens because this is where people face common problems that may be unique to their communities, such as failing schools, congested highways, the need for parks, libraries, or after school programs, storm water management, medical care, jobs, and economic development. On many specific issues, needs of communities may differ from county to county or township to township.

(3) Counties, cities, townships, and other municipalities have meaning to citizens because this is where people pool their resources in the form of taxes to solve common problems.

(4) Because of the above needs, it is important for citizens to know the identity of their Congressperson and it is important for their Congressperson to know and advocate for their communities. This is made far more difficult when districts' shapes are attenuated or elongated to influence the outcome of elections.

(5) Compact districts based on county boundaries will make it easier for people to visit, get to know, and lobby their Congressional representative and feel less alienated. All of the elongated districts noted above make it very difficult for citizens to get to know their Congressional representative and for their Congressional representative to get to know them.

(6) Districts that begin with county boundaries establish an objective framework to create meaningful districts that can be judicially administered. By having clear geometric standards for keeping counties, townships and wards or boroughs whole, additional breaks in counties, townships, wards or boroughs become an indication of partisan manipulation. For illustration, if a map is presented to a Court with a less obvious gerrymandered shape, such as the 6th, 16th, 17th or 11th, by requiring Congressional districts to follow county boundaries and add or subtract territory only along county boundaries, a deviant district would

create a prima facie case of partisan intent which would have to be explained by those defending the map. If the unexplained boundaries that did not follow county borders corresponded to underlying partisan voting territory, the map should be stricken as the product of partisan gerrymandering.

The emergence of a judicially manageable standard

This last point is extremely important for the Court and all parties to understand on appeal. There is a nexus between the 4-rule framework in the Court's January 22, 2018 Order and a manageable judicial standard. The requirement to base districts, where possible, on compact and unbroken political subdivisions, creates a neutral objective standard to form and evaluate districts. Neutral and objective standards gives courts important benchmarks to determine whether gerrymandering has occurred, or at least whether a prima facie case has been stated requiring an explanation from the drafter. In the absence of objective standards, the courts have been unwilling to protect the rights of individual voters from discrimination and vote dilution by legislators who choose to manipulate the boundaries of districts to favor their own party or political allies. In the absence of objective standards and Court intervention, the drafting of districts becomes lawless. Might makes right. Those in power take advantage of those out of power to rig elections and entrench positions.

The Court's 4 Rule Set, strictly applied, end that chaos, lawlessness and perversion of fair elections and the subversion of democracy by allowing courts to intervene with objective neutral standards.

The 4-Rule Set is therefore essential to protect Pennsylvania voters and candidates from discrimination based on their political views in violation of Article I, Section 26 of the PA Constitution and protect Pennsylvanians from rigged elections in violation of Article I, Sections 1, 2, 5, 20, 25 and 26 of the PA Constitution.

More specifically, if the drafter of Congressional districts had to form districts by assembling whole counties, compact portions of counties, and avoid breaks in political subdivisions then a map that failed to follow these simple standards, would create a *prima facie* case of partisan intent. At this point, the drafter would be required to explain why the chosen boundaries deviated from these standards. If the drafter fails to explain or offers an inadequate explanation, the map should be stricken and the drafter would be sent back to redraw the map.

If the drafter of the map presented a plausible explanation for a shape that deviated from the Court's criteria, the opposing party should then be given the option of presenting underlying political and geographic data to show that district boundary lines were more likely used to pack or crack concentrations of opposing

voters to otherwise manipulate boundaries for partisan ends. In such instance, the map should be rejected by the Court and the drafter sent to redraw the map.

So for example, suppose a litigant complains about the 6th District in the 2011 Map. The 6th splits four counties. The 6th is visually non-compact. The 6th District fails to adhere to any county boundaries. The 6th District is elongated with a tail to the west. From a visual inspection alone it is clear that the drafter could have swapped territory with the 7th to make the 6th more compact and primarily a Chester County district but chose not to do so. Each of these attributes would make out a *prima facie* case of gerrymandering.

At this point, the drafter would be required to explain why the chosen boundaries deviated from these standards. If the drafter failed to explain the boundary deviations, the map would fail.

If the drafter presented a non-partisan explanation of the boundary choices, the opposing party could then present underlying political and geographic data to show that chosen lines which deviated from established standards were likely used to pack or crack concentrations of opposing voters or to artificially make a district better performing for an opposing party. If such a showing were made, the map should be rejected by the Court and the drafter sent to redraw the map.

IV. Why Incumbency Can Play No Role In Redistricting.

CCFD opposes incumbency protection for the following reasons: (1) incumbency protection is a fundamental violation of Article I, Sections 1, 2, 5, 20 and 26 of the Pennsylvania Constitution; (2) incumbency protection reinforces past partisan gerrymanders; (3) incumbents already enjoy a 5% to 15 % advantage over a challenger due to name recognition, the ability to raise funds, constituent service opportunities and party recognition; (4) the U.S. Constitution does not require an individual who runs for Congress to reside in his or her district; and (5) providing incumbency protection will destroy any framework for neutral objective criteria based on the Court's 4-Rule Set.

Article I Section 1 of the Pennsylvania Constitution provides that all people are "born equal and free." If all people are equal and free, how could any court approve an advantage for one person over another in running for elected office?⁷

Article I Section 5 of the Pennsylvania Constitution provides that "Elections shall be free and equal..." This provision clearly means that elections shall be run fairly and that it would be patently unfair for the Court to permit one person from being given a governmentally sanctioned advantage over his or her rival in an election. This would be the equivalent of saying that incumbents start on the 50 yard line of a football game and challengers start their drive on the 20 yard line.

⁷ Such a ruling would bring to life George Orwell's "Animal Farm" to Pennsylvania elections, to wit, "All animals are equal, but some animals are more equal than others."

More specifically, districts should not be drawn to favor the political party of an incumbent. Drafting a map to give an incumbent additional territory of his or her own party would be the equivalent of giving the incumbent an extra 20,000, 30,000 or 40,000 votes. Once again, how could any court allow an incumbent to start on the 50 yard line on every drive down the field? Just as a Court would never allow a candidate to steal votes after they were cast, the Court should be equally concerned about a majority party stealing votes before they are cast by moving the boundaries of Congressional districts to exclude unwanted opposing voters.

Article I Section 26 prohibits discrimination against any person in the exercise of their civil rights under Pennsylvania law. This clause states, “Neither the Commonwealth nor its political subdivision thereof shall deny any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.” The right to run for Congress is a civil right. An incumbent who chooses to run for Congress is nothing more than a person choosing to exercise the civil right of running for office. A challenger who chooses to run for Congress is nothing more than a person choosing to exercise the civil right of running for office. If one meets the federal requirements to run for Congress, it would be unconscionable for any court to discriminate between these two people and make it

easier for one to win by designing a district with voting territory which favors his or her own party.

Nor should districts be designed to include or exclude the home of incumbents. This act would once again treat one citizen more equal than others. Instead, only objective standards should be used to form districts, and candidates can choose to move into districts, if that is their desire.

Second, incumbency protection reinforces past gerrymandering. All 18 Pennsylvania Congressional districts are the result of Republicans' successful packing or cracking Democratic voters, or adding durable Republican voting territory to Republican districts. Any attempt to keep these districts intact, whether Republican or Democratic, would simply reinforce past gerrymandering of the Congressional district map.

Third, incumbents do not need protection. Incumbent Congressional representatives have enormous advantages in running for office. They have free official mailings, name recognition, press coverage, an opportunity for constituent service and an ability to raise funds which is superior to most challengers. Some experts estimate that incumbents have a 5% to 15% advantage over challengers in

running for office.⁸ If those figures are correct, incumbents need no additional advantages by drawing districts in their favor.

Fourth, the Constitution does not require incumbents to live in their districts. Article I Section 2 of the U.S. Constitution requires only that a Representative “be an inhabitant of that state in which he shall be chosen.” Both Bob Brady (D PA 1st) and Keith Rothfus (R PA 12th) ran while living outside their districts and won.

Finally, providing incumbency protection will destroy any framework for neutral objective criteria based on the Court’s 4-Rule Set. Incumbency protection would provide an easy excuse not to follow one or more of the Court’s redistricting rules and would end up destroying the integrity of a neutral districting framework based on drafting principles that are consistently applied.

V. The Importance of the Court’s Rule Set.

The Pennsylvania Supreme Court has landed on a set of criteria for redistricting that will bring order to chaos and fairness to political discrimination. The rules will prevent the drafter’s pen from being used as a political weapon against concentrations of opposing voters. The rules are easy to use, create objective standards to detect partisan gerrymandering and reject maps that contain any district formed with partisan intent. It is also important to note that Pennsylvania is not alone in applying the rules for compactness, contiguity and

⁸ Legislative Defendants’ expert witness Professor Gimpel testified in *Agre v. Wolf*, ED PA 17-4392 that incumbents had a 5-15% percent voting advantage over challengers.

equal population in elections. A total of 42 states require that state legislative district lines be drawn to account for political boundaries (e.g., the limits of counties, cities and towns). A total of 19 states require that similar considerations be made in the drawing of congressional district. See:

https://ballotpedia.org/Redistricting_in_Iowa. In addition, 23 states require their congressional districts to be contiguous and 18 states require their congressional districts to be compact. Id.

VI. Conclusion

The Court's 4-Rule Set for redistricting not only creates judicially manageable standards in Pennsylvania, it responds to Justice Kennedy's plea in *Vieth et al v. Jubelirer*, 541 U.S. 267 (2004) at 317, for a neutral, workable, judicially manageable standard to detect partisan gerrymandering and reject maps or plans that are the product of the manipulation of districts with partisan intent. Sadly, the Court in *Vieth* did not understand that the answer lay before them in the strict application of all four criteria contained in the Pennsylvania Constitution. *Gerrymandering depends on the capacity to pick and choose territory* based on voting history to generate election results that perversely favor one party over another or favor or disfavor an individual candidate. By strictly applying rules that are part of the fabric of both Pennsylvania Law and U.S. Law and applying the lessons of the 1972 Congressional Map by requiring drafters to start with counties

to create Congressional districts and add or subtract territory along county boundaries before moving inward within a county, this Court can make gerrymandering geometrically and geographically difficult if not impossible.

We also urge the Court to adopt a standard of allowing no partisan intent and no protection for incumbents in choosing district boundaries. To allow the small amounts of partisan intent would make the process unmanageable. To allow the protection of incumbents, who in many cases were elected as a result of gerrymandering, would further damage the integrity of our election process.

Respectfully submitted,

/s/ Brian A. Gordon

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 2135, I certify the following: This brief complies with the type-volume limitation of Rule 2135; this brief contains 5,717 words excluding the parts of the brief exempted by this rule.

/s/ Brian A. Gordon

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CERTIFICATE OF SERVICE

I, the undersigned, certify that a true and correct copy of the foregoing Brief of Amicus Curiae Concerned Citizens for Democracy was served upon all counsel of record, via electronic service, on this date.

February 4, 2018

/s/ Brian A. Gordon

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Appendix A. CCFD A Step by Step Approach to Neutral Drafting of Districts

Technical Guide

CCFD Exemplar Map

CCFD has applied the Court's standards for Congressional District design to the preparation of an exemplar map (see attached GIS files and images), to demonstrate both the feasibility of applying these standards and the ease with which it is possible to do so. The data used in designing this map is the same data that was used by the legislature in 2011, which was made public during the *Agre et al. v. Wolf et al.* (2:17-cv-04392) federal lawsuit challenging the 2011 Map.

The 18 Congressional Districts in this map satisfy the absolute population equality standard (5 districts with 705,687 residents and 13 districts with 705,688 residents) and include one majority-minority district, as in the 2011 Map. In addition, the districts are significantly more compact and divide many fewer counties (16 vs. 28) and municipalities (21 vs. 68) than the 2011 Plan. In addition, only one county, Philadelphia County, is divided between 3 Districts in this map, while in the 2011 Plan, Montgomery County was divided among 5 Districts, Berks County was divided among 4 Districts, and five other counties (Allegheny, Chester, Dauphin, Philadelphia, and Westmoreland) were each divided among 3 Districts. (See attached statistical reports.)

Below, we present a step-by-step guide explaining how this map was prepared and, consequently, how any person sincerely engaged neutral and objective redistricting could prepare their own similar plan.

Technical guidance for map design

Based on the Court's Order, along with evidence and argumentation presented during the trial and analysis of well-designed historical Pennsylvania Congressional District Maps (especially the 1972 Map), CCFD believes that the Court's requirements for Congressional Districts can be well satisfied by adopting the following technical formulation of the Court's District design principles:

- Absolute contiguity is required. Each District must consist of a single connected piece, and point contiguity is disallowed.
- Exact population equality is required. This means 5 Districts with 705,687 residents and 13 Districts with 705,688 residents.
- Subject to exact population equality, each county must be divided no more times than necessary and no more counties must be divided than necessary.
- Subject to exact population equality and minimization of county splits, each municipality (city, borough, incorporated town, or township) must be divided no more times than necessary and no more municipalities must be divided than necessary.

- Subject to exact population equality and minimization of county and municipal splits, each ward or precinct must be divided no more times than necessary and no more wards or precincts must be divided than necessary.
- Subject to exact population equality and minimization of political subdivision splits, District compactness must be maximized. For a manual map design process, a visual test can be used while designing Districts and its effectiveness can be confirmed afterward using computed compactness scores.

To achieve the required minimization of political subdivision splits while maximizing compactness and achieving exact population equality, the following technical design principles can be applied to the lines which split counties:

- For any county with a population greater than a single District, as many Districts as possible should be constructed using territory entirely inside the county, ideally leaving only a single, contiguous “remainder” to be attached to another county or counties. (Currently, this affects only Philadelphia, Allegheny, and Montgomery Counties.)
- No county with a population smaller than a single District should be divided between more than two Districts.
- In any case where a county must be divided, its territory should be aggregated into adjoining Districts beginning with municipalities contiguous

with the county border and using all bordering territory before proceeding, layer by layer, towards the center of the county.

- When balancing populations between any two adjacent Districts:
 - Only a single county should be split to balance the populations between any given pair of adjacent Districts.
 - The choice of which county to split and what split line to use should be made in such a way as to *improve* the compactness of the two Districts.
 - The population balance should ideally be perfected to ± 1 by splitting a single precinct in a single ward of a single municipality along the county split line, down to the census block level. Extreme circumstances may very rarely necessitate one or two extra precinct or municipal splits.
 - No municipality smaller than two Congressional Districts, and no ward or precinct, should be divided into more than two contiguous regions. The two regions of any divided municipality, ward, or precinct should be made as compact as possible given the exact population equality constraint.

An additional legitimate consideration in Congressional District Design is the Voting Rights Act. The only region of Pennsylvania generally understood to

include a racial or language minority group “sufficiently numerous and compact to form a majority in a single-member district” (Gingles test) is the Philadelphia area, which has a large African American population in the city and neighboring suburbs.

CCFD does not wish to offer an opinion at this time on the exact district structure or composition required to satisfy the Voting Rights Act. However, given the geographical distribution of minority populations Philadelphia and surrounding suburbs, it is easy to construct at least one Congressional district in this area with a majority-Black voting age population. Other Districts in the region, as well as the District containing Pittsburgh, will have smaller but significant minority populations as well.

In the 2011 Plan, there was one majority-Black Congressional District: the 2nd District. Our exemplar map was constructed without reference to racial demographics, but nevertheless resulted in a majority-minority District which included some but not all of the territory in the 2011 Map’s 2nd District. This exemplar District has also been assigned District number 2, for easy comparison. The exemplar 1st, 7th, and 14th Districts also have substantial Black populations, giving these communities a strong voice in those Districts. Given the ease with which our neutral process matched the minority representation levels of the 2011 Map, as well as the fact that that Map has not (yet) been alleged to be a racial

gerrymander, we are confident that the legislature can satisfy any potential Voting Rights Act concerns without substantial modifications to our process.

As noted, our process is explicitly neutral and does not attempt to protect incumbents or satisfy other partisan interests.

For similar reasons of neutrality, we concern ourselves with protecting only the objective communities of interest specified in the Court's Order, that is to say, political subdivisions.

Allowing consideration of more qualitatively-defined communities of interest can substantially increase the freedom to gerrymander, so we do not recommend use of such criteria.

Step-by-step map design process

Our map design process begins with a rough assignment of counties to Districts. The goal at this stage of the process is to construct reasonably compact clusters of counties with each cluster having a population within 5-10% of that of an ideal district. Counties larger than a single District can be combined with selected neighbors into two- or three-District sized "super Districts", which will be divided into single Districts at the next stage. With 67 counties needing to be divided amongst 18 Districts, a reasonable result can be achieved fairly quickly with a little trial and error.

The second map design stage was to assign these roughed-out District numbers to the minor civil divisions (MCDs) of each county (i.e., cities, boroughs, towns, and townships, or the parts thereof that are inside a single county) and the wards of Philadelphia (necessary to determine how to divide Philadelphia County). These assignments are then refined, according to the technical guidance provided above, to equalize District populations to within about $\pm 1\%$ of the ideal District size. In equalizing populations, it is useful to begin with the most tightly constrained regions (counties larger than a single District, which must be divided and should completely contain one or more Districts), and then work outward from there, dividing additional counties only as necessary and only in a compact fashion.

Once District populations are refined to the MCD/Philadelphia ward level, these assignments are propagated down to the precinct level and then immediately to the census block level. At this point, it becomes easy to equalize District populations down to the level of ± 1 person. Along each county split line, a single MCD, and, generally, a single precinct from that MCD, can be selected for division to the census block level. With careful choice of the MCD and precinct to split and some trial and error, it is usually easy to group the census blocks from this single precinct into two contiguous (albeit sometimes less compact) halves in such a way as to equalize District populations. In our exemplar map, regions with relatively

lower population density have been preferred for these census block level precinct splits wherever possible, to minimize the number of residents affected.

In two exceedingly challenging parts of our exemplar map, slight exceptions were made to the guideline of generally splitting one precinct of one MCD per county split. Along the border between the 7th and 16th Districts, a second municipality, Birmingham Township in Chester County, was split because it contains two census blocks that are discontinuous from the rest of Chester County, due to a bend in Brandywine Creek. These two census blocks had no official residents listed in the 2011 redistricting data and were assigned to the new 7th District for the sole purpose of creating contiguous Districts. The border between the 8th and 13th Districts was also somewhat challenging because the municipalities there have a high concentration of large-population census blocks which were difficult to distribute in exactly the right way to achieve the necessary population balance. Thus, three voting districts of Montgomery Township were divided along the congressional district boundary rather than adhering to the ideal of dividing a single voting district.

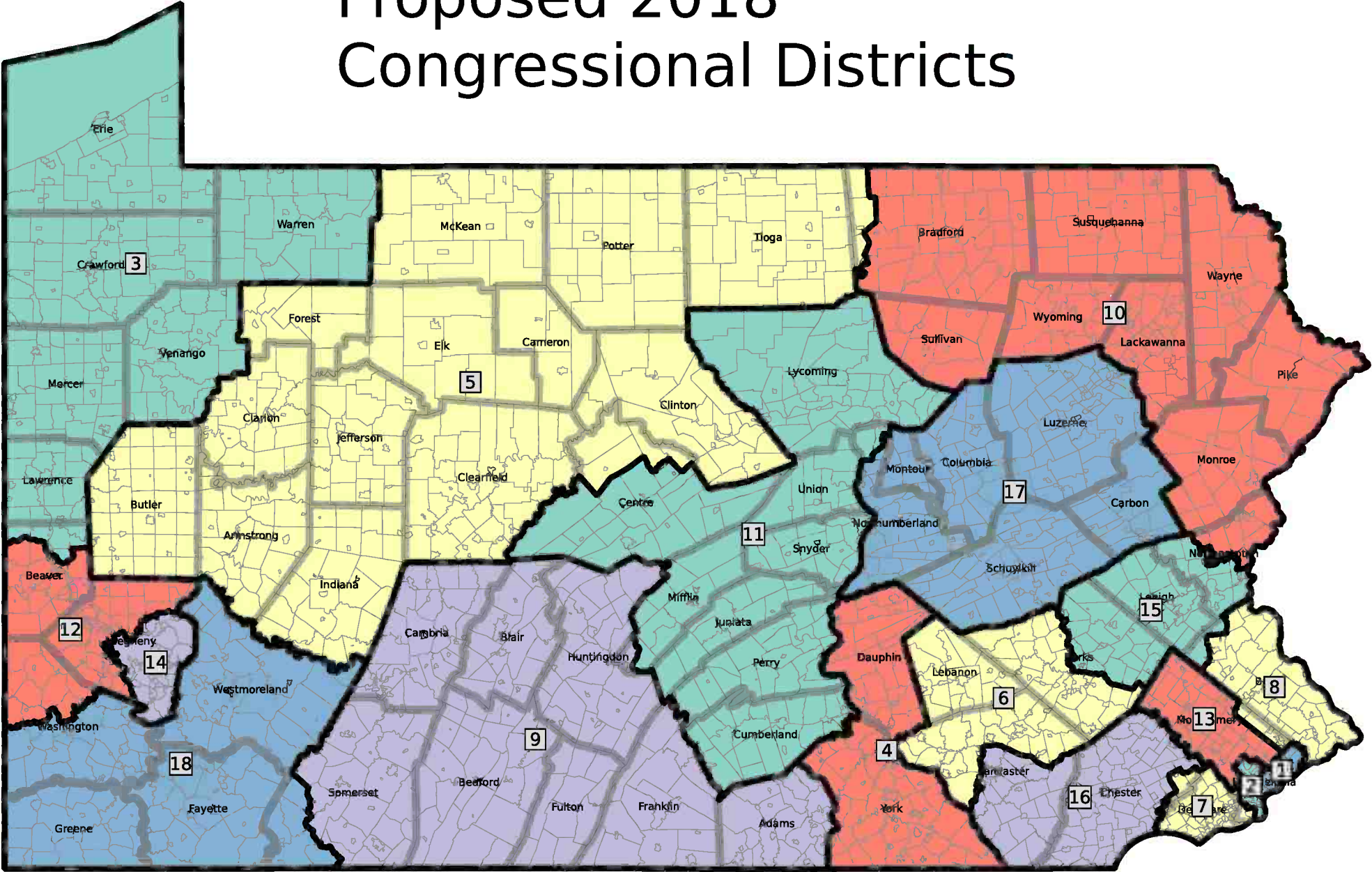
Once all census blocks are assigned into contiguous Districts in this fashion, the map is complete.

Conclusion

This exemplar map and the process by which it was designed show that it is absolutely possible to draw maps in compliance with the Court's Order, and that such maps should be significantly more compact and show significantly more respect for the political subdivisions of the state than the gerrymandered 2011 Map. At very least, any map proposed in response to the Court's order should carry the burden of justifying any ways in which it is significantly worse than this map in terms of compactness and county and municipal splits.

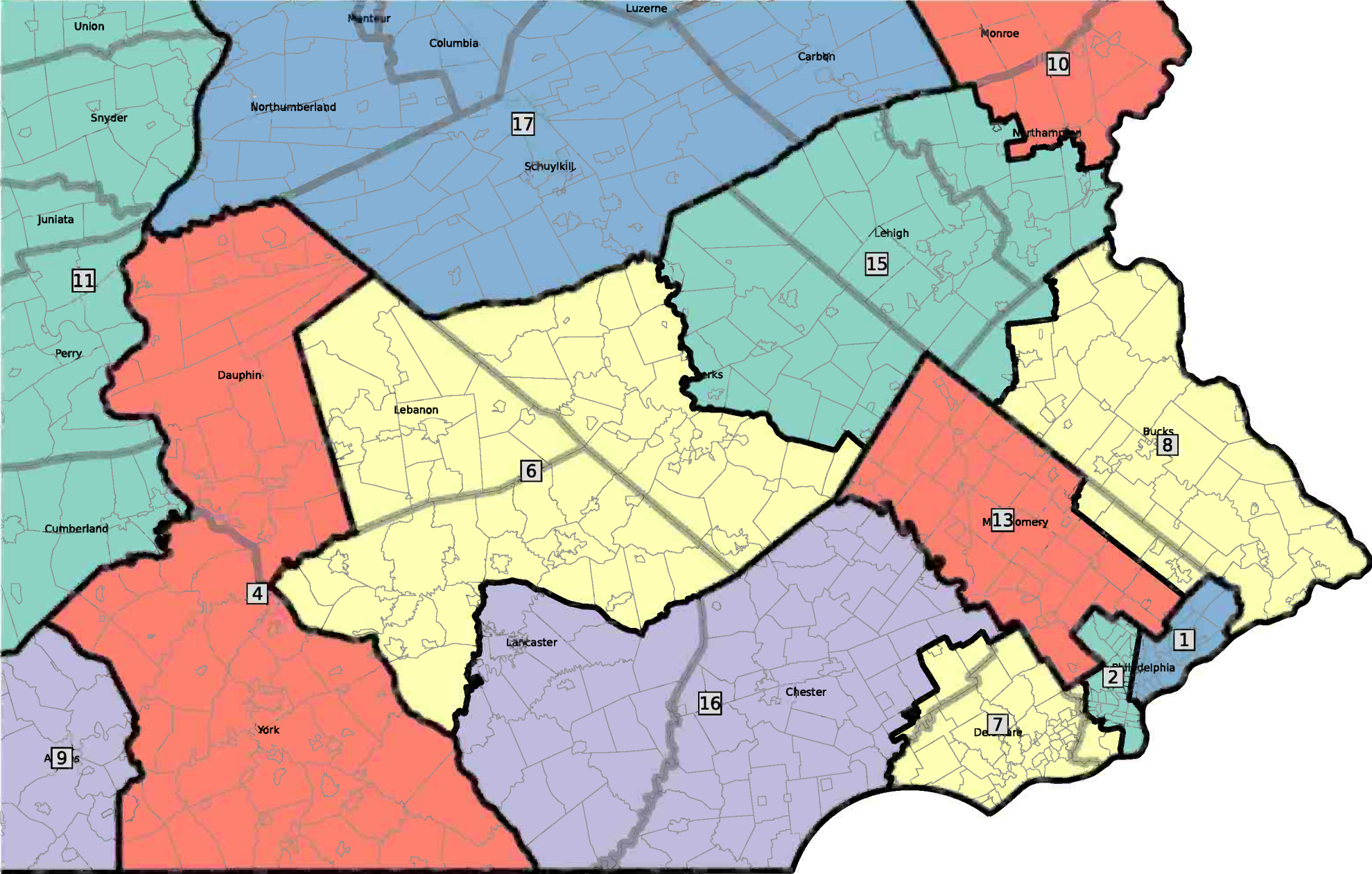
Our exemplar map also shows that it is *easy* to draw maps in compliance with the Court's Order. Using no special tools other than an open-source GIS program (QGIS) and the already existing legislative redistricting dataset, this map was designed by a single person over the course of a few working days, using an older laptop computer. Better hardware, more human power, and automated assistive algorithms could speed this process considerably. Given the timetable for the upcoming elections, there is no excuse for delay.

Proposed 2018 Congressional Districts



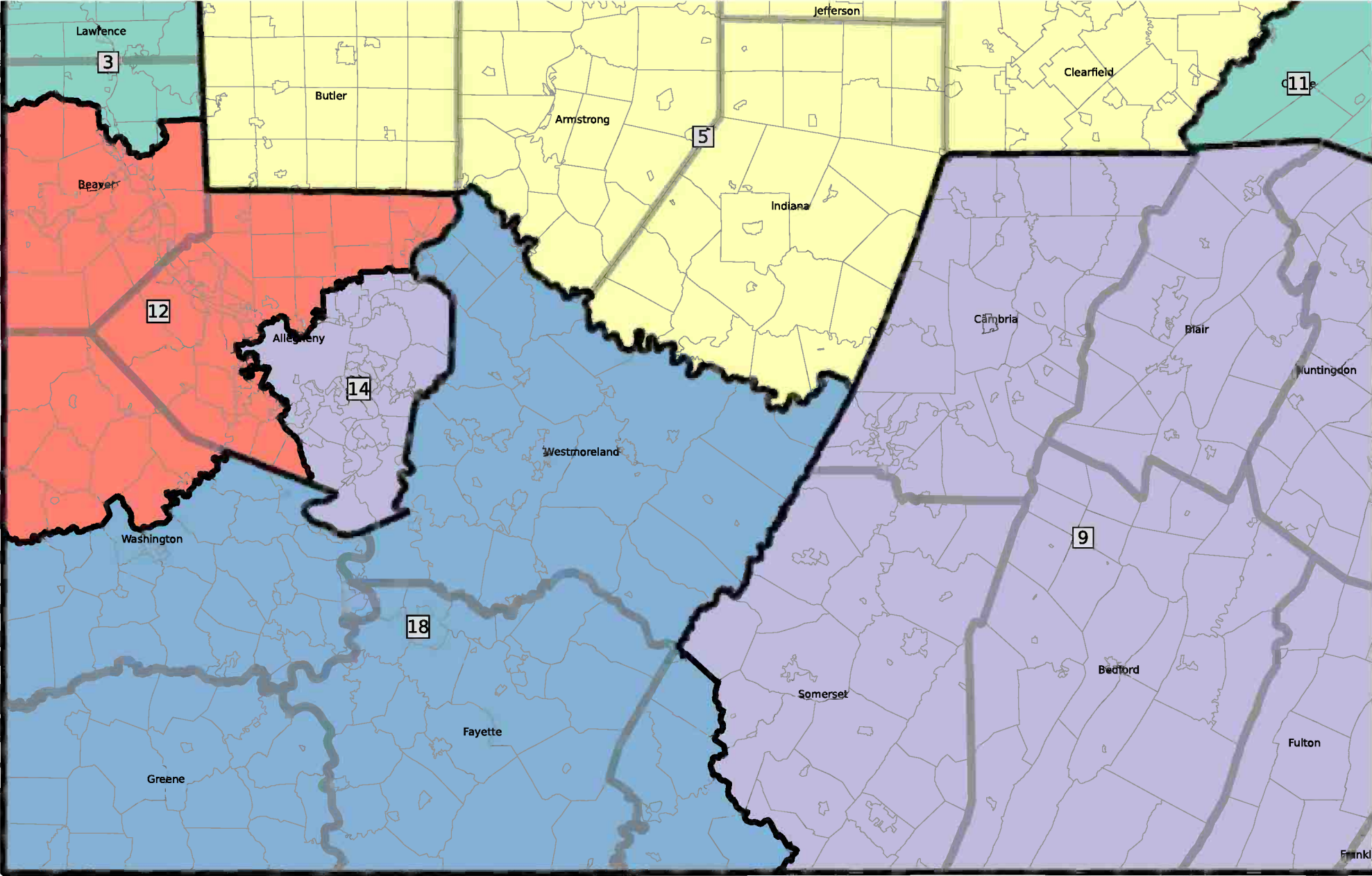
Proposed 2018 Congressional Districts (SE)

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2017



Proposed 2018 Congressional Districts (SW)

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133 NM 2017



Appendix C. parts b through f.

b. A report detailing the compactness of the districts according to each of the following measures: Reock; Schwartzberg; Polsby-Popper; Population Polygon; and Minimum Convex Polygon.

The requested compactness scores for each proposed district, as well as the minimum, maximum, and average values for all districts, are shown in the following table

Table b.1. District compactness scores

District	Polsby-Popper	Schwartzberg	Minimum Convex Polygon	Reock	Population Polygon
1	0.4640	0.6812	0.8541	0.3740	0.9565
2	0.3696	0.6079	0.7636	0.3285	0.8173
3	0.4156	0.6447	0.7599	0.4223	0.9087
4	0.2624	0.5122	0.6682	0.3509	0.6582
5	0.2964	0.5445	0.7985	0.3608	0.6812
6	0.3365	0.5801	0.7676	0.4990	0.7205
7	0.4021	0.6341	0.8373	0.5617	0.7810
8	0.4056	0.6368	0.8403	0.4523	0.8286
9	0.3759	0.6131	0.8356	0.4700	0.8427
10	0.3233	0.5686	0.7777	0.4448	0.6924
11	0.2063	0.4542	0.6509	0.4219	0.7104
12	0.2446	0.4946	0.7736	0.4430	0.5234
13	0.3606	0.6005	0.8328	0.4458	0.6608
14	0.2807	0.5298	0.8174	0.5608	0.8394
15	0.3817	0.6178	0.8784	0.5645	0.8993
16	0.3705	0.6087	0.8325	0.4876	0.8449
17	0.5157	0.7181	0.8816	0.5782	0.9190
18	0.2775	0.5268	0.7613	0.4581	0.4122
Minimum	0.2063	0.4542	0.6509	0.3285	0.4122
Maximum	0.5157	0.7181	0.8816	0.5782	0.9565
Average	0.3494	0.5874	0.7962	0.4569	0.7609

c. A report detailing the number of counties split by each district and split in the plan as a whole.

16 counties are split by the plan as a whole. Philadelphia County is divided amongst 3 districts. Allegheny, Beaver, Berks, Bradford, Bucks, Centre, Chester, Cumberland, Lancaster, Mifflin, Montgomery, Northampton, Northumberland, Somerset, and Washington Counties are each divided between 2 districts. The district boundary that divides each county and the counties divided by each district are listed in the tables below.

Table c.1. Counties split by each district boundary

District boundary	County split
1/2	Philadelphia
2/7	Philadelphia
7/16	Chester
8/13	Montgomery
8/15	Bucks
12/14	Allegheny
12/18	Washington
12/3	Beaver
6/16	Lancaster
6/15	Berks
9/18	Somerset
10/15	Northampton
10/5	Bradford
11/17	Northumberland
5/11	Centre
9/11	Mifflin
4/11	Cumberland

Table c.2. Counties split by each district

District	Split counties
1	Philadelphia
2	Philadelphia
3	Beaver
4	Cumberland
5	Bradford, Centre
6	Berks, Lancaster
7	Chester, Philadelphia
8	Bucks, Montgomery
9	Mifflin, Somerset
10	Bradford, Northampton
11	Centre, Cumberland, Mifflin, Northumberland
12	Allegheny, Beaver, Washington
13	Montgomery
14	Allegheny
15	Berks, Bucks, Northampton
16	Chester, Lancaster
17	Northumberland
18	Somerset, Washington

d. A report detailing the number of municipalities split by each district and the plan as a whole.

21 municipalities are split by the plan as a whole. 17 of these municipalities are divided as a result of dividing counties to equalize district populations. 4 of these municipalities (Telford, Trafford, Emlenton, and Shippensburg Boroughs) are divided because they cross county boundaries between counties that are assigned to different districts. No municipality is divided between more than 2 districts, except Philadelphia, which is divided between 3 districts. The district boundary that divides each municipality and the municipalities divided by each district are listed in the tables below.

Table d.1. Municipalities split by each district boundary

District boundary	Municipality split
1/2	Philadelphia
2/7	Philadelphia
7/16	Birmingham Township, Westtown Township
8/13	Montgomery Township, Telford Borough
8/15	Springfield Township
12/14	Etna Township
12/18	Chartiers Township
12/3	New Sewickley Township
6/16	Manheim Township
6/15	Tilden Township
9/18	Elk Lick Township
10/15	Moore Township
10/5	Canton Township
11/17	Lewis Township
5/11	Curtin Township
9/11	Wayne Township, Shippensburg Borough
4/11	New Cumberland Township
14/18	Trafford Borough
3/5	Emlenton Borough

Table d.2. Municipalities split by each district

District	Split municipalities
1	Philadelphia
2	Philadelphia
3	New Sewickley Township, Emlenton Borough
4	New Cumberland Township
5	Canton Township, Curtin Township, Emlenton Borough
6	Tilden Township, Manheim Township
7	Birmingham Township, Westtown Township, Philadelphia
8	Springfield Township, Montgomery Township, Telford Borough
9	Wayne Township, Elk Lick Township, Shippensburg Borough
10	Canton Township, Moore Township
11	Curtin Township, New Cumberland Township, Wayne Township, Lewis Township, Shippensburg Borough
12	Etna Township, New Sewickley Township, Chartiers Township

District	Split municipalities
13	Montgomery Township, Telford Borough
14	Etna Township, Trafford Borough
15	Tilden Township, Springfield Township, Moore Township
16	Birmingham Township, Westtown Township, Manheim Township
17	Lewis Township
18	Elk Lick Township, Chartiers Township, Trafford Borough

e. A report detailing the number of precincts split by each district and the plan as a whole.

Many municipalities in Pennsylvania are divided into smaller voting divisions, but different names are used for these voting divisions in different parts of the state. In addition, many of these voting divisions are themselves subdivided into smaller vote tabulation districts, which also have different names in different parts of the state. For the purposes of the present tabulation, the first (larger) level of voting divisions will be referred to as “wards” and the second (smaller) level of voting divisions will be referred to as “precincts”.

Using these definitions, the present plan as a whole divides 15 wards and 3 precincts. The district boundary that divides each voting division and the voting divisions divided by each district are listed in the tables below.

Table e.1. Wards and precincts split by each district boundary

District boundary	Wards/precincts split
1/2	Philadelphia Ward 05 Precinct 27
2/7	Philadelphia Ward 26 Precinct 12
7/16	Birmingham Township Precinct 02, Westtown Township Precinct 03
8/13	Montgomery Township Voting Districts 01, 02, and 03
8/15	Springfield Township Voting District Middle
12/14	Etna Township Ward 03
12/18	Chartiers Township Voting District 07
12/3	New Sewickley Township Voting District Unionville
6/16	Manheim Township District 20
10/15	Moore Township Voting District Eastern
5/11	Curtin Township Voting District South
4/11	New Cumberland Township Ward 01 Precinct 01

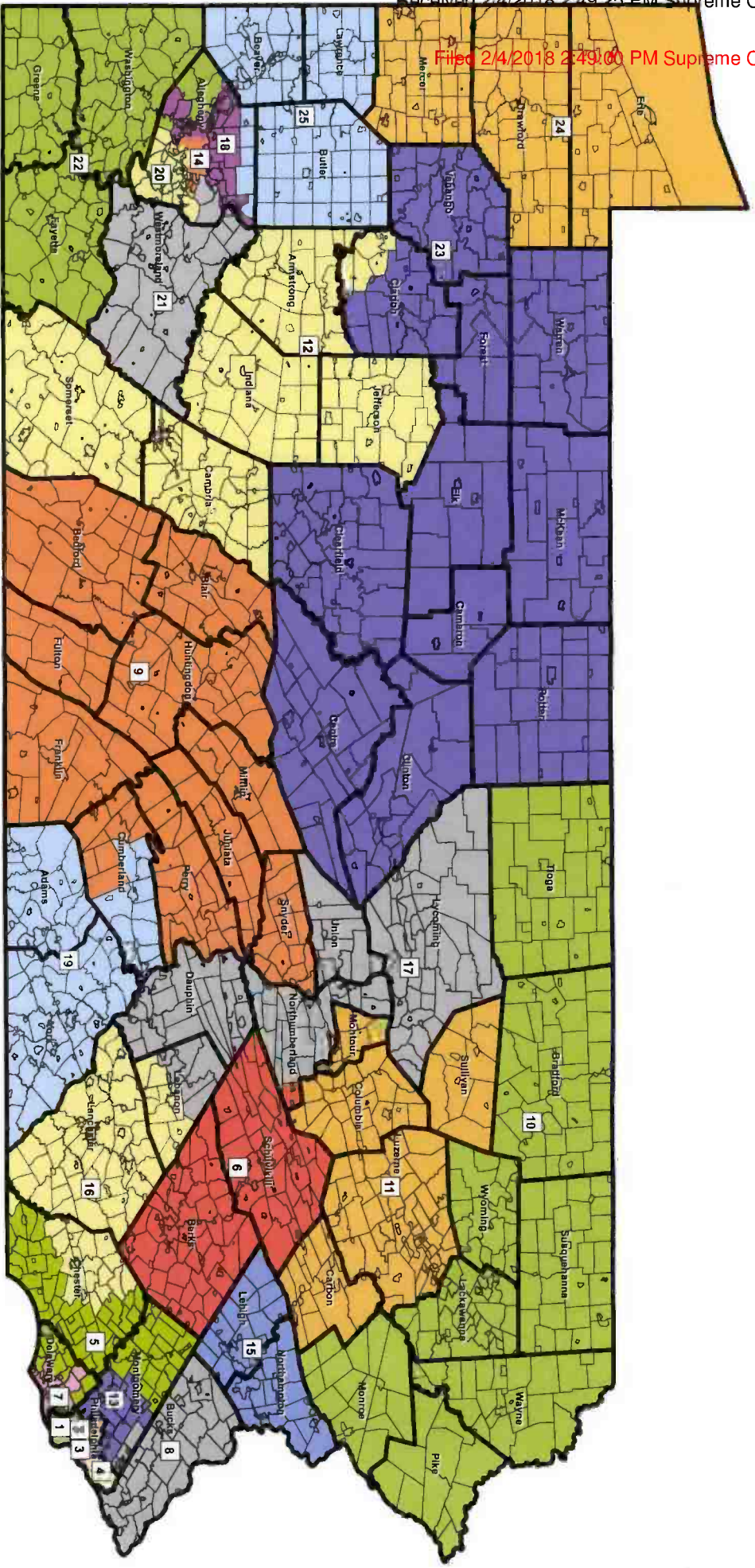
Table e.2. Wards and precincts split by each district

District	Split wards/precincts
1	Philadelphia Ward 05 Precinct 27
2	Philadelphia Ward 26 Precinct 12
3	New Sewickley Township Voting District Unionville
4	New Cumberland Township Ward 01 Precinct 01
5	Curtin Township Voting District South
6	Manheim Township Voting District 20
7	Birmingham Township Precinct 02, Westtown Township Precinct 03, Philadelphia Ward 26 Precinct 12
8	Springfield Township Voting District Middle, Montgomery Township Voting Districts 01, 02, and 03
9	none
10	Moore Township Voting District Eastern
11	Curtin Township Voting District South, New Cumberland Township Ward 01
12	Etna Township Ward 03, New Sewickley Township Voting District Unionville, Chartiers Township Voting District 07
13	Montgomery Township Precincts 01, 02, and 03
14	Etna Township Ward 03
15	Springfield Township Voting District Middle, Moore Township Voting District Eastern
16	Birmingham Township Precinct 02, Westtown Township Precinct 03, Manheim Township Voting District 20
17	none
18	Chartiers Township Voting District 07

f. A statement explaining the proposed plan’s compliance with this Court’s Order of January 22, 2018.

The present plan was designed *solely* using the four traditional neutral criteria ordered by the Court: contiguity, compactness, preservation of political subdivisions (counties, cities, boroughs, towns, townships, and wards), and exactly equal populations (5 districts with 705,687 residents and 13 districts with 705,688 residents, according to the redistricting data used by the Pennsylvania Legislature in creating the 2011 Plan). A final check with demographic data was performed to confirm that at least one majority-black district was present, as in the 2011 Plan, in order to ensure compliance with the Voting Rights Act. No additional factors were considered during map design. A more detailed description of the exact methodology used in applying these criteria is given in the Appendix to the Brief.

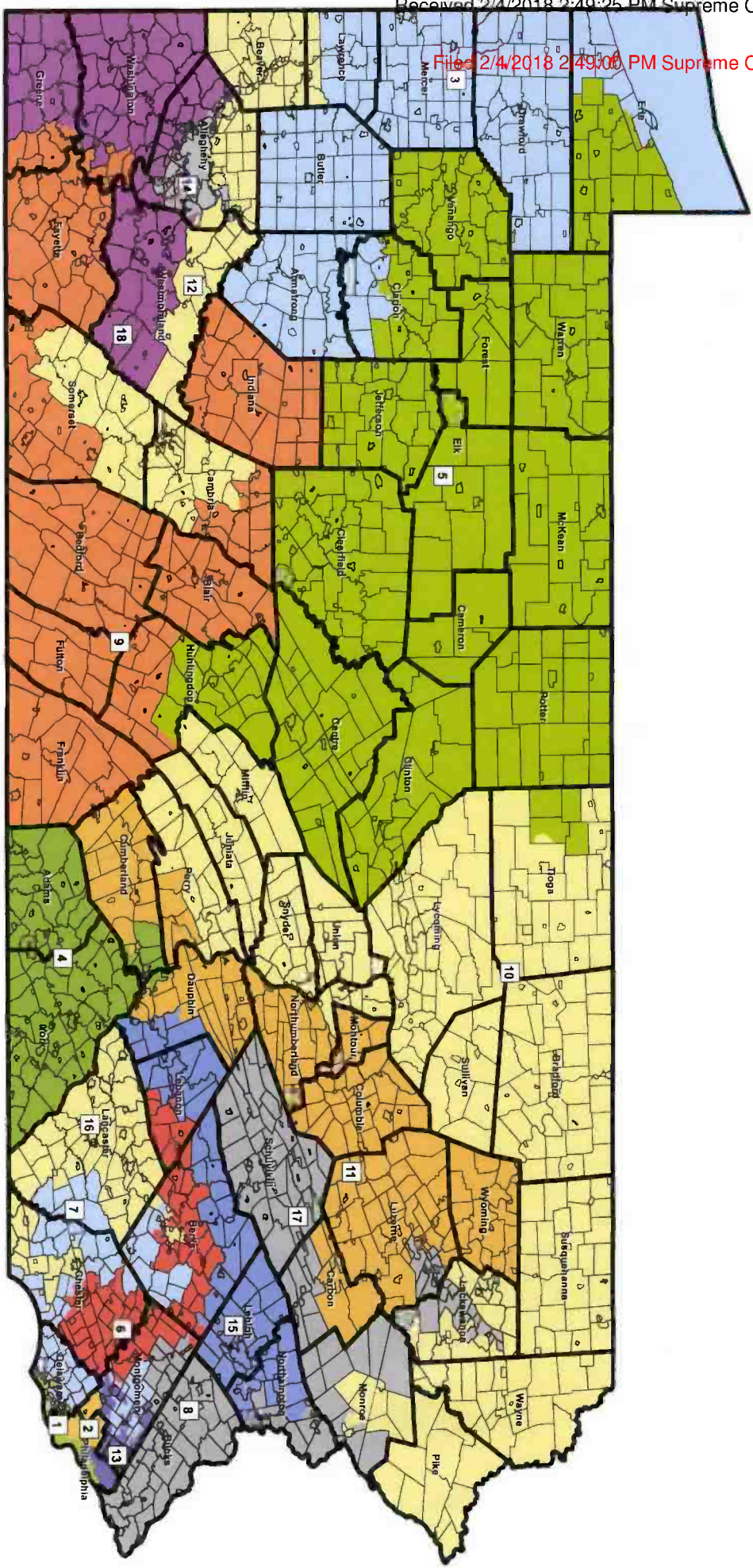
Pennsylvania Congressional Districts Act 3 of 1972



“Pennsylvania Congressional Districts Act 3 of 1972.” *Congressional Redistricting*,
21 June 2012, <http://www.redistricting.state.pa.us/Maps/index.cfm>



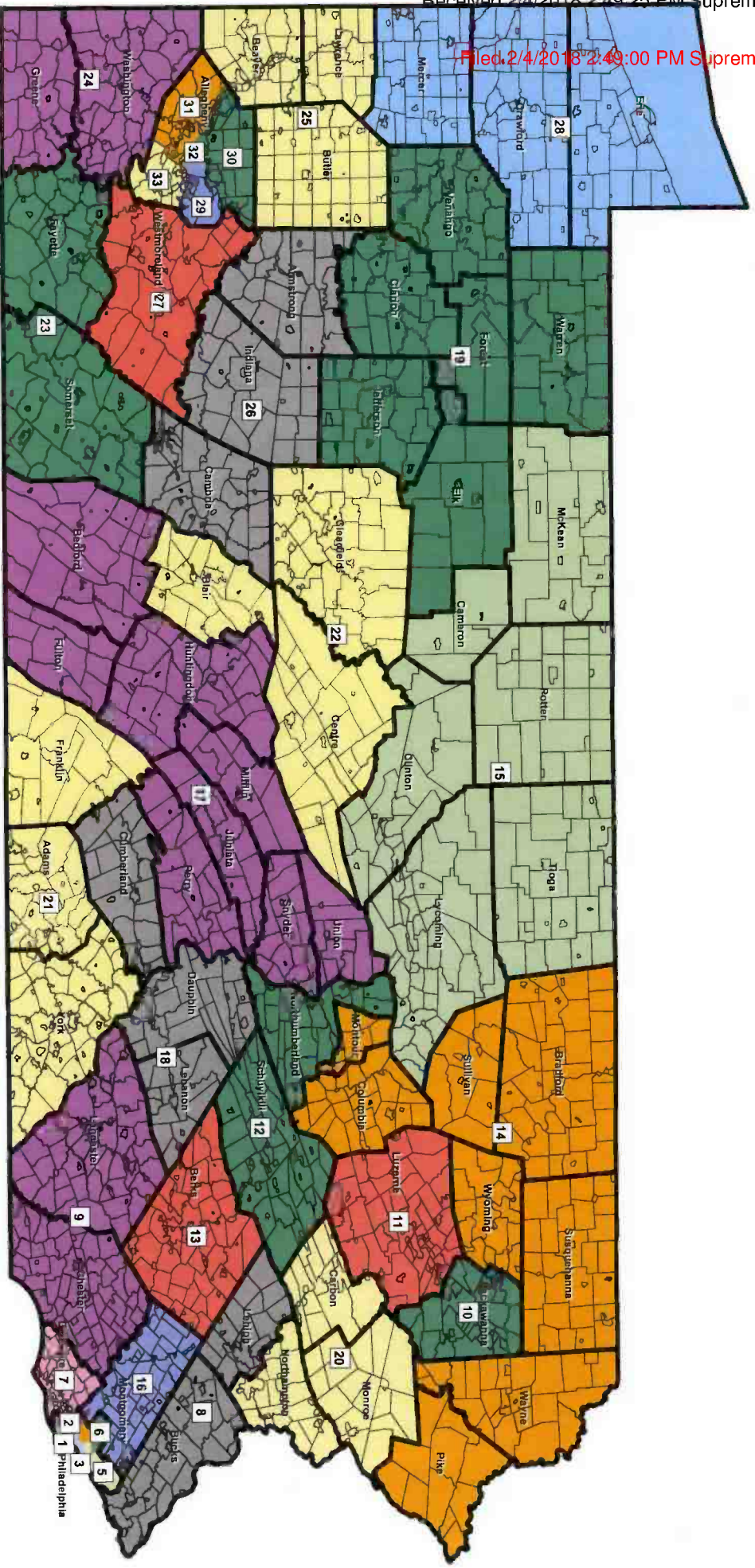
Pennsylvania Congressional Districts Act 131 of 2011



“Pennsylvania Congressional Districts Act 131 of 2011” Congressional Redistricting,
21 June, 2012, <http://www.redistricting.state.pa.us/Maps/index.cfm>



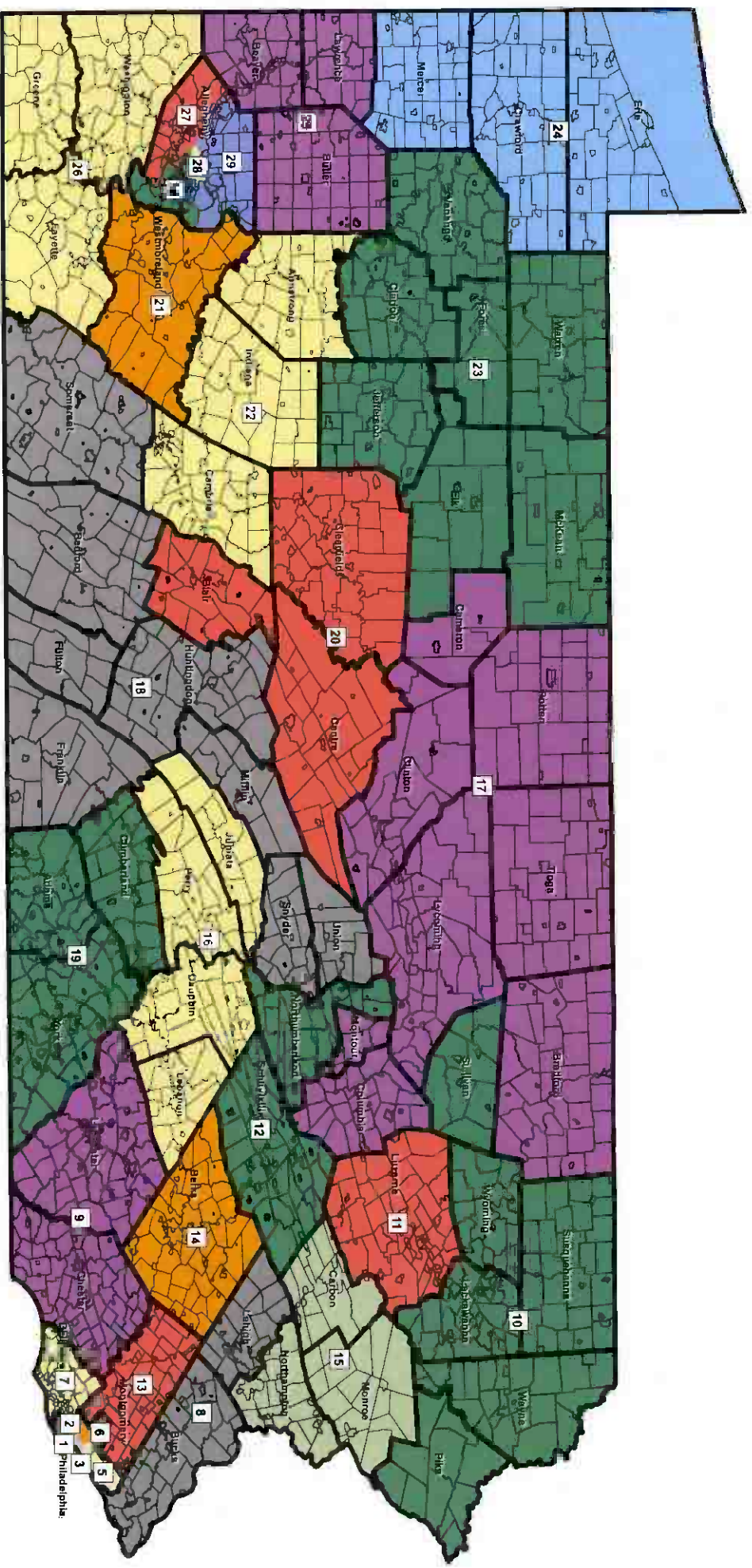
Pennsylvania Congressional Districts Act 119 of 1943



“Pennsylvania Congressional Districts Act 119 of 1943.” *Congressional Redistricting*,
16 Jan. 2013, <http://www.redistricting.state.pa.us/Maps/index.cfm>



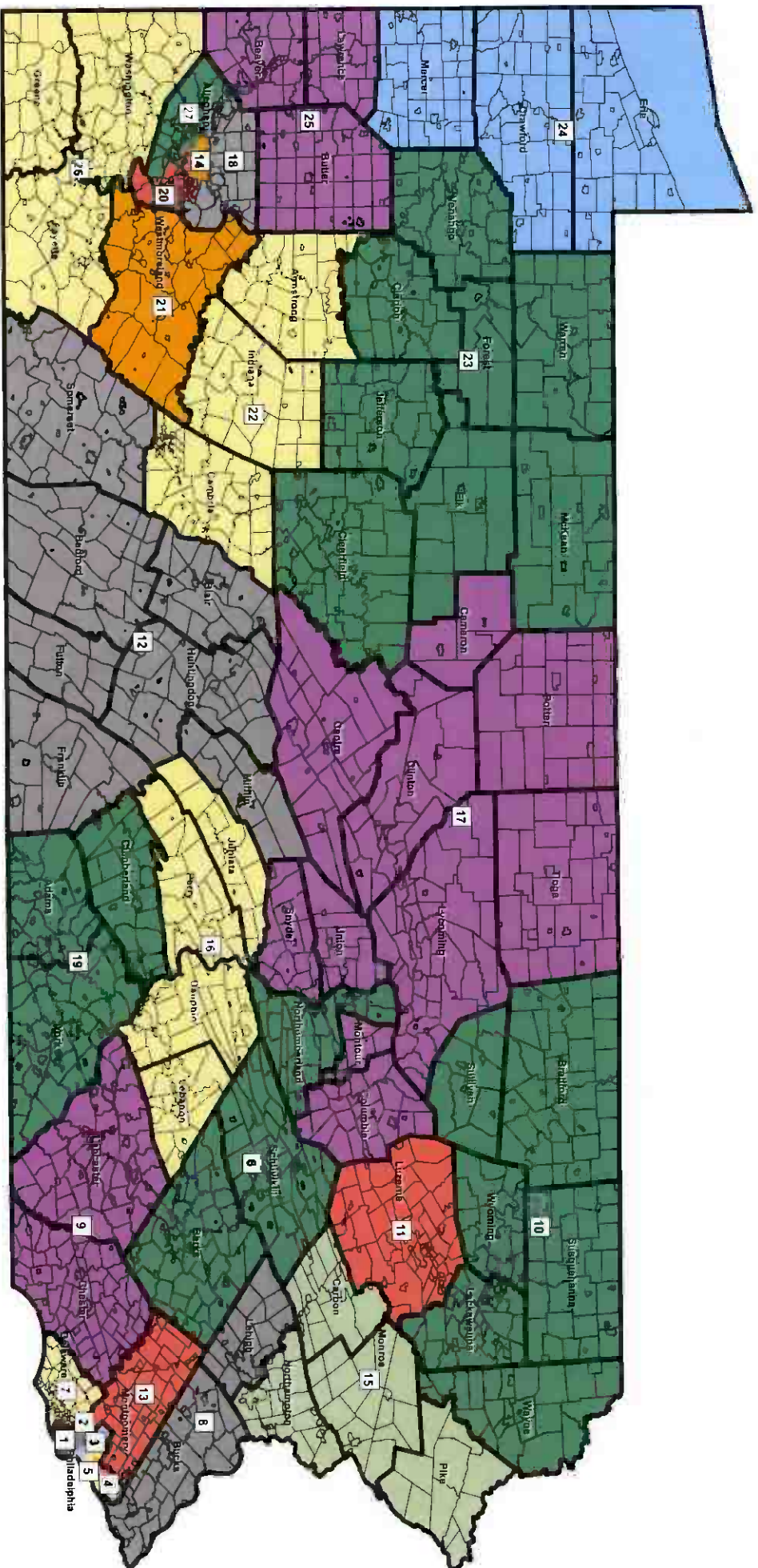
**Pennsylvania Congressional Districts
Act 464 of 1951**



“Pennsylvania Congressional Districts Act 464 of 1951.” *Congressional Redistricting*,
16 Jan. 2013, <http://www.redistricting.state.pa.us/Maps/index.cfm>



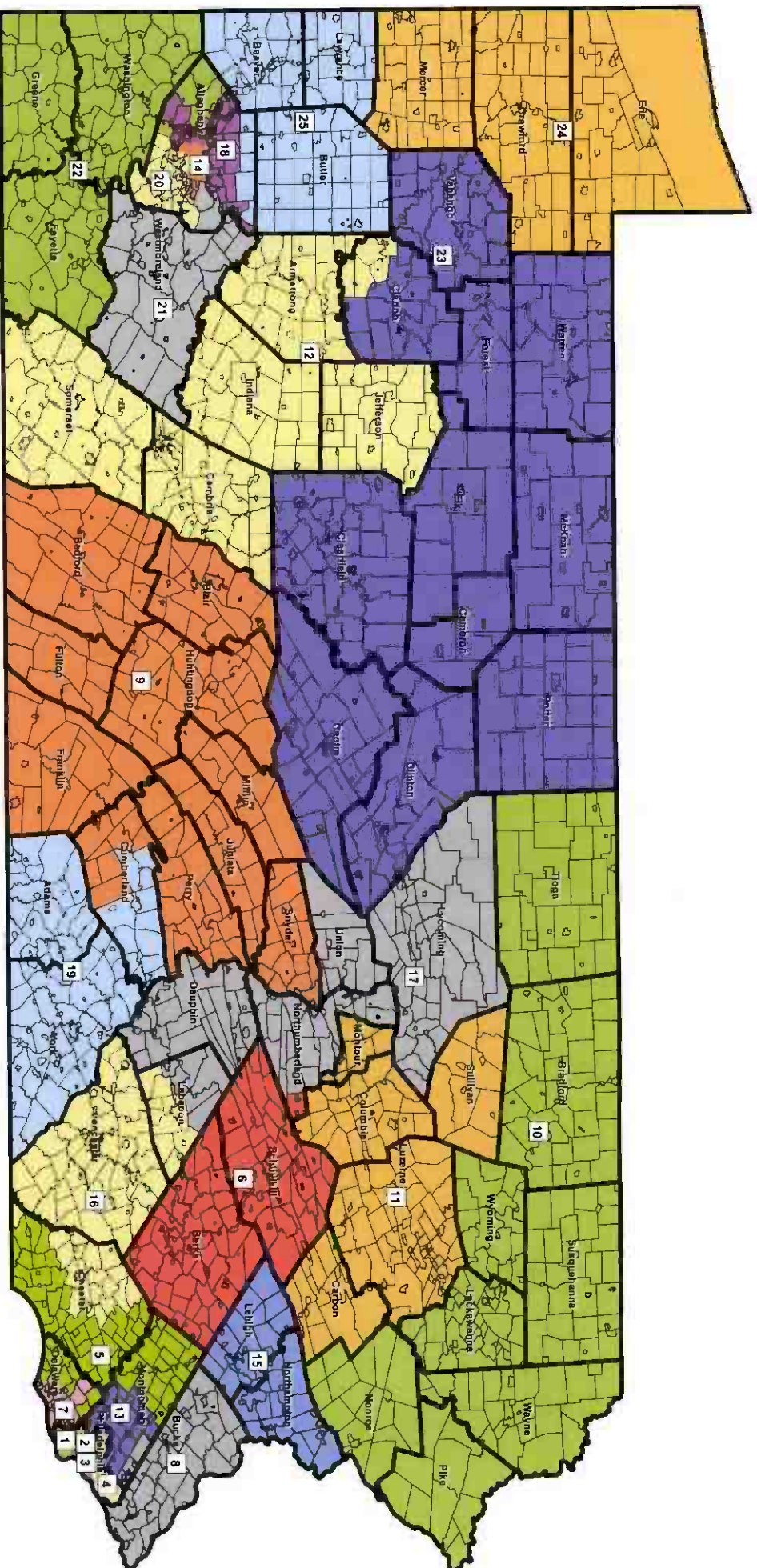
Pennsylvania Congressional Districts
Act 1 of 1962



“Pennsylvania Congressional Districts Act 1 of 1962.” *Congressional Redistricting*,
16 Jan. 2013, <http://www.redistricting.state.pa.us/Maps/index.cfm>

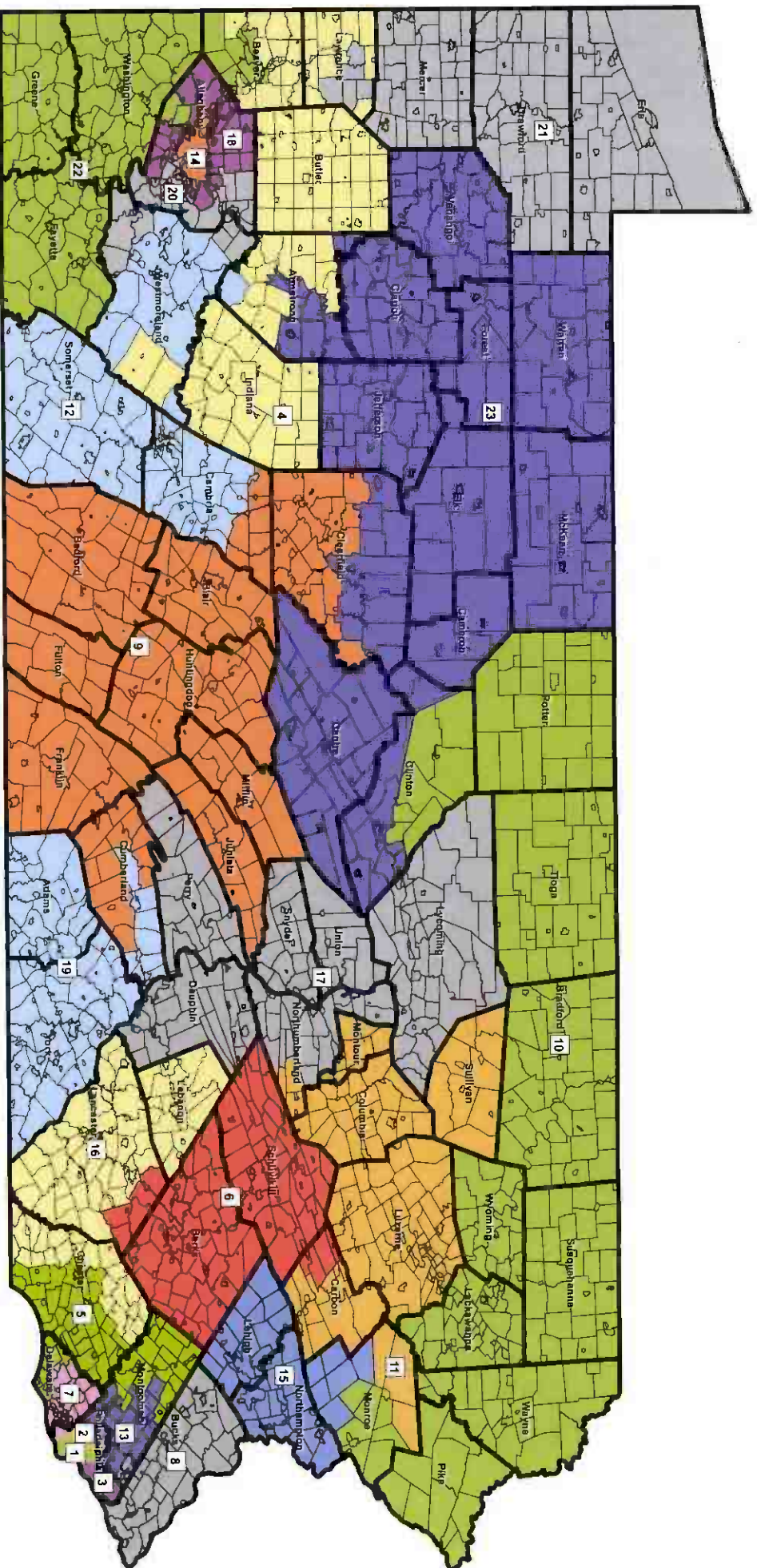


Pennsylvania Congressional Districts
Act 3 of 1972



⁴Pennsylvania Congressional Districts Act 3 of 1972. *Congressional Redistricting*,
21 June 2012, <http://www.redistricting.state.pa.us/Maps/index.cfm>

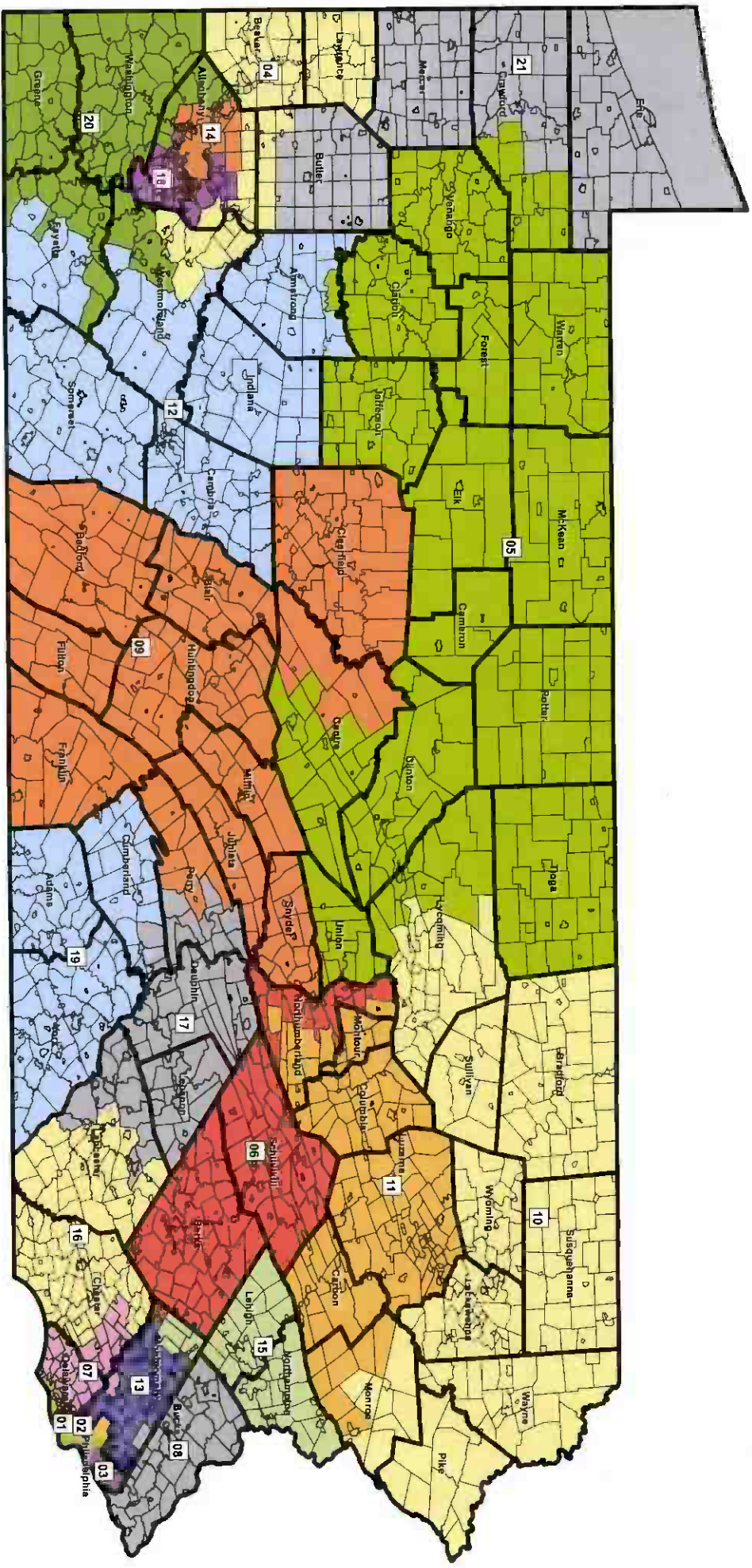
Pennsylvania Congressional Districts
Act 42 of 1982



“Pennsylvania Congressional Districts Act 42 of 1982.” *Congressional Redistricting*,
21 June 2012, <http://www.redistricting.state.pa.us/Maps/index.cfm>



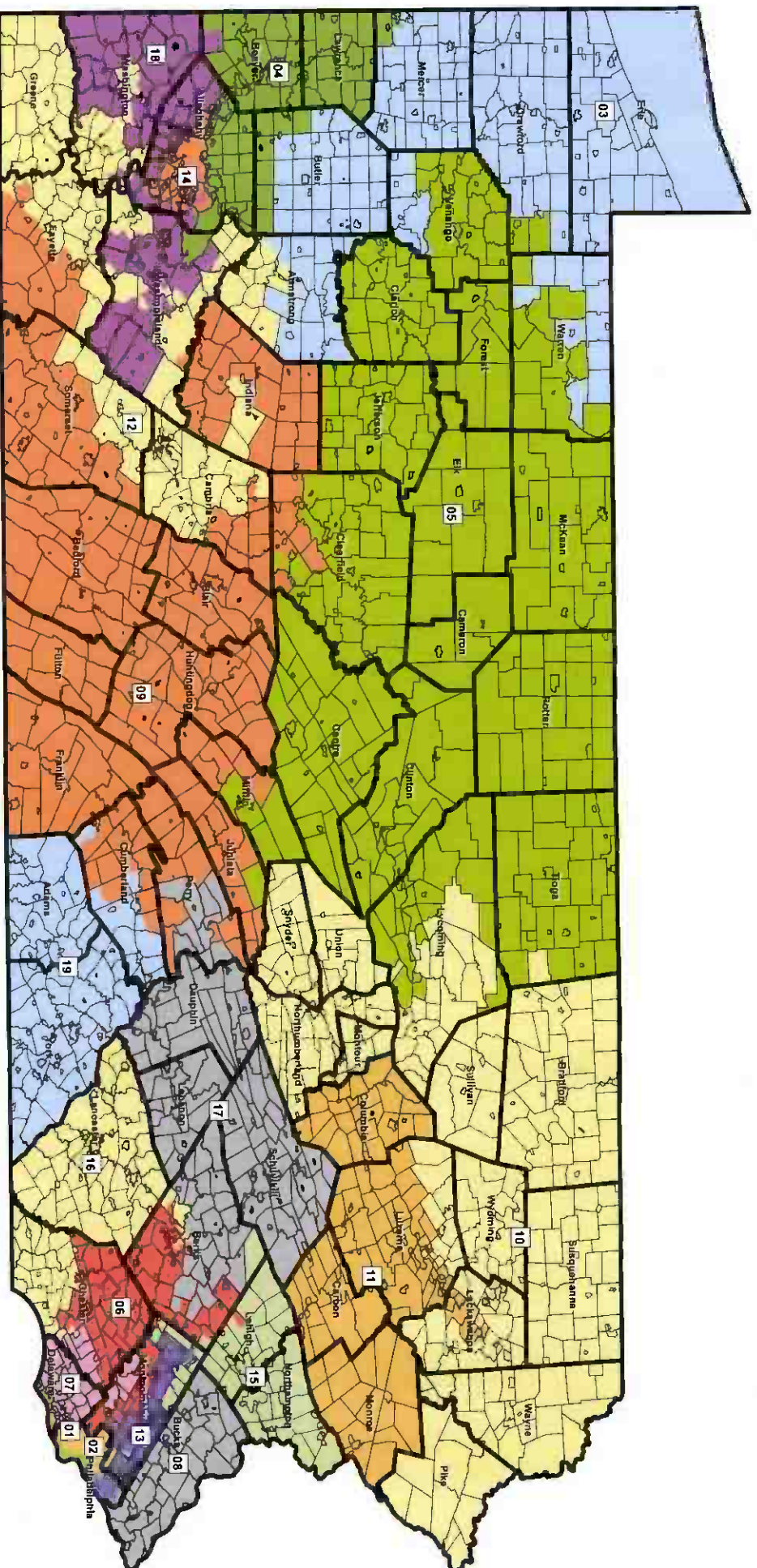
Pennsylvania Congressional Districts
Enacted by Order of the Supreme Court of Pennsylvania, 10 March 1992



“Pennsylvania Congressional Districts. Enacted by order of the Supreme Court on March 10, 1992.” *Congressional Redistricting*,
21 June, 2012, <http://www.redistricting.state.pa.us/Maps/index.cfm>

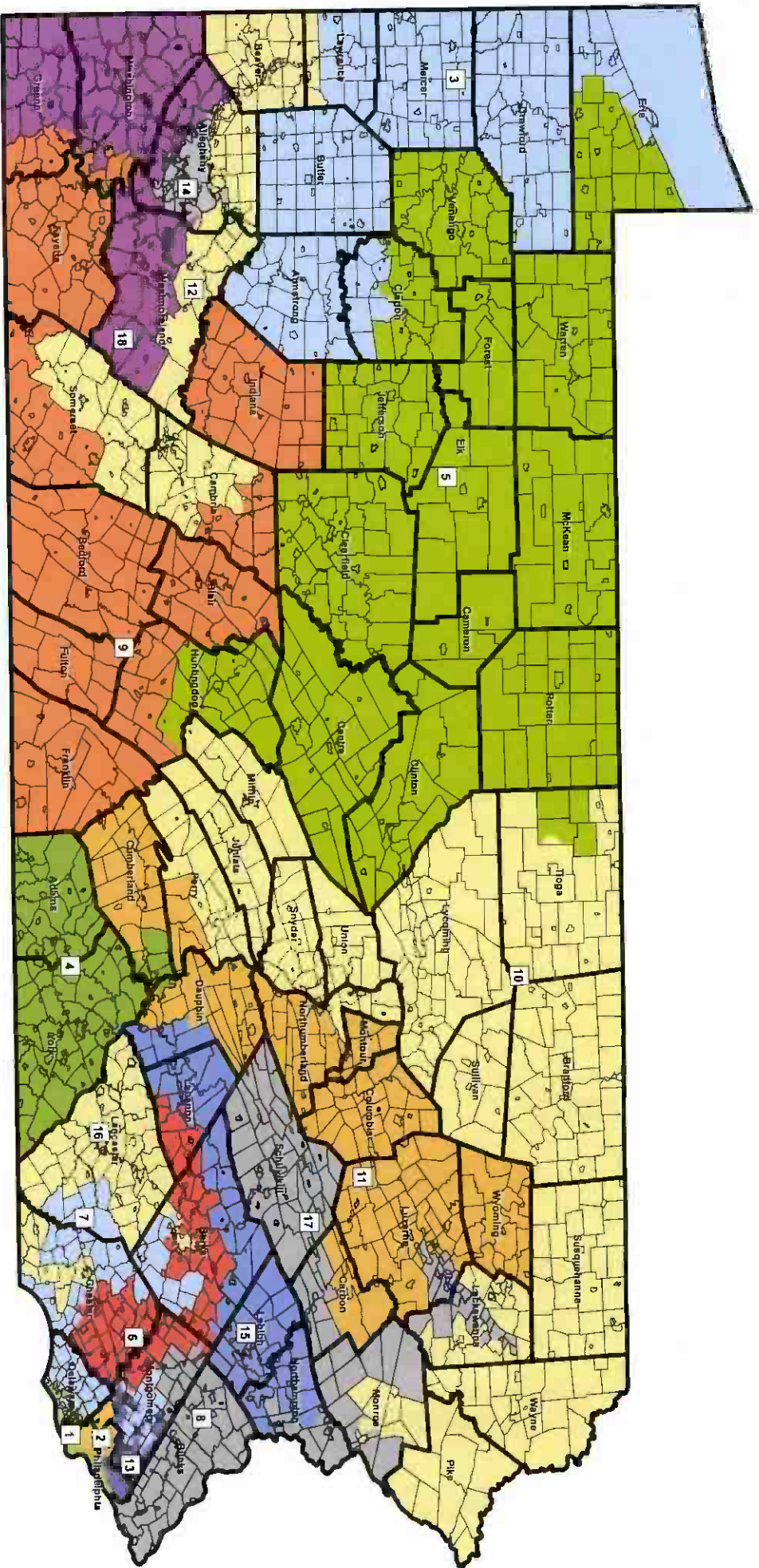


Pennsylvania Congressional Districts
Act 34 of 2002



"Pennsylvania Congressional Districts Act" Congressional Redistricting,
21 June, 2012, <http://www.redistricting.state.pa.us/Maps/index.cfm>

**Pennsylvania Congressional Districts
Act 131 of 2011**



“Pennsylvania Congressional Districts Act 131 of 2011” *Congressional Redistricting*,
21 June, 2012, <http://www.redistricting.state.pa.us/Maps/index.cfm>

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February 8, 2018

Clerk
Supreme Court of Pennsylvania
Middle District
601 Commonwealth Ave., Suite 4500
Harrisburg, PA 17106

Via electronic filing through PACFile

Re: League of Women Voters, et al. v. Commonwealth of PA, et al.
Supreme Court of Pennsylvania - Middle District
159 MM 2017 LE and 261 MD 2071

Dear Sir or Madam:

At the time of filing the Petition to file an Amicus Brief Nunc Pro Tunc and the Amicus Brief, itself, on behalf of Concerned Citizens for Democracy, I was unable to upload the shapefiles and block equivalency file associated with the sample map prepared by Anne Hanna due to the size of the files. These files should be identified as Appendix C, part a. In lieu of uploading the files, I am pleased to provide a link to the data as follows:

https://drive.google.com/open?id=1QkCWAMhIPGSM62SME5qq15vnEcfjN_T7

Thank you for your careful attention to this matter.

Yours sincerely,

/s/ Brian A. Gordon

Brian A. Gordon

Cc: All Counsel through PACFile