
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 THE AMERICAN CIVIL RIGHTS UNION

LINDA A. KERNS (I.D. NO. 84495)
LAW OFFICES OF LINDA A. KERNS, LLC
1420 Locust Street, Suite 200
Philadelphia, PA 19102
(215) 731-1400
Counsel for Amicus Curiae
American Civil Rights Union

TABLE OF CONTENTS

	Page
I. Statement of Interest	4
II. DESCRIPTION OF AMICUS' REDISTRICTING MAP	5
A. Introduction	5
B. Compactness	6
C. Population	6
D. Political Subdivision Splits	7
III. Conclusion	9

TABLE OF AUTHORITIES

Page

Statutes

52 U.S.C. §20507(I) 5

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 AMERICAN CIVIL RIGHTS UNION

I. STATEMENT OF INTEREST

Amicus Curiae American Civil Rights Union ("ACRU") is a non-partisan 501(c)(3) tax-exempt organization dedicated to protecting the civil rights of all Americans by publicly advancing a Constitutional understanding of our essential rights and freedoms. It was founded in 1998 by long time policy advisor to President Reagan, and the architect of modern welfare reform, Robert B. Carleson. Carleson served as President Reagan's chief domestic policy advisor on federalism, and originated the concept of ending the federal entitlement to welfare by giving the responsibility for those programs to the states through finite block grants. Since its founding, the ACRU has filed amicus curiae briefs on various constitutional and election issues in cases nationwide, including redistricting cases.

ACRU has been active in the Commonwealth of Pennsylvania, litigating the Commonwealth's compliance with Section 8 of the NVRA, specifically 52 U.S.C. §20507(I). Additionally, ACRU has been working with Pennsylvania state senators and representatives on election integrity issues. The undersigned counsel has been retained by ACRU since 2016 with regard to election integrity issues and has continuously worked with ACRU since that time. ACRU's attorneys (both undersigned counsel and ACRU-retained counsel located in Denver, Colorado) authored this amicus brief. Furthermore, ACRU is solely responsible for paying an expert to develop the proposed map.

II. DESCRIPTION OF AMICUS' REDISTRICTING MAP

A. Introduction

The American Civil Rights Union ("ACRU") respectfully submits the attached redistricting map to assist the Court and Special Master in drawing Congressional districts for the Commonwealth of Pennsylvania. For purposes of brevity, this amicus brief will merely describe the map.

The attached map has been designed to maximize the criteria described by

the Pennsylvania Supreme Court. The map does not take into account the residency of incumbent members of Congress or the residency of candidates for Congress. It does not create potential Voting Rights Act issues. A printed copy of the statewide map is contained at Exhibit A. A printed copy of the southeastern portion of the Commonwealth is contained at Exhibit B. In addition, ACRU has submitted electronic files for the Special Master to examine more carefully.

B. Compactness

This map maximizes compactness across Pennsylvania:

- Under Reock measurements, 14 of 18 districts measure approximately 0.4.

Five are above 0.5, and two are above 0.6.

- Under Polsby-Popper measurements, seven districts are above 0.4.
- Under the Population Polygon scores, 12 districts are above 0.8, and three are over 0.9.
- Under the Minimum Convex Polygon measurements, 13 districts score 0.8 or above.

A report containing the compactness scores is contained at Exhibit C.

C. Population

Thirteen districts contain 705,688 residents, and five districts contain 705,687 residents, based upon the 2010 Census.

D. Political Subdivision Splits

The map leaves 53 counties whole, and splits 14 counties. Of the 14 split counties, 11 are only split once, and three are split three times. All three of the counties containing three splits (Philadelphia, Allegheny, and Montgomery) are the largest three counties in the Commonwealth, are large enough to have at least one wholly contained congressional district within their borders, and are split in such a way that each has the maximum number of districts possible contained within them.

Out of the 20 largest counties in Pennsylvania this map keeps Bucks, Delaware, Lancaster, Chester, York, Northampton, Erie, Lackawanna, Washington, Butler, and Beaver counties whole. It only splits Berks, Westmoreland, Lehigh, Luzerne, Dauphin, and Cumberland once. Amicus' proposed plan splits only three boroughs: Dormont in Allegheny County, Nanty Glo in Cambria County, and Larksville in Luzerne. The proposed plan

splits 11 townships: Spring in Berks, South Newton in Cumberland, Lower Swatara in Dauphin, Shirley in Huntingdon, Little Beaver in Lawrence, Upper Saucon in Lehigh, Chestnuthill in Monroe, Hatfield and Lower Merion in Montgomery, Coal in Northumberland, and Hempfield in Westmoreland.

The City of Philadelphia has two districts wholly contained within it. The balance of Philadelphia is combined with Delaware County in the newly formed 7th district.

Only one Census Bureau Voting District ("VTD") in each of the above townships and boroughs is split, and two VTDs in Philadelphia are split. In all, only 16 VTDs are split statewide.

A report summarizing political subdivision splits is contained at Exhibit D.

In lieu of uploading the DBF and SHP files, which were not accepted by the PACFILE system, these files can be found at the following links:

DBF: <https://www.dropbox.com/s/r3lrlva85bp3omd/ACRU%20MAP.DBF?dl=0>

SHP: <https://www.dropbox.com/s/dbnd77n8bniumc7/ACRU.shp?dl=0>

III. Conclusion

We respectfully request that this Honorable Court accepts our proposal.

Respectfully submitted,

/s/ Linda A. Kerns

Linda A. Kerns, Esquire (ID 84495)

Law Offices of Linda A. Kerns, Esquire

1420 Locust Street, Suite 200

Philadelphia, PA 19102

215-731-1400

Attorney for American Civil Rights Union

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true and correct copy of the foregoing Brief of Amicus Curiae American Civil Rights Union was served upon all counsel of record, via electronic service, on this date, February 15, 2018.

/s/ Linda A. Kerns

Linda A. Kerns, Esquire (ID 84495)
Law Offices of Linda A. Kerns, Esquire
1420 Locust Street, Suite 200
Philadelphia, PA 19102
215-731-1400
Attorney for American Civil Rights Union

EXHIBIT
A

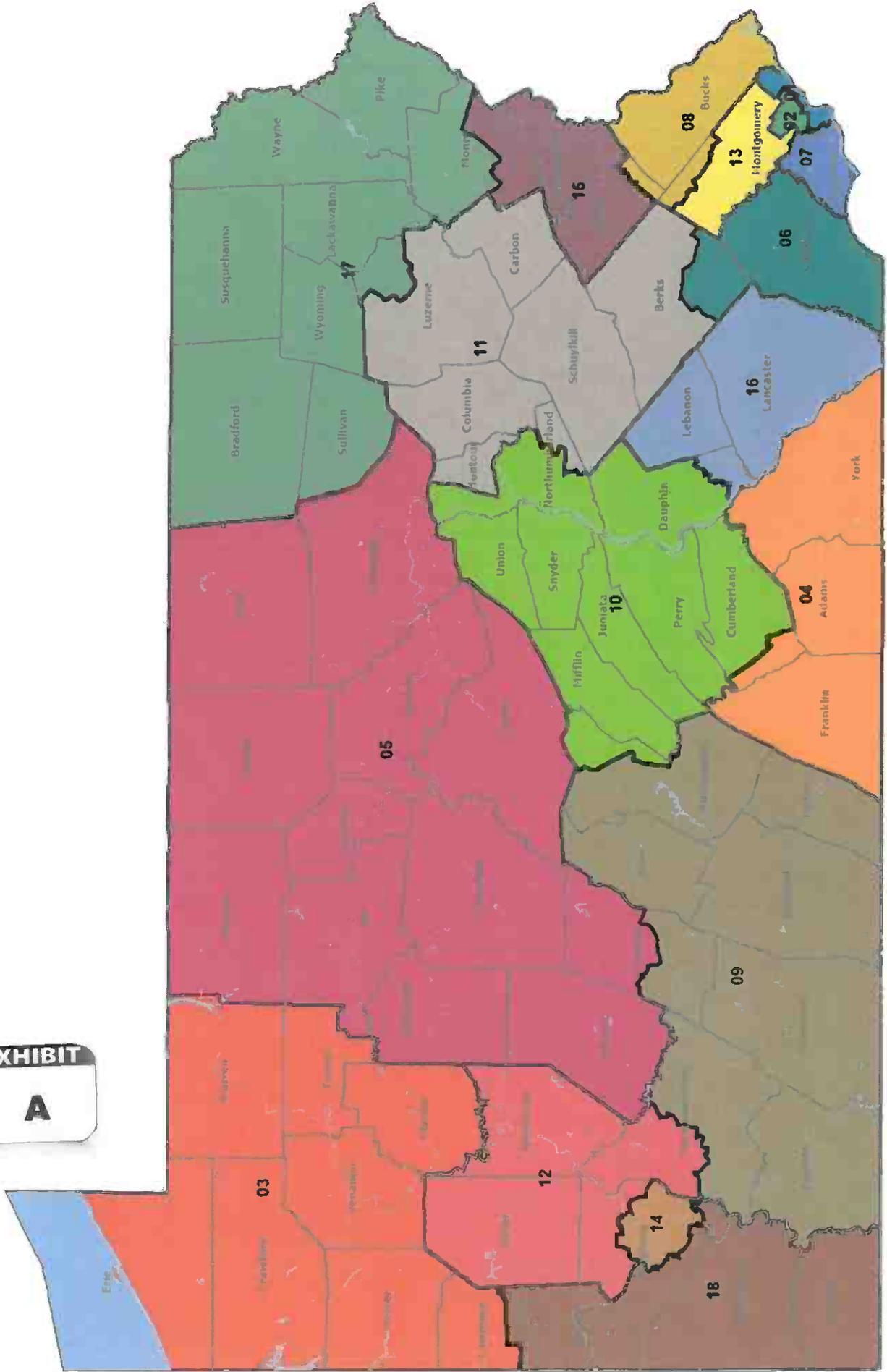
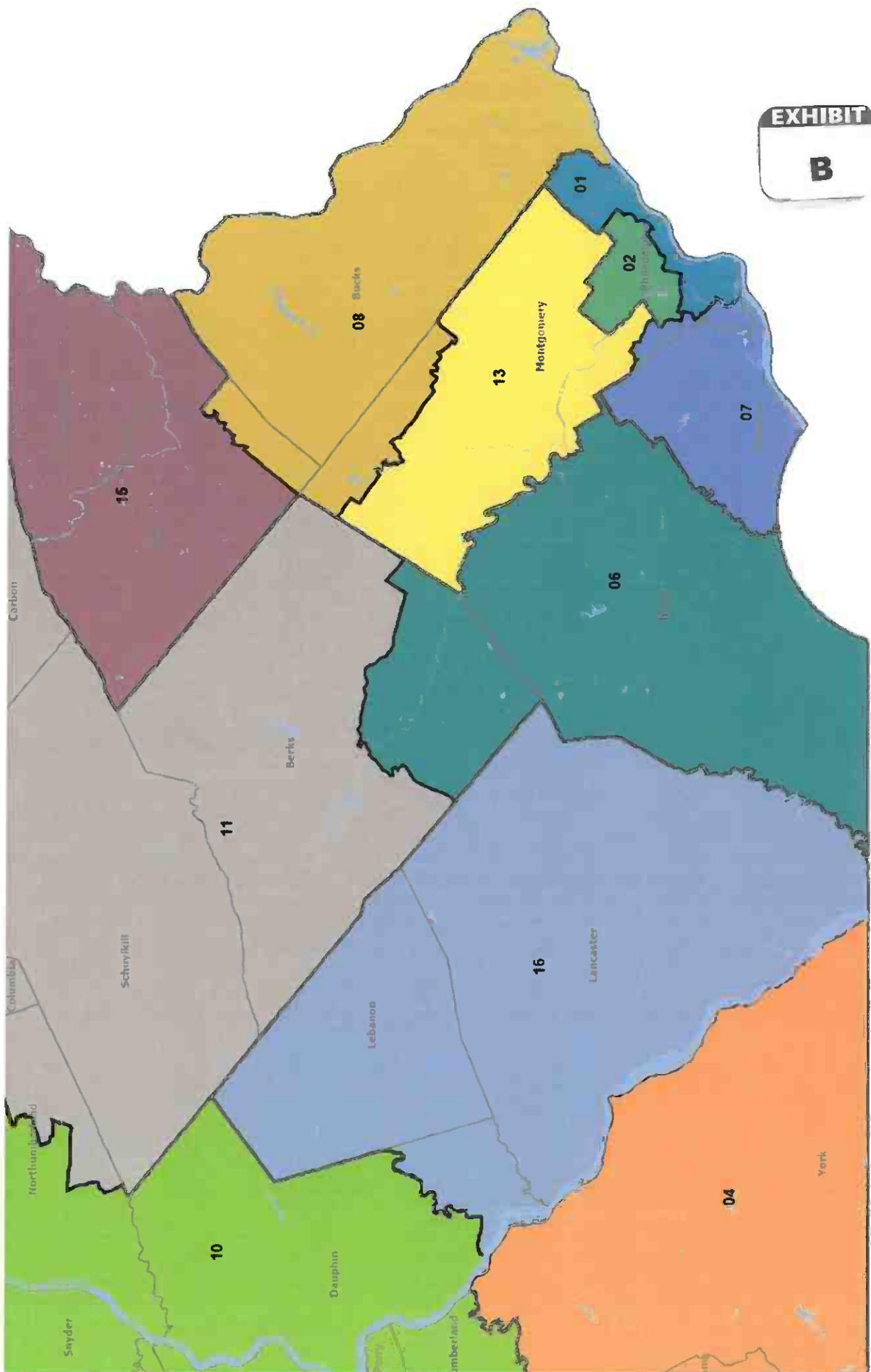


EXHIBIT
B



Plan Name: ACRU
 Plan Type: Congressional
 Date: 2/15/2018
 Time: 11:51:07AM
 Administrator:

Measures of Compactness

2/15/2018

Sum	N/A	N/A	N/A	N/A	N/A
Min	0.22	1.33	0.22	0.47	0.60
Max	0.66	2.08	0.49	0.93	0.89
Mean	0.47	1.57	0.37	0.78	0.81
Std. Dev.	0.11	0.18	0.07	0.14	0.06

DISTRICT	Reock	Schwartzberg	Polsby-Popper	Population Polygon	Min Convex Poly
01	0.22	2.08	0.22	0.60	0.60
02	0.51	1.58	0.40	0.85	0.78
03	0.53	1.33	0.43	0.93	0.81
04	0.30	1.59	0.36	0.83	0.82
05	0.47	1.37	0.49	0.85	0.88
06	0.47	1.68	0.30	0.81	0.75
07	0.53	1.42	0.45	0.89	0.87
08	0.41	1.52	0.40	0.71	0.79
09	0.46	1.52	0.39	0.81	0.87
10	0.58	1.55	0.37	0.89	0.84
11	0.61	1.61	0.37	0.59	0.82
12	0.58	1.61	0.32	0.54	0.80
13	0.39	1.74	0.31	0.68	0.81
14	0.66	1.69	0.29	0.89	0.84
15	0.43	1.56	0.39	0.92	0.79
16	0.48	1.34	0.48	0.93	0.89
17	0.43	1.43	0.43	0.83	0.85
18	0.37	1.70	0.32	0.47	0.82



Plan Name: ACRU
 Plan Type: Congressional
 Administrator:

Political Subdivisions Split Between Districts

Thursday February 15, 2018

11:55 AM

Number of subdivisions not split:

County 53
 Voting District 9,231

Number of subdivisions split into more than one district:

County 14
 Voting District 25

Number of subdivision splits which affect *no* population:

County 0
 Voting District 0

Split Counts	
<i>County</i>	
Cases where an area is split among 2 Districts:	11
Cases where an area is split among 3 Districts:	3
<i>Voting District</i>	
Cases where an area is split among 2 Districts:	25

County	Voting District	District	Population
<i>Split Counties :</i>			
Allegheny PA		12	244,910
Allegheny PA		14	705,688
Allegheny PA		18	272,750
Berks PA		06	206,802
Berks PA		11	204,640
Cambria PA		05	40,707
Cambria PA		09	102,972
Cumberland PA		04	19,691
Cumberland PA		10	215,715
Dauphin PA		10	215,426
Dauphin PA		16	52,674
Huntingdon PA		09	39,477
Huntingdon PA		10	6,436
Lawrence PA		03	75,216
Lawrence PA		18	15,892
Lehigh PA		08	18,332
Lehigh PA		15	331,165



Plan Name: H
 Plan Type: Congressional

Administrator:
 User:

County	Voting District	District	Population
<i>Split Counties (continued):</i>			
Luzerne PA		11	173,595
Luzerne PA		17	147,323
Monroe PA		15	76,787
Monroe PA		17	93,055
Montgomery PA		07	32,079
Montgomery PA		08	62,107
Montgomery PA		13	705,688
Northumberland PA		10	66,175
Northumberland PA		11	28,353
Philadelphia PA		01	705,688
Philadelphia PA		02	705,688
Philadelphia PA		07	114,630
Westmoreland PA		09	157,194
Westmoreland PA		12	207,975
<i>Split VTDs :</i>			
Allegheny PA	DORMONT DIST 03	14	805
Allegheny PA	DORMONT DIST 03	18	501
Berks PA	SPRING TWP DIST 02	06	619
Berks PA	SPRING TWP DIST 02	11	1,777
Cambria PA	NANTY GLO WD 02 ED 02	05	203
Cambria PA	NANTY GLO WD 02 ED 02	09	757
Cumberland PA	SOUTH NEWTON TWP Voting District	04	822
Cumberland PA	SOUTH NEWTON TWP Voting District	10	561
Dauphin PA	LOWER SWATARA TWP DIST 01	10	2,026
Dauphin PA	LOWER SWATARA TWP DIST 01	16	221
Huntingdon PA	SHIRLEY TWP DIST MT. UNION	09	931
Huntingdon PA	SHIRLEY TWP DIST MT. UNION	10	686
Lawrence PA	LITTLE BEAVER TWP	03	1,057
Lawrence PA	LITTLE BEAVER TWP	18	354
Lehigh PA	UPPER SAUCON TWP DIST 01	08	1,082
Lehigh PA	UPPER SAUCON TWP DIST 01	15	1,313
Lehigh PA	UPPER SAUCON TWP DIST 02	08	1,162
Lehigh PA	UPPER SAUCON TWP DIST 02	15	1,308
Lehigh PA	UPPER SAUCON TWP DIST 04	08	5,486
Lehigh PA	UPPER SAUCON TWP DIST 04	15	16
Luzerne PA	LARKSVILLE WD 01	11	189
Luzerne PA	LARKSVILLE WD 01	17	1,345
Monroe PA	CHESTNUTHILL TWP DIST 02	15	1,726
Monroe PA	CHESTNUTHILL TWP DIST 02	17	2,732
Montgomery PA	HATFIELD TWP VTD 3-2	08	2,239
Montgomery PA	HATFIELD TWP VTD 3-2	13	91
Montgomery PA	HATFIELD TWP VTD 4-1	08	1,402
Montgomery PA	HATFIELD TWP VTD 4-1	13	166
Montgomery PA	HATFIELD TWP VTD 4-2	08	131
Montgomery PA	HATFIELD TWP VTD 4-2	13	1,390
Montgomery PA	HATFIELD TWP VTD 5-1	08	490
Montgomery PA	HATFIELD TWP VTD 5-1	13	963

Plan Name: H
Plan Type: Congressional

Administrator:
User:

County	Voting District	District	Population
<i>Split VTDs (continued):</i>			
Montgomery PA	LOWER MERION TWP WD 10 PCT 02	07	60
Montgomery PA	LOWER MERION TWP WD 10 PCT 02	13	1,295
Northumberland PA	COAL TWP WD 07	10	1,488
Northumberland PA	COAL TWP WD 07	11	128
Philadelphia PA	PHILADELPHIA WD 03 PCT 01	02	90
Philadelphia PA	PHILADELPHIA WD 03 PCT 01	07	687
Philadelphia PA	PHILADELPHIA WD 06 PCT 02	01	19
Philadelphia PA	PHILADELPHIA WD 06 PCT 02	02	623
Philadelphia PA	PHILADELPHIA WD 06 PCT 12	01	105
Philadelphia PA	PHILADELPHIA WD 06 PCT 12	02	525
Philadelphia PA	PHILADELPHIA WD 44 PCT 07	01	141
Philadelphia PA	PHILADELPHIA WD 44 PCT 07	02	694
Philadelphia PA	PHILADELPHIA WD 62 PCT 01	01	1,278
Philadelphia PA	PHILADELPHIA WD 62 PCT 01	02	216
Philadelphia PA	PHILADELPHIA WD 62 PCT 02	01	1,247
Philadelphia PA	PHILADELPHIA WD 62 PCT 02	02	29
Westmoreland PA	HEMPFIELD TWP VTD MIDDLETOWN	09	627
Westmoreland PA	HEMPFIELD TWP VTD MIDDLETOWN	12	364

LAW OFFICES OF LINDA A. KERNS, LLC

1420 LOCUST STREET
SUITE 200
PHILADELPHIA, PA 19102

(PA TEL) 215.731.1400
(FAX) 215.701.4154
WWW.LINDAKERNSLAW.COM

LINDA A. KERNS (PA, NJ, LL.M. IN TAXATION)

February 18, 2018

VIA ELECTRONIC FILING THROUGH PACFILE

Supreme Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue
Suite 4500
P.O. Box 62575
Harrisburg, PA 17106

Re: League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania, et al; 159 MM 2017 LE

Dear Justices:

I represent the Amicus Curiae American Civil Rights Union. In my Petition to file Amicus Curiae Brief Nunc Pro Tunc, I included links to the dropbox files with my briefs as the files were too large to efile.

For ease of use, I have consolidated all of the data files into one link:

https://www.dropbox.com/sh/h0t9xdws938jgks/AABoofuZjn_jpS27cqCe49Ota?dl=0

Thank you for your careful attention to this important matter.

Respectfully submitted,

/s/

LINDA A. KERNS

cc: American Civil Rights Union
All Participants through PACfile