

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Carol Ann Carter; Monica Parrilla;
Rebecca Poyourow; William Tung;
Roseanne Milazzo; Burt Siegel;
Susan Cassanelli; Lee Cassanelli;
Lynn Wachman; Michael Guttman;
Maya Fonkeu; Brady Hill; Mary
Ellen Balchunis; Tom DeWall,
Stephanie McNulty and Janet
Temin,

Petitioners,

v.

Veronica Degraffenreid, in her
official capacity as the Acting
Secretary of the Commonwealth of
Pennsylvania; Jessica Mathis, in
her official capacity as Director for
the Pennsylvania Bureau of
Election Services and Notaries,

Respondents,

Phillip T. Gressman; Ron Y.
Donagi; Kristopher R. Tapp;
Pamela Gorkin; David P. Marsh;
James L. Rosenberger; Amy
Myers; Eugene Boman; Gary
Gordon; Liz McMahon; Timothy G.
Freeman; and Garth Isaak,

Petitioners,

v.

CASES CONSOLIDATED

No. 464 M.D. 2021

No. 465 M.D. 2021

**PROPOSED INTERVENORS-
PETITIONERS' ("CITIZEN-VOTER
INTERVENORS") MEMORANDUM
OF LAW IN SUPPORT OF
APPLICATION TO INTERVENE**

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Veronica Degraffenreid, in her
official capacity as the Acting
Secretary of the Commonwealth of
Pennsylvania; Jessica Mathis, in
her official capacity as Director for
the Pennsylvania Bureau of
Election Services and Notaries,

Respondents,

Leslie Osche, Kim Geyer, Michael
T. Slupe, Candee Barnes, Thomas
Reep, Brandy Reep, Kenneth
Lunsford, Tammy Lunsford, James
Thompson, Pamela Thompson,
Joseph Renwick, Stephanie
Renwick, Louis Capozzi, David
Ball, Mary E. Owlett, Kristine Eng,
Justin Behrens, James P.
Foreman, Matthew J. Stuckey,
Anthony J. Luther, Linda C.
Daniels, Jeffrey Piccola, James
Vasilko, Jay Hagerman, and Evan
P. Smith,

Proposed Intervenors-Petitioners,

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**PROPOSED INTERVENORS-PETITIONERS' ("CITIZEN-VOTER
INTERVENORS") MEMORANDUM OF LAW IN SUPPORT OF
APPLICATION TO INTERVENE**

Proposed Intervenors-Petitioners, Leslie Osche, Kim Geyer, Michael T. Slupe, Candee Barnes, Thomas Reep, Brandy Reep, Kenneth Lunsford, Tammy Lunsford, James Thompson, Pamela Thompson, Joseph Renwick, Stephanie Renwick, Louis Capozzi, David Ball, Mary E. Owlett, Kristine Eng, Justin Behrens, James P. Foreman, Matthew J. Stuckey, Anthony J. Luther, Linda C. Daniels, Jeffrey Piccola, James Vasilko, Jay Hagerman, and Evan P. Smith (collectively referred to as the "Citizen-Voter Intervenors"), by and through their undersigned counsel, respectfully file the within Memorandum of Law in Support of Application to Intervene in the above-referenced consolidated litigation. Accordingly, the Citizen-Voter Intervenors further state as follows:

Introduction

The *Carter* Petitioners assert that the "Proposed Intervenors do not allege a malapportionment injury or any plausible injury to their constitutionally protected rights sufficient for standing." See *Carter Petitioners' Memorandum in Opposition to the Application to Intervene by the Proposed Intervenors*, p. 2. They further assert that, the Citizen-Voter Intervenors "ask to intervene simply to make sure the Pennsylvania and

United States Constitutions are followed when the judiciary adopts a new congressional plan—a prototypical generalized interest.” *Id.* That is an inaccurate representation of the Citizen-Voter Intervenors’ Application to Intervene.

Background of the Consolidated Cases¹

On December 17, 2021, Petitioners, Carol Ann Carter, *et al.*, filed a Petition for Review against Respondents at docket number 464 MD 2021 seeking court intervention regarding the proposed congressional maps. On December 17, 2021, Petitioners, Phillip T. Gressman, *et al.*, filed a Petition for Review against Respondents at docket number 465 MD 2021 seeking court intervention regarding the proposed congressional maps.

On December 20, 2021, both matters were consolidated at the above-referenced docket numbers. On the same date, this Court issued a scheduling Order indicating that “[a]ny applications to intervene...shall be filed by December 31, 2021,” and that “[a] party to this proceeding who wishes to submit to the Court for consideration a proposed 17-district congressional reapportionment plan consistent with the results of the 2020 Census shall file the proposed plan by January 28, 2022.”

¹ The Court will note that much of the information supplied in the Memorandum of Law has already been provided in the underlying Application to Intervene.

The Citizen-Voter Intervenors filed an Application to Intervene on December 27, 2021 and are submitting this Memorandum of Law in Support of their Application pursuant to this Court's Order dated January 4, 2022. **If permitted to intervene, the Citizen-Voter Intervenors intend to accept the Commonwealth Court's invitation to submit for consideration a proposed 17-district congressional reapportionment plan consistent with the results of the 2020 Census by January 28, 2022, and that is a significant reason for requesting intervention in these consolidated cases.** If permitted to intervene, the Citizen-Voter Intervenors' map will contain "congressional districts composed of compact and contiguous territory; as nearly equal in population as practicable; and which do not divide any county, city, incorporated town, borough, township or ward except where necessary to ensure quality of population." *League of Women Voters v. Cmmw.*, 178 A.3d 737, 742 (Pa. 2018).

Factual Basis for Standing and Intervention

The Citizen-Voter Intervenors unequivocally have standing here. Indeed, in their Application to Intervene and [Proposed] Petition for Review, they specifically allege:

- "In counties like Allegheny, represented here by Mr. Hagerman and Mr. Smith, the proposed congressional maps should accurately reflect contiguous communities to pass Constitutional

muster.” See *Citizen-Voter Intervenors’ Application to Intervene*, p. 9, ¶ 48.

- “Additionally, Blair County voters, represented here by Mr. Foreman, Mr. Stuckey, Mr. Luther and Ms. Daniels, oppose splitting their county and keeping it in one congressional district.” *Id.* at ¶ 49.
- “Further, Butler County, represented here by Butler County Commissioner Osche, Butler County Commissioner Geyer, Sheriff Slupe, Mr. and Mrs. Reep, Mr. and Mrs. Lunford, Mr. and Mrs. Thompson, and Mr. and Mrs. Renwick, are voters who have seen Butler County suffer serious division of its municipalities in the 2018 map – including, the division of its municipalities into three different Congressional districts and the division of precincts, even a singular divided precinct in Cranberry Township, Butler County, Pennsylvania.” *Id.* at ¶ 50.
- “At least one of the proposed maps divides Summit Township, Butler County, in half and divides the Eastern townships from the Western and Central townships.” *Id.* at ¶ 51.
- “The County Commissioners and the Sheriff desire, on behalf of Butler Countians, that the County be placed in one Congressional District and/or that its townships not be divided.” *Id.* at ¶ 52.
- “The Summit Township residents desire that the Township not be divided into two or more districts.” *Id.* at ¶ 53.
- “Candee Barnes, the Judge of Elections in Summit Township desires that the Township not have to conduct multiple ballots for the office of United States Representative within her Township.” *Id.* at ¶ 54.
- “The Citizen-Voter Intervenors represent counties not otherwise represented by the Petitioners in the within cases but have the same interests and concerns as set forth herein regarding their associational rights as well as their Constitutional rights aforesaid.” *Id.* at ¶ 55.

- “These are but a few examples of the Citizen-Voter Intervenors’ interest in the consolidated cases regarding the Proposed Map.” *Id.* at ¶ 56.
- “Citizen-Voter Intervenors from Butler County have seen Butler County suffer serious divisions of its municipalities in the 2018 congressional map.” *Id.* at ¶ 75; *See also Citizen-Voter Intervenors’ Proposed Petition for Review*, p. 7, ¶ 38.
- “Prior to 2018, all of Butler County was included within one congressional district.” *Id.* at ¶¶ 76 and 39.²
- “In 2018, Butler County was divided into three different congressional districts:
 - The 15th Congressional District which includes most of the eastern part of the County, along with various counties stretching as far east as Centre County, approximately 140 miles to the east of Butler County.
 - The 16th Congressional District which includes most of the western and central parts of the County, along with various counties stretching as far north as Erie County, approximately 110 miles to the North of Butler County.
 - The 17th Congressional District which includes a single precinct in Cranberry Township, which is in the southeastern part of the County, along with all of Beaver County to the west and various townships in the northern part of Allegheny County to the South.” *Id.* at ¶¶ 77 and 40.
- “The Citizen-Voter Intervenors intend to present a Congressional reapportionment plan (map) that protects the associational rights of the citizens and voters of Butler County.” *Id.* at ¶¶ 78 and 41.
- “In addition to maintaining three congressional districts within Butler County, the proposed congressional maps further divide

² The short citation here represents the paragraphs pled in the Citizen-Voters’ Application to Intervene and Proposed Petition for Review, respectively.

municipalities within Butler County into different congressional districts.” *Id.* at ¶¶ 79 and 42.

- “For example, the proposed congressional maps divide Summit Township, which is in the Southeastern part of the County, in half with part of residents in one congressional district and the other part of the residents in a different congressional district.” *Id.* at ¶¶ 80 and 43.
- “The Citizen-Voter Intervenors intend to present a Congressional reapportionment plan (map) that does not divide Summit Township or any other municipality into different congressional districts and that protects the associational rights of the citizens and voters of Summit Township, Butler County.” *Id.* at ¶¶ 81 and 44.
- “In addition, the present (2018) map included a single voting precinct in Cranberry Township, which is the southeastern part of the County, in the 17th Congressional District, along with all of Beaver County, various townships in Allegheny County and adds additional municipalities through Washington County.” *Id.* at ¶¶ 82 and 45.
- “The Citizen-Voter Intervenors intend to present a Congressional reapportionment plan (map) that does not divide voting precincts within Butler County into different congressional districts and that protects that associational rights of the citizens and voters of all voting precincts within Butler County.” *Id.* at ¶¶ 83 and 46.
- “With respect to Blair County, the 2018 map included all of Blair County within the 13th Congressional District.” *Id.* at ¶¶ 84 and 47.
- “Various reapportionment maps have proposed to divide Blair County into multiple congressional districts.” *Id.* at ¶¶ 85 and 48.
- “The Citizen-Voter Intervenors intend to present a reapportionment map that maintains all of Blair County within the same congressional district and protects the associational rights of the citizens and voters of Blair County.” *Id.* at ¶¶ 86 and 49.

- “With respect to Washington County, the 2018 map included all of Washington County within the 14th Congressional District.” *Id.* at ¶¶ 87 and 50.
- “The proposed maps, along with other reapportionment maps, unnecessarily divide municipalities within Washington County into multiple congressional districts.” *Id.* at ¶¶ 88 and 51.
- “The Citizen-Voter Intervenors intend to present a reapportionment map that protects the associational rights of the citizens and voters of Washington County.” *Id.* at ¶¶ 89 and 52.
- “With respect to Cambria County, the 2018 map included a large portion of the County within the 15th Congressional Districts and a small portion of the County within the 13th Congressional District.” *Id.* at ¶¶ 90 and 53.
- “Both of these Congressional Districts contain counties within the central part of Pennsylvania.” *Id.* at ¶¶ 91 and 54.
- “The proposed congressional map, along with various other reapportionment maps, unnecessarily divide and include a small portion of Cambria County in a congressional district that includes counties in the western most part of the Commonwealth.” *Id.* at ¶¶ 92 and 55.
- “The Citizen-Voter Intervenors intend to present a reapportionment map that protects the associational rights of the citizens and voters of Cambria County.” *Id.* at ¶¶ 93 and 56.
- “With respect to Tioga County, the 2018 map included all of Tioga County within the 12th Congressional Districts; however, a prior map split Tioga County into two Congressional Districts.” *Id.* at ¶¶ 94 and 57.
- “At least one of the proposed reapportionment maps proposes to divide Tioga County into multiple congressional districts.” *Id.* at ¶¶ 95 and 58.

- “The Citizen-Voter Intervenors intend to present a reapportionment map that protects the associational rights of the citizens and voters of Tioga County.” *Id.* at ¶¶ 96 and 59.
- “With respect to Centre County, the pre 2018 map included all of Centre County within the 15th Congressional Districts.” *Id.* at ¶¶ 97 and 60.
- “At least one of the reapportionment maps proposes to divide Centre County into multiple congressional districts.” *Id.* at ¶¶ 98 and 61.
- “The Citizen-Voter Intervenors intend to present a reapportionment map that returns Centre County to one congressional district and protects the associational rights of the citizens and voters of Centre County.” *Id.* at ¶¶ 99 and 62.
- “With respect to Allegheny County, the 2018 map divided Allegheny County into multiple congressional districts, including, placing individual voting precincts and wards within Allegheny County into different congressional districts.” *Id.* at ¶¶ 100 and 63.
- “The Citizen-Voter Intervenors intend to present a reapportionment map that protects the associational rights of the citizens and voters of Allegheny County.” *Id.* at ¶¶ 101 and 64.
- “With respect to Cumberland County, the 2018 map divided Cumberland County into multiple congressional districts.” *Id.* at ¶¶ 102 and 65.
- “Various reapportionment maps have proposed to divide Cumberland County in varying degrees between multiple congressional districts which directly impacts associational rights.” *Id.* at ¶¶ 103 and 66.
- “The Citizen-Voter Intervenors intend to present a reapportionment map that protects the associational rights of the citizens and voters of Cumberland County.” *Id.* at ¶¶ 104 and 67.

Legal Standard

It is well-settled that “[i]ntervention is ‘a procedural step by which a person not a party to an action is admitted or permitted to become a party to the action on his own application.’” *Socy. Hill Civic Ass'n v. Philadelphia Bd. of License & Inspection Rev.*, 905 A.2d 579, 585 (Pa. Cmmw. 2006) (citing *Bannard v. New York State Natural Gas Corp.*, 404 Pa. 269, 279, 172 A.2d 306, 312 (1961)). “Intervention is permitted ‘only where the party seeking it has an interest in or will be affected by the pending litigation.’” *Id.* “At any time during the pendency of an action, a person not a party thereto shall be permitted to intervene therein...if

(1) the entry of a judgment in such action or the satisfaction of such judgment will impose any liability upon such person to indemnify in whole or in part the party against whom judgment may be entered; or

(2) such person is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof; or

(3) such person could have joined as an original party in the action or could have been joined therein; or

(4) the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.”

Pa.R.C.P. No. 2327 (emphasis added).

Additionally, Pennsylvania Rule of Civil Procedure 2329, titled, “Action of Court on Petition,” declares:

Upon the filing of the petition, and after hearing...the court, if the allegations of the petition have been established and are found to be sufficient, shall enter an order allowing intervention; but an application for intervention may be refused, if

(1) the claim or defense of the petitioner is not in subordination to and in recognition of the propriety of the action; or

(2) the interest of the petitioner is already adequately represented; or

(3) the petitioner has unduly delayed in making application for intervention or the intervention will unduly delay, embarrass or prejudice the trial or the adjudication of the rights of the parties.

Pa.R.C.P. No. 2329 (emphasis added).

“Generally, pendency, for purposes of intervention, has been defined as the state of an undetermined proceeding since in those cases in which intervention has been allowed, there was a pending proceeding with further steps remaining to be taken before the case was concluded.” *See Time for intervention, generally; allowable during pendency of action*, 3 Standard Pennsylvania Practice 2d § 14:374 (citing *In re Estate of Albright*, 545 A.2d 896 (1988)).

In sum, intervention is to be granted where the proposed intervenor is within a class set forth in Rule 2327 and no grounds for refusal are present under Rule 2329. *See Allegheny Rep. Health Ctr. v. Pa. Dep’t of Human Servs.*, 225 A.3d 902, 908 (Pa. Cmmw. 1999) (citing *Larock v. Sugarloaf Tp. Zon. Hearing Bd.*, 740 A.2d 308, 313 (Pa. Commw. 1999)). “The

determination of whether a proposed intervenor has a 'legally enforceable interest' calls for 'a careful exercise of discretion and consideration of all the circumstances involved," *Carol Ann Carter; Monica Parrilla; Rebecca Poyourow; William Tung; Roseanne Milazzo; Burt Siegel; Susan Cassanelli; Lee Cassanelli; Lynn Wachman; Michael Guttman; Maya Fonkeu; Brady Hill; Mary Ellen Balchunis; Tom DeWall; Stephanie McNulty; and Janet Temin, Petitioners v. Veronica Degraffenreid, in her official capacity as the Acting Sec. of the Cmmw. of Pennsylvania; Jessica Mathis, in her official capacity as Dir. for the Pennsylvania Bureau of Election Services and Notaries, Respondents*, 132 M.D. 2021, 2021 WL 4735059, at *1 (Pa. Cmmw. September 2, 2021) (citing *Realen Valley Forge Greenes Associates v. Upper Merion Township Zoning Hearing Board*, 941 A.2d 739, 744 (Pa. Cmwlt. 2008) (citations omitted)).

"[A]n applicant for intervention must have some right, either legal or equitable, that will be affected by the proceedings." *Id.* (citing *Keener v. Zoning Hearing Board of Millcreek Township*, 714 A.2d 1120, 1122 (Pa. Cmwlt. 1998)). The test to intervene in the Commonwealth of Pennsylvania can be best summarized as meeting the "**substantial, direct, and immediate**," test set forth in *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975)." See *Carter, et al.*, 132 M.D. 2021, 2021

WL 4735059, at *17 (Pa. Cmmw. September 2, 2021) (emphasis added). “To have a substantial interest, the proposed intervenor’s concern in the outcome of the action must surpass ‘the common interest of all citizens in procuring obedience to the law.’” *Id.*

Argument for Intervention

It is undisputed that the Citizen-Voter Intervenors have the right to have their votes counted in accordance with the Pennsylvania Constitution. See *e.g. Albert v. 2001 Legis. Reapportionment Commn.*, 790 A.2d 989, 994–95 (Pa. 2002) (“[w]e agree that it is the right to vote and the right to have one’s vote counted that is the subject matter of a reapportionment challenge.”).

In Pennsylvania, courts have routinely granted intervention status to voters in challenges to Pennsylvania’s election laws. See *e.g. League of Women Voters of Pennsylvania v. Cmmw.*, 178 A.3d 737, 741, n.5 (Pa. 2018) (noting that the Commonwealth Court permitted intervention to Republican voters from each congressional district, “including...active members of the Republican Party.”). As Justice Wecht rightly stated in 2018, “fidelity to our Constitution does not include drawing lines down the middle of streets or separating neighbors from one another,” and “[i]t doesn’t include carving up municipalities.” *League of Women Voters of Pennsylvania v. Cmmw.*, 179 A.3d 1080, 1084 (Pa. 2018). “[T]he Constitution says ‘one

person, one vote,' and it does not allow for unconstitutional gerrymandering.”

Id.

The Citizen-Voter Intervenors' Intervention in this Matter is Proper Under Rule 2327(4).

“The inquiry to determine whether a party has standing to initiate litigation is different than the inquiry to determine whether a party can intervene in existing litigation.” *Sunoco Pipeline L.P. v. Dinniman*, 217 A.3d 1283, 1288 (Pa. Cmmw. 2019). “Pennsylvania Rule of Civil Procedure No. 2327(4)...permits intervention where the determination ‘**may affect** any legally enforceable interest’ of a proposed intervenor.” *Allegheny Reprod. Health Ctr.* at 909.

Here, the ultimate determination of the newly drawn congressional reapportionment maps certainly may affect the legally enforceable interest of the Citizen-Voter Intervenors. Specifically, the newly drawn maps will impact where the Citizen-Voter Intervenors vote and who they vote for.

Rule 2329(2) is Not Applicable here because the Citizen-Voter Intervenors' Interest Have a Unique Interest in this Litigation

The Citizen-Voter Intervenors have an interest in the ability to associate with their neighbors and community members. “It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process

Clause of the Fourteenth Amendment, which embraces freedom of speech.”
NAACP v. Alabama, 357 U.S. 449, 460 (1958).

Both the First and the Fourteenth Amendments guarantee the “freedom to associate with others for the common advancement of political beliefs and ideas.” *Id.* One person, one vote challenges allege that everyone’s vote in a certain district is harmed, regardless of whether the voter is a Republican or Democrat. *See Bd. of Estimate v. Morris*, 489 U.S. 688, 693–94 (1989) (“If districts of widely unequal population elect an equal number of representatives, the voting power of *each citizen* in the larger constituencies is debased and the citizens in those districts have a smaller share of representation than do those in the smaller districts.” (emphasis added)).

“The right to intervention should be accorded to anyone having an interest of his own which no other party on the record is interested in protecting.” *Keener v. Zoning Hrg. Bd. of Millcreek Tp.*, 714 A.2d 1120, 1123 (Pa. Cmmw. 1998) (citation omitted). As stated in the factual basis for intervention above, the Citizen-Voter Intervenors’ districts are being divided. Blair County is being split into two districts. Butler County is being divided by townships. Summit Township is being separated into multiple districts. Those interests are different from the *Carter* Petitioners and the *Gressman*

Petitioners. The argument that the *Carter* Petitioners and *Gressman* Petitioners also represent the Citizen-Voter Intervenors interests simply does not hold water because the proposed maps impact the Citizen-Voter Intervenors in a unique and specific way separate and apart from their alleged interests.

If the Court Declines to Find that the Citizen-Voter Intervenors Satisfy Rule 2327(4), They Satisfy 2327(3).

“Th[e] [Commonwealth] Court has held that a grant of intervention is **mandatory** where the intervenor satisfies **one** of the four bases set forth in Rule No. 2327 unless there exists a basis for refusal under Rule No. 2329.” *Allegheny Reprod. Health Ctr. v. Pennsylvania Dept. of Human Services*, 225 A.3d 902, 908 (Pa. Cmmw. 2020) (emphasis added). Here, if there is any doubt that the Citizen-Voter Intervenors are appropriate intervenors under Rule No. 2327(4), they meet the standard set forth in Rule 2327(3) and do not meet any grounds for refusal under Rule 2329.

The Citizen-Voter Intervenors could have filed a Petition for Review against the Respondents. Indeed, they have included a Proposed Petition in their Application. That action, could have been filed and could have stood on its own separate and apart from the Petitioners in the proceedings.

Conclusion

In sum, the Citizen-Voter Intervenors meet the standard for intervention because:

(1) the entry of a judgment in such action or the satisfaction of such judgment will impose any liability upon such person to indemnify in whole or in part the party against whom judgment may be entered; or

Here, court intervention in the Proposed Map and further map drawing process will impact the Citizen-Voter Intervenors.

(3) such person could have joined as an original party in the action or could have been joined therein; or

Here, the Citizen-Voter Intervenors could have filed actions on December 17, 2021 like Petitioners.

(4) the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.”

Here, the associational rights of the Citizen-Voter Intervenors are directly impacted by a court ordered map.

The Citizen-Voter Intervenors meet the “substantial, direct, and immediate” test because their interest in the outcome of the action surpasses “the common interest of all citizens in procuring obedience to the law.” The Citizen-Voter Intervenors also have legal and equitable rights that will be affected by the proceedings. Accordingly, the Citizen-Voter Intervenors’ interests are not, and will not, be adequately represented by any of the existing parties. The Citizen-Voter Intervenors’ have not unduly delayed in

filing this Application which is being filed before the pleadings and briefing are closed in this matter and within the deadlines set by the Court. The Citizen-Voter Intervenors will not unduly delay, embarrass, or prejudice the trial or adjudication of the parties' rights.

Respectfully Submitted,

**Dillon, McCandless, King,
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Date: January 5, 2022

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Thomas W. King, III
Thomas W. King, III

CERTIFICATE OF SERVICE

I certify that all counsel of record have been electronically served with
**PROPOSED INTERVENORS-PETITIONERS' ("CITIZEN-VOTER
INTERVENORS") MEMORANDUM OF LAW IN SUPPORT OF
APPLICATION TO INTERVENE** this 5th day of January, 2022 via PACFile.

/s/ Thomas W. King, III
Thomas W. King, III