

**IN THE PENNSYLVANIA SUPREME COURT**

7 MM 2022

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CAROL ANN CARTER, MONICA PARRILLA, REBECCA POYOUROW,  
WILLIAM TUNG, ROSEANNE MILAZZO, BURT SIEGEL,  
SUSAN CASSANELLI, LEE CASSANELLI, LYNN WACHMAN,  
MICHAEL GUTTMAN, MAYA FONKKAU, BRADLEY HILL, MARY ELLEN  
BALCHUNIS, TOM DEWALL, STEPHANIE MCNULTY, and JANET TEMIN,

Petitioners,

v.

LEIGH M. CHAPMAN, 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.

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**MOTION FOR LEAVE TO FILE AMICUS BRIEF**

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The following persons, namely Diana Irey Vaughn, Nick Sherman, Peter J. Daley, Steve Toprani, Austin J. Murphy and Bill DeWeese, through their undersigned counsel, James H. McCune of Bowles Rice, LLP, hereby request leave of this Honorable Court to file an Amicus Brief in the above captioned matter.

The above named persons are not separately represented in this litigation and have interests which they seek to separately set forth; they did not participate in any matter below.

A copy of the proposed Amicus Brief is attached hereto as Exhibit A.

Respectfully submitted:  
BOWLES RICE LLP



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**PROPOSED ORDER**

AND NOW this \_\_\_\_\_ day of February, 2022 upon consideration of the  
Motion for Leave to File Amicus Brief, it is hereby ORDERED that the Motion is

granted and the Amicus Brief may be filed.

BY THE COURT

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**AMICUS BRIEF SUBMITTED BY WASHINGTON COUNTY PUBLIC  
OFFICIALS**

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**AMICUS BRIEF SUBMITTED BY WASHINGTON COUNTY PUBLIC  
OFFICIALS**

The following persons, namely Diana Irey Vaughn, Nick Sherman, Pete Daley, Steve Toprani, Austin J. Murphy and Bill DeWeese hereinafter “Washington

County Public Officials” by and through their counsel, James H. McCune and the law firm of Bowles Rice LLP hereby set forth the following Amicus Brief.

### **STATEMENT OF INTEREST**

This Amicus brief is being submitted by a number of current and former Washington County elected public officials, both Democrat and Republican, who are identified below. These current and former officials believe that their interests are not represented by any of the parties to the current litigation, and that fairness, and a full opportunity to be heard, require that they be permitted to file this Amicus Brief.

The legal costs of this Amicus Brief are being paid by Friends of Diana.

### **ARGUMENT**

This Amicus Brief is submitted to the Pennsylvania Supreme Court by the following persons, all of whom are former or current elected public officials, both Democrat and Republican, and who live and vote in Washington County,

Pennsylvania. This group will hereinafter be referred to as the “Washington County Public Officials.”

The Washington County Public Officials are the following persons:

- a. Diana Irey Vaugh, incumbent Chair of the Washington County Commissioners (R);
- b. Nick Sherman, incumbent, Washington County Commissioner (R);
- c. Peter J. Daley, former state representative (D);
- d. Steve Toprani, former Washington County District Attorney (D);
- e. Austin J. Murphy, former Congressman (D);
- f.. Bill DeWeese, former state representative (D)

On February 2, 2022, the Supreme Court of Pennsylvania assumed jurisdiction over this matter pursuant to 42 Pa. C.S.A. §726.

The purpose of this Amicus Brief, submitted by the Washington County Public Officials, is to urge the Pennsylvania Supreme Court **NOT** to adopt the proposed Gressman Math/Science Congressional Plan (hereinafter “GMS Map”).

The GMS Map would create a new congressional district 14, which would consist of all of Washington County, and portions of Allegheny County including all of the City of Pittsburgh.

The Court is asked to note that Special Master Judge Patricia A. McCullough, in her exhaustive 222 page report, did not recommend the adoption of the GMS Map.

The Washington County Public Officials strongly object to the GMS Map that would place all of Washington County in a new congressional district with the City of Pittsburgh, thereby creating an illogical and absurd result.

In their brief in support of the GMS Map, the writers at Page 6 have sought perfect mathematical proportionality. The GMS Map Plan in all of Pennsylvania would seek an ideal of twelve (12) congressional districts, the population of each of which would be exactly 764,865 and five (5) congressional districts with the population of exactly 764,864 each.

Although Washington County and parts of Allegheny County have much in common, Washington County and the City of Pittsburgh have little in common and the creation of this district would place small rural communities in Washington County, such as Independence Township, with a population of approximately 1500, in direct competition for scarce public funds with the City of Pittsburgh. The Washington County Public Officials believe that a congressional district comprised of similar demographics would be much more fair.

Furthermore, the population density and the current demographic makeup of the residents of the City of Pittsburgh would mean that the City of

Pittsburgh would dominate congressional elections and choose congressional representatives to the detriment and exclusion of Washington County voters.

The Pennsylvania Constitution's Free and Equal Election Clause provides "the people of this Commonwealth an equally effective power to select the representative of his or her choice, and bars the dilution of the people's power to do so." *League of Women Voters 1*, 178 A. 3rd 737 (Pa. 2018) at 814 . Furthermore, when "a congressional redistricting plan dilutes the potency of an individual's ability to select a congressional representative of his or her choice" that plan "violates the free and equal elections clause." While gerrymandering is not to be permitted, a plan such as the GMS Map plan undermines the voter's ability to exercise their right to vote in free and equal elections if that term is to be interpreted in any credible way. *Id.* at 821. In other words, the GMS Map plan will unfairly dilute the voting power of Washington County residents in favor of residents of the City of Pittsburgh. The GMS Map creates partisan unfairness, which is not permitted under the Pennsylvania Constitution.

Note that the Washington County Public Officials do not advocate in favor of or against any other plan. They submit this Amicus Brief for the purpose of pointing out the unfairness and inappropriateness of the GMS Map. Accordingly, the Washington County Public Officials request that the Pennsylvania Supreme Court not adopt the GMS Map plan.

Respectfully submitted:  
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**CERTIFICATE OF COMPLIANCE UNDER PA. R.A.P. 127**

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.

By:

