

IN THE SUPREME COURT OF PENNSYLVANIA

7 WM 2022

**TODD ELLIOTT KOGER, REPUBLICAN CANDIDATE
APRIL 5, 2022, SPECIAL ELECTION PA HOUSE DISTRICT #24**

V.

**2021 PENNSYLVANIA LEGISLATIVE
REAPPORTIONMENT COMMISSION**

APPLICATION FOR JOINDER AND CONSOLIDATION

- 1. APPLICATION TO JOIN ALL CURRENT CHALLENGE(S) AND/OR
TIMELY CHALLENGES RECEIVED BECAUSE THIS MATTER
INVOLVES A "STATEWIDE" UNCONSTITUTIONAL EFFECT ON
THE PENNSYLVANIA VOTERS**
 - 2. APPLICATION FOR ENLARGEMENT OF TIME TO AFFORD
REASONABLE OPPORTUNITY TO ADDRESS ALL THE
CURRENT KNOWN CHALLENGES (4 WM 2022; 7 WM 2022; AND
11 MM 2022) AND/OR ANY OTHER CHALLENGES RECEIVED**
-

Todd Elliott Koger, Pro Se

**515 Kelly Avenue
Wilksburg, Pa 15221
(412) 758-4510
kogerfriend@gmail.com**

TABLE OF CONTENTS

Statement of Application	Page 2-3
Argument	Page 4-5
Conclusion	Page 6
Certificate of Compliance	Page 7
Certificate of Service	Page 7

APPLICATION FOR JOINDER; CONSOLIDATION; AND ENLARGEMENT OF TIME TO BRIEF THE STATEWIDE EFFECT

Insofar as “the right to vote is personal” and “the rights sought to be vindicated in a suit challenging an apportionment scheme are ‘personal and individual,’” *Albert v. 2001 Legislative Reapportionment Comm’n*, 790 A.2d 989, 994–95 (Pa. 2002), no two voters have precisely the same interest.

Taking together all of the challenges demonstrates the “statewide” unconstitutional effect of the 2021 Pennsylvania Reapportionment Commission “Final Plan.”

Article II, § 17 provides a precise timeframe in which, and a specific mechanism by which, aggrieved individuals like Petitioners may raise challenges to reapportionment plans in the Pennsylvania Supreme Court.

March 7, 2022, is the last date set to file a challenge.

Todd Elliott Koger, the Republican candidate for the April 5, 2022, “Special Election” for PA House District #24, respectfully now ask that this Court to consolidate all current known challenges (4 WM 2022; 7 WM 2022; and 11 MM 2022) with any other timely challenges as one “statewide” challenge demonstrating the unconstitutional effect of the 2021 Reapportionment Commission “Final Plan.”

In addition, Mr. Koger respectfully requests from this Court an “enlargement of time” to fully brief in detail all of the consolidated facts which demonstrate the 2021 Reapportionment Commission “Final Plan” as having a statewide unconstitutional effect on the voters of Pennsylvania.

Without consolidation and an enlargement of time to brief a “complete argument” of the unconstitutional effect statewide, at a point when all of the challenges are known, the black residents of Wilkinsburg (Todd Elliott Koger) are further deprived rights afforded by the Voting Rights Act of 1965, 52 U.S.C. Section 10301(b) (2018), in clear violation of U.S. Const. amends. XIV, XV; 52 U.S.C. Section 10301(a).

ARGUMENT FOR JOINDER; CONSOLIDATION; AND ENLARGEMENT OF TIME TO BRIEF

As previously presented to this Court, on its face the “Final Plan” is not partisan fair. The Pennsylvania Legislative Reapportionment Final Plan governing the 2022 Primary Election, unconstitutionally benefits the Democrat (Martell Covington) by removing the Republican opponent (Todd Elliott Koger) from the PA House District #24 primary election. Removing Wilkinsburg effectively disenfranchises the black voters of Wilkinsburg (Todd Elliott Koger the black Republican candidate).

With the “Final Plan” constitutionally flawed it is now impossible for the Commonwealth to meet the “statewide” statutorily mandated schedule for the 2022 primary election.

The simplest, most lawful, path for the Court is to proceed as it did last cycle: Order the 2022 election to proceed under the current reapportionment plan (“2012 Final Plan”), to allow time for due diligence of the Commission’s Plan adopted on February 4, 2022.

Due diligence mandates allowing time for a complete record to be ascertained, studied, and presented as an argument in a brief.

Without a complete record black voters of Wilkinsburg (Todd Elliott Koger the Republican candidate for the April 5, 2022, “Special Election” for

PA House District #24) are unconstitutionally deprived of the necessary “due process” required for a “statewide” effect argument.

CONCLUSION

For the foregoing reasons, Todd Elliott Koger, the Republican candidate for PA House District #24 respectfully request Joinder, Consolidation and an Enlargement of Time to Brief the “statewide” unconstitutional effect of the Legislative Reapportionment Commission “Final Map.”

/s/ Todd Elliott Koger, Pro Se

Republican Candidate
PA House District #24
515 Kelly Avenue
Wilkinsburg, Pa 15221

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/ Todd Elliott Koger

PROOF OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the within was served on the 4 day of March 2022.

1. 2021 Legislative Reapportionment Commission Attn. G. Reynolds Clark, Executive Director 209 Irvis Office Building Harrisburg, PA 17120.
2. The Honorable Josh Shapiro Office of Attorney General of Pennsylvania c/o Torts Litigation Unit 15th Floor, Strawberry Square Harrisburg, Pennsylvania 17120.
3. 2021 Legislative Reapportionment Commission Attn. Robert L. Byer, Esq., Chief Counsel c/o Duane Morris LLP 600 Grant Street, Suite 5010 Pittsburgh, PA 15219-2802 rlbyer@duanemorris.com

/s/ Todd Elliott Koger