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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

League of Women Voters of Pennsylvania, *et al.*,

Petitioners,

v.

The Commonwealth of Pennsylvania, *et al.*,

Respondents.

No. 261 MD 2017

PETITIONERS' REPLY TO NEW MATTER OF INTERVENORS

Petitioners submit this Reply to New Matter of the Intervenor.

121. Admitted, upon information and belief.

122. Admitted, upon information and belief. By way of further answer, the relevant interests in a redistricting case are the interests of voters, not the interests of party County Committees. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm'n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one’s vote counted that is the subject matter of a reapportionment challenge.”).

123. Denied. After reasonable investigation, Petitioners are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 123. By way of further answer, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or individual’s campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm'n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one’s vote counted that is the subject matter of a reapportionment challenge.”).

124. Denied. After reasonable investigation, Petitioners are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 124. By way of further answer, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or

individual's campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm'n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one's vote counted that is the subject matter of a reapportionment challenge.”).

125. Admitted.

126. Admitted

127. Denied. After reasonable investigation and without yet having the benefit of discovery, Petitioners are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 127. By way of further answer, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or individual's campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm'n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one's vote counted that is the subject matter of a reapportionment challenge.”).

127. (sic)¹ Denied. After reasonable investigation, Petitioners are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 127. By way of further answer, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or

¹ Intervenors erroneously labeled two paragraphs as ¶ 127.

individual's campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm'n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one's vote counted that is the subject matter of a reapportionment challenge.”).

128. Denied. After reasonable investigation and without yet having the benefit of discovery, Petitioners are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 128. By way of further answer, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or individual's campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm'n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one's vote counted that is the subject matter of a reapportionment challenge.”).

129. Denied. After reasonable investigation, Petitioners are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 129. By way of further answer, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or individual's campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm'n*, 790 A.2d 989,

994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one’s vote counted that is the subject matter of a reapportionment challenge.”).

130. Denied. By way of further answer, Candidates need only live in Pennsylvania in order to run for a seat in the United States House of Representatives. *See* U.S. CONST. art. I, § 2. Moreover, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or individual’s campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm’n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one’s vote counted that is the subject matter of a reapportionment challenge.”).

131. Denied. By way of further answer any change in the Congressional Districts as a result of this litigation would not affect the 18th Congressional District’s special election in March 2018. Emergency Motion to Remand at 9, *League of Women Voters, et al. v. The Commonwealth of Pennsylvania, et al.*, No. 17-CV-5137 (Nov. 16, 2017).

132. Denied. By way of further answer any change in the Congressional Districts as a result of this litigation would not affect the 18th Congressional District’s special election in March 2018. *Id.* Moreover, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or individual’s campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330

(Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm'n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one’s vote counted that is the subject matter of a reapportionment challenge.”).

133. Denied. After reasonable investigation, Petitioners are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 133. By way of further answer, the relevant interests in a redistricting case are the interests of voters, not the interests of candidates or individual’s campaign activities. *See Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002); *Albert v. 2001 Legislative Reapportionment Comm’n*, 790 A.2d 989, 994-95 (Pa. 2002) (“[I]t is the right to vote and the right to have one’s vote counted that is the subject matter of a reapportionment challenge.”).

134. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required. To the extent a response is required, this paragraph is denied.

135. Denied. By way of further answer, the 2011 Plan is an unlawful partisan gerrymander that violates the Pennsylvania Constitution.

136. Denied. By way of further answer, the 2011 Plan is an unlawful partisan gerrymander that violates the Pennsylvania Constitution.

137. Denied. By way of further answer, the 2011 Plan is an unlawful partisan gerrymander that violates the Pennsylvania Constitution.

138. Denied. By way of further answer, the Cook Political Report is a written document that speaks for itself. Moreover, the 2011 Plan is an unlawful partisan gerrymander that violates the Pennsylvania Constitution.

139. Denied. By way of further answer, Sabato's Crystal Ball speaks for itself. Moreover, the 2011 Plan is an unlawful partisan gerrymander that violates the Pennsylvania Constitution.

140. Denied. By way of further answer, the Inside Elections is a written document that speaks for itself. Moreover, the 2011 Plan is an unlawful partisan gerrymander that violates the Pennsylvania Constitution.

141. Denied. By way of further answer, the analysis referred to is a written document that speaks for itself. Moreover, the 2011 Plan is an unlawful partisan gerrymander that violates the Pennsylvania Constitution.

WHEREFORE, Petitioners respectfully request that the Court not enter judgment in favor of the Intervenor.

Dated: November 22, 2017

Respectfully submitted,

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