

FOR IMMEDIATE RELEASE – 1/11/2012

Voters Appeal Unconstitutional Legislative Redistricting Plan, Offer Alternate Plan

HARRISBURG, PA – On behalf of a group of thirteen Pennsylvania voters, the Public Interest Law Center of Philadelphia and the law firm Hogan Lovells today asked the Pennsylvania Supreme Court to reject the Pennsylvania Legislative Reapportionment Commission’s redistricting plan for the State House and Senate. The appeal to the Court charges that the plan, which would remain in effect for the next decade, “violates [the Pa. Constitution] on a pervasive, statewide scale.”

The voters’ challenge to the plan is being supported by the Pennsylvania League of Women Voters and Pennsylvania Common Cause. (See their statements below.)

Though Article II, Section 16 of the state Constitution states that “[u]nless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district,” the Commission’s plan splits counties, municipalities and wards **837 times** in its districting for the House, and it splits the same communities **167 times** for the Senate. The appeal explains that excessive splitting of communities “undermines the ability of the voters [...] to secure meaningful and effective legislative representation” in the interest of their community.

Despite the Constitution’s clear language, the Commission’s plan does not attempt to explain why these splits are “absolutely necessary,” and indeed the lawsuit demonstrates that they could easily be avoided. An alternate plan designed by plaintiff Amanda E. Holt cuts the number of splits to less than half the Commission’s number while matching the Commission’s plan for population equality in each district. Holt’s plan also improves on the Commission’s compliance with the federal Voting Rights Act. Ms. Holt presented her plan at Commission hearings in both Allentown and Harrisburg.

The Commission consists of the Republican and Democratic Party leaders in the House and Senate, and the state Supreme Court appointed the Commission’s chair after the Party leaders failed to agree on a fifth member.

According to the appeal, the alternative plan does not draw districts based on where an incumbent legislator lives or on maintaining existing seats, but used only criteria set forth in the state constitution and federal law—equal size, maintenance of established boundaries, compactness, contiguity, and the other requirements established in the federal Voting Rights Act.

“This plan does not favor one party over another; it favors voters and the state Constitution,” said Michael Churchill, an attorney at the Public Interest Law Center of Philadelphia. “By drawing legislative boundaries based on political factors and ignoring criteria in the Constitution, legislators are able to pick the people who vote in their elections, hindering the ability of voters to pick the legislators.”

The Plaintiffs are from six counties around the state, including Philadelphia, Alleghany, Delaware, Chester, Dauphin and Lehigh. Examples of unnecessary splitting of communities include:

- Two Philadelphia wards (the 42nd and 49th) divided among five House seats in the Commission’s plan but not divided in the Holt alternative.
- Salisbury Township and South Whitehall in Lehigh County, both divided among three House Representatives but not divided in the alternative.
- Lower Merion in Montgomery County, split among four House seats but not divided in the alternative.

Though the Pennsylvania Supreme Court has in fact *never* sustained an appeal of this sort, this is the first case to challenge a Legislative Reapportionment plan based on a complete state plan that maintains the same population equality for House and Senate seats as the Commission plan.

Pro Bono counsel for the plaintiffs are David Newmann, and Virginia A. Gibson of Hogan Lovells US LLP, and Michael Churchill of the Public Interest Law Center of Philadelphia.

Copies of the appeal are available on the Law Center's website, www.pilcop.org, or upon request. More information on the Commission's final plan and Ms. Holt's alternate proposal can be found at www.redistricting.state.pa.us and www.amandae.com or can be supplied upon request.

CONTACTS

Michael Churchill

Of Counsel, Public Interest Law Center of Philadelphia
(267) 546-1318
mchurchill@pilcop.org

David Newmann

Hogan Lovells US LLP
(267) 675-4610
david.newmann@hoganlovells.com

Amanda E. Holt

Plaintiff & Author of Alternative Plan
(610) 395-5014
creationsbyamanda@gmail.com

ADDITIONAL ENDORSEMENTS

Common Cause/PA executive director, Barry Kauffman, expressed strong support for the lawsuit to protect the voters and communities of Pennsylvania from the wide-ranging abuses exhibited in the PA Reapportionment Commission's Final Plan:

“The success of this litigation is critical for protecting the voting rights of all Pennsylvanians and the political power of Pennsylvania's communities. Ms. Holt's alternative plan demonstrates that when redistricting is done in a manner to protect voters and communities instead of pursuing political gain for politicians it not only serves the public interest but also can better meet the mandates of our state constitution and federal law.” Common Cause/PA filed similar litigation in 1981 losing in a 4-3 decision. The organization has been working to reform the redistricting process for the past 30 years.”

Contact Barry Kauffman: BKauffman@CommonCause.org

The League of Women Voters of Pennsylvania stands in support of the citizens who have filed this appeal to the Supreme Court of Pennsylvania in order to challenge a legislative redistricting process which divided their communities and threatens to dilute their rights as voters. The League has repeatedly testified that the Legislative Reapportionment Commission's process and resulting redistricting plans demonstrate disregard for the Pennsylvania Constitution, which clearly prohibits such divisions “unless absolutely necessary.” Counties, boroughs, townships and even wards were divided for no apparent reason other than to protect and enhance the reelection prospects of incumbents of both parties, and, in some cases, avoid putting incumbents in the same district. Their action shows they put greater value on legislators' political futures than on the interests of Pennsylvania citizens and their oath to uphold the Constitution of the Commonwealth. The League will continue to work on behalf of all Pennsylvania voters to advocate for a better redistricting process that puts the needs of communities, and not the protection of incumbents, first.

Contact Olivia Thorne, LWVPA President: 610-566-5474, olivia.thorne@verizon.net

ABOUT THE PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

The Public Interest Law Center of Philadelphia uses high-impact legal strategies to improve the well-being and life prospects of Philadelphia's most vulnerable populations by securing access to vital resources and services for those who have historically been denied them. Its current project areas include environmental health and justice, education equality for low-income, minority and disabled students, healthcare access for children on Medicaid, housing and community services for people with disabilities, employment for ex-offenders, and voting rights for low-income and minority communities.

####