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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

League of Women Voters of Pennsylvania, *et al.*,)
)
)
 Petitioners,)
)
) **No. 261 MD 2017**
)
 v.)
)
 The Commonwealth of Pennsylvania, *et al.*,)
)
)
 Respondents.)
)

**PETITIONERS' REPLY TO NEW MATTER OF RESPONDENTS
SECRETARY OF THE COMMONWEALTH PEDRO A. CORTÉS AND
COMMISSIONER OF ELECTIONS JONATHAN MARKS**

Petitioners submit this Reply to New Matter of Respondents Secretary of the Commonwealth Pedro A. Cortés and Commissioner of Elections Jonathan Marks.

121. This is an incorporation paragraph referring to the Answer of Secretary Cortés and Commissioner Marks, to which no responsive pleading is required. To the extent a response is required, this paragraph is denied.

122. 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. By way of further response, Respondents, including Secretary Cortés and Commissioner Marks, “are named in their official capacities as parties who would be responsible for implementing the relief Petitioners seek.” Petition for Review, ¶ 34. Secretary Cortés, in his official capacity, “is charged with the general supervision and administration of Pennsylvania’s elections and election laws.” *Id.* ¶ 36. Commissioner Marks, in his official capacity, “is charged with the supervision of administration of the Commonwealth’s elections and electoral process.” *Id.* ¶ 37.

123. 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 who “developed” Pennsylvania’s congressional map.

124. Admitted, upon information and belief.

125. Admitted, upon information and belief.

126. 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. By way of further response, the Secretary and the Commissioner have at least one other role, as they admit in their paragraph 127.

127. 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. By way of further response, the Secretary and the Commissioner have numerous roles in the preparation for and conduct of elections for the United States House of Representatives. For the Secretary, these include “to ascertain the various national and State offices to be filled at the ensuing November election,” 25 P.S. § 2683; “as soon as possible after the last day fixed for the filing of nomination petitions with him . . . [to] forward to the county board of each county a correct list of candidates of each party for the various offices,” *id.* § 2876; and “[u]pon completing the tabulation of any election for United States Senator or Representative in Congress, [for] the Secretary of the Commonwealth [to] lay the same before the Governor,” *id.* § 3163. For his part, Commissioner Marks is entrusted with “with day-to-day responsibilities for overseeing the electoral process in the Commonwealth of Pennsylvania.” *Green Party v. Aichele*, 89 F. Supp. 3d 723, 732 (E.D. Pa. 2015).

128. Admitted, upon information and belief.

WHEREFORE, Petitioners respectfully request that the Court not enter judgment in favor of Secretary Cortés and Commissioner Marks.

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Respectfully submitted,

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