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February 13, 2018

VIA PACFILE

Supreme Court of Pennsylvania
601 Commonwealth Avenue
Suite 4500
P.O. Box 62575
Harrisburg, PA 17106

Re: League of Women Voters of Pennsylvania, *et al.*, v. Commonwealth of Pennsylvania, *et al.*, No. 159 MM 2017: General Assembly's Failure to Submit a Proposed Redistricting Plan

Dear Justices:

I write on behalf of Respondent Thomas W. Wolf. On January 22, this Court issued an Order stating that, *inter alia*,

[S]hould the Pennsylvania General Assembly choose to submit a congressional districting plan that satisfies the requirements of the Pennsylvania Constitution, it shall submit such plan for consideration by the Governor on or before **February 9, 2018**. If the Governor accepts the General Assembly's congressional districting plan, it shall be submitted to this Court on or before **February 15, 2018**.

The General Assembly did not meet the February 9 deadline. Instead, two individual legislators, Speaker Michael C. Turzai and President Pro Tempore Joseph B. Scarnati, III ("Legislative Respondents"), filed a proposed map with this Court. Legislative Respondents argued that this submission "complies with the Court's Order in substance" because it is "produced by the legislative branch of Pennsylvania's government." Legislative Respondents' Brief dated February 9, 2018, at 14.

Governor Wolf rejects Legislative Respondents' proposed map because it does not comply with the Court's January 22 Order. The proposed map was not legislation passed by the General Assembly—Legislative Respondents concede this point. It is simply the submission of two individual elected officials. The General Assembly never considered or voted upon it, and President Pro Tempore Scarnati and Speaker Turzai's status as leaders of the majority caucuses does not, alone, give them the authority to act on behalf of the entire General Assembly.

Legislative Respondents argue that this Court should treat their proposed map as compliant with its Order because the General Assembly was unable to enact legislation in time for the February 9 deadline. See Legislative Respondents' Br. at 5-8. In fact, the General Assembly had more than enough time to enact a map between January 22¹ and February 9. The General Assembly moved the 2011 Plan through the legislative process within eight days. See Recommended Findings of Fact dated December 29, 2017 ¶¶100-109, 112-117, 121. Indeed, Legislative Respondents' counsel admitted at oral argument that the General Assembly "would like at least three weeks" to draw a new map; this Court allowed nearly that much time. See Oral Argument, January 17, 2018 (Torchinsky) at 1:46:05.

Even if the proposed map had been properly enacted by the General Assembly, Governor Wolf would reject it for a second reason. Mathematical analysis of the map shows that, like the 2011 map, it is an impermissible gerrymander that subsumes traditional redistricting principles to partisan ends. While Legislative Respondents claim to have met the "floor" set by this Court's Order in terms of compactness, contiguous districts, respect for political boundaries, and equal population, their map clearly seeks to benefit one political party, which is the essence of why this court found the current map to be unconstitutional. Further, Legislative Respondents claim that their map "reduces confusion" by keeping almost 70 percent of voters in their current districts. This serves no legal purpose, was not a requirement of the Court, and is merely a tool to preserve existing districts that this Court deemed unconstitutional.

¹ Legislative Respondents suggest that they were not required to begin drafting a map until this Court issued its opinion on February 7. See Legislative Respondents' Br. at 6. But the Court, in its January 22 Order, did not tell them to wait, and the Order gave Legislative Respondents all the information they needed to proceed with the drafting process.

While Governor Wolf remains open to discussions with the General Assembly, he does not believe that Legislative Respondents' submission complies with this Court's Order or the Pennsylvania Constitution.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark A. Aronchick". The signature is written in a cursive style with a large, sweeping initial "M".

Mark A. Aronchick

cc: All counsel of record (via PacFile)