

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

DOCKET NO. 159 MM 2017

LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA, ET AL.,
Petitioners,
v.
THE COMMONWEALTH OF PENNSYLVANIA, ET AL.,
Respondents.

**ANSWER OF RESPONDENT,
LT. GOVERNOR MICHAEL J. STACK, III
TO APPLICATIONS FOR STAY**

Clifford B. Levine
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Alex M. Lacey
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*On behalf of Respondent Michael J.
Stack III, in his Capacity as Lieutenant
Governor of Pennsylvania and President
of the Pennsylvania Senate*

Respondent Lt. Governor Michael J. Stack, III hereby answers both the Legislative Respondents' Application for Stay of Court's Order of January 22, 2018 and the Intervenors' Application for Relief to Stay the Court's January 22, 2018 Order. Respondent Stack joins in both the Petitioners' and Executive Branch Respondents' forthcoming Answers to these Applications.

In these Applications, Legislative Respondents and Intervenors argue that the Court's January 22, 2018 Order provides too short a time period to draw a map (19 days) and further fails to provide the requisite guidance for redrawing a map during that time.

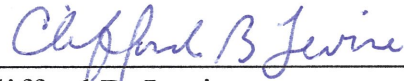
Respondent Stack is also President of the Pennsylvania Senate and was a state senator in 2011. He notes that only eight days passed between the release of the 2011 Plan and its enactment, with the Pennsylvania Senate passing the 2011 Plan on the same day it was released. (Joint Stip. ¶¶ 46-47, 50, 60). Additionally, following the 1990 Census and the effort to redraw the congressional map, the General Assembly and Governor were unable to agree on a map. As a result, this Court appointed President Judge Craig of the Commonwealth Court as a special master. Only eleven days were required for Judge Craig to draft a compliant congressional map in 1992, and to receive public input in the process. *Mellow v. Mitchell*, 607 A.2d 204, 206 (Pa. 1992), *cert. denied sub nom. Loeper v. Mitchell*, 506 U.S. 828, 113 S. Ct. 88 (Oct. 5, 1992). This Court properly provided the

General Assembly and Governor an opportunity to draft a complaint map and allowed for court action in the event they are not able to agree, perfectly consistent with the process in *Mellow* and the schedule before the General Assembly in 2011. Any argument that a new map cannot be drawn in 19 days fails to recognize this historical record, and is especially disingenuous when made by the very legislative leaders who controlled the schedule before the General Assembly in 2011.

Finally, any assertion that the General Assembly is without guidance fails to recognize this Court's January 22, 2018 Order, which provided clear guidance on the neutral redistricting criteria the General Assembly needed to follow. Indeed, Legislative Respondents' expert, Dr. Wendy Cho, recognized these criteria in her own peer-reviewed work, which was presented to the trial court. (Tr. Trans. 1332-1334).

For all these reasons, the two Applications should be denied.

Respectfully submitted,



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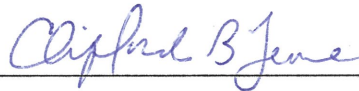
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Dated: January 24, 2018

CERTIFICATE OF SERVICE

I certify that on January 24, 2018 a copy of the foregoing ANSWER was sent to all counsel of record electronically via the PACFile system, with a certificate of service to be generated thereby.



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.

