

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Louis Agre, William Ewing,)
Floyd Montgomery, Joy Montgomery,)
and Rayman Solomon,)
)
Plaintiffs,)

Civil Action No. 17-4392

v.)
)

Thomas W. Wolf, Governor of Pennsylvania)
Pedro Cortes, Secretary of State of)
Pennsylvania, and Jonathan Marks,)
Commissioner of the Bureau of Elections,)
in their official capacities,)
)
Defendants.)

PLAINTIFFS’ PROPOSED FINDINGS OF FACT

1. The documents attached at App. 0016-0041(Plaintiffs' Documents Nos. 695-720) are true and accurate copies of reimbursement requests submitted to the House of Representatives Office of the Comptroller by the individuals named on each page for the expenses incurred by that individual.

2. Plaintiffs’ Documents No. 586-613, attached hereto at App. 0043-0069, are true and correct copies of materials downloaded from public websites, as testified to in the Declarations contained therein.

3. Plaintiffs’ Document No. 150, attached hereto at App. 0070, is a true and correct copy of a letter from Chris Jankowski to “Dear Legislative Leaders”.

4. Plaintiffs' Documents Nos. 166-537, (not included in the Appendix), are true and correct copies of sworn testimony given by Thomas Hofeller on Thursday, June 28, 2012 and Friday, August 10, 2012, in the case of *County of Wake and Margaret Dickson v. Rucho et al.*

5. Packing concentrates members of a group in a single district, thereby allowing the other party to win the remainder of the districts because the members of the packed group have less influence in the rest of the districts.

6. Cracking splits a block of party voters among multiple districts, so as to dilute their impact and to prevent them from forming a majority.

7. There are four Democratic districts where Democrats won by a larger margin than any Republican winner in any other district of the state - by an average of over 75 percent in these four districts.

8. Partisan considerations played some role in the drafting of the map, etc. (Jason's proposal).

9. The persons who drafted the map that was approved in SB 1249 had the specific purpose of achieving the election of the most Republicans and fewest Democrats possible given the party or political preferences of voters in the state.

10. The persons who drafted the map that was approved in SB 1249 did in fact adjust the boundaries in the manner described by the report of Daniel McGlone, the Senior Analyst of Azavea, attached as Exhibit A.

11. Those who drew up the Map deliberately sought to influence Pennsylvania's electoral outcomes.

12. Those who drew up the Map deliberately sought to favor a class of candidates for Pennsylvania's Congressional delegation—namely, Republicans—and disfavor another class—namely, Democrats.

13. Those who drew up the Map deliberately sought to influence the districts in which Plaintiffs and others could vote based upon their party affiliation or likely political views.

14. Those who drew up the Map sought to protect one class of candidates – namely incumbents – over another class of candidates – namely challengers for Congressional seats in Congress.

15. Defendants Turzai and Scarnati participated in the drawing of the map that was adopted by the Pennsylvania legislature as the Congressional districting plan for 2012 (“the Map”).

16. The legislators who presented the Map to the legislature for consideration did not inform the legislators that they deliberately sought to influence Pennsylvania's electoral outcomes.

17. The legislators who presented the Map to the legislature for consideration did not inform the legislators that they deliberately sought to favor a class of candidates for Pennsylvania's Congressional delegation—namely, Republicans—and disfavor another class—namely, Democrats.

18. The legislators who presented the Map to the legislature for consideration did not inform the legislators that they deliberately sought to influence the districts in which Plaintiffs and others could vote based upon their party affiliation or likely political views.

19. The legislators who presented the Map to the legislature for consideration did not inform the legislators that they deliberately sought to protect one class of candidates – namely

incumbents – over another class of candidates – namely challengers for Congressional seats in Congress.

20. The RLCC is dedicated exclusively to supporting the election of more Republicans to state legislatures.

21. At the same time, the votes for the Democratic and Republican candidates for Congress on a statewide basis were divided nearly equally, with Republicans winning just 55.5% of the statewide congressional vote in 2014, and 53.9% in 2016.

22. REDMAP states on its website:

REDMAP's effect on the 2012 election is plain when analyzing the results: Pennsylvanians cast 83,000 more votes for Democratic U.S. House candidates than their Republican opponents, but elected a 13-5 Republican majority to represent them in Washington.

23. Chris Jankowski's letter to the Republican leadership in the states that REDMAP had identified is shown at <https://www.documentcloud.org/documents/537408-hofeller-sglf-rslc-letter>. A copy of the letter is reproduced at App. 0070.

24. At least one other Republican Legislative Leader in Pennsylvania received a copy of the letter shown at App. 0070.

25. Speaker Turazi, someone on his staff, another Republican Legislative Leader, or member of his or her staff, contacted Tom Hofeller.

26. The Republican Legislative Leadership received advice or other assistance from Tom Hofeller during the redistricting process.

27. On or about March 30, 2011, Speaker Turzai, David L. Reddecliff, and William Schaller attended meeting(s) with Congressmen in Washington, D.C. to discuss redistricting. (Plaintiffs' Document Nos. 715-720, attached hereto at App. 0036-0041).

28. All of the Congressmen at the March 30, 2011 meeting(s) were members of Pennsylvania's Republican delegation.

29. At none of the three hearings held at locations across the state was a map presented for consideration.

30. No map was introduced for consideration on September 14, 2011.

31. The RSLC is a national organization whose mission includes support for the election of Republicans to multiple down-ballot, state-level offices.

32. In late 2011, in connection with the drawing of new Congressional district boundaries after the 2010 census, Speak Scarnati participated in a meeting at the Harrisburg Hilton ("the 2011 Meeting").

33. The 2011 Meeting took place before the Congressional districts were finalized.

34. The majority of the members of the Republican Congressional delegation attended the 2011 Meeting.

35. Congressman Bill Shuster attended the 2011 meeting.

36. Present at the 2011 Meeting were Speaker Scarnati and Bill Shuster.

37. Also present at the 2011 Meeting was at least one person paid by SGLF or working for corporations or entities that received funds from either SGLF or RSLC or both.

38. Also present at the meeting were consultants to help the Republican leadership draw proposed Congressional maps.

39. No Democrats were invited to the 2011 Meeting.

40. No Democrats participated in the 2011 Meeting.

41. One or more possible Congressional districting plans discussed or considered in the 2011 meeting had been generated or developed by persons paid by SGLF.

42. All of the Congressional districting plans discussed or considered in the 2011 meeting had been generated or developed by persons paid by SGLF.

43. REDMAP data were referred to at the meeting.

44. REDMAP data were used in drawing the district lines.

45. At the 2011 Meeting, the participants put two incumbent Democratic congressmen from Western Pennsylvania, Mark Critz and Jason Altmire into the same district to eliminate one of their seats in Congress.

46. At the 2011 Meeting, the participants then took away portions of this same district that were likely to favor the election of either Critz or Altmire, to hinder either one from being elected from the district.

47. At the 2011 Meeting, the participants discussed and approved of plans developed with the help of persons paid by SGLF and that attempted to pack the Democratic voters into as few Congressional districts as possible.

48. The participants in the 2011 Meeting also received legal advice from attorneys paid by SGLF.

49. The participants in the 2011 Meeting also discussed removing Scranton from the 11th District to increase the likelihood that Republican incumbent Louis Barletta of the 11th District could retain his seat.

50. The participants at the 2011 meeting also discussed linking together Wilkes-Barre and Scranton into one heavily Democratic majority district, the PA 17th District.

51. In creating the PA 17th, the participants at the 2011 Meeting discussed absorbing or locating as many likely Democratic voters as possible into the 17th district from the

surrounding areas in order to make it more likely that voters in the districts surrounding the 17th district would elect Republicans.

52. At the 2011 Meeting, the participants heard from one or more Republican Congressmen or one or more of the members of their staffs as to their preferences for the boundaries of their districts in the redistricting plan.

53. At the 2011 Meeting, those present went over the Pennsylvania map district by district.

54. At the 2011 Meeting, those present considered one or more plans developed with election records and lists and computer software by persons paid by SGLF and part of the REDMAP Project to design a plan that they believed would maximize the number of Republican candidates elected to the U.S. House of Representatives from Pennsylvania.

55. A number of such 18 Congressional districts were drawn with the use of techniques known by the terms of "packing" and "cracking."

56. Speaker Scarnati and one or more of the participants in the 2011 Meeting were familiar with the techniques of "packing" and "cracking."

57. Speaker Scarnati favored and were aware of the use of these techniques in the development of the Congressional districting plan adopted in 2011.

58. Speaker Scarnati was aware of and did not disavow the use of these techniques in the development of the Congressional districting plan.

59. The goal of the Republican Leadership in the PA House and Pa Senate ("Republican Leadership") was to create as many reliable Republican seats across Pennsylvania as possible as a result of the 2011 Congressional redistricting.

60. The goal of Republican Leadership was also to ensure that Districts facing a migration of Democrats into majority Republican Districts would not shift to become Democratic seats or competitive seats over the course of the decade from 2011 to 2021.

61. The new 2011 PA Congressional District map for Pennsylvania (the “New Map”) had the intended effect of combining incumbents Democrats Mark Critz and Jason Altmire into a single district so that one or the other would be eliminated in the Democratic Primary.

62. The 2011 Plan removed inner ring suburbs around Pittsburgh from this new combined district, and added white working-class Johnstown with the intent of making the election of a Republican more likely.

63. The Congressional districting map that was ultimately approved for Pennsylvania (“the 2011 Plan”) is substantially similar to the map developed at the 2011 Meeting.

64. At the same time, the votes for the Democratic and Republican candidates for Congress on a statewide basis were divided nearly equally, with Republicans winning just 55.5% of the statewide congressional vote in 2014, and 53.9% in 2016.

65. REDMAP states on its website:

REDMAP’s effect on the 2012 election is plain when analyzing the results: Pennsylvanians cast 83,000 more votes for Democratic U.S. House candidates than their Republican opponents, but elected a 13-5 Republican majority to represent them in Washington.

66. The SGLF 501(c)(4) offered, among other resources, the assistance of experts and lawyers to help legislators in targeted states draw their new Congressional district maps.

67. As of the time that you and others in the Republican leadership were participating in drawing the new Congressional districting map for 2011, Chris Jankowski was the Executive director of the RSLC.

68. Speaker Scarnati received a copy of the letter shown at App. 0070.
69. Someone on Speaker Scarnati's staff received a copy of the letter shown at App. 0070.
70. At least one other Republican Legislative Leader or member of his or her staff requested help from SGLF.
71. Speaker Scarnati, someone on his staff, another Republican Legislative Leader, or member of his or her staff, contacted Tom Hofeller.
72. The Republican Legislative Leadership received advice during the redistricting process from lawyers at Blank Rome.
73. The Republican Legislative Leadership received advice or other assistance from Tom Hofeller during the redistricting process.
74. At the 2011 Meeting, there was a computer.
75. Some or all of the programs on that computer had been supplied by REDMAP.
76. The computer at the 2011 Meeting was programmed to generate district maps.
77. Someone took notes at the 2011 Meeting.
78. The 2011 Meeting was recorded.

/S/

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CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing Plaintiffs' Proposed Findings of Fact was served upon parties of record via the Court's ECF system.

/S/

Alice W. Ballard, Esquire

November 29, 2017