

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

LOUIS AGRE, <i>et al.</i> ,	:	
	:	
<i>Plaintiffs,</i>	:	CIVIL ACTION
	:	
v.	:	
	:	
THOMAS W. WOLF, Governor of	:	No. 2:17-cv-4392
Pennsylvania, in his official capacity, <i>et al.</i> ,	:	
	:	
<i>Defendants.</i>	:	
	:	
	:	

JOINT STATEMENT OF STIPULATED AND UNDISPUTED FACTS

All parties have stipulated to the following facts¹:

1. On September 14, 2011, Senate Bill 1249 was introduced in the Pennsylvania Senate, in the form attached hereto as Exhibit A.
2. The bill’s primary sponsors were Majority Floor Leader Dominic F. Pileggi, President Pro Tempore Joseph B. Scarnati III, and Senator Charles T. McIlhenney Jr.
3. The Senate’s first consideration of SB 1249 took place on December 7, 2011.
4. The Senate’s second consideration of SB 1249 took place on December 12, 2011.
5. SB 1249 was amended on December 14, 2011, in the Senate State Government Committee, and reported out in the form attached hereto as Exhibit B.
6. Also on December 14, 2011, SB 1249 was referred to the Appropriations Committee, where it was rewritten and reported out in the form attached hereto as Exhibit C.

¹ For the convenience of the Court, the parties have provided citations in support of the stipulated facts. The citations are not part of the stipulations.

7. Also on December 14, 2011, the full Senate voted to pass SB 1249.
8. Also on December 14, 2011, SB 1249 was reported to the State Government Committee of the Pennsylvania House of Representatives.
9. On December 15, 2011, the House of Representatives considered SB 1249 for the first time.
10. On December 19, 2011, the House of Representatives considered SB 1249 for the second time.
11. Also on December 19, 2011, the House of Representatives referred SB 1249 to the Appropriations Committee.
12. On December 20, 2011, the House of Representatives' Appropriations Committee reported out SB 1249, in the form attached hereto as Exhibit C.
13. The full House passed SB 1249 on December 20, 2011, and signed it that same day.
14. On December 22, 2011, the Senate signed SB 1249 and Governor Tom Corbett signed it into law.
15. Defendant Thomas Wolf was elected Governor of Pennsylvania in November 2014, and assumed office on January 20, 2015.
16. Governor Wolf did not hold public office at the time that SB 1249 was drafted and enacted.

17. At the time that SB 1249 was drafted and enacted, the Governor of Pennsylvania was Tom Corbett.
18. Neither the Secretary of the Commonwealth, nor the Commissioner for the Bureau of Commissions, Elections and Legislation, had any role in the drafting or enactment of SB 1249.
19. Under the current election schedule, Pennsylvania's 2018 general primary election is scheduled for May 15, 2018.²
20. Under the current election schedule, the first day to circulate and file nomination petitions is February 13, 2018.³
21. Under the current election schedule, the last day to circulate and file nomination petitions is March 6, 2018.⁴
22. Under the current election schedule, the first day to circulate and file nomination papers is March 7, 2018.⁵
23. Under the current election schedule, the last day for withdrawal by candidates who filed nomination petitions is March 21, 2018.⁶

² See 25 P.S. § 2753(a).

³ See 25 P.S. § 2868.

⁴ See 25 P.S. § 2868.

⁵ See 25 P.S. § 2913(b).

⁶ See 25 P.S. § 2874.

24. Under the current election schedule, remote military-overseas absentee ballots must be sent by March 26, 2018.⁷
25. Under the current election schedule, all remaining military-overseas absentee ballots must be sent by March 30, 2018.⁸
26. Under the current election schedule, the last day for voters to register before the primary election is April 16, 2018.⁹
27. Under the current election schedule, the last day to apply for a civilian absentee ballot is May 8, 2018.¹⁰
28. Under the current election schedule, the last day for County Boards of Elections to receive voted civilian absentee ballots is May 11, 2018.¹¹
29. Under the current election schedule, the first day for voters to register after the primary election is May 16, 2018.¹²
30. Under the current election schedule, the last day for County Boards of Elections to receive voted military-overseas ballots for the primary election is May 22, 2018.¹³

⁷ See 25 Pa.C.S. § 3508(b)(1).

⁸ See 52 U.S.C. § 20302(a)(8)(A); 25 Pa.C.S. § 3508(a)(1).

⁹ See 25 Pa.C.S. § 1326(b).

¹⁰ See 25 P.S. § 3146.2a(a).

¹¹ See 25 P.S. § 3146.6(a).

¹² See 25 Pa.C.S. § 1326(c)(2)(iii).

¹³ See 25 Pa.C.S. § 3511(a).

31. Under the current election schedule, the last day to circulate and file nomination papers is August 1, 2018.¹⁴
32. Under the current election schedule, the last day for withdrawal by minor political party and political body candidates who filed nomination papers is August 8, 2018.¹⁵
33. Under the current election schedule, the last day for withdrawal by candidates nominated by a political party is August 13, 2018.¹⁶
34. Under the current election schedule, remote military-absentee ballots must be sent by August 28, 2018.¹⁷
35. Under the current election schedule, all remaining military-overseas absentee ballots must be sent by September 21, 2018.¹⁸
36. Under the current election schedule, the last day for voters to register before the November election is October 9, 2018.¹⁹
37. Under the current election schedule, the last day to apply for a civilian absentee ballot is October 30, 2018.²⁰

¹⁴ See Consent decree, *Hall v. Davis*, Civ. No. 84-1057 (E.D. Pa.).

¹⁵ See 25 P.S. § 2937.

¹⁶ See 25 P.S. § 2938.1.

¹⁷ See 25 Pa.C.S. § 3508(b)(1).

¹⁸ See 52 U.S.C. § 20302(a)(8)(A); 25 Pa.C.S. § 3508(a)(1).

¹⁹ See 25 Pa.C.S. § 1326(b).

²⁰ See 25 P.S. § 3146.2a(a).

38. Under the current election schedule, the last day for County Boards of Elections to receive voted civilian absentee ballots is November 2, 2018.²¹
39. Under the current election schedule, Pennsylvania's 2018 general election is scheduled for November 6, 2018.²²
40. Under the current election schedule, the first day for voters to register after the General Election is November 7, 2018.²³
41. Under the current election schedule, the last day for County Boards of Elections to receive voted military-overseas ballots for the general election is November 13, 2018.²⁴
42. True and accurate copies of the Congressional districting maps for the state of Pennsylvania in 1943, 1951, 1962, 1972, 1982, 1992, 2002, and 2011 are set out in ECF Documents 53-2, 53-3, 53-4, and 53-5 of the court docket (Plaintiffs' Documents Nos. 0576-0583, and attached hereto as Exhibit D).
43. The election data as set out and contained in ECF Document 53-6 of the court docket are an accurate compilation of election data in public records. (Plaintiffs' Documents Nos. 0584-0585, and attached hereto as Exhibit E).
44. The documents attached hereto as Exhibit F (Plaintiffs' Documents Nos. 721-725) are true and accurate as labeled.

²¹ See 25 P.S. § 3146.6(a).

²² See Pa. Const. Art. VII, § 2; 25 P.S. § 2751.

²³ See 25 Pa. C.S. § 1326(c)(2)(iii).

²⁴ See 25 Pa.C.S. § 3511(a).

45. Defendant Michael C. Turzai (“The Speaker”) is the Speaker of the Pennsylvania House of Representatives.

46. The Speaker is a Republican.

47. The Speaker has represented Pennsylvania’s 28th legislative district since 2001.

48. The Speaker was elected Speaker of the Pennsylvania House of Representatives on January 6, 2015, and previously served as Majority Leader for the House Republican Caucus from 2011 to 2014.

49. The Republican State Leadership Committee (“RSLC”) is the largest caucus of Republican state leaders in the country.

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

51. The Republican Legislative Campaign Committee (“RLCC”) is a committee of the RSLC.

52. The RLCC was formed in 2003.

53. In both the 2014 and 2016 elections, Republicans won 13 out of 18 seats, or 72% of the congressional seats.²⁵

54. Scarnati is a Republican member of the Pennsylvania State Senate.²⁶

²⁵ (Turzai Adm. 72)

²⁶ (Scarnati Adm. 1)

55. Scarnati was elected President Pro Tempore of the Senate in 2006.²⁷

56. In both the 2014 and 2016 elections, Republicans won 13 out of 18 seats, or 72% of the congressional seats.²⁸

57. Senate Bill No. 1249 (SB 1249) of the General Assembly's 2011-12 Regular Session is the bill which became the 2011 Plan.²⁹

58. Following the 2010 U.S. Census, Pennsylvania was apportioned eighteen (18) Congressional districts, one less Congressional district than after the 2000 U.S. Census when Pennsylvania was apportioned nineteen (19) Congressional districts.

59. The 2011 Plan officially establishes the boundaries of Pennsylvania's 18 Congressional districts.

60. Plaintiffs initiated this action nearly six years after the 2011 Plan became law, during which time three Congressional general elections occurred.

61. The Speaker is the Chairman of the Executive Committee of the RLCC.

62. Joseph B. Scarnati, III ("PPT Scarnati") is the President Pro Tempore of the Pennsylvania Senate.

63. PPT Scarnati has represented Pennsylvania's 25th Senatorial district since 2001.

64. PPT Scarnati is a Republican.

²⁷ (Scarnati Adm. 3)

²⁸ (Scarnati Adm. 63)

²⁹ (Scarnati Adm. 85)

65. In 2010, the Pennsylvania Congressional Delegation consisted of seven Democrats and twelve Republicans.

Plaintiffs and Legislative Defendants have stipulated to the following facts, and Executive Branch Defendants have not objected:

66. The Speaker has been a member of or associated with the RSLC since at least as early as January 1, 2011.

67. In December of 2015, Speaker Turzai was named Vice-Chair of the RSLC.

68. The Speaker was the Chairman of the Executive Committee of the RLCC in 2011.

69. Plaintiffs were residents of the Commonwealth when the 2011 Plan became law.

70. Plaintiffs did not advance any type of challenge pertaining to the 2011 Plan prior to the commencement of the instant litigation.

71. Plaintiffs did not advocate for or against the 2011 Plan while it was under consideration by Pennsylvania's General Assembly.

72. Plaintiffs did not offer any written comments or contact any state legislator to voice opinions concerning Congressional redistricting efforts that culminated in the 2011 Plan.

73. PPT Scarnati attended a meeting at the Harrisburg Hilton prior to enactment of the 2011 Plan.

74. Certain members of Pennsylvania's Congressional delegation attended the meeting, including Congressman Bill Shuster.

Dated: November 29, 2017

Respectfully submitted,

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

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