

# **EXHIBIT D**



4. I was first elected to the Senate of Pennsylvania in 1996. I am currently serving my sixth full term as a state senator.

5. The Pennsylvania General Assembly is composed of four caucuses; two in the Senate of Pennsylvania, a Republican and a Democrat; and two in the Pennsylvania House of Representatives, also a Republican and a Democrat.

6. Each caucus elects a Leader.

7. I have served as Leader of the Senate Democratic Caucus since the beginning of the 2011 Legislative Session of the Pennsylvania General Assembly.

8. Prior to being elected Leader, I was elected to two other leadership positions with the Senate Democratic Caucus; Caucus Chairman and Democratic Chairman of the Senate Appropriations Committee.

9. For the 2017-2018 Sessions the Senate of Pennsylvania has 16 elected, seated and sworn Democratic members and 34 elected, seated and sworn Republican members.

10. I have closely followed the proceedings in the *League of Women Voters of Pennsylvania, et al. v. Commonwealth of Pennsylvania, et al.* through the Pennsylvania courts.

11. I am aware of the contents of November 9, 2017 Order issued by the Pennsylvania Supreme Court in *League of Women Voters of Pennsylvania, et al.*

12. I was also aware of the proposed Findings of Fact and Conclusions of Law issued on December 29, 2017 by Pennsylvania Commonwealth Court Judge Kevin Brobson sitting as a Special Master pursuant to the Supreme Court's Order of November 9, 2017.

13. The Pennsylvania Supreme Court's January 22, 2018 Order in *League of Women Voters of Pennsylvania, et al.* declared Pennsylvania's Congressional Redistricting Act of 2011, Act 131 of 2011, unconstitutional and enjoined its use in congressional elections beginning with the May 15, 2018 Primary Election, 25 P.S. §§ 3596.101-.1510.

14. The Pennsylvania Supreme Court issued opinions on February 7, 2018, in support of its January 22, 2018 Order.

15. One week following the Court's January 22 Order, Senate Bill 1034, Printer's Number 1411 (Senate Bill 1034) was introduced, referred to and reported from the Senate State Government Committee on January 29, 2018.

16. Senate Bill 1034 repeals the statutory description of the districts for Pennsylvania's seats in the United States House of Representatives contained in Pennsylvania's Congressional Redistricting Act of 2011 previously found unconstitutional by the Pennsylvania Supreme Court.

17. Senate Bill 1034 is a vehicle for a legislatively enacted remedial congressional redistricting plan.

18. Senate Bill 1034 was unanimously passed by the Senate of Pennsylvania on January 31, 2018 the same week it was introduced and within three consecutive calendar and legislative days, the minimum required by Article III, Section 4 of the Pennsylvania Constitution.

19. Senate Bill 1034 was sent to the Pennsylvania House of Representatives, where the bill was referred to the House State Government Committee on February 1, 2018.

20. Senate Bill 1034 was reported from the House State Government Committee and received the first of its three constitutionally required readings on February 6, 2018, the second session day after the bill's referral to committee in the House.

21. As of the date of this affidavit the Pennsylvania House of Representatives has not taken any further legislative action on Senate Bill 1034 since February 6, 2018.

22. As of the date of this affidavit the Pennsylvania House of Representatives has not been in session since February 6, 2018.

23. The Majority Leaders of the Senate of Pennsylvania and Pennsylvania House of Representatives set the dates on which their respective chambers are in session and determine the actions taken on bills on each chamber's respective legislative calendars.

24. Both the Senate of Pennsylvania and Pennsylvania House of Representatives customarily meet Monday through Wednesday during weeks they are scheduled to be in session.

25. Previously, the Majority Leaders of the Senate of Pennsylvania and Pennsylvania House of Representatives have scheduled additional session days and suspended the Rules of Senate and General Operating Rules of the House of Representatives regarding procedure when required to meet deadlines. This occurs most commonly in advance of the end of the Commonwealth's fiscal year, which ends on June 30 each year.

26. A session day for the Senate of Pennsylvania was tentatively scheduled for Friday, February 9, 2018. However, the Senate did not hold session on that date.

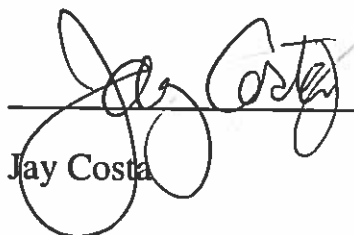
27. If the House had amended and passed SB 1034 to include the Joint Submission by Senate President Pro Tempore Scarnati and Speaker Turzai, or any other proposed remedial congressional redistricting map, the Senate could have held session on February 9, 2018 to consider the House amended version of Senate Bill 1034.

28. I did not see a copy of, receive prior notice of, nor discussed the February 9, 2018 Joint Submission by Senate President Pro Tempore Scarnati and

Speaker Turzai to the Governor prior to its filing with the Pennsylvania Supreme Court.

29. Because Senate President Pro Tempore Scarnati and Speaker Turzai independently presented the Joint Submission to the Governor, rather than amending Senate Bill 1034, or any other piece of legislation, to include the Joint Submission, there was no amendment for the General Assembly to enter in the legislative journals.

30. No law or procedural rule of the General Assembly requires gubernatorial approval prior to the amendment or passage of legislation.

  
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Jay Costa

Sworn to and subscribed before me

This 2 day of March, 2018

  
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Notary Public

