IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JACOB CORMAN, in his official capacity as Majority Leader of the Pennsylvania Senate, *et al.*,	
Plaintiffs	CIVIL ACTION NO. 1:18-CV-443-CCC-KAJ-JBS
v.	(filed electronically)
ROBERT TORRES, in his official capacity as Acting Secretary of the Commonwealth, *et al.*,	Three-Judge Panel Convened Pursuant to 28 U.S.C. § 2284(a)
Defendants	
and	
CARMEN FEBO SAN MIGUEL, *et al*.,	
Intervenor-Defendants	

AMICUS CURIAE BRIEF OF CAMPAIGN LEGAL CENTER IN SUPPORT OF DEFENDANTS AND INTERVENOR-DEFENDANTS

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STATEMENT OF INTEREST

The Campaign Legal Center (CLC) is a non-profit and non-partisan organization based in Washington DC that works to protect and improve American democracy. CLC opposes gerrymandering and has litigated several federal constitutional challenges to gerrymandered district maps including the *Gill v. Whitford* case now pending before the U.S. Supreme Court.

INTRODUCTION

The Pennsylvania congressional district plan implemented by the Pennsylvania Supreme Court on February 19, 2018 (the "Remedial Plan") does not give an advantage to one political party over the other, is highly competitive, and complies with traditional redistricting criteria of "compactness, contiguity, equality of population, and respect for the integrity of political subdivisions." *League of Women Voters of Pa. v. Commonwealth*, No. 159 MM 2017, ---A 3d. ---, 2018 WL 936941, slip op. at *3 (Pa. Feb. 19, 2018) ("*LWVPA III*"). In fact, the Remedial Plan is better, or performs at least equally as well, on every single criterion listed above in comparison to the prior congressional plan ("2011 Plan") and the remedial plan offered by the Legislative Respondents to the Pennsylvania Supreme Court.[1] *Id.* at *3-4. Despite this, or perhaps because of it, Plaintiffs' Motion for

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[1] The remedial plan offered by the Legislative Respondents was developed by two legislators, and was not considered, or passed, by the Pennsylvania General Assembly. Despite this, the Legislative Respondents sent the plan to Governor

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Temporary Restraining Order and Preliminary Injunction asks this Court to enjoin the implementation of a fair congressional map in order to maintain the extreme partisan advantage of the 2011 Plan. Memorandum of Law in Support of Plaintiffs' Motion for Temp. Restraining Order and Preliminary Injunction ("Plaintiffs' Brief") at 2. Plaintiffs further allege that "far from being free of politics, it appears that every choice made in the Court Drawn Plan was to pack Republicans into as few districts as possible, while advantaging Democrats." Plaintiffs' Complaint ("Compl.") ¶ 88. This is patently incorrect. In fact, the Remedial Plan's hallmark is its partisan *balance*—its symmetric treatment of both major parties while also promoting competitive elections and satisfying traditional redistricting criteria.

In their Complaint, the Plaintiffs could have referred to the extensive factual record from *LWVPA III* to compare the partisan implications of the 2011 Plan to those of the Remedial Plan. But, this evidence unequivocally supports the conclusion that the Remedial Plan cures the underlying constitutional violation identified in the 2011 Plan by allowing Democratic and Republican voters to participate in free and fair elections. That is why, instead, the Plaintiffs have offered two tweets and three graphics from political journalists—taken out of

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Wolf for consideration, but Governor Wolf rejected the plan because it 1) was not passed as legislation, and 2) exhibited an extreme partisan skew. *See Letter from Governor Wolf to the Pennsylvania Supreme Court* (Feb. 13, 2018), https://www.pubintlaw.org/wp-content/uploads/2017/06/2018-02-13-Letter-of-Governor-Wolf-to-PA-Supreme-Court.pdf.

context—to suggest that the Remedial Plan favors Democratic voters at the expense of Republican voters. Compl. ¶¶ 89-90.

Given the exigent circumstances of the briefing on the Plaintiffs' Motion, *amicus curiae* Campaign Legal Center files this brief to inform the Court about the Pennsylvania Supreme Court's findings as to the extreme partisan unfairness of the 2011 Plan, and to highlight a broader array of media statements as to the partisan balance of the Remedial Plan.

This *amicus* brief proceeds in two parts. First, it lays out a short procedural history of the case and summarizes the evidence in the record about the partisan asymmetry of the 2011 Plan. Second, the brief explains how the Plaintiffs' have taken two tweets and three graphics by political journalists out of context to support their assertion that the Remedial Plan advantages Democratic voters. Not only is there ample evidence in the record, and elsewhere, that the Remedial Plan is exceptionally balanced, but the two journalists themselves have made statements confirming that the Remedial Plan is eminently fair to voters of both parties.

FACTS

I.   Procedural History

On June 15, 2017, Intervenor-Defendants, eighteen individual Pennsylvania voters, filed suit in the Commonwealth Court of Pennsylvania alleging that the 2011 Plan was a partisan gerrymander in violation of the Pennsylvania

Constitution under its Free Expression and Association Clauses, Pa. Const. art. I, §§ 7, 20; its Equal Protection Guarantees, *id.* §§ 1, 26; and its Free and Equal Elections Clause, *id.* § 5. *LWVPA III* at *1.

After a series of interlocutory steps, the Commonwealth Court, at the direction of the Pennsylvania Supreme Court, "conduct[ed] all necessary and appropriate discovery, pre-trial and trial proceedings so as to create an evidentiary record on which Petitioners' claims may be decided." *League of Women Voters of Pa. v. Commonwealth*, No. 159 MM 2017, ---A 3d. ---, 2018 WL 750872, at *9 (Pa. Feb 7, 2018) ("*LWVPA II*") (quoting Supreme Court Order, Nov. 9, 2017, at 2). The Commonwealth Court heard expert testimony from six different political scientists and, on December 29, 2017, made extensive findings of fact related to their testimony. *Id.* at *11-21. On the same day, the Supreme Court of Pennsylvania set the case for briefing, and subsequently held an oral argument on the merits on January 17, 2018. *Id.* at *9.

On January 22, 2018, the Pennsylvania Supreme Court entered an order stating that the 2011 Plan "clearly, plainly, and palpably violates" the Pennsylvania Constitution. *League of Women Voters of Pa. v. Commonwealth*, 175 A.3d 282, 287 (Pa. Jan. 22, 2018) ("*LWVPA I*"). In the Opinion and Order that followed, the court explained that the 2011 Plan was unconstitutional because it "dilutes Petitioners' power to vote for congressional representatives who represent their

views." *LWVPA II* at *50. And "[i]t is axiomatic that a diluted vote is not an equal vote, as all voters do not have an equal opportunity to translate their votes into representation. This is the antithesis of a healthy representative democracy." *Id.* at *46. The court concluded that "[a]n election corrupted by extensive, sophisticated gerrymandering and partisan dilution of votes is not 'free and equal.'" *Id.* at *51.

In its order on January 22, the Pennsylvania Supreme Court directed the Pennsylvania General Assembly to pass a congressional district plan that satisfied the requirements of the Pennsylvania Constitution by February 9, 2018. *LWVPA I* at 284. The court directed the Governor to accept or reject the General Assembly's plan by February 15, 2018. *Id.* The court noted that "should the General Assembly not submit a congressional districting plan on or before February 9, 2018, or should the Governor not approve the General Assembly's plan on or before February 15, 2018, this Court shall proceed expeditiously to adopt a plan based on the evidentiary record developed in the Commonwealth Court." *Id.*

Multiple interested persons submitted proposed remedial plans to the court on February 15, 2018, but no congressional plan was passed by the General Assembly and adopted by the Governor. The court was therefore left with the choice of "whether to perpetuate an unconstitutional districting plan, which would result in the unlawful dilution of our citizens' votes in the impending election, or to rectify the violation of our Commonwealth's Constitution immediately." *LWVPA*

III at *1. The court selected the latter course and adopted the Remedial Plan on February 19, 2018.

Plaintiffs challenge the Pennsylvania Supreme Court's authority to adopt the Remedial Plan, alleging a violation of the Elections Clause of the U.S. Constitution (U.S. Const. art. I, § 4, cl. 1). Plaintiffs' Brief at 1. Plaintiffs' Motion is supported by their Complaint, which asserts that "[f]ar from being free of politics, it appears that every choice made in the Court Drawn Plan was to pack Republicans into as few districts as possible, while advantaging Democrats." Compl. ¶ 88. Though this allegation has little relevance to Plaintiffs' Election Clause claim, this *amicus* brief offers relevant information showing that the allegation is patently incorrect and unsupported.[2]

II.   Evidentiary Findings as to Vote Dilution Under the Pennsylvania Constitution

The Pennsylvania Supreme Court found that the 2011 Plan was designed to—and did—dilute the votes of those who support Democratic candidates.

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[2] If there were credible evidence (1) that the Remedial Plan was adopted with the intent to advantage a particular party's voters, (2) that it did in fact create a large and durable partisan asymmetry in favor of this party, and (3) that there was no neutral justification for this asymmetry, then Plaintiffs could file a claim in federal court alleging that the Remedial Plan is a partisan gerrymander in violation of the First Amendment and the Equal Protection Clause. *See Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016), *appeal docketed*, 137 S. Ct. 2289 (2017). But since there is not a shred of evidence to support any of the three necessary elements of the *Whitford* test, Plaintiffs have, wisely, not raised such a claim before this Court.

LWVPA II, at *46. Such dilution occurs, the court explained, "'[b]y placing voters preferring one party's candidates in districts where their votes are wasted on candidates likely to lose (cracking), or by placing such voters in districts where their votes are cast for candidates destined to win (packing).'" *Id* at *56. The degree of cracking and packing (and therefore the extent of vote dilution) exhibited by a district plan can be determined using a measure called "the efficiency gap." *Id* at *18.

The court summarized one of the expert's explanations as to how the efficiency gap is calculated:

> Dr. [Christopher] Warshaw suggested that the degree of partisan bias in a redistricting plan can be measured through the 'efficiency gap,' which is a formula that measures the number of 'wasted' votes for one party against the number of 'wasted' votes for another party. For a losing party, all of the party's votes are deemed wasted votes. For a winning party, all votes over the 50% needed to win the election, plus one, are deemed wasted votes. The practices of cracking and packing can be used to create wasted votes. He explained that, in a cracked district, the disadvantaged party loses narrowly, wasting a large number of votes without winning a seat; in a packed district, the disadvantaged party wins overwhelmingly, again, wasting a large number of votes. To calculate the efficiency gap, Dr. Warshaw calculates the ratio of a party's wasted votes over the total number of votes cast in the election, and subtracts one party's ratio from the ratio for the other party. The larger the number, the greater the partisan bias.
> . . .
> Dr. Warshaw testified that, historically, in states with more than six congressional districts, the efficiency gap is close to 0%. An efficiency gap of 0% indicates no partisan advantage. He explained that 75% of the time, the efficiency gap is between 10% and negative 10%, and, less than 4% of the time, the efficiency gap is outside the range of 20% and negative 20%.
> *Id.* at *18 (internal citations omitted).

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Both the Commonwealth Court and the Supreme Court accepted Dr. Warshaw's calculations that the efficiency gap for the 2011 Plan was 24% in favor of Republicans in 2012, 15% in favor of Republicans in 2014, and 19% in favor of Republicans in 2016. *Id.* at *18-19. Dr. Warshaw elaborated that "the efficiency gap in Pennsylvania in 2012 was the largest in the country for that year, and was the second largest efficiency gap in modern history 'since one-person, one-vote went into effect in 1972.'" *Id.* at *19.

Another expert, Dr. Jowei Chen, used a computer algorithm to randomly generate 1,000 Pennsylvania congressional district maps without considering any electoral data. All of these maps performed better than the 2011 Plan in terms of traditional criteria such as compactness and respect for county and municipality boundaries. Both the Commonwealth Court and the Supreme Court accepted Dr. Chen's conclusion that most of these simulated maps included 8 or 9 Republican seats—and that *none* of them contained the 13 Republican seats of the 2011 Plan. *Id.* at *50. The court also accepted Dr. Chen's conclusion that his simulations proved that though "there is a small geographic advantage for [ ] Republicans . . . it does not come close to explaining the extreme 13-5 Republican advantage in the [2011 Plan]." *Id.* at *15.

Dr. Chen further offered the court a metric called the "mean-median difference" for gauging the partisan skew of a district plan. The mean-median

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difference is calculated by subtracting a party's mean vote share across a plan's districts from the party's median vote share across those districts. Dr. Chen found that the 2011 Plan exhibited a pro-Republican mean-median difference of almost 6%, while his simulated maps exhibited mean-median differences between 0% and 4%. *Id.* at *50. This analysis confirmed that the 2011 Plan's enormous pro-Republican tilt could not be explained by neutral factors.

Another method the court used to evaluate the level of vote dilution in the 2011 Plan was simply to record the average vote percentage needed to win seats for either party. The court found that the five seats won by Democrats in 2016 were won "with an average of 75.2% . . . whereas Republicans won [their] 13 districts with an average of 61.8% in each." *Id.* at *7. In the court's view, this meant that the 2011 Plan systematically wasted more Democratic votes compared to Republican votes. *Id.*

ARGUMENT

Plaintiffs rely exclusively on cherry-picked public sources to support their claim that the Remedial Plan is skewed in favor of Democrats, Compl. ¶¶89-90, but the evidence in the public domain as to the partisan fairness of the Remedial Plan could not be more clear: the plan is likely to exhibit a low efficiency gap, partisan bias, and mean-median difference; it includes many competitive districts, and it complies with traditional criteria better than the 2011 Plan or the remedial

plan proposed by Legislative Respondents to the Pennsylvania Supreme Court. *LWVPA III* at *3-4.

Further, the public sources cited in the Complaint *themselve*s have explained that the Remedial Plan is "eminently fair." "It gives both parties a similar chance to translate their votes to seats, and makes no compromises to do so; it still admirably adheres to standard nonpartisan criteria like compactness or minimizing county splits." Nate Cohn, *Hundreds of Simulated Maps Show How Well Democrats Fared in Pennsylvania*, N.Y. TIMES (Feb. 26, 2018), https://www.nytimes.com/2018/02/26/upshot/democrats-did-better-than-on-hundreds-of-simulated-pennsylvania-maps.html.

I. The Remedial Plan Cures the Identified State Constitutional Violation Because It Exhibits Partisan Symmetry, Includes Many Competitive Districts, and Complies with Traditional Redistricting Criteria

According to multiple well-accepted measures of partisan asymmetry, the Remedial Plan is likely to be highly balanced and therefore does not dilute the votes of supporters of either Democratic or Republican candidates. *Amicus* was able to ascertain this information via a publicly available website, www.PlanScore.org. PlanScore enables a comparison between the 2011 Plan and the Remedial Plan across three separate partisan asymmetry metrics. PlanScore also provides detailed demographic data and predicted vote shares for each of Pennsylvania's 18 congressional districts.

PlanScore is operated by "legal, political science, and mapping technology experts," and allows a state's district plans to be uploaded and immediately "scored" using the efficiency gap, the mean-median difference, and a third well-known measure of partisan asymmetry called partisan bias.[3] *What is PlanScore?*, https://planscore.org/about/. PlanScore's analyses have been relied on by *The New York Times*[4] and *The Washington Post*.[5]

PlanScore's predicted vote shares for Pennsylvania congressional districts in different plans—and the plans' consequent partisan asymmetry scores—are based "on a precinct-level model using election results and demographic data from the 2016 general election." *Pennsylvania Supreme Court Remedial Map*, PlanScore.org (Feb. 19, 2018), https://planscore.org/plan.html?20180219T202039.596761160Z. The model determines the relationship between the congressional vote in contested precincts and the presidential vote, the incumbency of each candidate, and the demographic

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[3] Partisan bias measures the difference between each party's seat share and 50% in a hypothetical, perfectly tied election. *See* Bernard Grofman & Gary King, *The Future of Partisan Symmetry as a Judicial Test for Partisan Gerrymandering After LULAC v. Perry*, 6 ELECTION L.J. 2 (2007).

[4] *The Latest: Analysts See More Parity in Congressional Map,* N.Y. TIMES (Feb. 19, 2018), https://www.nytimes.com/aponline/2018/02/19/us/ap-us-redistricting-pennsylvania-the-latest.html.

[5] Marc Levy, *GOP Leaders to Seek Halt to Pennsylvania Congressional Map,* WASH. POST (Feb. 16, 2018), https://www.washingtonpost.com/national/gop-leaders-to-seek-halt-to-pennsylvania-congressional-map/2018/02/21/658d0654-171b-11e8-930c-45838ad0d77a_story.html?utm_term=.2504311ac9c1

characteristics of the electorate. These variables can then be used to forecast the likely future performance of any district, and hence any district plan. We can be confident in the model's predictive power both because it captures an extremely large proportion of the variances in the congressional vote (about 90%) and because its estimates for the 2011 Plan's performance in 2016 (including incumbency) are extremely close to the actual election results.

The following table summarizes the Pennsylvania Supreme Court's findings in *LWVPA III* for the 2011 Plan,[6] the PlanScore findings for the 2011 Plan (including incumbency),[7] the PlanScore findings for the 2011 Plan (excluding incumbency),[8] and the PlanScore findings for the Remedial Plan (excluding incumbency).[9] The table covers all three types of evidence relied on by the Pennsylvania Supreme Court in finding that the 2011 Plan unlawfully diluted the votes of Democratic voters (the efficiency gap, the mean-median difference, and the parties' average vote shares in the districts they won). The table also reports scores for partisan bias where they are available. Consistent with convention, negative scores are pro-Republican and positive scores are pro-Democratic.

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[6] These data are sourced from the *LWVPA III* opinion, as explained in the Facts section above.

[7] *Enacted Pennsylvania 2012-2016 congressional plan,* PlanScore.org, https://planscore.org/plan.html?enacted-PA5-ushouse-JP.

[8] *Enacted Pennsylvania 2012-2016 congressional plan excluding incumbency*, PlanScore.org, https://planscore.org/plan.html?enacted-PA5-ushouse.

[9] *Pennsylvania Supreme Court Remedial Map (Feb 19, 2018)*, PlanScore.org, https://planscore.org/plan.html?20180219T202039.596761160Z.

Table 1: Measures of Partisan Asymmetry for the 2011 Plan and the Remedial Plan

Metric	2011 Plan: *LWVPA III*	2011 Plan: PlanScore (including incumbency)	2011 Plan: PlanScore (excluding incumbency)	Remedial Plan: PlanScore (excluding incumbency)
Efficiency Gap	-19%	-14.3%	-9.7%	- 1.9%
Mean-Median Difference	-6%	-5.5%	-3.6%	-2.7%
Partisan Bias	N/A	-15.9%	-11.6%	-4.4%
Average Vote Share in Districts (Predicted to Be) Won by Democrats	75.2%	69.3%	64.4%	62.9%
Average Vote Share in Districts (Predicted to be) Won by Republicans	61.8%	59.8%	59.8%	61.4%

The final two columns of Table 1 provide an apples-to-apples comparison (*i.e.* excluding incumbency effects) between the 2011 Plan and the Remedial Plan. The columns show that the efficiency gap, partisan bias, and the mean-median difference for the Remedial Plan are all much closer to zero (representing perfect partisan symmetry and the absence of any vote dilution) than the 2011 Plan's corresponding scores. Table 1 also reveals that the average predicted vote shares for Democrats (62.9%) and Republicans (61.4%) under the Remedial Plan are much closer to each other than they are under the 2011 Plan (64.4% and 59.8%, respectively). Using the very metrics employed by the Pennsylvania Supreme Court in *LWVPA III*, it is therefore clear that the Remedial Plan displays a high level of partisan symmetry and is far more balanced than the 2011 Plan.

When incumbency is incorporated into the PlanScore model, it is predicted that a typical Democrat incumbent would enjoy a 10% boost (compared to a Democratic candidate in an open seat) and that a typical Republican incumbent would benefit from a 6% increase. Nicholas Stephanopoulos, *The Pennsylvania Remedy*, ELECTION LAW BLOG (Feb. 19, 2018), http://electionlawblog.org/?p=97606. Taking into account these incumbency advantages, as well as currently available information about which Pennsylvania incumbents are planning to run for reelection, Democrats would likely win only 6 seats under the Remedial Plan in an electoral environment like that of 2016, while

Republicans would win 12 seats. Far from favoring Democrats, then, the Remedial

Plan could actually continue to benefit Republicans after the power of Republican

incumbency—itself a product of the unconstitutional 2011 Plan—is incorporated

into the analysis.

A further measure of electoral fairness that can be applied to the Remedial

Plan is to count how many competitive districts it includes. Five of the Remedial

Plan's 18 districts are predicted to have Democratic and Republican vote shares

between 45% and 55%, and one more is forecast to be just outside this range. This

means that the Remedial Plan could "plausibly elect anywhere from eleven

Democrats to thirteen Republicans depending on candidate quality and the overall

electoral environment." *Id.*

In addition, the court in *LWVPA III* noted that the Remedial Plan complies

with traditional redistricting criteria equally well or better than any of the plans

submitted to the court (by parties, intervenors, and *amici*). The Remedial Plan's

districts are all contiguous; each district complies with equal population

requirements; on average, the districts are superior or comparable to all the

submitted plans in terms of multiple measures of compactness; and the districts are

comparable to all the submitted plans in terms of political sub-division splits,

regardless of which Census-provided definition is used. *LWVPA III* at *3-4.

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Needless to say, the Remedial Plan is also far more compliant with traditional redistricting criteria than the 2011 Plan. *Id.*

All of these publicly available sources therefore point to a single conclusion: the Remedial Plan fully remedies the constitutional violation of 2011 Plan's vote dilution identified by the Pennsylvania Supreme Court. The Remedial Plan exhibits partisan symmetry across multiple metrics (and once incumbency is taken into account, it displays a slight asymmetry in favor of *Republican* voters). It includes many more competitive districts than the 2011 Plan. And it complies with traditional redistricting criteria better than the 2011 Plan, and equally well or better than all of the plans submitted to the court. The Plaintiffs' allegation that the Remedial Plan somehow advantages Democrats is therefore demonstrably false.

II. Media Sources Cited by Plaintiffs Actually Find that the Remedial Plan Is Eminently Fair to Voters of Both Parties

Remarkably, even the sources cited by the Plaintiffs do not support the conclusion they ask this Court to draw. Plaintiffs rely on tweets and graphics from political commentators Nate Cohn and Dave Wasserman to back their claim that the Remedial Plan is skewed in favor of Democrats. Compl. ¶¶ 89-91. But the full context for the tweets shows that neither commentator actually believes that the Remedial Plan is a pro-Democratic gerrymander. Rather, both Cohn and Wasserman merely note the obvious: under the Remedial Plan, Pennsylvania's

Democratic voters will benefit *relative to the previous status quo*—created under

one of the most pro-Republican plans in American history.

Cohn made his views clear in an article-length analysis of the Remedial

Plan. Consistent with PlanScore's assessment, he observed that the Plan is highly

symmetric, though still perhaps mildly tilted in a Republican direction:

> Perhaps more important, the remedial map still slightly favors the Republicans with respect to the statewide popular vote.
> . . . .
>
> Overall, the new court-ordered map comes very close to achieving partisan symmetry in an evenly divided state.
> . . . .
> If one believes that partisan symmetry should be a goal in redistricting, the new map is eminently fair. It gives both parties a similar chance to translate their votes to seats, and makes no compromises to do so; it still admirably adheres to standard nonpartisan criteria like compactness or minimizing county splits.

Cohn, *supra*.

Similarly, Dave Wasserman explained that because the Remedial Plan is

balanced in its treatment of the major parties and compliant with traditional

redistricting criteria, it cannot be deemed gerrymandered. As he put it in a tweet

that the Plaintiffs ignored: "[b]ecause PA's court map strived for partisan

symmetry and compactness, I haven't/wouldn't call it a gerrymander."[10] It is also

notable that FiveThirtyEight, an online publication for which Mr. Wasserman is a

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[10] The tweet can be found at
https://twitter.com/Redistrict/status/968154795331776512.

contributor, explicitly found the Remedial Plan to not be a gerrymander. Aaron

Bycoffe, *Pennsylvania's New Map Helps Democrats. But It's Not a Democratic*

Gerrymander,   FIVETHIRTYEIGHT   (Feb.   20,   2018),

https://fivethirtyeight.com/features/pennsylvanias-new-map-helps-democrats-but-

its-not-a-democratic-gerrymander/.

CONCLUSION

To the extent that this Court considers the partisan fairness of the Remedial

Plan to be relevant to its decision on the Plaintiffs' Motion, this brief has

demonstrated that the Plaintiffs' publicly sourced statements that the Remedial

Plan favors Democrats were taken out of context. The full context of those

statements—as well as the more comprehensive, publicly available analyses from

PlanScore—show that the Remedial Plan does in fact display impressive partisan

symmetry (while also including more competitive districts and better complying

with traditional redistricting criteria than the 2011 Plan).

Respectfully submitted this 5th day of March, 2018.

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<u>CERTIFICATE OF COMPLIANCE WITH WORD LIMIT</u>

I hereby certify that this brief complies with L.R. 7.8(b)(2) because the total

word count for the body of the brief, including headings and footnotes, is 4,023.

This 5th day of March, 2018.

/s/ Joshua D. Snyder
Joshua D. Snyder

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing Brief to be electronically filed with the Clerk of Court via the CM/ECF system, which will send notice of the electronic filing to all counsel of record.

This 5th day of March, 2018.

/s/ Joshua D. Snyder
Joshua D. Snyder