

EXHIBIT 2

1 but we -- haste make waste. We want to make
2 sure that if we were to order that, we're not
3 ordering the impossible or something that
4 would just end up being more difficult down
5 the road faced with challenges.

6 MR. ARONCHICK: I understand that and I
7 will address at least our views on that, can
8 it be done, can it be done properly.

9 Then the second basket of remedy issues
10 is once it's done, can the election proceed
11 smoothly for the congressional primaries,
12 let's say for the May 15th primary, assuming
13 this Court wouldn't be entertaining moving,
14 which is a possibility, all of the primaries
15 in order to get things done right.

16 FEMALE JUSTICE: I thought the Executive
17 Branch was recommending that as a
18 possibility?

19 MR. ARONCHICK: There are two
20 possibilities. We're recommending that if
21 the map is in place by February 20 or before,
22 that we can show you that we can run this
23 election. We can run the congressional
24 portion of the primary and all the
25 up-and-down ballot seats by May 15th, and I

PENNSYLVANIA SUPREME COURT

audiotaped hearing of

LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA et al.,

Petitioners,

v.

THE COMMONWEALTH OF PENNSYLVANIA et al.,

Respondents.

BEFORE: CHIEF JUSTICE THOMAS SAYLOR and the
JUSTICE PANEL

A P P E A R A N C E S:

DAVID GERSCH, ESQUIRE

for Petitioners

MARK ARONCHICK, ESQUIRE

for Governor Wolf

CLIFFORD LEVINE, ESQUIRE

for Lieutenant Governor Stack

KEITH MARC BRADEN, ESQUIRE

for Speaker Turzai

JASON TORCHINSKY, ESQUIRE

for President Pro Tem of the Senate

Lawrence Davis, ESQUIRE

MR. TABAS, ESQUIRE,

for Intervenors

1 will show you that and I'll answer any
2 questions.

3 But if it can't be done and the map be
4 put in place by February 20, we are saying
5 that you have the ample power, complete
6 power, to order moving the primary. In fact,
7 you can move the primary as late as the end
8 of July if you wanted to and still run -- and
9 we can still run the general election in the
10 proper fashion as long as the primary was
11 completed then.

12 We would be recommending that you in
13 that case move the complete primary rather
14 than bifurcating, run it all together,
15 whatever the new date is, if it's in June or
16 a few weeks later a month later, or whatever
17 you choose --

18 FEMALE JUSTICE: Well, the cost of
19 having separate primaries would be
20 astronomical.

21 MR. ARONCHICK: Well, it's not
22 astronomical. It's \$20 million shared both
23 at the state and county levels.

24 JUSTICE WECHT: Why would they have to
25 be separate? Number one, why would there

1 have to be any separate primaries, why
2 couldn't we just move all the primaries?

3 MR. ARONCHICK: That's what we --

4 JUSTICE WECHT: And by the way, why
5 can't they move to August if necessary?

6 MR. ARONCHICK: Well, Justice Wecht, if
7 you start to move it into August, we run into
8 the military ballot problems and mailing for
9 the general election.

10 We've submitted an affidavit and --
11 uncontested by the way, from Mr. Marks in the
12 record that demonstrates why the end of July
13 would be --

14 JUSTICE WECHT: There are states that
15 have primaries in August. I think there's a
16 state or two that have primaries in
17 September, I could be wrong. I'm just
18 exploring the outer bounds here, assuming
19 other dates -- reporting and other dates the
20 secretary states. The police can also be
21 moved back.

22 MR. ARONCHICK: Let me recommend this to
23 you, Justice Wecht, that if it became
24 necessary to think about August, we'll go
25 back to the drawing board and figure out if

1 we can get this all done if the primary was
2 the beginning of August.

3 When we looked at this and looked at it
4 carefully, we thought the end of July we know
5 we can do that. If you say you need us to go
6 back and sharpen our pencils up a little bit
7 more, I guarantee you we'll do this.

8 Because one pledge that we're making
9 here is that the experts that know how to run
10 these elections, not the people throwing
11 darts but the one who know how to run these
12 elections, will do everything possible to
13 accommodate an order directing that we
14 finally have a constitutional map that
15 voters, if there was ever a time in our
16 democracy, could vote on --

17 MALE JUSTICE: In fact, your position --
18 I'm sorry, Mr. Aronchick, just to follow up.
19 Your position would be in fact that there are
20 constitutional maps that have already been
21 done in profusion here in the form of the
22 experts that Judge Brobson saw.

23 MR. ARONCHICK: So let me go to the
24 first basket of --

25 FEMALE JUSTICE: Excuse me, before you

1 FEMALE JUSTICE: \$200 million.

2 MALE JUSTICE: I mean, there's nothing
3 holy -- is there something holy about May 8
4 or May 7, or May 15?

5 MR. ARONCHICK: No, no, no. If you
6 decide -- you asked in connection with that
7 remedy. The second proposal that we make to
8 you is just that, you can change the primary
9 date. We're early in the country, as you
10 said. You can change the primary date for
11 all races. You can change it we believe
12 safely, not a problem, until July 31 call it.

13 If you say go back, I'm telling you,
14 Justice Wecht, and figure out whether there's
15 more time into August, we will sit down and
16 come back to you and tell you that with an
17 addendum to our affidavit.

18 MALE JUSTICE: There must be, because I
19 know for a fact Connecticut votes in August.
20 I think New York is later.

21 MR. ARONCHICK: I understand that.
22 Nobody below asked us to do that, so there
23 was no contest in what we put into the
24 record.

25 So if you, of course, the Supreme Court,

1 asks us to pull out the pencils and take a
2 second look at that, we will certainly do
3 that rapidly. We'll comply, we'll submit our
4 report to you rapidly.

5 MALE JUSTICE: Thank you.

6 MR. ARONCHICK: Thank you very much.

7 One last comment, please, just to wrap up and
8 that is what I said before, I really mean.
9 We were the pride of the country with our
10 Constitution. We're not now with the way
11 we're running this part of our democracy.
12 Please in as broad based as possible, as
13 steadfastly as possible, please correct that.
14 Thank you.

15 CHIEF JUSTICE SAYLOR: Mr. Levine on
16 behalf of the respondent lieutenant governor,
17 what's the different interests between the
18 governor and the lieutenant governor?

19 MR. LEVINE: Well, the lieutenant
20 governor actually has the role both with the
21 Senate and the Executive Branch. The
22 lieutenant governor has felt that it's
23 important also to have a special master
24 involved in this process as a remedy for that
25 reason. The lieutenant governor has