BEFORE THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

SENATOR JAY COSTA, SENATOR LAWRENCE M. FARNESE, JR., SENATOR CHRISTINE M. TARTAGLIONE, SENATOR SHIRLEY M. KITCHEN, SENATOR LeANNA M. WASHINGTON, SENATOR MICHAEL J. STACK, SENATOR VINCENT J. HUGHES, SENATOR ANTHONY H. WILLIAMS, SENATOR JUDITH L. SCHWANK, SENATOR JOHN T. YUDICHAk, SENATOR DAYLIN LEACH, SENATOR LISA M. BOSCOLA, SENATOR ANDREW E. DINNIMAN, SENATOR JOHN P. BLAKE, SENATOR RICHARD A. KASUNIC, SENATOR JOHN N. WOZNIAK, SENATOR JIM FERLO, SENATOR WAYNE D. FONTANA, SENATOR JAMES R. BREWSTER, and SENATOR TIMOTHY J. SOLOBAY,

Petitioners,

v.

2011 LEGISLATIVE REAPPORTIONMENT COMMISSION,

Respondent.

______________________________

APPENDICES TO
BRIEF IN SUPPORT OF PETITION FOR REVIEW

Clifford B. Levine
Pa. Id. No. 33507
Alice B. Mitinger
Pa. Id. No. 56781
Daniel J. Colaizzi
Pa. Id. No. 308765
COHEN & GRIGSBY, P.C.
Firm No. 621
625 Liberty Avenue
Pittsburgh, PA 15222-3152
(412) 297-4998
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COMMONWEALTH OF PENNSYLVANIA
LEGISLATIVE REAPPORTIONMENT COMMISSION

In re: Public Hearing of the Legislative
Reapportionment Commission

VOLUME XII - Pages 497-514

Stenographic report of hearing held
in Hearing Room No. 1, North Office
Building, Harrisburg, Pennsylvania

Thursday
April 12, 2011
1:00 p.m.

HON. STEPHEN J. McEwen, JR., CHAIRMAN

MEMBERS OF LEGISLATIVE REAPPORTIONMENT COMMISSION

Sen. Dominic Pileggi
Sen. Jay Costa

Rep. Mike Turzai
Rep. Frank Dermody

Also Present:
Hon. Joseph A. Del Sole, Chief Counsel
Charles E. O'Connor, Jr., Esq., Executive Director
William G. Corey, Esq., Deputy Executive Director
Michael H. Chung, Esq., Deputy Research Counsel
Kathy Sullivan, Executive Director, Legislative Data Processing Center
David Woods, Chief of Staff, Senate Majority Leader
Erik Arneson, Policy Director, Senate Majority Leader
John Memmi, Director, Senate Republican Mapping Office
C.J. Hafner, Esquire, Chief Counsel, Senate Democratic Leader
Mark McKillop, Director, Senate Democratic Legislative Services
Lora S. Schoenberg, Senate Democratic Legislative Services
William R. Schaller, Director, House Republican Reapportionment Services
Scott Casper, Director, House Democratic Office of Demographic Analysis

Reported by:
Ann-Marie P. Sweeney
Senate Chief Official Reporter

Legislative Reapportionment Commission
CHAIRMAN McEWEN: Welcome to the continuation of the proceedings of the Legislative Reapportionment Commission.

Any opening statements? Senator Pileggi?

SENATOR PILEGGI: No.

CHAIRMAN McEWEN: Senator Costa?

SENATOR COSTA: No, sir.

CHAIRMAN McEWEN: Leader Turzai?

REPRESENTATIVE TURZAI: I'll save remarks for after voting. Thank you.

CHAIRMAN McEWEN: All right. Leader Dermody?

REPRESENTATIVE DERMODY: Nothing right now.

CHAIRMAN McEWEN: All right. We'll proceed with a couple of administrative items.

May I have a motion to adopt the minutes from the public hearings in Harrisburg on November 18, November 23, and December 12.

SENATOR COSTA: So moved.

CHAIRMAN McEWEN: Second?

SENATOR PILEGGI: Second.

CHAIRMAN McEWEN: It's been moved and seconded.

The motion is adopted.

May I have a motion to read or waive the reading of the minutes of the hearing on February 22, and at the conclusion thereof to waive the reading, the adoption of those minutes. Is there a motion?
REPRESENTATIVE DERMODY: Motion to waive the reading.

SENATOR PILEGGI: Second.

CHAIRMAN McEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMODY: Aye.

CHAIRMAN McEWEN: The motion is adopted. The reading of the minutes is waived and the minutes from that meeting of February 22 are adopted.

May we proceed with the introduction, discussion, vote on proposed preliminary reapportionment plans.

Senator Pileggi.

SENATOR PILEGGI: Thank you, Mr. Chairman.

Mr. Chairman, I offer to the Commission Proposed Preliminary Plan no. 1 and move for its adoption. Briefly, the Senate portion of this plan makes a number of significant improvements following the Supreme Court's direction to reduce our focus on population equality and increase our focus on minimizing the number of split political subdivisions and making districts more compact. This plan accomplishes those directives from the Supreme Court. Compared to the plan which the court remanded, this plan increases the overall range of population deviation from 3.89 percent to 7.98 percent. It
increases the number of whole counties by 5, from 38 in the
remanded plan to 43 in this proposed plan. It eliminates the
splits in Darby Borough and Upper Darby Township in Delaware
County.

That means the only split municipalities in this
Proposed Preliminary Plan no. 1 are in the city of Philadelphia
and the city of Pittsburgh, which because of their size must
contain more than one Senate district. It also eliminates all
26 ward splits in Philadelphia, while respecting the 4
majority-minority districts which are protected by the Voting
Rights Act. My map does not propose any split wards in any
municipality in the Commonwealth.

In total, this Senate map has 26 split political
subdivisions. By comparison, the map which the Supreme Court
remanded split 58 political subdivisions. In other words, this
plan eliminates more than 55 percent of the split counties,
municipalities, and wards. This Senate map also features
districts which are significantly more compact, especially
those districts noted in the court's opinion - Senate Districts
3, 15, and 35.

Mr. Chairman, this map was shared with other
Members of the Commission I believe yesterday, so I won't go
into further detail describing it, but I would ask for an
affirmative vote.

REPRESENTATIVE TURZAI: I would second that motion,
and with respect to the House seats, in the first instance, I would make clear that with respect to -- and I will reserve the opportunity again devoting to speak more elaborately on this issue, but the 2011 plan, given court precedent and the direction of the State Constitution, the 2011 plan certainly met the parameters set forth by the precedent and the State Constitution up to and through the time that we took that vote. The 2011 plan that was passed by this Commission had a population deviation of 5.97 percent, had only 108 municipalities out of a total of 2,574 municipalities, representing only 4.2 percent of all municipalities, that were split; 4.2 percent. Please note that 7 municipalities of that 2,574 must be split. Therefore, we are talking about 101 municipalities. The 2001 plan had 122 splits and was upheld by the Supreme Court on a 7 to 0 vote, and that represented 4.74 percent of all municipalities.

I would also state that all prior precedence made it clear that the principle of "one person, one vote" was first and foremost the most important principle, and that deviation in population was designed to be kept to a minimum to emphasize the importance of each individual's singular sacrosanct vote. Keep in mind that municipalities are a construct of the legislature and have a historical record. This particular map, which was negotiated, does reduce splits to 68, and it's 2.64 percent of all municipalities. Population deviation, however,
in particular reasons to reduce splits, did increase from 5.97 percent to 7.76 percent.

Keep in mind also that our 2011 map crossed every "T" and dotted every "I" with respect to Voting Rights Act consideration, far better than what was done in 2001. In fact, the 2001 plan only had one Hispanic minority-majority seat. In fact, the 2011 plan had three Hispanic minority-majority seats, and one influence seat in the Allentown area. The map we are proposing today continues that. There are 3 Hispanic minority-majority seats, 13 African-American minority-majority seats, a total of 5 influence seats, including the new Hispanic influence seat in the Allentown area. Keep also in mind that the 2011 map, as this map that we're going to vote on here in 2012, did not in any way use seat movement for political gain.

Why do you do redistricting every 10 years? To take into account population changes within the Commonwealth. That's the point. The first and foremost responsibility we have as Commission Members is to take a look at where the population changes have occurred and move seats in accordance with those population changes. The fact of the matter is, western Republican seats lost about 6,000 persons, western Democratic seats lost about 104,000 persons. Northwest Democratic seats, which is a subset of that, lost 7,000; southwest Democratic seats lost 97,000. Northwest Republican seats lost 16,000, whereas southwest Republican seats gained
10,000. There was, overall, a shift in population, growth areas in particular in some of the southcentral and southeast areas, and overall population loss out west. While not true for every district, my own seat out west grew in population, by way of example.

When we moved seats in the 2011 map, all of the seats that were moved were areas that had exhibited loss to areas that had exhibited gain. And there was no political advantage gained with respect to any seat movement. That remains true despite a change in seat movement for the 2012 House map that is before the Commission at the moment. A total of five seats are being moved - one from Philadelphia County to York County, one from Allegheny County to Lehigh County, one from Erie and Crawford County to Berks County, one from Clearfield County to Chester County, and one from the Lackawanna-Luzerne area to Monroe County. The only difference is that there was a second southwest seat that was completely appropriate to move, given the population loss. That seat went to Chester County. The difference is now the one seat will be coming from Clearfield County to Chester County. But all of those changes are representative of lost populations and moving to areas of growth populations without political partisan advantages.

I do believe that in the 2011 map that the move of the second seat in the southwest was more reflective of the
population changes in the State of Pennsylvania versus the
movement from Clearfield County. I think the facts bear that
out, given what I set forth about the percentage population
loss and the hard number population loss. But in the spirit of
compromise, which is what the State Constitution put into
effect, I am certainly supportive of this negotiated
preliminary map and recognize that we can take further input
over the next 30 days and will continue to work towards a final
map.

There is no doubt in my mind that given the
existing precedent, that the 2011 map was in fact
constitutional. And I am further convinced that the April 12
map that we will be voting on today, from the House
perspective, continues to be constitutional. And there's no
doubt in my mind that given the existing precedent, that the
2011 map that we voted on was a far better and more
constitutional map than the one that was passed in 2001, on a
variety of factors.

I just wanted to make this final point about the
purpose of the Commission as set forth in the Pennsylvania
State Constitution. Article II, Section 17, of the
Pennsylvania Constitution directs that State legislative
redistricting must be accomplished by a five-member Legislative
Reapportionment Commission. They purposely chose the Majority
and Minority Leaders of the Pennsylvania House of

Legislative Reapportionment Commission
Representatives and the Senate to serve with a nonpartisan
Commission Chair. The goal here was to make sure that we took
into account many factors in the best interests of the citizens
of Pennsylvania. I will go into this role of the Commission
later, but the goal here is to bring all those factors together
in this Commission and to come up with compromise maps with
respect to the State House and the State Senate for the next 10
years.

In fact, that's what we have been doing. We
recognize that with every issue that might get raised to the
Chair, there can be differences, but you have to resolve those
differences, because that is the art of governing. Anyone, as
a person, I ask, anybody can go and draw an arbitrary map. The
fact of the matter is that the State Supreme Court put forth,
with purpose, a Commission such as this with leaders of
Caucuses to come together and to compromise and do what's best
for the citizens of Pennsylvania. That is why I will be -- why
I'm seconding and why I will be supporting this map.

I will reserve, for after the vote, further
comments. Thank you.

CHAIRMAN McEWEN: Representative Dermody.

REPRESENTATIVE DERMOHY: Not, I think, at the
moment, Mr. Chairman. I will comment later.

CHAIRMAN McEWEN: All right, fine.

Pardon me, Senator Costa.
SENATOR COSTA: Thank you very much, Mr. Chairman.

Mr. Chairman, I appreciate the comments of my colleague, Representative Turzai, in respect to the House process that took place in how they were able to work together, and if given the opportunity to support a separate plan as it relates to the House, would be supportive of such, given the fact that they had worked to reach a consensus and a compromise. Mr. Chairman, I think that in my case, however, I don't believe that I will be able to do the same thing for a State Senate map as outlined by my friend and colleague, Senator Pileggi, in his plan to adopt Preliminary Plan no. 1.

Mr. Chairman, I don't think that this plan recognizes or addresses the framework in terms of the conversations that have been taking place, and I would be remiss if I did not indicate there have been a number of conversations to this process with respect to various aspects of the Supreme Court decision and how we recognize and honor what our Supreme Court stated and instructed us in the form of an 87-page opinion.

There are a number of things that we are very much concerned about, particularly in the areas that recognize that some communities of interest that we think, again, are not in the same position -- are in the same position as they were in the map that was stricken by the Supreme Court, specifically I'll make reference to the 45th District, which is moved from
southwestern Pennsylvania to the Monroe community, but also a
district that was also recognized by the Supreme Court,
District 15, the Harrisburg/Dauphin County, our capital county,
our capital city, stripped away from their community of
interest there along those lines. As well as a number of other
concerns that we believe that do not make this plan something
that I can sit here and support today.

Mr. Chairman, to that end, I would like to offer an
amendment to the Preliminary Plan no. 1 as proposed by Senator
Pileggi and ask that my colleagues on the Commission look at
the Senate Democratic Preliminary Plan that we will offer.
This plan, too, was shared with our colleagues and the Chairman
over the course of, quite frankly, a number of weeks, but more
specifically, more recently a more refined version just
yesterday as well, when we were instructed by the Chairman to
share our respective maps.

So I would offer the Senate Democratic Preliminary
plan dated 4-12-12, and pass the information out to my
colleagues for their consideration. And I would like to speak
on that in a moment, if I could.

(Whereupon, maps were distributed to Commission
Members.)

CHAIRMAN McEWEN: Senator Costa, you're presenting
an amendment to the plan offered, is that correct?

SENATOR COSTA: That is correct, Mr. Chairman. I'm
presenting an amendment to the plan offered as Preliminary Plan
no. 1 by Senator Pileggi.

CHAIRMAN MCEWEN: And you have remarks to offer?

SENATOR COSTA: I'd like to offer remarks, yes.

CHAIRMAN MCEWEN: Please proceed.

SENATOR COSTA: Thank you very much, Mr. Chairman.

CHAIRMAN MCEWEN: Is there a second to the

amendment?

REPRESENTATIVE DERMODY: I second the amendment.

SENATOR COSTA: Thank you, Mr. Chairman.

Mr. Chairman, over the past few months, as I

indicated, we have spent a significant amount of time

negotiating various elements of this preliminary plan with you

as Chairman, and also other Members of the Commission. As I

stated, I would like to offer this alternative plan that was

previously submitted to my Commission Members and incorporates,

as I stated earlier, much of the framework that we've been

discussing for the past several weeks.

This particular plan, the alternative plan, reduces

the number of county splits throughout the Commonwealth. For

instance, in the southeast, we can remove splits in Chester

County and Bucks County. In the central part of the State,

this alternative plan keeps the city of Harrisburg in the 15th

District, which covers Dauphin County. As I mentioned earlier,

this was a point of contention in last year's proceedings and
the Supreme Court, in its opinion, specifically mentioned the
desirability of keeping county seats together with the overall
county district.

In the southwest, our plan places five Senate
districts entirely within Allegheny County. As a result, we're
able to place the 46th Senatorial District entirely within
Washington County and Greene County. And we were also able to
place the 47th Senatorial District entirely within Beaver
County and Lawrence County. In short, we were able to remove a
substantial number of unnecessary splits while providing a fair
and equitable district.

For these reasons, Mr. Chairman, I respectfully
request that the Commission Members adopt this plan which is
consistent with the Supreme Court guidelines and our
constitutional guidelines, and I ask for an affirmative vote.

CHAIRMAN McEWEN: Thank you, Senator Costa.

We'll call for a vote on the amendment of Senator
Costa to Senator Pileggi's plan. All those in favor of the --
well, we'll go one by one. You obviously, of course, vote
"yes."

SENATOR COSTA: I vote "yes" on that, Mr. Chairman.

CHAIRMAN McEWEN: Senator Pileggi.

SENATOR PILEGGI: No.

CHAIRMAN McEWEN: Representative Turzai.

REPRESENTATIVE TURZAI: No.
CHAIRMAN McEWEN: Frank.

REPRESENTATIVE DERMOLOY: Yes.

CHAIRMAN McEWEN: And I vote "no."

That brings before us the plan of Senator Pileggi
which he made and has been seconded by Representative Turzai.
So we'll be calling for a vote on the adoption of Senator
Pileggi's plan.

SENATOR COSTA: Mr. Chairman, before we get to that
point.

CHAIRMAN McEWEN: Sure.

SENATOR COSTA: I'd like to make a motion that we
move to bifurcate the vote of the respective plans, as we move
forward at this point.

CHAIRMAN McEWEN: All those in favor?

SENATOR COSTA: Aye.

REPRESENTATIVE DERMOLOY: Aye.

SENATOR PILEGGI: Mr. Chairman, I think there's
been a motion, not a second. I'd like to speak to the motion.

REPRESENTATIVE DERMOLOY: Well, I'll second the
motion.

SENATOR PILEGGI: Mr. Chairman, I'm not sure I
understand the motion, but if it is to vote separately on the
House plan and the Senate plan, that is contrary to our
constitutional mandate and past precedent. It's always been
considered one plan and not two. So, for those reasons, I
oppose the motion.

CHAIRMAN MCEWEN: Senator Costa, do you wish to
address the motion?

SENATOR COSTA: Mr. Chairman, I would like to
address the motion. Mr. Chairman, we have two separate and
distinct plans that are part of this process and part of the
conversation that we have here today. We think it's entirely
appropriate to allow a Member to bifurcate the vote so that
there's a separate vote taken for the House maps and a separate
vote taken as it relates to the Senate maps. And I think they
are different because of what I believe the outcome will
ultimately be, there should be an opportunity to, and given the
differences between the Senate plan as proposed by my
colleague, Senator Pileggi, and proposed by myself as the
Senate Democratic plan, we believe there should be an
opportunity to distinguish one's vote along those lines.

CHAIRMAN MCEWEN: Representative Turzai, any
thoughts?

REPRESENTATIVE TURZAI: Mr. Chairman, my
understanding, and maybe in reference to Counsel for the
Commission, my understanding is that there's a singular plan
that gets voted upon that is comprised of two maps. I know
that we can vote on amendments with respect to the plan, just
as we did with Senator Costa's amendment. I believe that's
what the Constitution and precedent sets forth.
CHAIRMAN McEWEN: Representative Dermody.

REPRESENTATIVE DERMODY: Thank you, Mr. Chairman.

Mr. Chairman, I support my colleague, Senator Costa, in his argument that we ought to be able to separate the two on a vote here and to see how that comes out. I believe that Senator Costa has offered a good plan for the Senate, the amendment should have been adopted, and if we have an opportunity to vote on a House plan and a Senate plan, eventually there will be one plan, I would assume, that comes from this Commission. However, the opportunity to bifurcate I think is a good one and gives us an opportunity to consider these separately.

And Mr. Chairman, if I may, can I ask a question? Are there any additional plans to be offered? I was under the understanding there may be additional ones. I was wondering if that's the case.

CHAIRMAN McEWEN: Yes, there will be additional plans offered. Yes.

SENATOR PILEGGI: Mr. Chairman, could I just speak to the motion?

CHAIRMAN McEWEN: Senator Pileggi.

SENATOR PILEGGI: If I could speak to the motion again. In the meantime, I found my copy of Section 17, and reference throughout the constitutional language is to "plan," singular, and I'd be concerned that if we vote multiple plans,
we would be contradicting the plain language of the
Constitution and put our actions in jeopardy, if challenged in
court.

CHAIRMAN McEWEN: Well, there being such a division
of view among four outstanding lawyers and experienced
legislators, I'm going to recess the meeting quite briefly to
speak -- so we can all hear from Counsel, Judge Del Sole.

(Whereupon, the proceedings were recessed at 1:44
p.m., and were reconvened at 1:46 p.m.)

CHAIRMAN McEWEN: We're back in business.

Senator Costa.

SENATOR COSTA: Thank you, Mr. Chairman.

Mr. Chairman, in light of our conversation and
clarity with respect to how we're going to proceed, I will
withdraw the motion to bifurcate at this point.

CHAIRMAN McEWEN: All right. The plan of Senator
Pileggi has been presented and seconded. So we're going to
call for a vote upon his plan.

Senator Pileggi, obviously "yes."

SENATOR PILEGGI: Yes.

CHAIRMAN McEWEN: Senator Costa.

SENATOR COSTA: Mr. Chairman, I vote "no."

CHAIRMAN McEWEN: Representative Turzai.

REPRESENTATIVE TURZAI: Yes.

CHAIRMAN McEWEN: Representative Dermody.
REPRESENTATIVE DERMODY: No.

CHAIRMAN McEWEN: And I vote "no."

May I present, for your consideration, a compromise plan which has been circulated among you and move for its adoption.

Is there a motion?

REPRESENTATIVE TURZAI: I will second that.

CHAIRMAN McEWEN: I mean, is there a second, yes.

REPRESENTATIVE TURZAI: I will second that.

CHAIRMAN McEWEN: All right, are there any amendments?

SENATOR PILEGGI: Mr. Chairman.

REPRESENTATIVE TURZAI: Your Honor, if I might, just for clarification, the Chair's plan keeps the House just--

CHAIRMAN McEWEN: Does not touch the House.

REPRESENTATIVE TURZAI: The House map is the same.

CHAIRMAN McEWEN: I should have said may I present for your consideration the compromise Senate plan.

REPRESENTATIVE TURZAI: Which, as part of the total proposal, includes our House map and includes your Senate map?

CHAIRMAN McEWEN: Yes, it does.

REPRESENTATIVE TURZAI: I will second that.

CHAIRMAN McEWEN: Are we straight?

REPRESENTATIVE TURZAI: Yes, sir.

CHAIRMAN McEWEN: Senator Pileggi.
SENATOR PILEGGI: Thank you, Mr. Chairman.

Mr. Chairman, the heart of my Senate map and the
remanded plan that we approved previously by this Commission is
to move Senate District 45 from Allegheny County in the west to
Monroe County, essentially, and other counties to the east.
That decision was based on population data. Senate District
45, which is more than 33,000 residents below the ideal
district size, is the second lowest populated district in the
State. I proposed in my plan today, and previously, to move
that to Monroe County, which is the fastest growing county in
Pennsylvania, with a population of more than 100,000 residents.

I believe this is the kind of decision that should
be driven, as much as possible, by Census Bureau population
data. However, I understand as your proposed plan takes a
different approach and moves a different Senate seat from west
to east. I understand that that is based on your view that you
do not want to move the seat of a sitting State Senator who is
running for reelection or is in the middle of a term. I
understand your position to be nonnegotiable.

Recognizing that, although disagreeing respectfully
with that point of view, and in a desire to fulfill the
Commission's obligation to produce a map rather than produce a
deadlock, I move that your plan by amended as follows: That
all references to Senate District 37 are changed to Senate
District 40, and all references to Senate District 40 are
changed to Senate District 37.

More specifically, on page 11 of the legal
description produced for the Senate map which you proposed, Mr.
Chairman, District 37 should be changed to District 40, and on
page 12 of that legal description for the Senate map of
Proposed Plan no. 2, district 40 should be changed to District
37. The practical result of this amendment will be a new
Senate seat created in Monroe County will be referred to as
Senate District 40, and the remaining merged district located
in Allegheny County will be referred to as Senate District 37.

My proposed amendment to the Proposed Preliminary
Plan no. 2 will not change any actual district lines as
proposed by you, Mr. Chairman. Mr. Chairman, I would ask for
an affirmative vote on that motion.

CHAIRMAN McEWEN: The Chair accepts the amendment
to his proposed plan.

Are there any other proposed amendments?

(No response.)

CHAIRMAN McEWEN: I call for a vote.

SENATOR COSTA: Mr. Chairman, if I could remark.

CHAIRMAN McEWEN: Certainly.

SENATOR COSTA: Thank you, Mr. Chairman.

Mr. Chairman, while I appreciate the efforts very
much of the Chairman and the recognition of the 45th District
remaining in the western part of Pennsylvania, a number of
other parts of the plan that is very much similar to the plan as presented by my friend and colleague, Senator Pileggi, are contained in this particular amendment offered by the Chairman, and that is something I think we need to continue to address. I have reservations regarding many aspects of this plan. I strongly believe that we need a very significant and open and informative public process to review the nature of this plan.

Mr. Chairman, this is a plan that we received about 11 o'clock today, somewhat different than various versions of the Chairman's plan that we had worked to try to achieve throughout this process. So I'm asking, first and foremost, Mr. Chairman, that we have an opportunity to schedule public hearings so the public has an opportunity to have input as it relates to this particular plan, particularly as it relates to the central issue about splits that are contained in this particular plan.

Mr. Chairman, this plan provides additional splits than was presented by both myself and Senator Pileggi which we think need to be addressed. We need to undertake a very comprehensive review of this plan in the context of the Supreme Court's decision and the Constitution. Comparing the proposed plan, I think the splits is an issue we need to address.

I strongly believe that it's very, very important to move the process forward. While the House Members have been able to reach greater consensus, we're not at that point, and
it is my understanding, based on our conversations, Mr.
Chairman, that this process will move forward, that the intent
is to gather additional information and continue to work and to
use this as a framework for further discussions, but ultimately
a final plan as we move forward.

We think it's imperative, Mr. Chairman, that we
continue to have dialogue, specifically about the number of
splits, specifically about the number of the -- or I should say
the draw as it relates to the city of Philadelphia, being
cognizant of the communities of interest that need to be
addressed within that city, also being cognizant of the Voting
Rights Act issues that are part and parcel to that which
necessitate additional splits possibly, but those conversations
are imperative that they take place.

In addition, Mr. Chairman, I reiterated in the plan
proposed by Senator Pileggi, very much concerned about the
impact of moving the city of Harrisburg out of the 15th
District into I believe the 48th District, as well as a number
of other issues. So, Mr. Chairman, while I'm very pleased that
you recognized the value of the 45th and the Mon Valley
community as a community of interest, and recognizing the
service of Senator Brewster as a Member, as much as I would
like to help move the process forward, and I do want to move
the process forward, but given the nature of this particular
plan, I find it difficult to support the plan at this point in
time and reserve the ability to work with you and my colleagues on this Commission to craft a plan which I think we can do a better job of addressing many of the concerns that I've raised and the court has raised with us.

So for those reasons, Mr. Chairman, I appreciate your efforts, but at this point I am not in position to support the Chairman's plan at this time.

CHAIRMAN McEWEN: Thank you, Senator Costa.

Any other remarks on the amendment?

REPRESENTATIVE DERMODY: Not on the amendment. The vote right now is on the amendment, right?

CHAIRMAN McEWEN: On the amendment, right.

Any other remarks on the amendment?

SENATOR COSTA: Well, Mr. Chairman, I don't know whether we've concluded the amendment to the plan as it relates to the 37 to 40 split. Do we have to vote that?

REPRESENTATIVE TURZAI: Yeah, we have to vote on that first.

CHAIRMAN McEWEN: We have to vote on--

SENATOR COSTA: Senator Pileggi's original amendment. I'm in favor of the amendment offered by Senator Pileggi as it relates to changing the numbers from 37 to 40, and 40 to 37.

REPRESENTATIVE TURZAI: Mr. Chairman, if I might. I myself will support the amendment, although I would say this.
Our focus is certainly on the House map. The House map has been negotiated, is part of the underlying compromise map that has been put forth by the Chair. Today was the first day that I did see the proposal set forth by the Chair with respect to the Senate, and also knowledge of the proposed change from 37 to 40. I do live in the 40th Senatorial District, but we need to move this process along. I'm in favor of the amendment; and I know that we'll continue to work forward over the next 30 days to finalize the entire map, and I appreciate the hard efforts of my colleague to move the process forward from the Senate Majority Leader.

CHAIRMAN McEWEN: Representative Dermody.

REPRESENTATIVE DERMOBY: I have no comments on the amendment.

CHAIRMAN McEWEN: All right, fine.

We'll call for a vote on the amendment. All those in favor of the amendment, say "aye."

SENATOR PILEGGI: Aye.

CHAIRMAN McEWEN: I guess, Senator Costa -- we'll do it individually.

SENATOR COSTA: No, Mr. Chairman.

CHAIRMAN McEWEN: Senator Pileggi, of course, "yes," since it's your amendment.

SENATOR COSTA: Wait a minute, the 40-37 amendment?

Yes, I'm "aye" on that.
CHAIRMAN McEWEN: All right.

SENATOR PILEGGI: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMODY: Yes, on the 40-37; I'm a "yes."

CHAIRMAN McEWEN: All right, the amendment of Senator Pileggi is adopted.

Now, any comments on the compromise plan that's been offered by the Chair, or shall we proceed to a vote?

REPRESENTATIVE DERMODY: Mr. Chairman, a question.

CHAIRMAN McEWEN: Yes.

REPRESENTATIVE DERMODY: The amendment, is it separate, the Senate plan that you're offering, from the House plan?

CHAIRMAN McEWEN: The amendment, my compromise plan, only affects the Senate, and it's only to the Senate.

REPRESENTATIVE DERMODY: Yes, but is the amendment only the Senate?

CHAIRMAN McEWEN: Yes, of course.

I thought it was clear, but a vote on the compromise plan presented by the Chair of necessity is self-evident that it includes the House map. Are we all right?

REPRESENTATIVE TURZAI: Yes, that's right.

REPRESENTATIVE DERMODY: And when the vote is ready, I would like to make some comments before the vote.
Whenever I'm in order, Mr. Chairman.

CHAIRMAN McEWEN: But the fact that it includes the House plan is clearly obvious, in my mind.

In any event, I'll call for a vote on the compromise plan.

SENATOR COSTA: Representative Dermody would like to speak.

CHAIRMAN McEWEN: Does anybody else want to speak? I was looking at everybody to see if anybody else wanted to speak.

SENATOR COSTA: No, I spoke.

REPRESENTATIVE DERMOHY: Thank you, Mr. Chairman. First, Mr. Chairman, I would like to state that I would hope -- I wish this could be bifurcated to separate the Senate plan from the House plan, because I would vote with my colleague, Senator Costa, against the proposal for the Senate. However, we have to vote for this plan as a whole. So before that vote, I just want to take some time to thank you, Mr. Chairman, for your leadership through what has been a very challenging process, at least getting us to this point. As an observer and a participant in these discussions with you and with other Members of the Commission, I can say that you have been fair to both sides. I want to thank the other leaders of the Commission, including Leader Turzai. His willingness to negotiate has greatly aided the search for consensus on a House
plan that meets the criteria outlined in the Supreme Court's opinion.

I believe we are not all the way there yet, but we are much closer than we were before. Each of us, as an advocate for our cause, we are advocates for our cause, but we have a shared goal of achieving an end result that is clear and complete. Clearly, this is not an early task. For the most part, we have made progress, and in the House, we have found some common ground on which to draw a map. Given the Court's opinion issued previously, I believe we should leave as little to chance as we possibly can in this renewed effort by doing everything possible -- we must do everything possible to reduce the number of splits. If we were voting today on a final plan rather than a preliminary plan, I would not be able to vote for it.

This Commission does have a constitutional duty, however, to move this process forward towards resolution. Consistent with that duty, I am prepared to vote "yes" today, but I strongly believe our work needs to continue. It's important for the Commission to understand that we are not yet done. I am hopeful and confident that as we listen and consider public comments, more will get done to improve the final plan. My vote on a final plan will depend on what's in a final plan.

I understand the process is moving forward to the

Legislative Reapportionment Commission
public comment stage. I want to listen to what our citizens have to say about this preliminary plan. We received some great input from the first public comment period last fall, and it was valuable. I look forward to hearing more from the public in the coming 30 days.

Mr. Chairman, very few people understand the task that you face in shepherding this process, and I want to thank you again for your leadership.

Thank you, Mr. Chairman.

CHAIRMAN McEWEN: Thank you for your remarks, Representative, and I especially thank you for the verbal bouquets. They are warming and reassuring.

REPRESENTATIVE DERMODY: We have additional work to do, Mr. Chairman.

CHAIRMAN McEWEN: So they might be a little butter-up then, huh?

(Laughter.)

CHAIRMAN McEWEN: You heard about me.

All right, we're going to proceed to a vote on the compromise plan that's been circulated and been discussed for a bit here. All those -- well, Senator Costa.

SENATOR COSTA: No.

SENATOR PILEGGI: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMODY: Aye.
CHAIRMAN MCEWEN: I, of course, vote "aye" as well.

The plan having been adopted, the preliminary plan
having been adopted, the only remaining item of business is to
schedule a hearing for the public, and that must be held within
30 days of this date, the preliminary plan having been adopted.
So it must be held by -- 30 days expires on Saturday, May 12,
therefore the earliest date for the hearing, public hearing to
adopt a final plan is May 14. We want to allow sufficient time
to consider grievances, suggestions, and proposals before May
14. So we will proceed on May 2, and the Executive Director
will proceed to advertise a public hearing for the expression
of public comments, suggestions, et cetera, on May 2 at 2:00
p.m. in this very room, assuming -- the room is available. So
that hearing will be Wednesday, May 2, 2:00 p.m. Is there a
question?

REPRESENTATIVE TURZAI: No, I'm fine with that.

CHAIRMAN MCEWEN: All right, any other business?

SENATOR COSTA: Mr. Chairman, as it relates to

hearings, I think it's important that we keep open the
possibility of multiple hearings. My guess is that there will
be a number of folks who want to comment, and I just don't want
to allow for May 2 to be the only hearing in that process, but
I appreciate your efforts to, along those lines, if we could
keep the option open for additional hearings depending upon the
number of people who come forward.
CHAIRMAN McEWEN: Absolutely. On May 2, if we're not completed with the testimony of people who appear here, then we will recess on that day and pick up on a date to be set.

SENATOR COSTA: All right, thank you.

CHAIRMAN McEWEN: Any comments?

SENATOR PILEGGI: No, I'm fine.

CHAIRMAN McEWEN: Any closing statement?

REPRESENTATIVE TURZAI: Yes, sir.

Thank you very much, Mr. Chair. Before we close and we move into hearings, I think it's important to address what the appropriate role of the Commission is under the State Constitution. It's set forth in Article II, Section 17, and in all earnestness, I would very much expect a 5-0 vote here today, and in large part it's because that would be fulfilling our constitutional duties separate from our roles as leaders of the Caucus.

The Majority, Minority Leaders of the House of Representatives and of the Senate are sent to come here, with the independent Chair, to compromise and to bring those interests to the table, but to recognize that not everybody gets everything they want and that you have to bring those important interests to the table, but in the end they are compromised. Each and every person on their own could draw a map, but the fact of the matter is, that's not what the
Constitution said. It said that the Leaders of the Caucuses, with an independent Chair, are to come together and draw a map, which means there has to be give-and-take, given the factors that are set forth in the State Constitution. Delegate Fagan, on February 7 of 1968, offered the reasoning of the committee behind this Proposal No. 2, which became Article II, Section 17, and he stated that, "the appropriate group to make this change...because of the fact that they are more conversant with the State and also the legislative and senatorial districts and the method in which it should be divided in the best interests of the citizens of Pennsylvania."

The delegates who served on the Committee on Legislative Apportionment understood that the nature of the legislature and its elected officials was such that they knew about the communities of interest within the Commonwealth, as well as the particular legislative district lines which would best represent those interests. Because the legislature had in the past, at that time, before 1968, trouble reaching an agreement, the Delegate stated, "...because of [that] fact...by this body they have been unable to conclude an agreement," we have offered a compromise, and the compromise to that problem was the impetus for the creation of a Legislative Reapportionment Commission.

Proposal No. 2 offered this hybrid, intended to take the unique and important perspective of the legislature,
but to create a smaller body which could more expeditiously act
within reapportionment time lines, which this Reapportionment
Commission did. "Under this proposal it establishes a
commission." The Commission "is composed of members of both
the House...and...the Senate." We feel that by giving it to
this Commission, that they can come up with the proper
decisions of the reapportionment that are in the best interests
of all the citizens of Pennsylvania.

It also took note of the fact that despite whatever
who was in the Majority, the Minority, that each Caucus would
have a separate representation and equal representation, and
that the tie-breaker would result with the Chair. The fact of
the matter is, when we passed the 2011 map, we were in fact
fulfilling our constitutional duty, and we were doing it within
the appropriate time line. It is clear that with the Chair's
guidance, there has been legitimate negotiations taking into
account all of the constitutional factors and the statutory
factors that we must take into account, and we continue to do
that with the map that passed today.

But keep in mind, you can draw your own map, but
this isn't a process that's designed for any us or any of you
to just draw our own map. The goal here is to get these minds
together to draw a particular map representing consensus and
compromise, and that's what we worked on before in 2011, and
that's what we worked on today.
One other thing with respect to the map, county seat splits. There are 67 county seats, only 1 that does not have to be split is split, and that's Pottsville in Schuylkill County. Pottsville has historically not been a unified subdivision. It was split in both the 1980 and 2001 reapportionments. West Chester, which was cited, has been put back together. I note a card here from the mayor of the borough of West Chester, who I understand is interested in becoming a part of the political process and running herself, but the fact of the matter is those political considerations have to be into -- are not taken into account here, but in fact what's been taken into account are all the factors that we bring to the table.

Thank you very much, Mr. Chairman.

CHAIRMAN McEWEN: Thank you for your remarks. In fact, I hear an echo. When you say it's the Commission that best serves this role of reapportionment, a Commission like us, you're echoing my remarks at the outset and the close of the prior plan, but you say it so much more eloquently. All right.

The business being concluded, this meeting is adjourned.

(Whereupon, the proceedings were concluded at 2:10 p.m.)
I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

ANN-MARIE P. SWEENEY
Chief Official Reporter
Senate of Pennsylvania

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ANN-MARIE P. SWEENEY
Chief Official Reporter
Senate of Pennsylvania
Room 644, Main Capitol Building
Harrisburg, PA 17120
(717) 787-4206
May 14, 2012

Mr. Charles O'Connor, Executive Director  
Legislative Reapportionment Commission  
104 North Office Building  
Harrisburg, PA  17120

Dear Mr. O'Connor:

Included with this cover letter are the exceptions that I am filing today to the April 12, 2012 Preliminary Reapportionment Plan.

Sincerely,

Senator Jay Costa

JAC/ag
2011 Legislative Reapportionment Commission

Exceptions to the Revised Preliminary Reapportionment
Plan Filed by the 2011 Legislative Reapportionment Commission

Submitted by

Honorable Jay Costa
Member, Reapportionment Commission

May 14, 2012
2011 Legislative Reapportionment Commission

Exceptions to the Preliminary Reapportionment Plan Filed by the 2011 Legislative Reapportionment Commission

Pursuant to Article II, Section 17(c) of the Pennsylvania Constitution, the Honorable Jay Costa hereby files exceptions to the revised preliminary plan (the "Preliminary Plan") filed by the 2011 Legislative Reapportionment Commission (the "Commission") with the Pennsylvania Secretary of State on April 12, 2012.

Exception 1

1. The Preliminary Plan splits counties when not "absolutely necessary," contrary to the requirements of Article II, Section 16 of the Pennsylvania Constitution. Several of the counties in the Commonwealth include at least one unnecessary split. These counties include: Beaver, Butler, Montgomery, Northampton and Washington.

Exception 2

2. Proposed Senate District 47 violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that "unless absolutely necessary" no political subdivision shall be divided in forming a senatorial district. The Preliminary Plan unnecessarily splits Beaver and Butler counties. Senate District 47 should be redrawn to encompass Lawrence and Beaver counties in their entirety, thereby eliminating one county split in Lawrence County and one county split in Butler County.

Exception 3

3. The Preliminary Plan violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that "unless absolutely necessary" no political subdivision shall be divided in forming a senatorial district. The Preliminary Plan unnecessarily splits Butler County among four Senate Districts, including the split caused by
placing Cranberry Township in Senate District 46. Butler County should be split no more than one time. By making an adjustment to Senate District 47 as I proposed in Exception 2, Butler County, including Cranberry Township, can be placed almost wholly within Senate District 21. The southeastern portion of Senate District 21 can be located in Senate District 41, which currently includes Indiana and Armstrong Counties.

**Exception 4**

4. The Preliminary Plan violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that “unless absolutely necessary” no political subdivision shall be divided in forming a senatorial district. The Preliminary Plan unnecessarily splits Washington County among two Senate Districts. By making the adjustments referred to in Exceptions 2 and 3, Senate District 45 can be confined wholly within Allegheny County. As a result, Senate District 46 can be redrawn to encompass Washington and Greene counties in their entirety thereby removing an unnecessary split of Washington County.

**Exception 5**

5. Proposed Senate District 15 violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that districts “be composed of compact and contiguous territory” and is contrary to the mandate of the Pennsylvania Supreme Court in *Holt v. 2011 Legislative Reapportionment Commission*. Senate District 15 was again redrawn only to remove the City of Harrisburg from its historical district. The failure to retain the City of Harrisburg, the capital of Dauphin County within Senate District 15, fails to appropriately consider the importance of keeping the capital of the county with its historic seat. This configuration also ignores the express concern stated by the Supreme Court in *Holt* that a capital city of a county be preserved, with the historic county seat. The Commission should redraw District 15 so that it includes Harrisburg and remains a compact
district in the final plan. In addition, as of the April 24th primary election, Rob Teplitz is the Democratic nominee for Senate District 15. Mr. Teplitz resides in Susquehanna Township which the Commission has removed from Senate District 15. The Commission should redraw Senate District 15 to include Susquehanna Township in the final plan.

Exception 6

7. The Commission should be consistent in its treatment of Senate Districts 15 and 37 and redraw both to account for the residences of party nominees for the November, 2012 general election for those Senate seats.

Exception 7

9. Proposed Senate District 18 violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that districts “be composed of compact and contiguous territory.” Senate District 18 makes a “V-Shaped” protrusion into the Lehigh Valley. Senate District 18 should be redrawn and should remain a compact district in the final plan. The Commission should leave Lehigh County intact in District 16 other than the inclusion of Bethlehem, a municipality situated in both Northampton and Lehigh Counties, in Senate District 18.

Exception 8

10. Proposed Senate District 35 violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that districts “be composed of compact and contiguous territory.” Senate District 35 stretches from the southern border of Pennsylvania in Bedford County to the northern border of Clearfield County. Senate District 35 should be redrawn and should remain a compact district in the final plan. Senate District 35 can be designed entirely within three counties: Cambria, Clearfield and Clinton.
Exception 9

11. The 30th District should be drawn in a compact and contiguous manner, by including the following counties: Bedford, Blair, Fulton, Huntington, and the Western municipalities of Franklin.

Exception 10

12. The Commission should reconsider and adopt the Senate Democratic Preliminary Plan which contains less county splits than the Preliminary Plan.

Exception 11

13. Due to the application of the Sunshine Act, the members of the Commission were unable to hold meetings at which both of the Senate or House leaders and the Chairman were present. As a result, the established process did not include a mechanism by which the Commission members could effectively meet to discuss various options. This resulted in the adoption of a Preliminary Plan that was not made available to all Commission members until the day of the Commission’s vote on April 12, 2012.

Exception 12

14. The final plan passed by the Commission should not go into effect until after the 2012 general election. Consistent with the Pennsylvania Constitution, the new districts’ boundaries, which are to be used for the 2014 primary and general elections, should not become absolute until after the 2014 general election.

WHEREFORE, for the reasons set forth herein, the Preliminary Plan should be adjusted so as to address the Exceptions noted above.

Respectfully Submitted,

By The Honorable Jay Costa
May 14, 2012
COMMONWEALTH OF PENNSYLVANIA
LEGISLATIVE REAPPORTIONMENT COMMISSION

In re: Public Hearing of the Legislative
Reapportionment Commission

VOLUME XIII - Pages 515-632

Stenographic report of hearing held
in Hearing Room No. 1, North Office
Building, Harrisburg, Pennsylvania

Wednesday
May 2, 2012
2:00 p.m.

HON. STEPHEN J. MCEWEN, JR., CHAIRMAN

MEMBERS OF LEGISLATIVE REAPPORTIONMENT COMMISSION

Sen. Dominic Pileggi Rep. Mike Turzai

Also Present:
Hon. Joseph A. Del Sole, Chief Counsel
Charles E. O'Connor, Jr., Esq., Executive Director
William G. Corey, Esq., Deputy Executive Director
Michael H. Chung, Esq., Deputy Research Counsel
Kathy Sullivan, Executive Director, Legislative Data Processing
Center
David Woods, Chief of Staff, Senate Majority Leader
Erik Arneson, Policy Director, Senate Majority Leader
John Memmi, Director, Senate Republican Mapping Office
C.J. Hafner, Esquire, Chief Counsel, Senate Democratic Leader
Mark McKillop, Director, Senate Democratic Legislative Services
Lora S. Schoenberg, Senate Democratic Legislative Services
William R. Schaller, Director, House Republican Reapportionment
Services
Scott Casper, Director, House Democratic Office of
Demographic Analysis

Reported by:
Ann-Marie P. Sweeney
Senate Chief Official Reporter

Legislative Reapportionment Commission
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CHAIRMAN McEWEN: Good afternoon. This meeting of the Legislative Reapportionment Commission will come to order.

Are there any opening statements?

Senator Pileggi.

SENATOR PILEGGI: No, thank you, Your Honor.

CHAIRMAN McEWEN: Senator Costa.

SENATOR COSTA: No, thank you, Your Honor.

CHAIRMAN McEWEN: Leader Turzai.

REPRESENTATIVE TURZAI: No. No, sir.

CHAIRMAN McEWEN: Leader Dermody.

REPRESENTATIVE DERMODY: No, thank you, Your Honor.

CHAIRMAN McEWEN: All right. Let me make a statement clear at the outset of this hearing, where we want to hear from the public. You've all been acquainted with the list of speakers and the time which has been allotted to each of the speakers. It's obvious from the list of the speakers that a number of them share a particular focus. Thus, there's bound to be a considerable overlap, and a certain amount of repetition. Therefore, may I advise the speakers that the Commission retains the prerogative of directing a speaker to address a specific issue or to conclude the presentation. And by the same token, the prerogative of extending the listed time by a presenter who has particular remarks of interest to the Members of the Commission. Thank you.

We proceed to a call of that list, and it is a

Legislative Reapportionment Commission
particular honor for the Commission, and for me as Chair, to recognize and call to the stand the President pro tempore of the Senate, Joseph A. Scarnati.

I have to tell you, Senator, for years when Henry Hager was President of the Senate, and he always said pro tempore, and I said, why on earth do you use "pro tempore"? Just say President of the Senate. Pro tempore makes it sound like an hour and a half you're going to be President.

Welcome.

PRESIDENT PRO TEMPORE SCARNATI: Thank you, Mr. Chairman. And I thank the Members of the Commission in allowing me to testify here today. I have a great appreciation for the countless hours that have been invested by each of you and the many staffs. This process is never easy, and this year has been made more difficult due to the Supreme Court's decision. I come to you today in light of my opposition to the preliminary plan that was adopted by a 4 to 1 vote on April 12. I believe the preliminary map was built on faulty premises and misguided principles.

Article II, Section 16, of the Pennsylvania Constitution states, "The Commonwealth shall be divided into 50 senatorial and 203 representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable." Representative Turzai correctly stated at your last Commission meeting that the main charge of
this Commission is to account for population gains and losses in current districts. My testimony will focus on the population changes in the Senate districts of the Allegheny region.

Now, it's no secret that western Pennsylvania is losing population. Senator Ferlo's district, from the year 2000 to 2010, shrunk more than any other Senate district in the Commonwealth. His district lost approximately 25,000 people. Senator Brewster's district was the second on the list and lost approximately 20,000 people during the same period. Senator Costa's and Senator Fontana's districts were close behind and lost 15,000 and 12,000 people respectively.

Now, the 40th District, currently represented by Senator Oris, actually grew in population from 2000 to 2010 by more than 16,000 people. The 37th District, currently represented by Senator Pippy, grew by almost 10,000 people.

Now, it defies logic that the Commission would take the region's fastest growing Senate district, the 40th, and move it to the east. Allegheny County has approximately 1.2 million residents; 240,000 are registered Republicans, 540,000 are registered Democrats. Now, not including two small townships represented by Senator Solobay and Senator Vogel, four Senate Democrats and two Senate Republicans currently represent the lion's share of Allegheny County. Under your preliminary plan, that would shift to four Democrats and one

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Republican, a balance that simply does not fairly represent the
region's registration or population trends.

Further, the 40th District's current registration
is 46 percent Republican and 42 percent Democrat. The
Commission has proposed a new registration for the 40th
District to 37 percent Republican and 46 percent Democrat. So
the end result is Republicans would lose a solidly Republican
district in order to create a Democrat district, even though
the population changes argue for the absolute opposite result.

Unfortunately, Members' retirements was the
tantamount consideration that the Commission determined which
western Senate district to merge. It was stated on April 12
that the issue of Senate retirements was a central
consideration when drawing the so-called compromise map. In
fact, the issue was characterized as non-negotiable. Elevating
the consideration of retirements is nothing more than a
backdoor way of protecting incumbency, pure and simple. Now, I
don't want to see any sitting Senator lose his or her job, but
considering retirements superior to population shifts is
misguided, and possibly in violation of Article II, Section 16,
of the Constitution. Line drawing should require full analysis
that does not rise and fall on the longevity of a sitting
Member.

By example, if in two years, prior to the
implementation of the proposed maps, four Democratic Senate

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Members retire, then the occurrence would have no bearing on the new districts proposed today, whereas the Members retiring this term will be the only relevant ones for the next 10 years as it relates to the new districts.

The Allegheny region deserves a balanced, bipartisan representation, and I can't understand why any Member of the Commission believes a 4 Democrat and 1 Republican split is a fair proportion in light of the population shifts I outlined earlier. It is my hope that you will hear from others during the course of your public hearings that will also object to the merging of the 40th and 37th Senatorial Districts.

Senator Pileggi's plan that he offered on April 12 was a fair and legally defensible plan, dramatically reduced splits from the 2011 plan, it was compact, and most importantly, it fairly recognized the population shifts in the Allegheny region. I respectfully request that the Commission return its focus to Senator Pileggi's plan that did not artificially elevate retirements above the constitutional requirements. If the compromise plan offered was solely a vehicle to move the process forward, then perhaps that is understandable. But I would be remiss if I didn't highlight that the compromise did not garner the support of the Senate Democrats.

Once again, I realize that your road has been long and difficult. Nevertheless, I would urge a restructuring of
Allegheny County in order to maintain the integrity of the 37th and 40th Districts, and I would be willing to answer any of your questions.

Thank you.

CHAIRMAN McEWEN: Hearing no questions -- oh, Michael.

REPRESENTATIVE TURZAI: Senator Scarnati, just for the record, the amendment that you referenced -- or the plan that you referenced by Senator Pileggi in our last meeting, I just want to make sure, that was the one that was defeated by a 3 to 2 vote. Senator Pileggi and I voted "yes." It would have moved the Senator Brewster seat, as opposed to either moving the Senator Pippy or the Senator Orie seat. That's what you were referencing about that we need to revisit that particular proposal?

PRESIDENT PRO TEMPORE SCARNATI: That's correct, Representative.

REPRESENTATIVE TURZAI: We, in that particular vote, the plan that was put on the table based on population loss did move the Senator Brewster seat because of its significant population loss and kept in place the Senator Pippy and the Senator Orie seats because of those population gains. I happen to live in the Senator Orie seat. We had a 3 to 2 vote. Senator Pileggi and I voted in favor of moving the Brewster seat. In addition, in the original plan that was
remanded back to us here that was passed on a 4 to 1 vote also
moved the Senator Brewster seat, then the Supreme Court
remanded it to us, we had to go back to the table given the new
direction provided by the court, the new standard set by the
court.

I do want to reiterate, I do believe that our first
constitutional obligation with respect to this Commission is
about acknowledging where population loss and population gain
is, and to make seat adjustments accordingly. I also think,
although we have to take other factors into account, that
one-person-one-vote, as close as we can get to that, is a
paramount consideration.

I appreciate the remarks that you brought to the
table, and I think you've made an absolutely important
suggestion.

PRESIDENT PRO TEMPORE SCARNATI: Thank you.
CHAIRMAN McEWEN: Thank you for a very fervent
presentation, Senator.

PRESIDENT PRO TEMPORE SCARNATI: Thank you.
CHAIRMAN McEWEN: Or President of the Senate.

PRESIDENT PRO TEMPORE SCARNATI: Thank you.
CHAIRMAN McEWEN: Next, Senator Lisa Boscola.

May I mention that I'd ask each speaker to provide
to our esteemed stenographer, Ann-Marie, a copy of your remarks
when you depart. I overlooked asking Senator Scarnati, but I'm
sure his people will see to it.

Ah, here it is here. Here it is, Lisa. Thank you, Senator.

SENATOR BOSCOLA: Thank you, distinguished Commissioners. I appreciate the opportunity to speak with you today. I want to talk about how the 18th District has changed over the last 20 years and how these major changes were really not needed and not warranted. In the 18th District, they've had significant changes made to it since 1991. Specifically, nearly half of the population that was in the district in 1991 no longer resides in the 18th. So half the population no longer resides in the 18th. And it's not because the individuals moved out of the area, but rather because this redistricting process moved the district away from the people.

The 18th District received 37 percent new territory in the 2001 redistricting process, and now in this current plan is slated to receive and additional 33 percent new territory. What's even more concerning is that while this is a Northampton County based seat, over 27 percent of the people from the 18th District residing in Northampton County have been removed from the district, while only 4 percent of Northampton County residents have been added to the district. So what this means is that the district slowly but surely is moving out of Northampton County, even though this county can easily sustain a full Senate seat. And I want the Members to keep this in

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mind because while these drastic changes are occurring in the
18th, this district has actually significantly gained
population during the last three Censuses.

So you have to ask why such drastic changes have
occurred in the 18th, when the district gained population?
Shouldn't the district have been kept intact, given its
population growth, with a few areas being removed from it in
order to make it fall within the approved population deviation?
Unfortunately, the answer for both of these questions is a
resounding "no."

In fact, if you look at the changes made in my
district over the last 20 years from a municipal perspective,
only 6 municipalities remain constant in the 18th District
since 1991, with 24 municipalities being removed completely, 7
taken out in 2001 but now being put and returned back in this
current preliminary plan. The changes to the district from
1991 to 2001 were so egregious that it prompted me to file a
lawsuit in Commonwealth Court. I'm not here to file a lawsuit
today. I'm actually at the mercy of this Commission.

I want to show you a map of -- this was 1991. This
is Northampton County (indicating). Basically, it has 300,000
people, so it can easily sustain a Senate seat. And then I had
parts of Monroe County. This is Monroe (indicating), this is a
lot of Northampton County (indicating). This is what's left of
Northampton County (indicating). All I had to do in 2001,
because I grew significantly in population, was shed a couple of these areas (indicating), brought them up north, and this would have remained intact.

Okay, this is what we got (indicating), from a growing, populated county. Now what they did was in order to -- they took actually Easton's seat out of Northampton County, with its surrounding townships, put it into the 24th, then took Northampton County away, but also then threw some of the 18th into the 16th, which never happened before. So when you look at this map (indicating), from this map (indicating), all you can say is the residents of the 18th Senatorial District have become victims of what I call redistricting shenanigans.

Now, I'm explaining this in hopes that the Commissioners realize the level of change that has occurred over the district, because these changes are being made in contrary to our Constitution's requirement that districts be compact and represent communities of interest.

Now, let's come to this new, this current redistricting cycle. Unfortunately, this plan continues the 20-year trend of breaking apart Northampton County for no apparent reason. They're gaining population again. The first mistake is adding the northern tier of Northampton County to the newly created so-called Monroe seat. Monroe County identifies more with Carbon, Luzerne, Lackawanna, and Pike Counties. That's called the Pocono region. Down in the Lehigh

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Valley, Easton, Bethlehem, and Allentown, Lehigh, Northampton County are called the Lehigh Valley region. So these areas in Northampton that I'm going to show you should not have been splintered off from Northampton to create a new Monroe seat, because they're not communities of interest.

Say that has to be. Say the Commission says, okay, Monroe, you're going to be forced to take some of Northampton. What I'm asking for you here today, the real sticking point, and I know I can't ask for much, so I'm asking for a tweak. I would rather see all of Lehigh, the parts of Lehigh County that I now have to represent, all into Northampton. That's the way it should be.

But say I can only ask for one thing, and it's minor, that's what I'm here today to do, is that this plan now, this current plan, preliminary plan, adds two new municipalities in Lehigh County to the 18th District that have never, ever been in the 18th District, while it removes municipalities in Northampton County that have always been part of the 18th District.

Specifically, Salisbury Township and Emmaus Borough in Lehigh County, they should remain in the Allentown-based seat in the 16th, not moved into the 18th. These two communities have commonality with Allentown, sharing extensive, extensive common borders and interests. In fact, the 18th District, as proposed in this plan, will now almost -- and I'll
show you this, surround -- this is the city of Allentown
(indicating) -- will surround the city of Allentown.
Conversely, the townships of the Nazareths, and they're up here
(indicating), they have been in the 18th District since I can
remember. They have always been there. You're removing this
area (indicating) to go with the 40th, and there is no
commonality of interest, and adding this (indicating). Now,
the Nazareths are more swing district, and so is Salisbury and
Emmaus. So it's kind of like a switch, but it makes no sense,
because the Nazareths have always been part of the 18th, and
they have never been (indicating). They've always been up with
the Allentown-based seat.

In addition, I want to point out that Northampton
has a population of nearly 300,000 residents, well in excess of
the size of a Senate seat, so there's simply no reason to go
outside the county to add municipalities to this district.
This district should all be in Northampton County, but over the
last 3 years, it's been Monroe, now it's Lehigh, and sometimes
it was all three. And what's interesting though is Monroe
County, and I know you've heard this, they come and say, well,
we want our own Senator. They have a population of 170,000
people; Northampton has 300,000. Yet this plan gives them the
benefit of the doubt, Monroe, their own Senator, and it again
kind of splinters Northampton County.

As evidenced by the drastic changes that occurred
in the 18th over the past 20 years, I'm asking you as Commissioners, please try to attain continuity of communities in this redistricting process, only removing municipalities from districts when absolutely necessary. This will help residents know what districts they're in and who represents them in Harrisburg.

Now, I will give you one thing. I do admit that the current map before the Commission does make improvements to the 18th as far as compactness, because here we were before (indicating), and here we are today (indicating). But it completely fails on keeping communities of interest intact. I'm simply asking that you make one change to benefit all these residents. When you consider this Final Plan, please, Commissioners, remember what I call the three C's - compactness, communities of interest, continuity of municipalities - to stay in their districts when possible.

And I'm going to show you again. This was the ideal situation in Northampton County in 1991. You can't get better than that. Great population, you add a little bit here, keeps them intact. Then you go to here (indicating), the shenanigans, okay, dealt with it, and the intention I always had was to get this map (indicating), when it came to this redistricting cycle, back to as much as this (indicating) as possible. So we come to here (indicating). Now, we lop off practically a lot of Northampton County to the Monroe seat, and
actually Monroe residents, there's 54 percent of Monroe in that
ew seat, and 46 percent of Northampton residents. So it's
really not even a Monroe seat anymore. Actually, somebody from
Northampton County can win that seat pretty well, and the
residents of Monroe probably won't be that happy.

And then here's what I'm asking for. The little
change. I want to come here and I want to say all of this
(indicating) should be right back into Northampton County,
that's the way it should be, but knowing the process the way it
is, I'm begging for one change that would help, and that would
be, here we are, you know, you see I call it the claw that
comes out (indicating), and return the Nazareths to the 18th,
where they've always been, lop off the two areas, Salisbury and
Emmaus, that have never been part of the 18th, and it looks
like a decent district.

So I appreciate the Commissioners for allow me to
testify today. If you have any questions.

CHAIRMAN McEWEN: Hearing none, we thank you very
much.

SENATOR BOSCOLA: Thank you.

CHAIRMAN McEWEN: Did I hear you refer to a

Valentine on that map?

SENATOR BOSCOLA: Allentown, yes.

CHAIRMAN McEWEN: Oh, Allentown.

SENATOR BOSCOLA: Allentown. Yeah, there's a song
about that.

CHAIRMAN MCEWEN: It looks like a broken heart on Valentine's.

SENATOR BOSCOLA: Allentown. Thank you.

CHAIRMAN MCEWEN: Thank you, Senator.

I've just been advised that Senator Scarnati, he had 10 minutes to talk and he took less than 5, because his plan was to present Allegheny County Executive Oncrato -- Roddey for the balance of his testimony. So I call the executive forth now to conclude the testimony of Senator Scarnati.

MR. RODDEY: Thank you, Mr. Chairman. Members of the Commission, thank you for allowing me to testify. Adhering to the Chairman's admonition about not repeating things already said, I'll try to be very brief. I'm the former Allegheny County chief executive, no longer, but I am chairman of the Republican Party.

CHAIRMAN MCEWEN: Some people would say that's county executive emeritus.

MR. RODDEY: Some would.

CHAIRMAN MCEWEN: Very nice title.

MR. RODDEY: It is, although the literal translation of emeritus is "without merit," so I am not. (Laughter.)

CHAIRMAN MCEWEN: You win. Please proceed.
MR. RODDEY: I must confess that I am confused. I have always thought that redistricting was about shifting the population and adjusting to the population. And when you look at the 40th District and the 37th District in Allegheny County, both of those have been growing, as you heard, in population. And yet, those were the two that were targeted, and it seems that that had more to do with the reason that there were two Senators that would not be in those positions, again, than it did with the population change.

You heard Senator Scarnati's testimony about the loss of population in several of the other districts. The 37th and the 40th are two of the districts in Allegheny County that are growing, and certainly those communities have worked hard to create jobs and to keep their citizens there and to grow their community, and now to be merged into another district will lose that district as a specific district with a Senator directly representing them seems to be a penalty rather than a reward for the fact that they have grown. So I would ask the Commission, and I know that it is very difficult, there is no more complicated or difficult chore than to work on redistricting. I'm surprised that you all volunteered for this. It's really not very many thanks that you get for this. But I would urge you to revisit Senator Pileggi's plan that was submitted originally about those two districts, keeping those, and look again at the McKeesport district of Senator Brewster.
Thank you, Mr. Chairman.

CHAIRMAN McEWEN: Thank you very much.

MR. RODDEY: Thank you.

CHAIRMAN McEWEN: Senator Daylin Leach.

SENATOR LEACH: Mr. Chairman, Members of the Commission, thank you for taking the time to hear my testimony this afternoon. I appear before you today not to focus on objections I may have to a specific district; rather, I am here to try to speak in a broader context. It is true that I am both a Democrat and Chair of the Senate Democratic Campaign Committee, but I am also the author and prime sponsor of redistricting legislation first introduced in 2003, when I was in the General Assembly. This current reapportionment process is the first I've actually sat through as a legislator. I must say that the process as I have seen it makes me even more vehemently in favor of fundamental reform. That said, reform is a legislative matter and not before the Commission today.

However, the current reapportionment process started in 2011 and is still ongoing, and while this Commission does not have the power to enact lasting reforms, it does have the power and the opportunity to conclude this process fairly, with integrity, and in keeping with the vision of fairness contained in our Constitution and statutes since the Supreme Court decisions.

Article II, Section 17, spells out a

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reapportionment scheme clearly intended to be bipartisan. Every aspect of this plan is carefully designed to prevent one party from forcing its will on the other. If you examine the history of Article II, it's clear that its Framers understood well the harm done by a partisan gerrymander designed to perpetuate one party's hold on power. There are a variety of ways that this is harmful, and I'm sure you're familiar with all of them, and I'll submit that portion of my testimony for the record, in the interest of time.

But the perniciousness of partisan gerrymandering is so obvious that I doubt anyone would defend it in the context of academic discussion. However, in practice, in the new preliminary plan approved by the LRC, at least in the case of the State Senate, to which I will confine my remarks, we see an aggressive, and in my view outrageous, attempt to gerrymander our State and perpetuate single-party rule. This is done at the expense not only of the voters and citizens of Pennsylvania as a whole, as described previously, but also at the expense of many individual communities which are divided, torn asunder, shunted and manipulated to guarantee Republican-friendly results in future Senate elections.

I will briefly go through the major areas of dispute in the preliminary plan as they have been discussed both among Members of the Senate and in the press. However, let me say more broadly that in each of these disputes, there
is a position taken by the Republican Caucus which attempts to
cling to a theoretically neutral justification, but it just so
happens that in every single one of the disputes, the position
that they take benefits the Republican Caucus, and if adopted,
will perpetuate its power.

There has been some testimony previously about the
45th District. Historically, when a seat must be moved from
one part of the State to another, there is a preference for
moving the seat of a Member who is retiring as opposed to one
that wishes to remain in his or her seat. There are solid
public policy reasons for this, including the desire to respect
the will of the voters who elected the individual and should
have the option of retaining or rejecting him or her, rather
than having the LRC make that decision for them. This year,
population changes dictate that a seat must move from west to
eastern Pennsylvania. Yet despite the fact that there are five
seats currently -- five -- held by retiring Republican
Senators, the Republicans have taken and continue to take, as
we heard from Senator Scarnati, the position that a nonretiring
Democrat, Senator Jim Brewster, should have his seat
eliminated. I parenthetically note that Senator Brewster was
just renominated by his constituents last week and faces no
opposition in November. This seems to imply that the voters of
his region are pretty happy with his representation.

Now, the Republicans claim that his seat has lost a
disproportionate amount population and therefore should be 
moved. But this is a fallacious argument on a number of 
levels. First, in total, there are 16 Pennsylvania western 
seats; 14 of them have lost population, 7 of them held by 
Democrats, 7 of them held by Republicans. Beyond that, the 
argument about where population losses occurred is irrelevant. 
Once the new districts are drawn, everybody will be represented 
equally, regardless of whether or not their municipality had 
more or fewer people than it did 10 years ago.

Second, whatever districts lost population, it is 
important to remember that these districts were not ordained by 
heaven. They were themselves the product of a previous 
Republican gerrymander done 11 years ago. To use a previous 
Gerrymander to justify a new gerrymander, which again, just so 
happens to benefit your own party, defines the term "chutzpah."

The 15th District. This is the district that for 
the past 100 years or more has contained Harrisburg and the 
suburbs of Harrisburg. Harrisburg is not only our State 
capital, but it is the county seat of Dauphin County. The 15th 
District is currently drawn as a competitive district, 
resulting in vibrant campaigns. In the last Senate election in 
2008, incumbent Jeff Piccola received about 64,000 votes, and 
the challenger, Judy Hersh, received almost 60,000 votes. 
That's about a 3-percent difference. Under the current lines, 
Harrisburg and its suburbs form one district that makes sense.
There is a community of interest, and most of the district has a Harrisburg mailing address. Under the new plan, Harrisburg city is ripped from its own suburbs. It is pushed into a district in Lebanon County, with which it shares no community of interest. Further, historically when the majority of a county is in the district, the county seat is left in that district. Here, Harrisburg is torn out of the Dauphin County district, violating that clear and well-justified rule.

There is no logical reason to rip this district apart, and there is no justification for doing so under the Voting Rights Act. Moving Harrisburg in this way will effectively silence the voters in the city of Harrisburg and make their votes irrelevant as they are subsumed into a district where they have no realistic chance to influence the outcome of a Senate election. This is being done for no reason other than to insure the district is not politically competitive. I have not even heard a justification for this move offered, but I would note that the new plan just so happens to perpetuate Republican control of the State Senate.

The 47th District. The district comprised in Lawrence and Beaver County, that district drawn to include Lawrence and Beaver County creates a perfectly sized district with no splits. Such a district would be simple with a community of interest and a competitive Senate seat that could, depending on the mood of the voters, go to one party or the
other in a given year. Instead, despite a Supreme Court
decision that says splits shall only occur when absolutely
necessary, Beaver County is split in the preliminary plan in
such a way as to remove a number of heavily Democratic
performing municipalities from Beaver County out of that
district. To make up for the population loss, the preliminary
plan also splits Butler County to include heavily Republican
Cranberry Township. If approved, the district drawn in the
preliminary plan clearly violates the specific command of the
Supreme Court in that it contains multiple splits which are not
absolutely necessary and renders the new plan subject to legal
challenge on that basis. It is being drawn in a way to insure
that in the future, candidates from only one party have a
realistic chance of winning that seat. We can guess which
party that is.

Two more, quickly. Thirty-fifth District. It is
not enough that competitive Republican districts are made much
more Republican. Competitive Democratic seats are made more
Republican as well. The 35th District, Senator Wozniak's seat,
that district in the new plan adds Bedford County, a county
that performs 2 to 1 Republican, and adds a whopping 5 points
to Republican performance in that district. Again, no
nonpolitical reason is even articulated for the necessity of
doing that. This change makes the district less, not more,
compact; it adds a new media market to the district, and has a
county with no community of interest with the existing
district. At this point, I'd ask the Commissioners to do a
thought experiment. Imagine if the Senate Democrats suggested
taking a competitive district with a Republican incumbent and
making it 5 points more Democratic. Does anyone believe for a
second that that would receive a moment of serious
consideration?

Finally, the 37th District. This is interesting
and revealing about just how transparent the motives in this
process can be. In this district, there was a recent
Republican primary. The Senate Republicans had hoped that
Representative Mustio would within that primary, even giving
his campaign hundreds of thousands of dollars in direct
campaign contributions. His opponent, however, Mr. Raja, was
cut out of the district, under the preliminary plan. But it
turns out that Mr. Raja won that primary instead of Mr. Mustio.
This creates a problem in that the Republicans now have a
nominee who will not live in the district.

So there has been discussion by Republican Leaders
about changing the lines of the 37th to include Mount Lebanon,
where Mr. Raja lives. Frankly, speaking only for myself, I
don't object to this. The will of the voters should be
respected. If Mr. Raja wins the general election, he should be
able to serve the citizens of the 37th District who elected
him, until they no longer want his representation. The LRC

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should redraw the district in such a way as to include Mr. Raja so that he will live in his district, if elected.

However, the exact same scenario played out in the 15th District, where Rob Teplitz won the Democratic primary for a municipality which had always been in the 15th District but was cut out in the new preliminary plan, Susquehanna Township. The voters of the 15th District are every bit as entitled to have their choice respected as the voters in the 37th District are. Simple fairness and decency demand that both Mr. Teplitz and Mr. Raja, two candidates in similar circumstances, be treated the same and not treated differently based on nothing other than political party affiliation. But of course, Republican Leaders have articulated in the press some reason which I honestly could not follow why Mr. Teplitz should be treated differently than Mr. Raja. Whatever the stated reason, this position, like the other positions I've discussed, just so happens to benefit the Republican Party and perpetuate Republican control.

What is most troubling throughout this process is there have been none of the negotiations and compromises, at least in the Senate, that the constitutional plan envisions. At most, there have been offers of crumbs made by Republicans for the Democratic Caucus. We have to go hat in hand and beg for the smallest changes of plan. Some are accepted, some rejected by the Republican Caucus. We were told we can largely
draw the Democratic districts that included part of Philadelphia, but we were also told what municipalities that we were allowed/required to include.


SENATOR LEACH: Regardless of the merits of any individual--

CHAIRMAN McEwen: Pardon me, but you've gone over, and I have been rather generous, or lenient anyhow, but will you bring your thought to a close, please.

SENATOR LEACH: Okay. A few more paragraphs. I write a very long paragraphs. No, I'm kidding.

CHAIRMAN McEwen: I understand. You're talking to the original.

SENATOR LEACH: Two more.

Look, I understand, we're human beings, we want results that benefit us. However, the Commission, I believe, is subject to a higher calling. You have been given a sacred trust, and you will be judged by history. Respectfully, I believe the Members of the Commission have to rise above merely looking out for the home team and serve the people of Pennsylvania. Nobody can seriously argue that noncompetitive gerrymandered districts where people are thrown together and town apart for no reason other than it benefits a political party is what's best for the people of Pennsylvania, the people you're sworn to protect.
I am not here today to ask for a plan that unfairly
stacks the deck in favor of either party, including my own. A
plan as unfair as the preliminary plan but in favor of the
Democrats would be equally unfair. I am asking you not to be
partisans but to be statesmen. Partisans are quickly forgotten
and not recalled with respect. Statesmen live forever.

Thank you, Mr. Chairman.

CHAIRMAN MCEWEN: Thank you, Senator. Thank you
very much.

Representative Mark Cohen will be next.

Welcome. You had such nice things to say last
time, you're always welcome.

REPRESENTATIVE COHEN: Well, thank you, Mr.
Chairman. I think you'll like much of my testimony this time.

Chairman McEwen, Commissioners Dermody, Turzai,
Costa, and Pileggi, I am pleased with the constructive work
you've done in response to the unexpected Supreme Court
decision earlier this year. I appreciate the opportunity to
testify here today. My district, the 202nd, has to be rated as
one of the great success stories in compliance with the Supreme
Court's Holt decision. Indeed, the League of Women Voters'
prepared testimony refers to it as a bright spot. It has gone
from one of the least compact districts in the State to one of
the most compact districts in the State. Criticism that I and
my attorney and others made in the basic outline of my district

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in the appeal that we filed in 1981 helped lead to Justice Nix's dissenting opinion that year, and to the surprise of all of us, that dissenting opinion of Justice Nix has now been embraced by the current Supreme Court majority as the law of Pennsylvania.

The basic north/south outline of my district, established over my objection in 1981, has remained in effect throughout 1991, 2001, and 2011 redistrictings. The plan before us changes that outline and makes the 202nd one of the most compact in the State, with borders of Cottman Avenue in the north, Adams on the south, the Montgomery County border on the west, and Roosevelt Boulevard on the east. For the first time in decades, I will be able to attend many community meetings where the vast majority of people present are my constituents. Economies of effort will likely result from this.

I offer two minor changes. First, to make the district even more compact, add divisions 55-419 along Roosevelt Boulevard, and 35-12, the home of the naval depot, a major district employer. If, however, given whatever other pressures make themselves known, there develops a feeling that enough has been done for the compactness of my district, then I would welcome the addition of 56-3, 56-7, and 56-9, as proposed in the final 2011 plan. While these precincts would make the district a little less compact and split the 56th Ward between

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three legislators instead of two, the addition of these
precincts would strengthen the communities of interest within
my legislative district, adding the district's leading high
school, Northeast High School, and neighborhoods that share
Woodrow Wilson Junior High School, and my district's
transportation lines, medical facilities, and shopping areas.

In any case, whatever is done with these proposed
changes, making my district either a bit more compact or a bit
less compact in the interest of rationalizing district
boundaries for everyday representational purposes, my district
will remain far more compact than has ever before since the
adoption of the current numbering system for the 1966
elections.

While this testimony suggests minor fine tuning of
the plan before us, it does not suggest a more fundamental
reversion to the status quo. The Supreme Court decision is the
obvious reason for this, but I have to say for the record that,
compliance with the Supreme Court decision is not without cost.
This plan places both of my current district offices outside of
my district, including a district office that opened in
December of 1982. Obviously, new offices will have to be
established, and the old office will have to be shut down.
Relationships that have been forged throughout my 38 years as a
Member of the House will clearly be attenuated over time as a
result of this plan.

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I will attempt to minimize the disruptive human cost of this plan by working with surrounding legislators, community leaders, and staff to make clear my continued willingness to serve those whom I and my staff have come to know well, but I doubt that I will be totally successful in preventing hurt feelings. I know from past experience that many people believe the removal of their neighborhoods from a district is a rejection of them, and constitutional concerns rank low or are nonexistent in their minds. I would hope that future Supreme Court decisions would strike a balance between constitutional demands and the traditional everyday practices of political representation. We all live in a world of human beings and not just a world of maps and constitutional scholars.

Looking at the plan before us on a statewide basis, I deeply appreciate the end of the merging of Nick Kotik and Jesse White's districts, the preservation of Senator Brewster's district, and the responsiveness to various expressed concerns. I also appreciate the greater bipartisan cooperation and sensitivities of the Commission Members that has been developed over time. I would hope that this positive thrust would continue with the resolution of current controversies. All of us have an interest in the resolution of these controversies. The key to success before the Supreme Court is a reduction or elimination of grievances. Hopefully, the issue of splits in

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Lower Merion, Haverford, and other contested places can be agreeably resolved without further litigation, and the interest of newly elected Members can be accommodated.

Thank you again for the opportunity to testify before you today.

CHAIRMAN McEWEN: Thank you, Representative Cohen.

Representative Vitali.

REPRESENTATIVE VITALI: Thank you, Judge McEwen and Members of the Commission, for your patience and time. I came before you last fall to speak in defense of my own municipality, Haverford Township, a community of almost the size of a legislative district that has been entirely in the 166th Legislative District for as long as anyone can remember, and protested the fact that portions of this were broken up for what I believe political purposes and moved to the 163rd Legislative District in order to make that district a safe Republican seat that's now held by Representative Micozzie. Regrettably, with regard to the Final Plan, the Commission did not hear my thoughts. The court obviously threw that entire plan out, and your preliminary plan, regrettably, makes this situation even worse.

It's clear to me, as I look at the overall preliminary plan that you've submitted, particularly the three-county area of Chester, Montgomery, and Delaware County, that there are people related to this Commission who
tenaciously hang on to the principle that the Micozzie seat will remain a safe Republican seat by taking the most Democratic portions of Haverford Township. In this case, the 1st Ward, the 9th Ward, and now in addition to those two which were taken before, a heavily Republican precinct in Haverford Township, the 2nd Ward, thus breaking up another ward. So things have gotten worse.

One of the byproducts, and I've read the Court's opinion, and I understand that I cannot make my case based on one municipality, so I have, with the assistance of others, prepared an alternative preliminary plan, which is in your packet. It's entitled, "Legal Description of Alternative Plan, Composite Listing, House of Representatives." That is a 203 House district plan, in many ways surprisingly much like the preliminary plan you have submitted. The plan itself, but for these three sections - Chester County, Delaware County, Montgomery County - are virtually identical to the preliminary plan you have submitted, and that preliminary plan in those areas is, frankly, an improvement, in compliance with the court. But I believe this Commission has chosen, with regard to this tri-county area I've referred to, to tenaciously cling to politics and tenaciously clinging, especially in Delaware County, to keeping, again, the Micozzie seat Republican, and in the process has cut the Davidson seat, the 164th; my seat, the 166th; the Micozzie seat, the 163; and the Briggs seat, the
This plan which I have submitted has many advantages to it which I would ask you to consider. What I have done is -- what I have done in the packets is prepare a document called, "Municipal Splits, Chester, Delaware, and Montgomery Counties." And you'll see -- well, before I get to that, there's also a document that indicates that the alternative plan I have submitted has less municipal splits than the preliminary plan submitted by this Commission. I believe that the alternative plan which I have submitted contains 39 municipal splits, as opposed to the preliminary plan which you have submitted which has 68 municipal splits. There is a chart which indicates that in your packet. So the plan I am submitting, the alternative plan, has nine less municipal splits. And interestingly enough, almost all of those splits, split reductions, come from this three-county area - Chester, Montgomery, and Delaware County.

There's also a chart here--

CHAIRMAN McEWEN: Excuse me, Representative, I don't know if you can hear down there, but that bell, that chime, indicates your time is finished. You've supplied abundant materials for us to scrutinize, and of course, we will.

REPRESENTATIVE VITALI: May I make one final point?

CHAIRMAN McEWEN: Certainly.
REPRESENTATIVE VITALI: The final point I'd like to make is with regard to Ward 4, Precinct 2, in Haverford Township. That was moved to the 163rd District, and it is totally without -- and I'm going to ask you to look at the chart entailed, "Haverford Township, Ward 2, Precinct 4."

You'll see with that precinct moved to the 163rd. The difference in population between those two districts is about 2,500 people. If you keep that district in Haverford Township, the difference between the two districts, the 163rd and 166th, is 107. So you can move that district back from the 163rd to the 166th and make those districts almost identical in population.

If you fail to do that, you're going to have two districts which are 2,500 people apart. There's no rational reason to do this. There's a political reason, and that is that Haverford Township 2-4 is 55.74 percent Republican, and I believe that's why that was moved from my district to the Miccozzie seat, to make it more Republican. It splits a ward. Article II, Section 16, of the Constitution refers specifically to not splitting a ward unless absolutely necessary. I don't see how that split could be justified in any way.

I'd ask that the Commission take a good look at the alternative plan which we have suggested, because the Supreme Court also will be looking at that also. So thank you for your attention.
CHAIRMAN McEWEN: Representative, you just mentioned, you asked that we particularly look at a plan. Of the several plans you submitted, which one is that, by the way?

REPRESENTATIVE VITALI: The legal description of the 203-seat plan is entitled, "Composite Listing of House of Representatives Districts." It's this one right here (indicating). It's the thick one.

CHAIRMAN McEWEN: I thought it was a map you were talking about.

REPRESENTATIVE VITALI: This is the legal description of the plan.

CHAIRMAN McEWEN: Gotcha.

REPRESENTATIVE VITALI: And there also is an accompanying map, but the scale is too small to be of any use to anybody.

CHAIRMAN McEWEN: Thank you.

REPRESENTATIVE VITALI: Thank you.

CHAIRMAN McEWEN: Now, I failed to introduce Glenn Grell, who is sitting in the place of Leader Mike Turzai, and he is the esteemed distinguished Member from Cumberland County. And you wouldn't have been selected by the Leader unless you were something special. So welcome.

REPRESENTATIVE GRELLE: Thank you. And Representative Frankel.

CHAIRMAN McEWEN: Oh, all right. I'm sorry. A lot
of stealth going on here this morning. And the name of Dan
Frankel. What--

REPRESENTATIVE FRANKEL: I'm from Allegheny County.
CHAIRMAN MCEWEN: You're here--
REPRESENTATIVE FRANKEL: For Frank Dermody.
CHAIRMAN MCEWEN: Yeah, but I mean what district?
REPRESENTATIVE FRANKEL: 23rd District.
CHAIRMAN MCEWEN: Okay, fine. Welcome.
REPRESENTATIVE FRANKEL: Thank you.
CHAIRMAN MCEWEN: Welcome both.
Now we have Representative John Maher. And you're
not going to talk about the whole district of the Commonwealth,
are you?
REPRESENTATIVE MAHER: No. I'm going to be
speaking about the 37th Senatorial District and the 40th House
District.
CHAIRMAN MCEWEN: Don't you have a new district,
hopefully?
REPRESENTATIVE MAHER: Well, I'm hoping to be of
service to the entirety of the Commonwealth. Yes, Mr.
Chairman. But today I'm coming on behalf of my 60,000 bosses
in the House district, and I think this is a very happy day. I
think we can take note and encouragement, Mr. Chairman, that
President pro tempore Scarnati and Daylin Leach are in
agreement that the 37th District should be redrawn.
CHAIRMAN McEWEN: Historic moment, huh?

REPRESENTATIVE MAHER: It is a good moment. And Jim Roddey is in agreement, and I'm in agreement. And without being redundant of their testimony, I will add a couple of other observations as to why that is compelling. It's not just a matter of one of the candidates who's been nominated for that seat, both of the candidates nominated by the major parties live in the 37th District currently but would not reside in that district as proposed. The community has selected these candidates to be their potential Senator, and I think we should be respectful of the community's decision. And I agree that when we have Daylin Leach and Joe Scarnati both in agreement on this point, it merits our attention.

I can tell you the people of Peters Township don't perceive much of a community of interest with their neighbors in McKeesport, and I suspect vice versa is true. Another measure of community of interest might be newspapers. Our newspapers help shape the community, and the community helps shape the newspapers. I suspect there are very few home deliveries of the Washington Observer Reporter in the lawns and driveways of McKeesport. I know there's no home delivery of McKeesport Daily News for the people of Peters Township. They are not of a community of interest. And I won't repeat all the other positive arguments for going back to the future on the 37th.
On the 40th District, the 40th District House seat, Peters Township in its entirety has been part of the 40th District ever since this Constitution was adopted. Peters Township has grown to become the largest community in Washington County, larger even than the city of Washington. It cares about having a voice. Dividing Peters Township in half reduces that voice. The people of Peters Township are very concerned on this point, and I believe the board of commissioners adopted a resolution that they have submitted as testimony. I would ask you to heed their call.

Bethel Park is also part of the 40th District since the Constitution was adopted and has, in each case, been a divided community. It has a population of about 35,000. It is a community comfortable with having more than one Representative serving it, knowing that its voice will not be diluted. Peters Township is very concerned that its voice will be diluted to being silenced.

So I would suggest a very easy repair: That the 40th and 39th Districts, that Peters Township remain in its entirety in the 40th District, and that that new split be set aside and instead embrace the traditional divide of Bethel Park in such a way to accomplish the population goal as desired.

I thank you for your attention, and I think both of these can be solved without the dominoes falling across the State. Thank you.
CHAIRMAN MCEWEN: Thank you very much.
Representative Tim Briggs.

REPRESENTATIVE BRIGGS: Good afternoon. Thank you, Judge McEwen and Members of the Commission, for allowing me to communicate today on behalf of the 149th Legislative District. My testimony will be brief but blunt.

Changes are being made to the 149th District that bear no benefit to the current district or solve no problems for Lower Merion Township. It is clear in this proposed map that Lower Merion residents are being sacrificed, being played as pawns for political gain. Just because this Commission divided Lower Merion Township four ways in all three plans it has adopted in this post-2010 Census redistricting process does not make it reasonable or right. I believe the Supreme Court had Lower Merion in mind when it rejected the previous map in January. It is one of only three municipalities in the entire Commonwealth to be split four ways. Except for Philadelphia and Pittsburgh, both of which you know have very large compact populations that require several districts within those cities, Lower Merion's population has remained relatively unchanged in the past 20 years, standing at 57,825 today. It has 178 residents less than it had in 1990. That's not even enough people to cover one legislative district, let alone four.

If you follow this map to its rightful conclusion, the four-way split in Lower Merion is being forced by a split

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in Haverford Township, Delaware County. Haverford Township has never been split in the history of the General Assembly. It has formed the base of the 166th legislative district since the Pennsylvania Supreme Court reapportioned the General Assembly in 1965.

In my opinion, the four-way split of Lower Merion is nothing more than an attempt by the Republican Majority to maintain a stronghold on their majority. To retain some seats in the area that has shifted its political philosophies is an attempt to punish southeast residents for becoming too Democratic, that's with a large "D." Eliminating a municipal split in both Lower Merion and Haverford, and county splits at that location would be rational. Follow the desire of the affected residents who have been communicating with the Commission, and follow the Pennsylvania constitutional mandate of Article II, Section 17.

This plan up for comment demonstrates a clear need to reform the existing congressional redistricting and State reapportionment processes. But I will leave that for another day. Today I ask you to please consider the opinions of residents who have been communicating with the Commission, and the residents who elected me to communicate on their behalf. Lower Merion Township is split three ways under the current 2001 legislative reapportionment. While a three-way split is not a highly desirable outcome either, it is far better and far
more reasonable than the four-way split that this map is proposing. For the good of the Commonwealth and Lower Merion residents, and in all fairness to southeast Pennsylvania residents, please keep its current apportionment intact.

Thank you for the opportunity.

CHAIRMAN McEWEN: Thank you, Representative.

How about Representative Gerald Mullery.

REPRESENTATIVE MULLERY: Good afternoon. I am State Representative Jerry Mullery from the 119th Legislative District in Luzerne County. I am before you today to offer testimony concerning three Luzerne County legislative districts, the 116th, 119th, and the 121st.

I believe the Legislative Redistricting Commission's preliminary plan fails to encapsulate the spirit of our Supreme Court's most recent decision. Fortunately, with relatively minor amendment, this Commission has the opportunity to correct the preliminary plan, adhere to the spirit of the law, and provide better legislative service to the great people of Luzerne County. As written, the Commission plan contains two Luzerne County splits. These splits are in Hazle Township and Hanover Township. I believe these splits are unnecessary and easily correctable. I offer a plan with zero municipal splits, yet still compliant with the population requirements.

Under my plan, Hazle Township in its entirety remains in the 116th Legislative District, and Hanover Township remains in the 119th Legislative District.
is held entirely in the 121st Legislative District.

Additionally, under my plan, the Hazleton Area School District, Hanover Area School District, Crestwood Area School District, and Greater Nanticoke Area School District realize zero splits.

More importantly, as written, the Commission's plan fails to take into account the community of interest of many of Luzerne County's great communities, most notably in the greater Hazleton area. Please allow me to elaborate. As written, the Commission's plan completely fractures the greater Hazleton area. The Commission plan removes four of five Hazle Township wards and the Borough of West Hazleton from the 116th. It creates a peninsula for the city of Hazleton to attach to the remainder of the newly drawn 116th Legislative District.

I, along with the people and elected leaders of Hazle Township and West Hazleton, who I've sat down with and discussed this plan with, cannot understand any circumstance or fathom any circumstance where Hazle Township and West Hazleton are separated from the city of Hazleton. You have to understand that the Greater Hazleton area is unique. The local governments and government officials work very well together. The area is served by its own private nonprofit industrial economic development corporation called Can Do, Inc. Their mission is to improve the quality of life in Greater Hazleton through the creation of employment opportunities. The Greater Hazleton Chamber of Commerce contributes to its members'
businesses by providing them with valuable information, services, and networking opportunities. Additionally, the area is served by the Greater Hazleton Health Alliance, which is a community-based nonprofit corporation serving the health care needs of the residents of the area.

I can enumerate countless other organizations and entities that utilize the moniker "Greater Hazleton," including the Greater Hazleton Transit Authority, but what is important here today is not simply a moniker but the future of a very proud region. For decades, citizens of the Greater Hazleton area have bemoaned the fact that they are treated like second class citizens, ignored or rejected by Luzerne County and State government officials. Today, I am testifying on their behalf, standing up for them, and asking that you correct your plan and provide the people of Greater Hazleton with a singular strong voice in Harrisburg.

Let me conclude by offering a few additional arguments in support of adopting the plan I have outlined for you today. As currently drawn in your preliminary plan, the 116th Legislative District is literally divided by a mountain and a river. My plan corrects that anomaly. As drawn currently, the 116th and 119th Legislative Districts will require satellite offices. It will be the only way to provide the same level of constituent service both I and Representative Toohil are currently providing to our constituents. The reason
for that is simple: The mountain, the river. You are, under
your current plan, separating residents from the current
district offices in some cases by 50 miles. You have
residents, under your current plan, that will drive by two
other legislators' offices to get to their Representative.
That's simply wrong.

Finally, my plan provides for easy access of
constituent to legislator via the major roadways in
northeastern Pennsylvania and Luzerne County. Representative
Tochil's district will continue to be served by Interstates 80,
81, and State Route 309. The 119th Legislative District will
be served by State Route 11, and the 121st Legislative
District, currently held by Representative Pashinski, by the
Sansui Parkway and Wilkes-Barre thoroughfares. Never has this
been more important to the people of Luzerne County more than
now, with gas prices hovering around $4 a gallon.

Finally, of utmost importance, I was here for
Senator Boscola's comments, and she talked about regions and
areas in her senatorial district. Well, we have the same thing
in Luzerne County, and my plan keeps those united. They are
Greater Hazleton area, which would be in the 116th; Luzerne
County's South Valley, the Mountaintop communities, and the
five mountain region, which would be in the 119th; and the
Greater Wilkes-Barre area, which would be in the 121st.

I thank you for your attention today. I
respectfully request you consider the amendments I have
proposed, and I would welcome any number of questions you have
about my proposal.

CHAIRMAN McEWEN: Thank you very much for your
thoughtful presentation, Representative.

Now Representative Margo Davidson.

REPRESENTATIVE DAVIDSON: Thank you, Mr. Chairman
and Members of the Commission. I do want to take a moment to
note that only two of the Commission Members, voting members,
are actually here to hear the testimony right now.

The last time I was here, Mr. Chairman, you may
remember I came with two van loads of people with much rancor
and protest. Six speakers from my district testified about the
last proposal. Although I'm here alone today, Mr. Chairman, I
can assure you that the people of my district are no less
passionate that this plan also needs to be tweaked. People
from my district--

CHAIRMAN McEWEN: Pardon me, did you bring any of
those giant placards you had last time?

REPRESENTATIVE DAVIDSON: Yeah, I had the giant
signs, you remember, "Don't take our Rep," and "We Want Margo."
They are still with me very much in opposing this current
preliminary plan.

Three people from my district, Mr. Chairman, were a
part of the lawsuit that was filed in Supreme Court, including
one attorney who prepared briefs and two plaintiffs from my
district filed suit against the last plan that was thrown out.

Mr. Chairman, Delaware County has changed since the
time that you were the district attorney there, and your name
and your tenor was mentioned in the book, "Ruling Suburbia." A
lot of things have changed. There are now Democrats,
surprisingly so, and Republicans in office in Delaware County.
Although I'm newly elected, Mr. Chairman, I can assure you, and
my Delaware County colleagues will also attest, that I have
worked with my Republican colleagues in Delaware County for the
benefit of the people, the great people of Delaware County, and
specifically the people of the 164th District.

My colleagues in Delaware--

CHAIRMAN MC EWEN: Excuse me, I'm well aware of how
depth you're respected and admired.

REPRESENTATIVE DAVIDSON: Oh, well, thank you. I
appreciate that.

This plan, however, Mr. Chairman, does violate the
spirit of bipartisanship that I believe that I've worked with
in my time in the House of Representatives. There is no
reason, Mr. Chairman, to take 40 percent of my district away
for anything other than partisan reasons and the dictates of
Delco party boss. I urge you to be fair, Mr. Chairman and
Members of the Commission, and restore Drexel Hill back to my
district. I also ask you and implore you not to split Yeadon
Borough for the purpose of taking Drexel Hill away.

Let me conclude by saying that we plan to file suit again, Mr. Chairman, if these changes cannot be made, with the Supreme Court and the Federal court, if necessary. And these are the reasons why. There are still municipal splits in Yeadon, and as my colleague Mr. Vitali pointed out, there is an alternative to these splits. I do believe that there's still some violations of the Voting Rights Act which prohibits racial profiling and the diluting of minority voting strength. We believe that this current preliminary plan violates the packing tenets of that Voting Rights Act.

Also, Mr. Chairman and Members of the Commission, the population in my area in the 164th has grown. However, over 63,000 people have been assigned to the 163rd District, and only 61,000 people have been assigned to my district, and that was done to take all of Drexel Hill away from my district. It was only done for partisan purposes. And let me just tell you, I am not hyperpartisan. I am for the people. Sixty-eight percent is the performance in my district in this current plan, 68 percent Democratic performance, which is an 11-percent increase. Now, some might say that that will benefit me, but will it benefit the people? And I say no. So therefore, I'm against this plan. I believe it is partisan, I believe it can be tweaked very easily, and then we can go on about the business of the people.
I believe that this Commission risks again being overturned if the whole plan is the standard and there is a preliminary plan that reduces municipal splits more so than the plan that's currently proposed, I believe again we will be right back here testifying about a new preliminary plan. I urge you to make the tweaks that are necessary to have a plan that supports the people, the will of the people in voting districts, and the integrity of the Constitution.

Thank you so much.

CHAIRMAN McEWEN: Thank you very much.

Now with apologies to Mayor Leo Scoda, Mayor Comitta from West Chester, and the chair of Common Cause, Barry Kauffman, may I move from spot number 13, Lora Lavin of the League of Women Voters, may I move her ahead three to now testify. Just so it's clear, I don't move her ahead--the critical reason that she supplied--I don't move her ahead because she's from Delaware County, but the League of Women Voters, how can you say no?

MS. LAVIN: Thank you so much for accommodating my request, Judge McEwen. I appreciate it. And my apologies to the mayors.

Thank you for providing the public with this opportunity to comment on the Revised Preliminary Redistricting Plan for the Pennsylvania General Assembly. At the public hearing last November on the original preliminary redistricting
plan, we commended the Commission for the unprecedented degree of opportunity provided for public input into the redistricting process. However, we regret commenting, once again, that despite increased transparency and public accessibility, the Commission has not made use of the public input to produce an optimal product. We also note that the Commission's failure to comply with the sensible timetable laid out in Article II, Section 17, unnecessarily threw the 2012 election calendar into chaos, with damaging results, by delaying until 2015 equal representation for Pennsylvania citizens.

In the first paragraph of its 87-page decision remanding the original Final Plan, the Pennsylvania Supreme Court said, "...for reasons not addressed by the [Legislative Reapportionment Commission], the LRC failed to adopt a Final Plan in a timeframe that offered the remote prospect of appellate review before the primary season began. The LRC's inexplicable delay ensured that primary candidates who relied upon the 2011 Final Plan did so at their peril...the Pennsylvania Constitution makes clear that a reapportionment plan can never have the force of law until all appeals are decided, and even then, only if all challenges are dismissed."

Had the Commission complied with the Constitution's timetable, a Final Plan would have been ready by mid-summer, providing ample time for the appeals process to play out. Instead, by creating an artificial starting point, the
Commission managed to push until publication of the Final Plan until October 31. The result is that Monroe County will have to wait until 2015 to be in a single Senate district instead of six, and fewer representation for Pennsylvania's growing Latino population may be similarly delayed.

The Revised Preliminary Plan is an improvement over the original Final Plan, but falls short of the standard for compliance with Article II, Section 16, of the Constitution set by the plan devised by Amanda Holt. According to an analysis prepared by Daniel McGlone, GIS Analyst for Azavea, the districts in the Revised Plan have, on average, slightly higher compactness scores than those in the original House and Senate final plans, but are significantly less compact overall than in the Holt plan.

There are, however, some bright spots. House District 202, which we identified in our November testimony as being the least compact of all the proposed House districts, merits a slightly better than average compactness score in the Revised Preliminary Plan. I will note for Representative Cohen that maybe that gives it a C-plus, but not quite an A.

Senate District 15, which rated the lowest compactness score in the original Preliminary Plan, was made significantly more compact than the original Final Plan, and even more compact in this Revised Preliminary Plan.

Furthermore, the Revised Preliminary Plan has far fewer splits
than in the original Final Plan. Notably, Monroe County would be entirely within one Senate district. Philadelphia Ward 42, which was originally split into two Senate districts, is now entirely within one Senate district, originally split into five House districts, Ward 42 is now split into only three. But why does it need to be split at all?

These examples, and more, suggest that drawing districts that closely adhere to municipal boundaries in compliance with the PA Constitution can also result in more compact districts. We therefore recommend that the Commission go back to the drawing board and come up with a better plan.

Both Amanda Holt, and separately, a coalition of organizations including the League, have offered assistance in developing an optimal map.

The House recently passed a proposed amendment to the Pennsylvania Constitution that would eliminate 50 House seats and 12 Senate seats to take effect in 2021. If approved by the voters, such a reduction would entail a massive realignment of legislative district boundaries unlike anything we have seen. As shown by our experience this year, Pennsylvania's redistricting process could not be entrusted to partisans with a vested interest in the outcome. It is seriously in need of reform.

Thank you very much.

CHAIRMAN MC EWEN: Thank you very much, Ms. Lavin.
Madam Chair, thank you very much.

We now proceed to Mayor Leo Scoda, Mayor of Phoenixville.

MAYOR SCODA: Thank you, Mr. Chairman. And I'll be brief, although I'm not a lawyer, so we'll see how this goes as we go along here.

CHAIRMAN McEWEN: Many people consider that a blessing.

MAYOR SCODA: In any event, I represent the Borough of Phoenixville here in this appeal. We were the original case that went to the Supreme Court, because the borough had been divided into two sections. And what came out in the new reapportionment is actually worse than what was in the original one. The borough is not put back together. The old plan, the first plan, we had three precincts - one from the North Ward, one from the Middle Ward, and one from the West Ward, including our downtown area - which was placed in the 155th. We lost population there of some 4,600, 4,700. The new plan will take the entire North Ward and place that into the 155th District. That means we would lose about 5,300 people from our population.

The Borough of Phoenixville has a population of 16,400. We grew tremendously since the last Census of 2001. We went from 14,700 to 16,400, a growth of over 10 percent. We've made tremendous progress in bringing back revitalization
in our downtown business/commercial areas. Phoenixville has
now become a place to go in southeast Pennsylvania and Chester
County, and we just feel that this seat should stay -- that
Phoenixville should stay within the seat, the 157th. We have
traditionally been in the 157th, and to look at the seat,
except for two years, the seat has been held by a Republican.
Four years ago there was a Democrat elected to that seat, which
he was then defeated. In fact, this seat, many of the older
folks would know Jack Stauffer. Jack Stauffer held this seat
before being elected to the Senate of Pennsylvania before he
became one of the leading officers in the Pennsylvania Senate.

So we look to have Phoenixville put back together
again. We're a borough, as I said, of 16,400. We're about 9
percent African-American, we're about 3 percent Asian, and in
our Hispanic population, which is growing, Hispanics of all
races, we show out in the Census at about 6 percent. So we're
a great cross-section of America. But I think one of the key
things for the committee to remember is that the Borough of
Phoenixville covers 3.8 square miles, and therefore we have a
density of 4,100 people per square miles. So we're not spread
out all over creation. We're very compact, and we act together
as a unit.

You might say, well, why does a Democrat mayor of
Phoenixville want to keep this seat, which has basically been a
Republican seat? It's because people know each other. Jack
Stauffer was my neighbor. Carole Rubley, I had a great relationship with Carole Rubley while I was the mayor and she was a State Representative. And I want to show you, using this map from the last redistricting, this whole area (indicating), the North Ward, is what's now been lopped off, Phoenixville, and placed in the 155th. If you come around this loop here, that's the Schuylkill River. The French Creek cuts across here (indicating), more or less divides the borough into a north area and a south area of the borough. But our major growth has been in the north area of the borough. That's where we've had hundreds of housing units go in, and the population has grown tremendously up there. In fact, we have to do our own redistricting now coming up to the next election to even out our wards, because we elect council people by wards.

Myself, I think there is an easy solution to this, because on the other side of the river, which is also part of this district, are areas of Montgomery County. As soon as you cross the river, you're in Montgomery County, and particularly Upper Providence Township is there. And if areas of Upper Providence Township could be taken and placed up in the 155th, which they would butt against, that would be possible that we could put Phoenixville back intact, which is what the voters, the people of Phoenixville want done, and at the same time still maintain the population.

I'll share one more statistic with you, and that is
that in the new plan that came out, the 155th has a population of 67,660, and the 157th has a population of 60,800. So just by looking at this, two precincts of the North Ward out of the three could easily be moved back to Phoenixville and not alter that roughly 61,000 population. But I think to achieve the equal amount to get the entire borough back together, you really need to adjust it by moving parts of Upper Providence into the 155th.

And I apologize for not having much in the way of written material here. A lot of this happened just in the last few days that I knew I was coming up.

CHAIRMAN McEWEN: A very clear statement, precise statement. Very precise details, and we thank you.

MAYOR SCODA: And if there's any questions, I would be willing to answer any.

CHAIRMAN McEWEN: Hearing none, we appreciate it.

MAYOR SCODA: Thank you.

CHAIRMAN McEWEN: Mayor Comitta from West Chester Borough.

As I understand it, you're going to -- you've delegated a portion of some of your time to Daniel Colon?

MAYOR COMITTA: Yes.

CHAIRMAN McEWEN: And the reason why you did that was because he is--

MAYOR COMITTA: Daniel Colon is intern to the mayor

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in West Chester, and he will be representing some of the concerns of the students of West Chester University.

CHAIRMAN McEWEN: Fine. Please proceed, Madam Mayor.

MAYOR COMITTA: Thank you, Mr. Chairman.

Good afternoon, Honorable Chairman and Members of the Reapportionment Commission. I am Mayor Carolyn Comitta, and once again, I bring you warmest greetings from the citizens of the great Borough of West Chester. As I said, I will share my 5 minutes with my intern, senior Communications major Daniel Colon.

On behalf of the people of West Chester, I would first like to thank you for listening to our appeals and for redrawing a legislative map that keeps the Borough of West Chester within one House district. When I testified before you on November 23, I felt a little bit like Jimmy Stewart in "Mr. Smith goes to Washington," trying to undo the wrong that was destined for my town. I went into politics not for myself but to do the right thing for the people of West Chester. Thank you for making a decision that was right for the people of West Chester and not politically expedient.

Keeping the Chester County seat in one district is the right thing to do for the people of West Chester and for our neighbors. If the borough could function as an island in the region, then my testimony would end right here with a

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sincere thank you to the Commission. However, no man is an
island, no municipality functions or flourishes on its own
either. The borough serves as a regional urban center for
social, legal, financial services, culture, higher education,
entertainment, and health care. Our future is inextricably
intertwined with the health of our municipal neighbors.

Our attorney, Sam Stretton, is unable to be here
today, so I will present objections to the Revised Preliminary
Plan on his behalf. Mr. Stretton notes that although West
Chester Borough is not split in this revised map, he is
concerned about the lack of contiguousness and compactness of
the preliminary 156th.

CHAIRMAN MCEWEN: He's an elected official in
Chester County?

MAYOR COMITTA: He is not. He represents the mayor
and several constituents in the Borough of West Chester. He is
also a resident of the borough.

CHAIRMAN MCEWEN: Well, is he satisfied with West
Chester?

MAYOR COMITTA: Very.

CHAIRMAN MCEWEN: All right.

MAYOR COMITTA: Yes, and also sends his thanks and
appreciation.

An example of a constitutional, compact, and
contiguous 156th District is outlined and shown in the maps

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