

FOR IMMEDIATE RELEASE
January 22, 2018

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Pennsylvania Supreme Court Holds Congressional Map Violates PA Constitution
New Map to be Drawn for 2018 Election

Harrisburg, Pa. – In a major victory for voters, today the Pennsylvania Supreme Court declared that Pennsylvania’s 2011 U.S. congressional districting map violates the Pennsylvania Constitution and enjoined its use in the upcoming May 15, 2018 primary.

The Court invited the General Assembly to submit a new congressional districting plan to the Governor by February 9, 2018. If the Governor accepts the new congressional districting plan, he must submit it to the Court before February 15, 2018. Should the General Assembly and the Governor be unable to submit a plan to the Court by February 15, 2018, the Court will “proceed expeditiously to adopt a plan based on the evidentiary record developed in the case.” In anticipation of that, the Court extended the opportunity to all the parties in the lawsuit to submit proposed remedial districting plans on or before February 15, 2018.

In reaching its decision, the Court ruled on the “sole basis” that the 2011 map violates the Pennsylvania Constitution. Five justices held the 2011 map unconstitutional. There was no opinion issued by the judges at the time of this release. Justice Baer joined in the decision finding the map unconstitutional; however, he would have waited until the 2020 election to redraw the district lines. Justices Saylor and Mundy stated they would have deferred decision until after the U.S. Supreme Court decides several currently pending gerrymandering cases; neither dissent offered any defense of the current map.

“Today marks a new day in Pennsylvania,” said Mimi McKenzie, Legal Director of the Public Interest Law Center, one of two organizations representing the petitioners. “Pennsylvania’s Supreme Court now leads the nation in opposing extreme partisan gerrymanders, putting legislators across America on notice that they can no longer draw maps that dilute the voices of the voters.”

“This decision means that Pennsylvania voters will finally have the opportunity to cast their ballots under a fair and constitutional map,” said David Gersch, Senior Counsel at Arnold & Porter Kaye Scholer LLP, which is also representing petitioners. “The current map is the worst partisan gerrymander in Pennsylvania’s history. The Court was right to strike it down.”

The petitioners are ecstatic. “Pennsylvania congressional districts will no longer be cartoon characters,” said Tom Rentschler, a voter from the 6th congressional district and a petitioner in the lawsuit. “The Court has restored the voters’ right to choose their representatives. For too long politicians in Pennsylvania have been picking their voters and not the other way around.”

Eighteen voters—one in each Congressional District—and the League of Women Voters filed the case, *League of Women Voters et al., v. Commonwealth of Pennsylvania et al.*, in June of 2017 in the state’s Commonwealth Court.

The decision comes at a time of increasing national momentum against political redistricting. In early January, a three-judge panel of federal judges in North Carolina held that that state’s Congressional map violates the U.S. Constitution. That case, as well as cases from Wisconsin and Maryland, is before the U.S. Supreme Court. “This decision should inspire voters around the country to hold their legislatures accountable to draw fair maps,” said Robert (Bob) Smith, another petitioner in the case, from the 11th district.

As petitioners celebrated the Court’s decision, they also called for legislators to take up a stalled state constitutional amendment that would establish an independent commission to draw future maps.

“This monumental decision should inspire Pennsylvanians to demand that their legislature act quickly to fix the present map, then work on a constitutional amendment that will create a long-term solution,” said Susan Carty, President of the League of Women Voters of Pennsylvania. “The era of unaccountable partisan gerrymandering in our Commonwealth will soon be over, for good.”

“We continue to believe that an independent redistricting commission is the best long-term remedy for congressional districts,” said Carol Kuniholm, Chair of Fair Districts PA. “We urge our legislative leaders to move quickly to enact House Bill 722 and Senate Bill 22 rather than spend more taxpayer time and money trying to defend an indefensible map.”

The petition alleged that the current Congressional map violates the Pennsylvania Constitution because state legislators deliberately manipulated district boundaries to “pack” Democratic voters into five districts and “crack” the remaining Democratic voters across the other 13 districts, carefully spreading them among Republican areas, thereby creating a lopsided, 13-5 majority in favor of Republicans. The petition alleged that these actions violated the petitioners’ rights to free expression and association under the Pennsylvania Constitution, and that the map discriminated against them in violation of the state Constitution’s equal protection guarantees, including its Free and Equal Clause. The Pennsylvania Supreme Court agreed to exercise its extraordinary jurisdiction in November 2017, lifted a stay imposed by the Commonwealth Court and ordered the Commonwealth Court to conduct an expedited trial. On December 29, 2017, the Commonwealth Court issued [Recommended Findings of Fact and Conclusions of Law](#).

Access all case documents here: <https://www.pubintlaw.org/cases-and-projects/pennsylvania-redistricting-lawsuit-case-documents/>

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