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Pennsylvania Supreme Court Denies Legislators' Request for Stay in Redistricting Lawsuit

Harrisburg, Pa. – Just days after [issuing a monumental decision](#) striking down Pennsylvania's U.S. Congressional map for "clearly, plainly, and palpably" violating the state Constitution, the Pennsylvania Supreme Court again [ruled in favor](#) of Pennsylvania voters today by rejecting Tuesday's [request from state legislators to stay the case](#). Meanwhile, the legislative respondents today [filed an emergency application](#) with the U.S. Supreme Court, asking that it stay the Pennsylvania Supreme Court's order to give the U.S. Supreme Court time to decide whether it should hear the case.

The legislative respondents in the case, Speaker of the Pennsylvania House of Representatives Michael Turzai and President Pro Tempore Senator Joseph B. Scarnati III, claimed in both Tuesday's Application for Stay to the Pennsylvania Supreme Court and in today's Emergency Application to the U.S. Supreme Court that the Pennsylvania Supreme Court's recent decision is a matter of federal, not state law and is supposedly causing chaos on the eve of the primary.

"We brought and won this case entirely under state law. There's no good argument for the U.S. Supreme Court to step in and change the state court's decision," said David Gersch, Senior Counsel with Arnold & Porter Kaye Scholer LLP, which is representing the petitioners. "The legislators' arguments are embarrassing. For the past two months, they have been telling the federal court in Philadelphia that federal courts have no business hearing a gerrymandering claim because state courts have primacy in this arena. Now that they have lost in the highest court of the Commonwealth, the legislators turn around and say the exact opposite. Now they are arguing that the Pennsylvania Supreme Court lacks power to order relief. Their new argument is just nonsense. The U.S. Supreme Court has rejected the legislators' arguments for over a century."

"The legislators should get to work on drawing a new map and stop creating chaos. There is ample time to draw a new map without compromising the 2018 primary," said Mimi McKenzie, Legal Director of the Public Interest Law Center, which is also representing the petitioners. The Law Center is one of two firms representing petitioners in *League of Women Voters et al., v. Commonwealth of Pennsylvania et al.* "Pennsylvania voters should call on their legislators to stop wasting their hard earned taxes on a doomed legal strategy."

The case, filed in June 2017 in Commonwealth Court, alleged that Pennsylvania's 2011 U.S. Congressional map violates the state 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, thereby creating a durable, 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. 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](#). On January 22, the Pennsylvania Supreme Court [issued an order](#) striking down the map. The Pennsylvania Court stated that it will be issuing an opinion to further explain its order.

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

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