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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LEAGUE OF WOMEN VOTERS :

OF PENNSYLVANIA, et al. :

Petitioners :

:

v. :

: Docket No. 261 MD 2017

THE COMMONWEALTH OF :

PENNSYLVANIA, et al. :

Respondents :

:

**INTERVENORS' ANSWER TO PETITION FOR REVIEW
WITH NEW MATTER**

ANSWER

Intervenors Brian McCann, Daphne Goggins, Carl Edward Pfeifer, Jr., Michael Baker, Cynthia Ann Robbins, Ginny Steese Richardson, Carol Lynne Ryan, Joel Sears, Kurtes D. Smith, C. Arnold McClure, Karen C. Cahilly, Vicki Lightcap, Wayne Buckwalter, Ann Marshall Pilgreen, Ralph E. Wike, Martin C.D. Morgis, Richard J. Tems, James Taylor, Lisa V. Nancollas, Hugh H. Sides, Mark J. Harris, William P. Eggleston, Jacqueline D. Kulback, Timothy D. Cifelli, Ann M. Dugan, Patricia J. Felix, Scott Uehlinger, Brandon Robert Smith, Glen Beiler, Tegwyn Hughes, Thomas Whitehead, David Moylan, Kathleen Bowman, James R. Means, Jr., Barry O. Christenson, and Bryan Leib file the following Answer to Petitioners' Petition for Review Addressed to the Court's Original Jurisdiction, with New Matter:

1. Denied. The averments contained in paragraph 1 are Petitioners' characterizations and/or conclusions of law, to which no response is required.
2. Denied. The averments contained in paragraph 2 are conclusions of law, to which no response is required.
3. Admitted in part, denied in part. It is admitted, upon information and belief, that the Republican then-Governor signed the districting plan (the "2011 plan") into law. All of the remaining aspects of this averment are denied, as the Intervenors, after a reasonable investigation, are without knowledge or information

sufficient to form a belief as to their truth.

4. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

5. Admitted upon information and belief.

6. Denied. The election results speak for themselves. To the extent the Petitioners characterize the election results, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

7. Admitted in part, denied in part. It is admitted that the City of Reading is located in the 16th District; that the Cities of Scranton, Wilkes-Barre, and Easton are located in the 17th District; and that portions of the City of Chester are located in the 1st District. All of the remaining aspects of this averment are denied, as the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

8. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

9. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

10. Denied. The averments contained in paragraph 10 are conclusions of law, to which no response is required.

11. Denied. The averments contained in paragraph 11 are conclusions of law, to which no response is required.

12. Denied. The averments contained in paragraph 12 are conclusions of law, to which no response is required.

13. Admitted upon information and belief.

14. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

15. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

16. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

17. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

18. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

19. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

20. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

21. Denied. After a reasonable investigation, the Intervenors are without

knowledge or information sufficient to form a belief as to the averments' truth.

22. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

23. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

24. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

25. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

26. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

27. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

28. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

29. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

30. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

31. Denied. After a reasonable investigation, the Intervenors are without

knowledge or information sufficient to form a belief as to the averments' truth.

32. Admitted upon information and belief.

33. Admitted upon information and belief.

34. Admitted upon information and belief.

35. Admitted upon information and belief.

36. Admitted upon information and belief.

37. Admitted upon information and belief.

38. Admitted upon information and belief.

39. Admitted upon information and belief.

40. Admitted upon information and belief.

41. Admitted.

42. Admitted in part, denied in part. It is admitted that the document cited contains the language quoted in this paragraph. After a reasonable investigation, the Intervenor is without knowledge or information sufficient to form a belief as to its truth.

43. Admitted in part, denied in part. It is admitted that the documents cited contain the language quoted in this paragraph. After a reasonable investigation, the Intervenor is without knowledge or information sufficient to form a belief as to their truth.

44. Denied. After a reasonable investigation, the Intervenor is without

knowledge or information sufficient to form a belief as to the averments' truth.

45. Admitted in part, denied in part. It is admitted, upon information and belief, that Republican candidates won a majority of seats in both houses of the Pennsylvania General Assembly and a Republican was elected Governor in the 2010 elections. All of the remaining aspects of this averment are denied, as the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

46. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

47. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

48. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

49. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

50. Admitted in part, denied in part. It is admitted, upon information and belief, that Senate Bill 1249 was introduced by Senators Pileggi, Scarnati, and McIlhinney on September 14, 2011. All of the remaining aspects of this averment are denied, as the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

51. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

52. Admitted in part, denied in part. It is admitted that the documents cited contains the language quoted in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to their truth.

53. Admitted in part, denied in part. It is admitted that the documents cited contains the language quoted in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to their truth.

54. Admitted in part, denied in part. It is admitted that the documents cited contains the language quoted in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to their truth.

55. Admitted in part, denied in part. It is admitted, upon information and belief, that the illustration accurately represents Congressional Districts in Montgomery County. All of the remaining aspects of this averment are denied, as the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

56. Admitted in part, denied in part. It is admitted, upon information and

belief, that the illustration accurately represents the 6th District. All of the remaining aspects of this averment are denied as Petitioners' characterizations and/or conclusions of law to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

57. Admitted in part, denied in part. It is admitted, upon information and belief, that the illustration accurately represents the 12th District. All of the remaining aspects of this averment are denied as Petitioners' characterizations and/or conclusions of law to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

58. Admitted in part, denied in part. It is admitted, upon information and belief, that the illustration accurately represents the 7th District. All of the remaining aspects of this averment are denied as Petitioners' characterizations and/or conclusions of law to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

59. Denied. The averments in paragraph 59 are Petitioners' characterizations and/or conclusions of law to which no response is required.

60. Admitted upon information and belief.

61. Denied. The averments in paragraph 61 are conclusions of law to which no response is required.

62. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

63. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

64. Admitted in part, denied in part. The election results in the 1st and 2nd Districts speak for themselves. All of the remaining aspects of this averment are denied, as the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

65. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

66. Admitted in part, denied in part. It is admitted, upon information and belief, that the Senate Legislative Journal contains the statements from Senator Williams quoted in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

67. Admitted in part, denied in part. It is admitted, upon information and belief, that the Senate Legislative Journal contains the statements from Senator Costa characterized in this paragraph. After a reasonable investigation, the

Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

68. Admitted upon information and belief.

69. Admitted in part, denied in part. It is admitted, upon information and belief, that the Pennsylvania House of Representatives considered SB 1249 on December 15, 2011 and December 20, 2011. All of the remaining aspects of this averment are denied as Petitioners' characterizations to which no response is required.

70. Admitted in part, denied in part. It is admitted, upon information and relief, that the House Legislative Journal contains the statements from Representative Frankel quoted in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

71. Admitted in part, denied in part. It is admitted, upon information and belief, that the House Legislative Journal contains the statements from Representative Dermody quoted in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

72. Admitted in part, denied in part. It is admitted, upon information and belief, that the House Legislative Journal contains the statements from

Representative Freeman quoted in this paragraph. After a reasonable investigation, the Intervenor is without knowledge or information sufficient to form a belief as to the averments' truth.

73. Admitted in part, denied in part. It is admitted, upon information and belief, that the House Legislative Journal contains the statements from Representative Samuelson quoted in this paragraph. After a reasonable investigation, the Intervenor is without knowledge or information sufficient to form a belief as to the averments' truth.

74. Admitted in part, denied in part. It is admitted, upon information and belief, that the House Legislative Journal contains the statements from Representative Josephs quoted in this paragraph. All of the remaining aspects of this averment are denied as Petitioners' characterizations to which no response is required. After a reasonable investigation, the Intervenor is without knowledge or information sufficient to form a belief as to the averments' truth.

75. Admitted, upon information and belief. It is admitted, upon information and belief, that the House Legislative Journal contains the statements from Representative Hanna quoted in this paragraph, and that his amendment failed. After a reasonable investigation, the Intervenor is without knowledge or information sufficient to form a belief as to the averments' truth.

76. Admitted upon information and belief.

77. Admitted in part, denied in part. The 2012 election results speak for themselves. All of the remaining aspects of this averment are denied, as Petitioners' characterizations to which no response is required.

78. Admitted in part, denied in part. The 2012 election results speak for themselves. All of the remaining aspects of this averment are denied, as Petitioners' characterizations to which no response is required.

79. Admitted in part, denied in part. It is admitted that the document cited contains the language quoted in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to its truth.

80. Admitted in part, denied in part. The 2014 election results speak for themselves. All of the remaining aspects of this averment are denied, as Petitioners' characterizations to which no response is required.

81. Admitted upon information and belief.

82. Admitted in part, denied in part. The 2014 and 2016 election results speak for themselves. All of the remaining aspects of this averment are denied, as Petitioners' characterizations to which no response is required.

83. Denied. The averments contained in paragraph 83 are Petitioners' characterizations and/or conclusions of law, to which no response is required.

84. Denied. The averments contained in paragraph 84 are Petitioners'

characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

85. Denied. The averments contained in paragraph 84 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

86. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to its truth.

87. Admitted in part, denied in part. It is admitted, upon information and belief, that mathematicians at Carnegie Mellon University and the University of Pittsburgh have developed an alternative modeling approach. All of the remaining aspects of this averment are denied as Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

88. Admitted in part, denied in part. The three-judge panel opinion in *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016), speaks for itself. All of

the remaining aspects of this averment are denied as Petitioners' characterizations and/or conclusions of law, to which no response is required. By way of further response, the Intervenors respectfully submit that the panel did not use the efficiency gap "in striking down Wisconsin's state house districts," as Petitioners claim, but merely found it "corroborative" of other evidence. *Id.* at 918.

89. Admitted in part, denied in part. The 2012 election results speak for themselves. All of the remaining aspects of this averment are denied, as Petitioners' characterizations to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

90. Denied. The averments contained in paragraph 90 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

91. Admitted in part, denied in part. The 2012 election results speak for themselves. All of the remaining aspects of this averment are denied, as Petitioners' characterizations to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to their truth.

92. Denied. The 2012 election results speak for themselves. The averments contained in paragraph 92 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

93. Denied. The 2014 and 2016 election results speak for themselves. The averments contained in paragraph 93 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

94. Denied. The averments contained in paragraph 94 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

95. Denied. The averments contained in paragraph 95 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

96. Admitted in part, denied in part. It is admitted, upon information and belief, that the document cited contains the chart characterized in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

97. Admitted in part, denied in part. It is admitted, upon information and belief, that the document cited contains the chart characterized in this paragraph. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

98. Denied. The averments contained in paragraph 98 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

99. Intervenors incorporate paragraphs 1 through 98 above as if they were fully set forth herein.

100. Admitted. By way of further response, the Pennsylvania Constitution speaks for itself.

101. Admitted. By way of further response, the Pennsylvania Constitution speaks for itself.

102. Denied. The averments contained in paragraph 102 are conclusions of

law, to which no response is required.

103. Denied. The averments contained in paragraph 103 are conclusions of law, to which no response is required.

104. Denied. The averments contained in paragraph 104 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

105. Denied. The averments contained in paragraph 105 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

106. Denied. The averments contained in paragraph 106 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

107. Denied. The averments contained in paragraph 107 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To

the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

108. Denied. The averments contained in paragraph 108 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

109. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

110. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

111. Denied. After a reasonable investigation, the Intervenors are without knowledge or information sufficient to form a belief as to the averments' truth.

112. Denied. The averments contained in paragraph 112 are conclusions of law, to which no response is required.

113. Denied. The averments contained in paragraph 113 are conclusions of law, to which no response is required.

114. Intervenors incorporate paragraphs 1 through 113 above as if they were fully set forth herein.

115. Denied. The averments contained in paragraph 115 are conclusions of law, to which no response is required.

116. Denied. The averments contained in paragraph 116 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

117. Denied. The averments contained in paragraph 117 are conclusions of law, to which no response is required.

118. Denied. The averments contained in paragraph 118 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

119. Denied. The averments contained in paragraph 119 are Petitioners' characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

120. Denied. The averments contained in paragraph 120 are Petitioners'

characterizations and/or conclusions of law, to which no response is required. To the extent a response is required, the Intervenors, after a reasonable investigation, are without knowledge or information sufficient to form a belief as to the averments' truth.

NEW MATTER

121. The Intervenors are qualified and registered Republican voters residing in various Congressional Districts across Pennsylvania. *E.g.*, Baker Aff. ¶ 1, filed Oct. 2, 2017; Kulback Aff. ¶ 1, filed Oct. 2, 2017; Whitehead Aff. ¶ 1, filed Oct. 2, 2017; Felix Aff. ¶ 1, filed Oct. 2, 2017; Goggins Aff. ¶ 1, filed Oct. 2, 2017; Harris Aff. ¶ 1, filed Oct. 2, 2017; McCann Aff. ¶ 1, filed Oct. 2, 2017; Morgis Aff. ¶ 1, filed Oct. 2, 2017; Nancollas Aff. ¶ 1, filed Oct. 2, 2017; Robbins Aff. ¶ 1, filed Oct. 2, 2017; Ryan Aff. ¶ 1, filed Oct. 3, 2017; Cifelli Aff. ¶ 1, filed Oct. 3, 2017; Smith Aff. ¶ 1, filed Oct. 3, 2017; Uehlinger Aff. ¶¶ 1–2, filed Oct. 4, 2017.

122. Many intervenors have roles in their Republican County Committees. For example, Michael Baker is Chair of the Republican Party of Armstrong County, Baker Aff. ¶ 2; Jacqueline D. Kulback is Chair of the Republican Party of Cambria County, Kulback Aff. ¶ 2; Thomas Whitehead is Chair of the Republican Party of Monroe County, Whitehead Aff. ¶ 2; Patricia Felix is a member of

executive committee of the Northampton County Republican Committee, Felix Aff. ¶ 5; Mark J. Harris is a former Chair of the Snyder County Republican Committee, Harris Aff. ¶ 4; Brian McCann is a Ward leader and Republican Party committee person in Philadelphia, McCann Aff. ¶ 5; Lisa V. Nancollas is Treasurer of the Pennsylvania AG Republicans and Secretary of the Mifflin County Republican Party, Nancollas Aff. ¶ 5; and Kurtes D. Smith is Chair of the Republican Party of Clinton County, Smith Aff. ¶ 2.

123. Scott C. Uehlinger, a resident of Berks County, is a candidate for the 15th Congressional District. Uehlinger Aff. ¶¶ 1, 3.

124. Rick Saccone, a resident of Allegheny County, is a candidate for the special election for the 18th Congressional District.

125. Governor Wolf issued a Writ of Election to hold a special election for the vacancy in the 18th Congressional District on March 13, 2018. (**Exhibit A**)

126. The first day to circulate and file nomination papers for the 2018 primary and general elections is February 13, 2018. (**Exhibit B**)

127. The Intervenors have been actively working to elect their preferred candidates to Congress since last year's election in November 2016. Campaigns for members of Congress start far in advance of the year of election, and often begin as soon as the day after the previous election to Congress. *E.g.*, Baker Aff. ¶ 6; Kulback Aff. ¶ 6; Whitehead Aff. ¶ 7; Felix Aff. ¶ 5; Goggins Aff. ¶ 5; Harris

Aff. ¶¶ 5, 7; McCann Aff. ¶ 5; Morgis Aff. ¶ 5; Nancollas Aff. ¶¶ 6, 10; Robbins Aff. ¶ 6; Ryan Aff. ¶ 5; Smith Aff. ¶¶ 6–7; Uehlinger Aff. ¶ 7.

127. The Intervenors have invested substantial time, money, and effort into various activities to elect their preferred candidates to Congress. Baker Aff. ¶¶ 4–9, 12; Kulback Aff. ¶¶ 4–8; Whitehead Aff. ¶¶ 5–11; Felix Aff. ¶¶ 4–7; Goggins Aff. ¶¶ 4–6; Harris Aff. ¶¶ 4, 6–7, 10, 18, 22; McCann Aff. ¶¶ 4–7; Morgis Aff. ¶¶ 4–6; Nancollas Aff. ¶¶ 4–5, 7, 10–11; Robbins Aff. ¶¶ 4–9; Ryan Aff. ¶¶ 4–8; Cifelli Aff. ¶¶ 6, 8; Smith Aff. ¶¶ 4–11; Uehlinger Aff. ¶¶ 5–11.

128. The intervenors work to elect their preferred candidates to Congress in reliance on the existing Congressional Districts, which have been in effect for three election cycles. Baker Aff. ¶ 13; Kulback Aff. ¶ 11; Whitehead Aff. ¶ 19; Felix Aff. ¶ 8; Goggins Aff. ¶ 8; Harris Aff. ¶¶ 9–10; McCann Aff. ¶¶ 7–8; Morgis Aff. ¶ 8; Nancollas Aff. ¶¶ 9, 12; Robbins Aff. ¶ 8; Ryan Aff. ¶ 8; Cifelli Aff. ¶¶ 8–9; Smith Aff. ¶¶ 12, 15; Uehlinger Aff. ¶¶ 5–9, 11–13.

129. If Congressional District lines are redrawn to take effect for the 2018 elections, the Intervenors could be removed from their current Congressional Districts. Baker Aff. ¶ 10; Kulback Aff. ¶ 9; Whitehead Aff. ¶ 12; Cifelli ¶ 9; Smith Aff. ¶ 12; Uehlinger Aff. ¶¶ 4–9, 11–13.

130. Uehlinger’s candidacy for the 15th Congressional District could be terminated if a change in district boundaries takes effect for the 2018 elections.

Uehlinger Aff. ¶ 4.

131. Saccone is faced with the possibility that the boundaries of the 18th Congressional District could change while he is in the middle of a campaign for a special election.

132. If new boundaries are ordered for 2018 but not the special election, Saccone would need to circulate nomination papers for a different Congressional District starting February 13, 2018, even before the special election for the old 18th Congressional District is held March 13, 2018.

133. If Congressional District lines are redrawn to take effect for the 2018 elections, the Intervenors' time, effort, and money invested to date could be lost. Baker Aff. ¶¶ 10, 16; Kulback Aff. ¶¶ 9, 14; Whitehead Aff. ¶¶ 12, 20; Felix Aff. ¶¶ 7–9; Goggins Aff. ¶¶ 7–8; Harris Aff. ¶¶ 8, 11; McCann Aff. ¶¶ 7–8; Morgis Aff. ¶¶ 7–8; Nancollas Aff. ¶¶ 9, 11; Robbins Aff. ¶¶ 8, 10; Ryan Aff. ¶¶ 7–8; Cifelli Aff. ¶¶ 7, 9; Smith Aff. ¶¶ 12, 18; Uehlinger Aff. ¶¶ 4–9, 11–13.

134. Pennsylvania's existing Congressional Districts have neither prevented competitive races nor shut Democrats out of the political process in 2018.

135. For example, Petitioners allege that Republicans have “construct[ed] the [7th] district to their advantage,” Pet. ¶ 59, but, sensing opportunity, six Democratic candidates have registered with the Federal Election Commission to

run in the 7th District in 2018. (**Exhibit C**)

136. Similarly, Petitioners allege that “Republicans redrew the 6th District . . . to make the 6th ‘safe’ for Republicans,” Pet. ¶ 61, but, due to her viability, Democratic candidate Chrissy Houlahan has raised \$810,649.55 in her campaign for the 6th District in 2018. (**Exhibit D**)

137. Indeed, Democratic candidates are also competitive in a number of other districts criticized by Petitioners.

138. As of November 7, 2017, the Cook Political Report rates seven of Pennsylvania’s eighteen Congressional Districts as competitive for 2018. The 6th, 7th, 8th, and 15th Districts are each rated “Leans Republican”; the 16th and 18th Districts are each rated “Likely Republican”; and the 17th District is rated “Likely Democratic.” (**Exhibit E**)

139. As of November 7, 2017, Sabato’s Crystal Ball, associated with the University of Virginia Center for Politics, also rates seven of Pennsylvania’s eighteen Congressional Districts as competitive for 2018. The 6th, 7th, 8th, and 15th Districts are each rated “Leans Republican”; the 16th and 18th Districts are each rated “Likely Republican”; and the 17th District is rated “Likely Democratic.” (**Exhibit F**)

140. As of November 10, 2017, Inside Elections with Nathan L. Gonzales rates six of Pennsylvania’s eighteen Congressional Districts as competitive for

2018. The 6th, 8th, 15th, and 16th Districts are each rated “Leans Republican”; the 7th District is rated “Likely Republican”; and the 17th District is rated “Likely Democratic.” (**Exhibit G**)

141. In addition, Pennsylvania’s election results are at least partially attributable to changing voting patterns, including since the 2011 plan became law. For example, according to an analysis of changing voting patterns in the Northeast by Sean Trende and David Byler:

The 2016 elections represent the acceleration of these trends . . . More importantly, Pennsylvania is no longer a ‘T’: The Pittsburgh area is largely indistinguishable from the rest of the state. The Democratic coalition is now basically Philly and its suburbs. That represents a lot of votes, but it is not enough to guarantee a win in the state.

...

Note that [2016 Democratic Presidential Nominee Hillary] Clinton performs as well as [President and 2008 and 2012 Democratic Presidential Nominee Barack] Obama in the mega city, which is basically metro Philadelphia. Wh[at] we see in rural and small-town Pennsylvania largely mimics what we’ve seen elsewhere. In fact, Pennsylvania was more Republican than the rural South in 2016. Even when you remove counties that have populations that are more than 10 percent black, the rural South and Pennsylvania are roughly equally Republican.

But the real story is what happened in the ‘large city,’ which in Pennsylvania means Pittsburgh.[] There’s been a gradual erosion of Democratic voting there, which has been offset by increased Democratic voting in metro Philly. But the latter seemed to top out in 2008, while the erosion in the former continues; Pittsburgh now votes like your average Pennsylvania small city. This could be a genuine headache for Democrats, if metro Pittsburgh continues to vote increasingly like Pennsylvtucky, while Democrats fail to make progress

in Philadelphia.

Note also that, as with the South, rural areas and towns cast a lot of the votes, while Philadelphia casts about a third of the votes. In other words, Democrats simply cannot afford to continue to bleed votes outside of the metro Philly area[.]” (**Exhibit H**)

The attached article also includes maps and charts demonstrating changing voting patterns in Pennsylvania. The three-judge panel in *Whitford v. Gill* certified Mr. Trende as an expert in that case. *Whitford v. Gill*, 218 F. Supp. 3d 837, 913 n.319 (W.D. Wis. 2016).

WHEREFORE, the Intervenors respectfully request that this Honorable Court enter judgment in their favor, together with such further relief, as the Court deems just and appropriate.

Respectfully submitted,

**OBERMAYER REBMANN MAXWELL &
HIPPEL LLP**

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Exhibit A

PRESS RELEASE, VOTING & ELECTIONS

Governor Wolf Sets Special Election for Pennsylvania's 18th Congressional District

October 23, 2017

Harrisburg, PA – Governor Wolf today issued a Writ of Election setting a date of March 13, 2018 for a special election to fill Pennsylvania's vacant 18th Congressional District:

TO THE SECRETARY OF THE COMMONWEALTH, THE COUNTY BOARDS OF ELECTION OF THE COUNTIES OF ALLEGHENY, GREENE, WASHINGTON AND WESTMORELAND, GREETINGS:

WHEREAS, in consequence of the October 21, 2017 resignation of the Honorable Tim Murphy, who was elected a Member of the One Hundred Fifteenth Congress of the United States for the Eighteenth Congressional District of the Commonwealth of Pennsylvania, as said district is established by law, a vacancy exists in the representation of the Commonwealth in the House of Representatives of the Congress of the United States;

NOW, THEREFORE, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, in pursuance of the provisions of the Constitution of the United States and of Section 627 of the Act of the June 3, 1937 (P.L. 1333, No. 320), as amended, 25 P.S. § 2777, do issue this Writ of Election commanding you to do your respective duties according to law and to hold a special election in the said Eighteenth Congressional District of the Commonwealth of Pennsylvania on

TUESDAY, MARCH 13, 2018

for the election of a Representative in the House of Representatives of the Congress of the United States to fill the vacancy aforesaid. And you are hereby required and enjoined to give lawful notice of the cause and conduct of said special election, and make return thereof in the manner and form as by law directed and required.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-third day of October in the year of our Lord, two thousand and seventeen, and of our Commonwealth the two hundred and forty-second.

PREVIOUS

NEXT

- BILL SIGNINGS
- LIVE STREAM

- ARCHIVES
 - 2017
 - 2016
 - 2015

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Email Address#

First Name

Exhibit B

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION

2018 PENNSYLVANIA ELECTIONS IMPORTANT DATES TO REMEMBER

First day to circulate and file nomination petitions	February 13
Last day to circulate and file nomination petitions	March 6
First day to circulate and file nomination papers.....	March 7
Last day for withdrawal by candidates who filed nomination petitions	March 21
First day to apply for a civilian absentee ballot.....	March 26
Last day to REGISTER before the primary	April 16
Last day to apply for a civilian absentee ballot.....	May 8
Last day for County Board of Elections to receive voted civilian absentee ballots	May 11
GENERAL PRIMARY	May 15
First day to REGISTER after primary	May 16
Last day for County Board of Elections to receive voted military and overseas absentee ballots (submitted for delivery no later than 11:59 P.M. on May 14)	May 22
Last day to circulate and file nomination papers	August 1
Last day for withdrawal by candidates nominated by nomination papers.....	August 8
Last day for withdrawal by candidates nominated at the primary	August 13
First day to apply for a civilian absentee ballot.....	September 17
Last day to REGISTER before the November election	October 9
Last day to apply for a civilian absentee ballot.....	October 30
Last day for County Boards of Elections to receive voted civilian absentee ballots	November 2
GENERAL ELECTION	November 6
First day to REGISTER after November election	November 7
Last day for County Board of Elections to receive voted military and overseas absentee ballots (submitted for delivery no later than 11:59 P.M. on November 5)	November 13

Note: All dates in this calendar are subject to change without notice.

Exhibit C

Candidate

Viewing about **8** filtered results for: [Clear all filters](#)

House

Pennsylvania

07

2018

Name	Office	Election years	Party	State	District	First filing date
PERRY, PAUL-DAVID II	House	2018	DEMOCRATIC PARTY	PA	07	2017-05-20
BILLIE, JOSEPH MICHAEL	House	2018	REPUBLICAN PARTY	PA	07	2017-05-09
MORO, ELIZABETH	House	2018	DEMOCRATIC PARTY	PA	07	2017-04-19
SHEEHAN, MOLLY	House	2018	DEMOCRATIC PARTY	PA	07	2017-04-10
MUROFF, DANIEL	House	2018	DEMOCRATIC PARTY	PA	07	2017-04-01
MCGINTY, JOHN	House	2018	DEMOCRATIC PARTY	PA	07	2017-01-08
LEACH, DAYLIN B	House	2014 - 2018	DEMOCRATIC PARTY	PA	07	2013-04-01
MEEHAN, PATRICK L MR	House	2010 - 2018	REPUBLICAN PARTY	PA	07	2009-09-14

Exhibit D

Pennsylvania - House District 6

COMPARE CANDIDATES FOR THIS OFFICE

Compare candidate financial totals

This table only shows candidates who have registered *and* filed a financial report. Looking for all candidates who registered?

ELECTION CYCLE

2017-2018

Candidates in this election

Incumbent

Candidate	Party	Total receipts	Total disbursements	Cash on hand	Source reports
<u>COSTELLO, RYAN A</u>	REPUBLICAN PARTY	\$1,232,189.01	\$292,572.43	\$1,186,145.33	<u>View</u>
<u>HOULAHAN, CHRISSY</u>	DEMOCRATIC PARTY	\$810,649.55	\$148,987.89	\$661,661.66	<u>View</u>

Results per page:

Showing 1 to 2 of 2 entries



Totals reflect the sum reported by all of a candidate's authorized committees.

Exhibit E

HOUSE

2018 House Race Ratings

Nov 7, 2017

RATINGS SUMMARY

SOLID SEATS

D - 174

R - 179

LIKELY/LEAN SEATS

D - 18

R - 48

TOSS-UP OR WORSE

D - 3

R - 13

Likely : These seats are not considered competitive at this point, but have the potential to become engaged.

Lean : These are considered competitive races, but one party has an advantage.

Toss-Up : These are the most competitive; either party has a good chance of winning.

COMPETITIVE RACES

*Italicized name denotes Freshman member

LIKELY DEMOCRATIC 11 Dem • 0 Rep	LEAN DEMOCRATIC 6 Dem • 1 Rep	DEMOCRATIC TOSS UP 3 Dem • 0 Rep	REPUBLICAN TOSS UP 0 Dem • 13 Rep	LEAN REPUBLICAN 0 Dem • 23 Rep	LIKELY REPUBLICAN 0 Dem • 25 Rep
AZ - 9 Open CA - 24 Carbajal FL - 13 Crist IA - 2 Loebsack MN - 7 Peterson NH - 2 Kuster NY - 3 Suozzi NY - 18 Maloney OR - 5 Schrader PA - 17 Cartwright WI - 3 Kind	AZ - 1 O'Halleran CA - 7 Bera FL - 7 Murphy FL - 27 Open MN - 8 Nolan NJ - 5 Gottheimer NV - 4 Kihuen	MN - 1 Open NH - 1 Open NV - 3 Open	AZ - 2 <i>McSally</i> CA - 25 Knight CA - 48 Rohrabacher CA - 49 Issa CO - 6 Coffman IA - 1 Blum MI - 11 Open MN - 2 Lewis NE - 2 Bacon NJ - 2 Open NY - 19 Faso VA - 10 Comstock WA - 8 Open	CA - 10 Denham CA - 39 Royce CA - 45 Walters FL - 26 Curbelo GA - 6 Handel IA - 3 Young IL - 6 Roskam IL - 12 Bost KS - 2 Open KS - 3 Yoder ME - 2 Poliquin MI - 8 Bishop MN - 3 Paulsen NJ - 7 Lance NJ - 11 Frelinghuysen NY - 22 Tenney PA - 6 Costello PA - 7 Meehan PA - 8 Fitzpatrick PA - 15 Open TX - 7 Culberson TX - 23 Hurd TX - 32 Sessions	CA - 21 Valadao CA - 50 Hunter FL - 18 Mast GA - 7 Woodall IL - 13 Davis IL - 14 Hultgren KY - 6 Barr MI - 7 Walberg MT - 0 Gianforte NC - 2 Holding NC - 9 Pittenger NC - 13 Budd NJ - 3 MacArthur NM - 2 Open NY - 1 Zeldin NY - 11 Donovan NY - 24 Katko OH - 1 Chabot OH - 16 Open PA - 16 Smucker PA - 18 Vacant UT - 4 Love VA - 2 Taylor VA - 5 Garrett VA - 7 Brat

Exhibit F

2018 House

To read recent stories on the race for the House, click [here](#) ¹.

House ratings

Last updated Nov. 7, 2017

Republicans		
TOSS-UP	LEANS REPUBLICAN	LIKELY REPUBLICAN
Martha McSally (AZ-2)	Karen Handel (GA-6)	Don Young (AK-AL)
J. Denham (CA-10)	Rod Blum (IA-1)	Ed Royce (CA-39)
Darrell Issa (CA-49)	David Young (IA-3)	D. Valadao (CA-21)
S. Knight (CA-25)	Kevin Yoder (KS-3)	Mimi Walters (CA-45)
D. Rohrabacher (CA-48)	Bruce Poliquin (ME-2)	M. Diaz-Balart (FL-25)
M. Coffman (CO-6)	Erik Paulsen (MN-3)	Brian Mast (FL-18)
C. Curbelo (FL-26)	Greg Gianforte (MT-AL)	Mike Bost (R, IL-12)
MI-11 Open (Trott)	R. Frelinghuysen (NJ-11)	Rodney Davis (IL-13)
Jason Lewis (MN-2)	Leonard Lance (NJ-7)	R. Hultgren (IL-14)
Don Bacon (NE-2)	John Faso (NY-19)	Peter Roskam (IL-6)
NJ-2 Open (LoBiondo)	Claudia Tenney (NY-22)	KS-2 Open (Jenkins)
Will Hurd (TX-23)	Ryan Costello (PA-6)	Andy Barr (KY-6)
B. Comstock (VA-10)	Brian Fitzpatrick (PA-8)	Mike Bishop (MI-8)
WA-8 Open (Reichert)	Pat Meehan (PA-7)	T. MacArthur (NJ-3)
	PA-15 Open (Dent)	NM-2 Open (Pearce)
		John Katko (NY-24)
		Tom Reed (NY-23)
		Lee Zeldin (NY-1)
		Steve Chabot (OH-1)
		OH-12 Special (Tiberi)
		L. Smucker (PA-16)
		PA-18 Special (Murphy)
		J. Culberson (TX-7)
		Pete Sessions (TX-32)

Mia Love (UT-4)
Tom Garrett (VA-5)
Scott Taylor (VA-2)
WV-3 Open (Jenkins)

Democrats		
TOSS-UP	LEANS DEMOCRATIC	LIKELY DEMOCRATIC
MN-1 Open (Walz)	Tom O'Halleran (AZ-1)	S. Carbajal (CA-24)
NH-1 Open (Shea-Porter)	Ami Bera (CA-7)	Jim Costa (CA-16)
NV-3 Open (Rosen)	Charlie Crist (FL-13)	D. Loeb sack (IA-2)
	S. Murphy (FL-7)	Cheri Bustos (IL-17)
	FL-27 Open (Ros-Lehtinen)	B. Schneider (IL-10)
	Rick Nolan (MN-8)	C. Peterson (MN-7)
	J. Gottheimer (NJ-5)	Ann Kuster (NH-2)
		R. Kihuen (NV-4)
		Tom Suozzi (NY-3)
		S. Maloney (NY-18)
		M. Cartwright (PA-17)
		Ron Kind (WI-3)

Note: Districts are shaded by color of current party control (shades of blue for Democrats, shades of red for Republicans). Districts not listed are safe for the incumbent party.

Democratic House members who hold seats that Donald Trump carried

District	Dem incumbent	2016 result	2016 president		2012 president	
			Clinton	Trump	Obama	Romney
AZ-01	T. O'Halleran	50.7-43.4	46.6	47.7	47.9	50.4
IA-02	D. Loebsack	53.7-46.2	45.0	49.1	55.8	42.7
IL-17	Cheri Bustos	60.3-39.7	46.7	47.4	57.6	40.6
MN-01	Tim Walz	50.3-49.6	38.4	53.3	49.6	48.2
MN-07	C. Peterson	52.5-47.4	31.0	61.8	44.1	53.9
MN-08	Rick Nolan	50.2-49.6	38.6	54.2	51.7	46.2
NH-01	C. Shea-Porter	45.8-44.4	46.6	48.2	50.2	48.6
NJ-05	J. Gottheimer	51.1-46.7	47.7	48.8	47.9	51.0
NV-03	Jacky Rosen	47.2-46.0	46.5	47.5	49.5	48.7
NY-18	Sean Maloney	55.6-44.4	47.1	49.0	51.4	47.1
PA-17	M. Cartwright	53.8-46.2	43.3	53.4	55.4	43.3
WI-03	Ron Kind	Unopposed	44.8	49.3	54.8	43.8

Note: District presidential winner is in bold

Republican House members who hold seats that Hillary Clinton carried

District	GOP incumbent	2016 result	2016 president		2012 president	
			Clinton	Trump	Obama	Romney
AZ-02	Martha McSally	57.0-43.0	49.6	44.7	48.4	49.9
CA-10	Jeff Denham	51.7-48.3	48.5	45.5	50.6	47.0
CA-21	David Valadao	56.7-43.3	55.2	39.7	54.6	43.5
CA-25	Steve Knight	53.1-46.9	50.3	43.6	47.8	49.7
CA-39	Ed Royce	57.2-42.8	51.5	42.9	47.1	50.8
CA-45	Mimi Walters	58.6-41.4	49.8	44.4	43.0	54.8
CA-48	D. Rohrabacher	58.3-41.7	47.9	46.2	43.0	54.7
CA-49	Darrell Issa	50.3-49.7	50.7	43.2	45.7	52.4
CO-06	Mike Coffman	50.9-42.6	50.2	41.3	51.6	46.5
FL-26	Carlos Curbelo	53.0-41.2	56.7	40.6	55.4	43.9
FL-27	I. Ros-Lehtinen	54.9-45.1	58.6	38.9	53.0	46.3
IL-06	Peter Roskam	59.2-40.8	50.2	43.2	45.1	53.3
KS-03	Kevin Yoder	51.3-40.6	47.2	46.0	44.3	53.8
MN-03	Erik Paulsen	56.7-43.0	50.8	41.4	49.6	48.8
NJ-07	Leonard Lance	54.1-43.1	48.6	47.5	46.3	52.5
NY-24	John Katko	60.5-39.4	48.9	45.3	57.0	41.1
PA-06	Ryan Costello	57.3-42.7	48.2	47.6	48.1	50.6
PA-07	Pat Meehan	59.5-40.5	49.3	47.0	48.5	50.4
TX-07	John Culberson	56.2-43.8	48.5	47.1	38.6	59.9
TX-23	Will Hurd	48.3-47.0	49.8	46.4	48.1	50.7
TX-32	Pete Sessions	71.1-28.9*	48.5	46.6	41.5	57.0
VA-10	B. Comstock	52.7-46.9	52.2	42.2	49.2	50.8
WA-08	Dave Reichert	60.2-39.8	47.7	44.7	49.7	48.1

*Note: District presidential winner is in bold; *Sessions did not have a Democratic opponent*

2017-2018 *Crystal Ball* House race ratings table

2017-2018 Crystal Ball race ratings (as of Nov. 15, 2017) : House

Rating	Num. rating	Competitive rating	Party	Seats by rating	Total seats	Change based on current ratings	
Likely D	2	1	R	226	241	-15	
Likely D	2	1	D/I	192	194	-2	
Likely D	2	1	Toss-up	17	0	+17	
Likely D	2	1					
Likely D	2	1					
Likely D	2	1	As of Nov. 15, 2017				
Likely D	2	1	Total				
Likely D	2	1	Num.	Rating	Total		
Likely D	2	1	7	Safe R	183		
Likely D	2	1	6	Likely R	28		
Likely D	2	1	5	Leans R	15		
Likely D	2	1	4	Toss-up	17		
Leans D	3	1	3	Leans D	7		
Leans D	3	1	2	Likely D	12		
Leans D	3	1	1	Safe D	173		
Leans D	3	1					
Leans D (flip)	3	1	D-held seats				
Leans D	3	1	Num.	Rating	Total		
Leans D	3	1	7	Safe R	0		
Toss-up	4	1	6	Likely R	0		
Toss-up	4	1	5	Leans R	0		
Toss-up	4	1	4	Toss-up	3		
Toss-up	4	1	3	Leans D	6		
Toss-up	4	1	2	Likely D	12		
House							

Links:

1. <http://www.centerforpolitics.org/crystalball/articles/category/2018-house/>

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Exhibit G

Outlook
 Republicans have a 241-194 majority. Democrats need a net gain of 24 seats for a majority. Most likely outcome is modest Democratic gains in the teens to a more dramatic electoral wave. → Shift Republican
 ← Shift Democratic

Currently Safe Seats

Democrat: 181

Republican: 189

Seats in Play

Democrat: 13

New Seats: 0

Republican: 52

TOSS-UP

Democrat: 3
 Republican: 5

- AZ 2 R McSally ←
- CA 49 R Issa
- MN 1 D *Open* Walz
- MN 2 R Lewis
- NH 1 D *Open* Shea-Porter
- NJ 5 D Gottheimer
- TX 23 R Hurd
- VA 10 R Comstock ←

TILT DEMOCRATIC

Democrat: 3
 Republican: 1

- AZ 1 D O'Halleran ←
- FL 7 D Murphy
- NV 3 D *Open* Rosen
- WA 8 R *Open* Reichert

LEAN DEMOCRATIC

Democrat: 2
 Republican: 1

- FL 27 R *Open* Ros-Lehtinen
- MN 7 D Peterson
- MN 8 D Nolan

LIKELY DEMOCRATIC

Democrat: 5
 Republican: 0

- CA 7 D Bera ←
- FL 13 D Crist ←
- NV 4 D Kihuen
- PA 17 D Cartwright
- WI 3 D Kind

TILT REPUBLICAN

Democrat: 0
 Republican: 6

- CA 48 R Rohrabacher
- CO 6 R Coffman
- FL 26 R Curbelo
- NE 2 R Bacon ←
- NY 19 R Faso
- NY 22 R Tenney

LEAN REPUBLICAN

Democrat: 0
 Republican: 18

- CA 10 R Denham
- CA 25 R Knight
- CA 39 R Royce
- IA 1 R Blum
- IL 12 R Bost
- KS 2 R *Open* Jenkins
- KS 3 R Yoder
- KY 6 R Barr
- MI 11 R *Open* Trott
- MI 8 R Bishop
- MN 3 R Paulsen
- NJ 2 R *Open* LoBiondo ←
- PA 15 R *Open* Dent
- PA 16 R Smucker
- PA 6 R Costello
- PA 8 R Fitzpatrick
- TX 7 R Culberson
- UT 4 R Love

LIKELY REPUBLICAN

Democrat: 0
 Republican: 21

- CA 21 R Valadao
- CA 45 R Walters
- CA 50 R Hunter
- GA 6 R Handel →
- IA 3 R Young
- IL 13 R R. Davis
- IL 6 R Roskam
- ME 2 R Poliquin
- MI 6 R Upton
- MT 1 R Gianforte →
- NC 9 R Pittenger
- NJ 11 R Frelinghuysen
- NJ 7 R Lance
- NM 2 R *Open* Pearce
- NY 11 R Donovan
- NY 24 R Katko
- PA 7 R Meehan
- TX 32 R Sessions
- VA 2 R Taylor ←
- VA 5 R Garrett
- VA 7 R Brat ←

Exhibit H



How Trump Won: The Northeast

ANALYSIS

By [Sean Trende](#) & [David Byler](#)

RCP Staff

January 18, 2017

The third part in a series

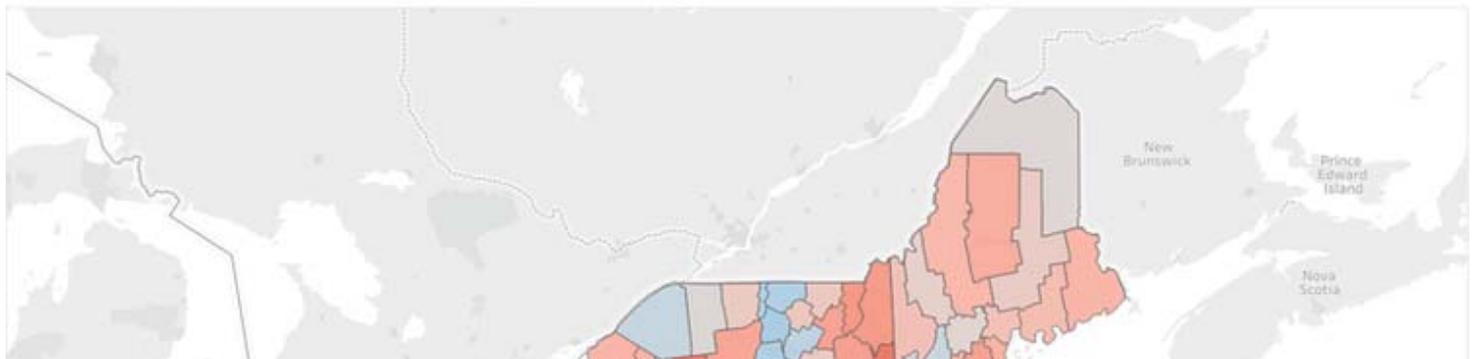
Over the course of this five-part series, we've developed a few themes. One has been that the problems that beset the Democratic Party in 2016 didn't appear overnight. They represent a gradual decline of the Clinton coalition. This was evident (though not obvious) in the 2008 election returns, became apparent in the 2010 and 2014 midterms, and came to a head in 2016.

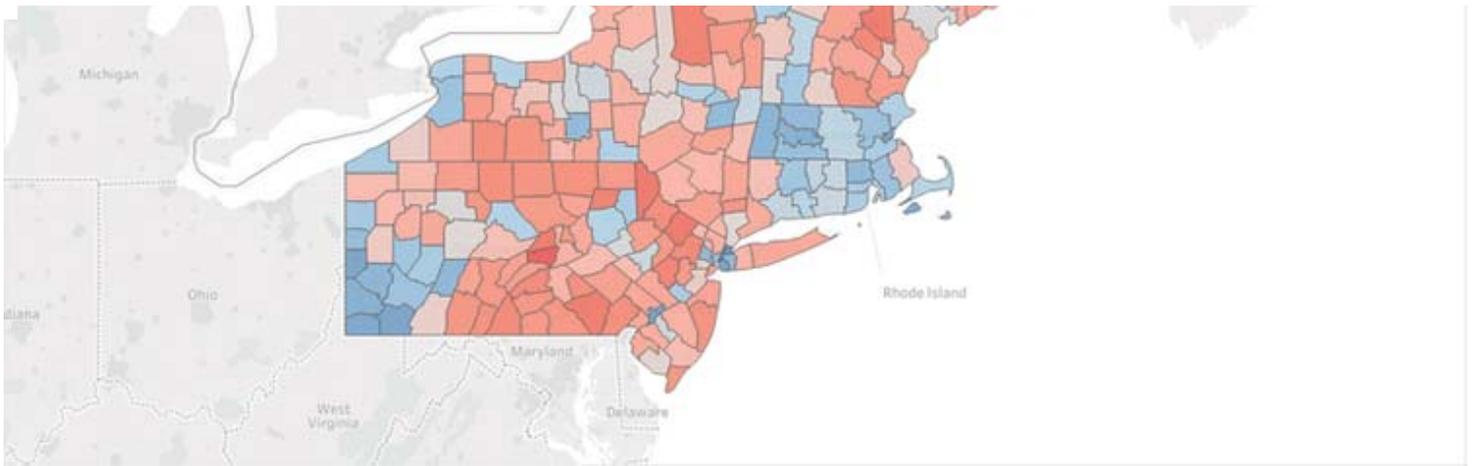
In [Part 1](#), we discussed the collapse of the Democratic coalition in the South. As we noted, this was a case where lots of "little" votes in rural areas added up and overwhelmed a healthier Democratic coalition in the urban areas. In [Part 2](#), we showed what would happen if the same phenomenon occurred in a region with fewer rural areas: In the West, the Democratic coalition remained quite robust.

Today, we explore a region where things look a lot like the West, though with two notable exceptions -- the East.

We begin with some maps:

Michael Dukakis Vote in the East, Normalized to National Vote, 1988



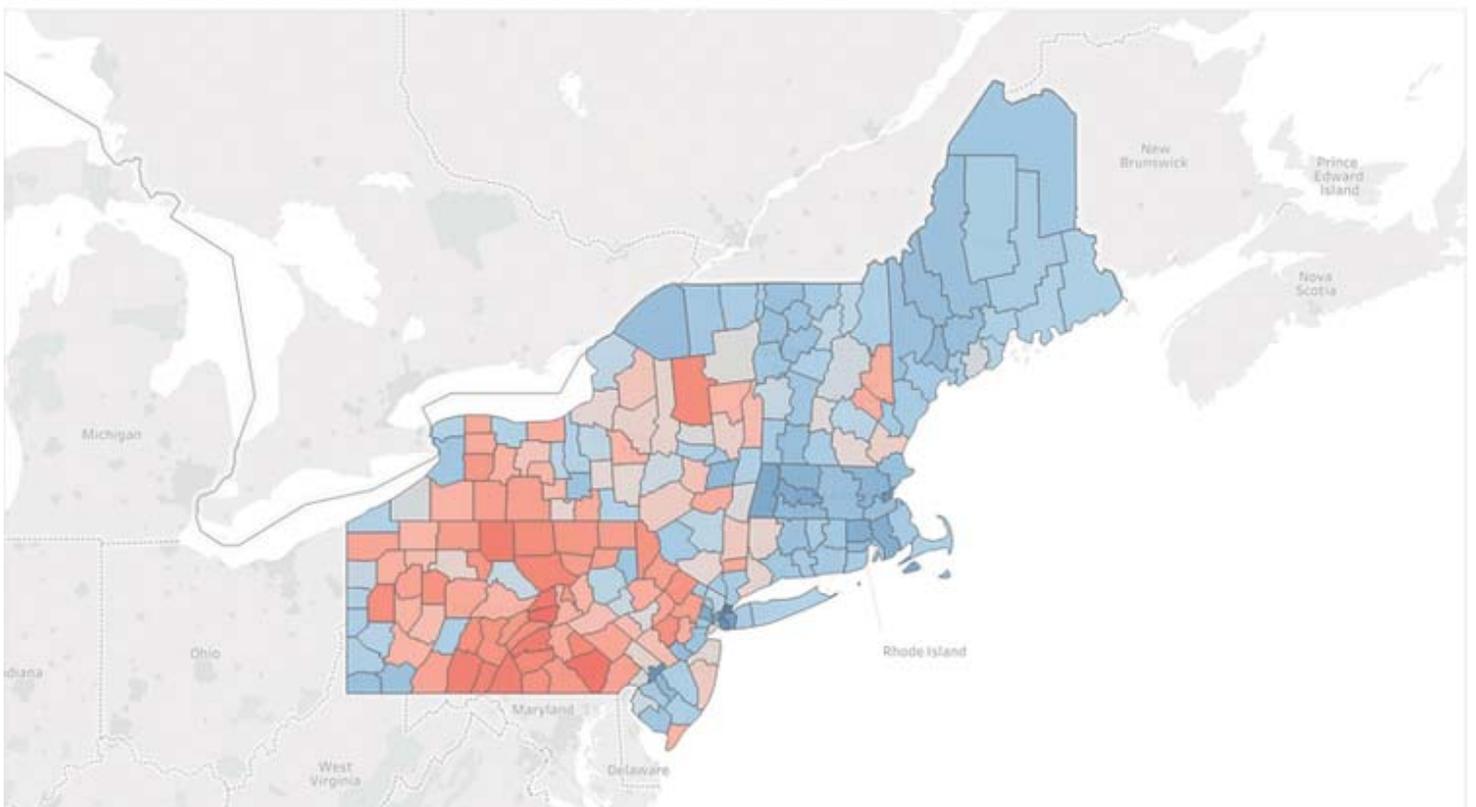


Whenever people respond to something I've written by saying, "This won't happen in our lifetime," I think back to the 1988 map of the Northeast. That year, New Jersey, Maine and New Hampshire were all substantially red, as was Long Island. Vermont sat roughly at the national average. Indeed, Vermont had only voted for a Democrat in one election since the founding of that party in the 1830s: Lyndon Johnson (and Pat Leahy is still technically the only Democrat it has elected to the Senate). Indeed, one can readily imagine a conversation in 1964, where smart folk insisted that it wouldn't go Democrat: "C'mon, even *Roosevelt* failed to carry it!"

There are two other noteworthy observations for our purposes. First, Maine maintains a north/south split, but the southern half of the state is more Republican than the northern half. Second, Pennsylvania has an east/west split, with the western half anchoring the Democratic Party in a coalition with Wilkes-Barre/Scranton in the northeast and Philadelphia in the southeast.

Look how things changed in eight short years:

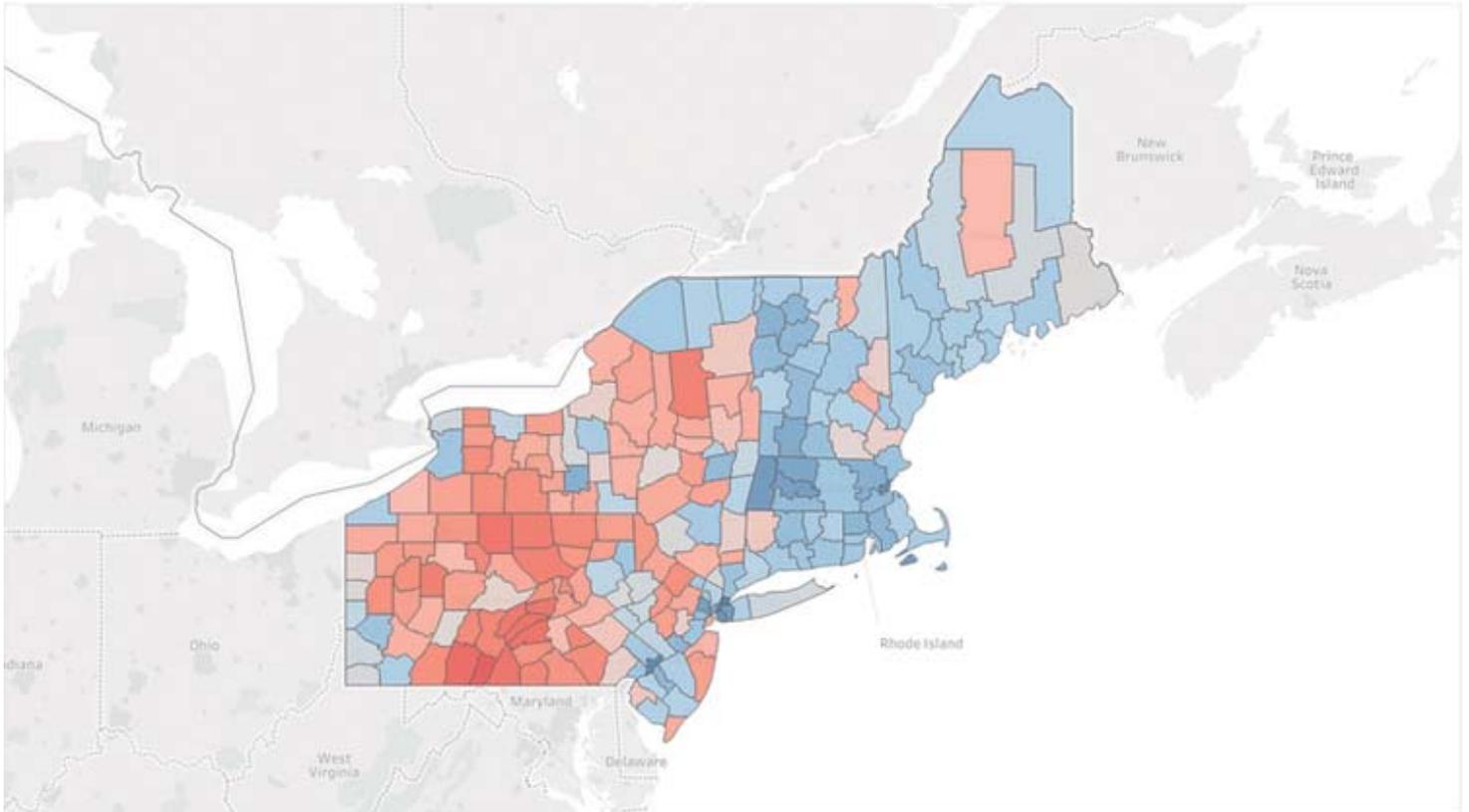
Bill Clinton Vote in the East, Normalized to National Vote, 1996



By now, Maine is completely blue, as are New Hampshire and most of New Jersey. Upstate New York is “purpling,” as are the Philly suburbs. Note, however, that western Pennsylvania isn’t quite as blue as it was before.

Fast-forward another eight years:

John Kerry Vote in the East, Normalized to National Vote, 2004

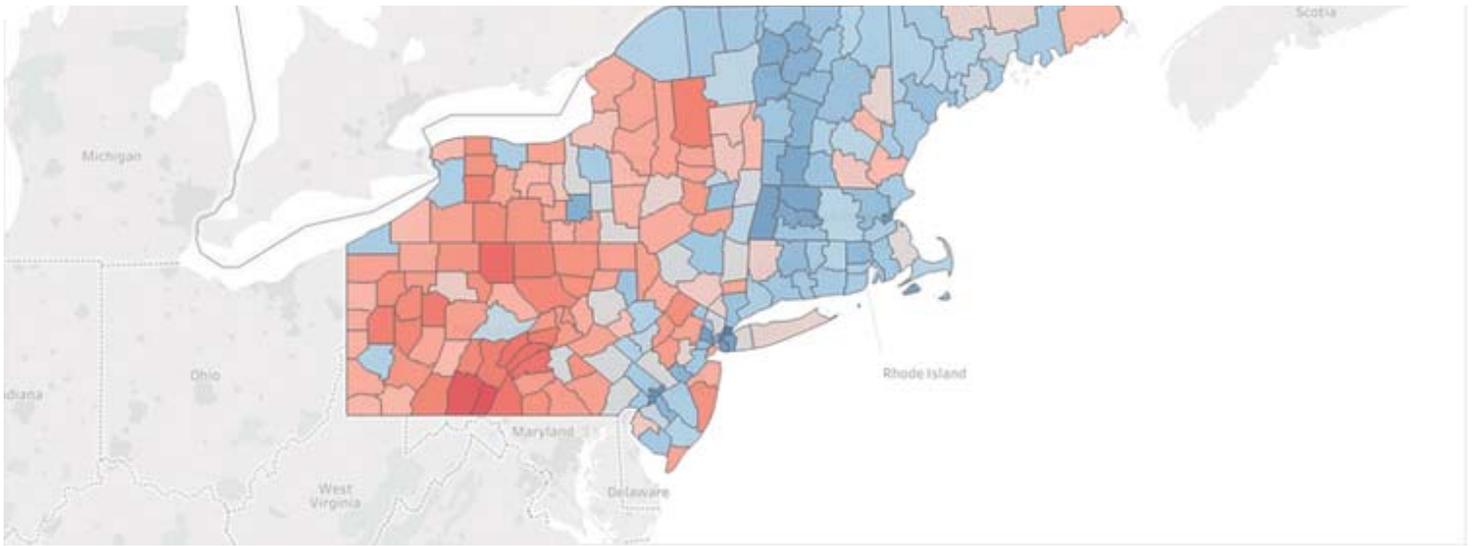


John Kerry swept the region, but it looks different from Bill Clinton’s map. Only one county in Connecticut is (barely) red, which would foreshadow the extinction of the state’s Republican congressional delegation four years later. Upstate New York is still pretty blue, as is New Hampshire. But look at Maine and Pennsylvania. In the former, the north-south split has started to reverse, while the Philly suburbs are shifting leftward and the Pittsburgh area is slightly redder. This demonstrates James Carville’s famous quip that “[b]etween Paoli and Penn Hills, Pennsylvania is Alabama without the blacks. They didn’t film ‘The Deer Hunter’ there for nothing.”

Here’s 2008:

Barack Obama Vote in the East, Normalized to National Vote, 2008

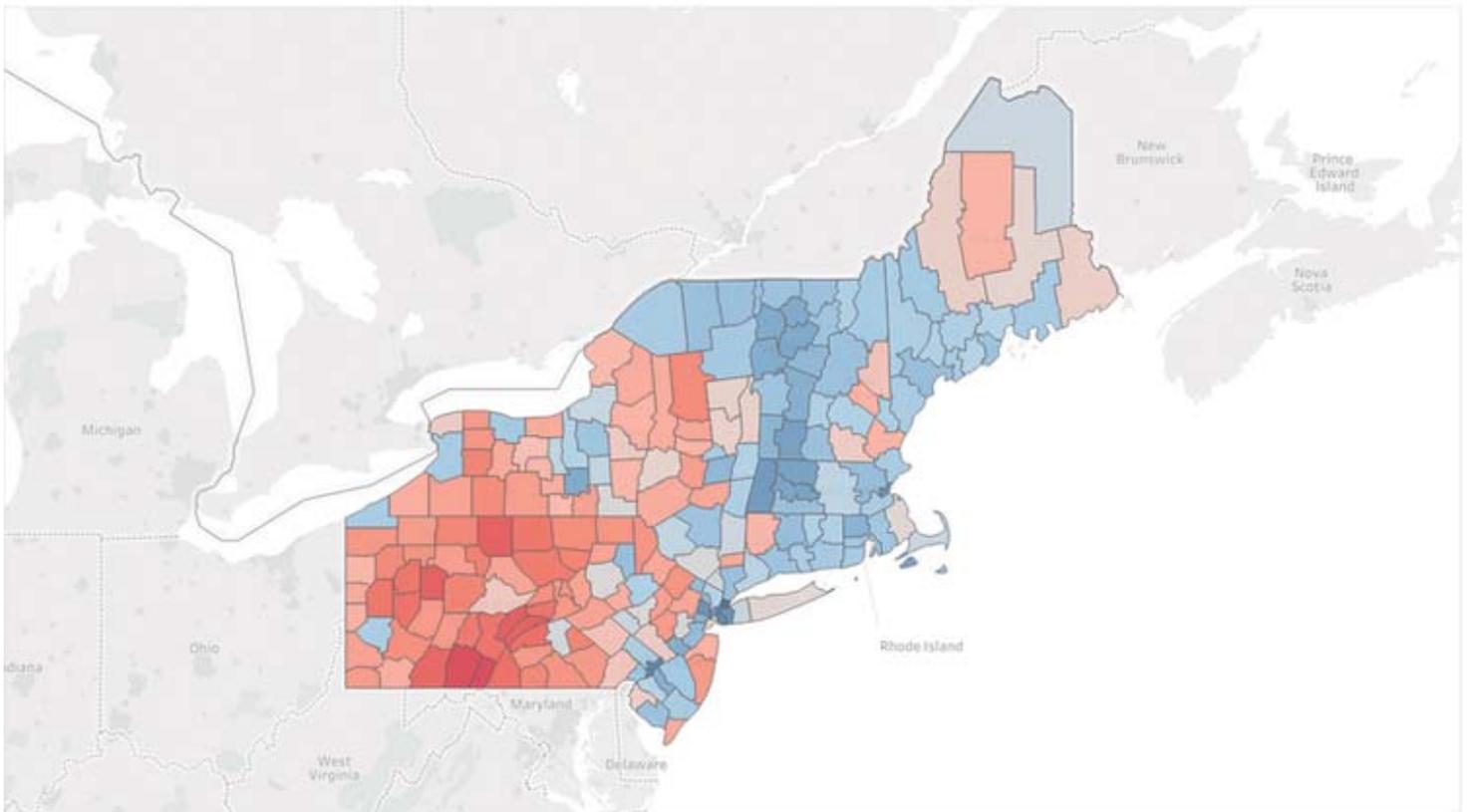




Most of this map is fairly stable, with the exception of Maine and Pennsylvania. In those two states, the 1988 coalitions have mostly reversed: Northern Maine is now distinctly more Republican than the southern region, while eastern Pennsylvania now anchors the Democratic coalition.

In 2012, we see a continuation of this pattern:

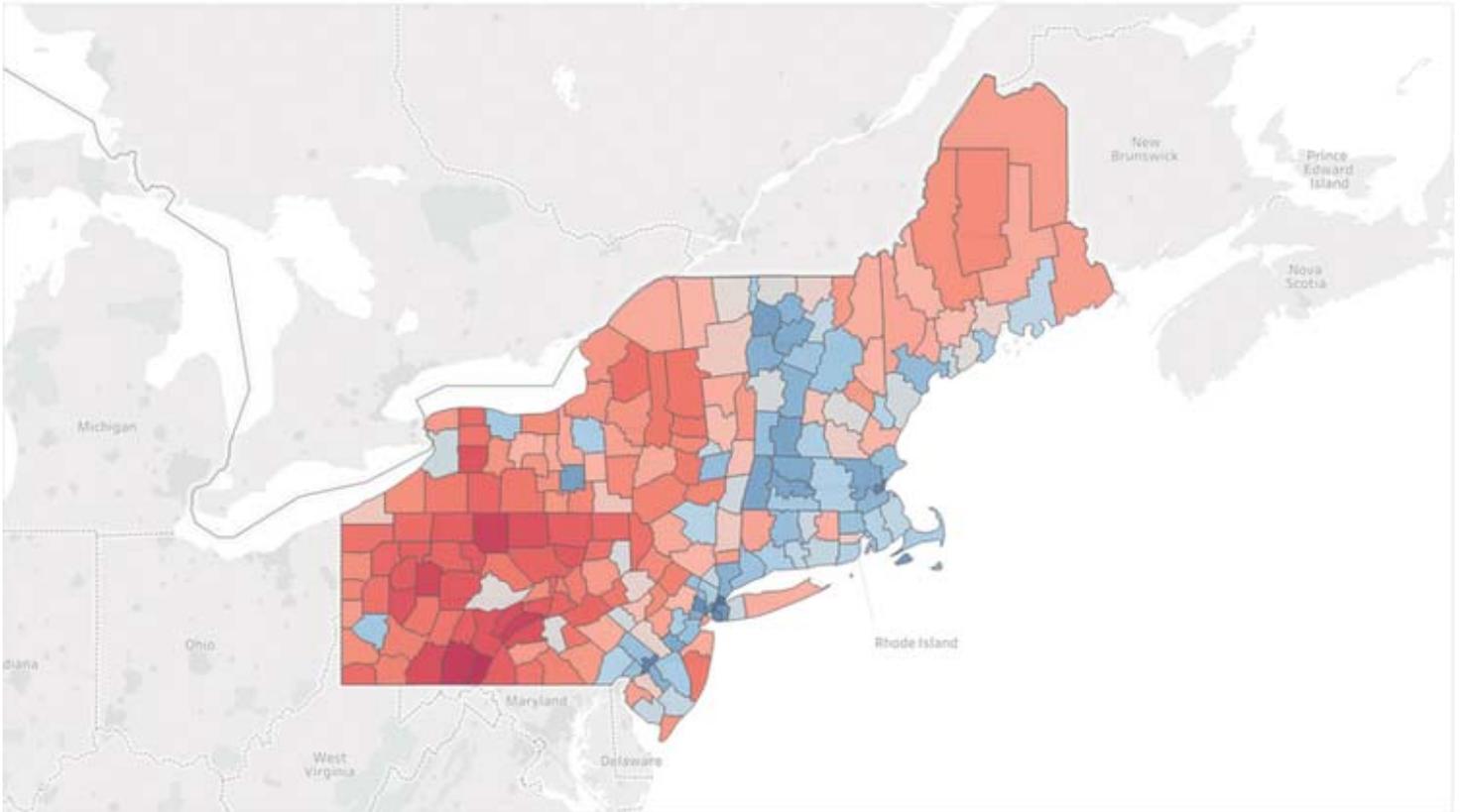
Barack Obama Vote in the East, Normalized to National Vote, 2012



Note that southeastern New Hampshire is now fairly reddish; you can see this split opening up over time as well.

The 2016 elections represent the acceleration of these trends:

Hillary Clinton Vote in the East, Normalized to National Vote, 2016



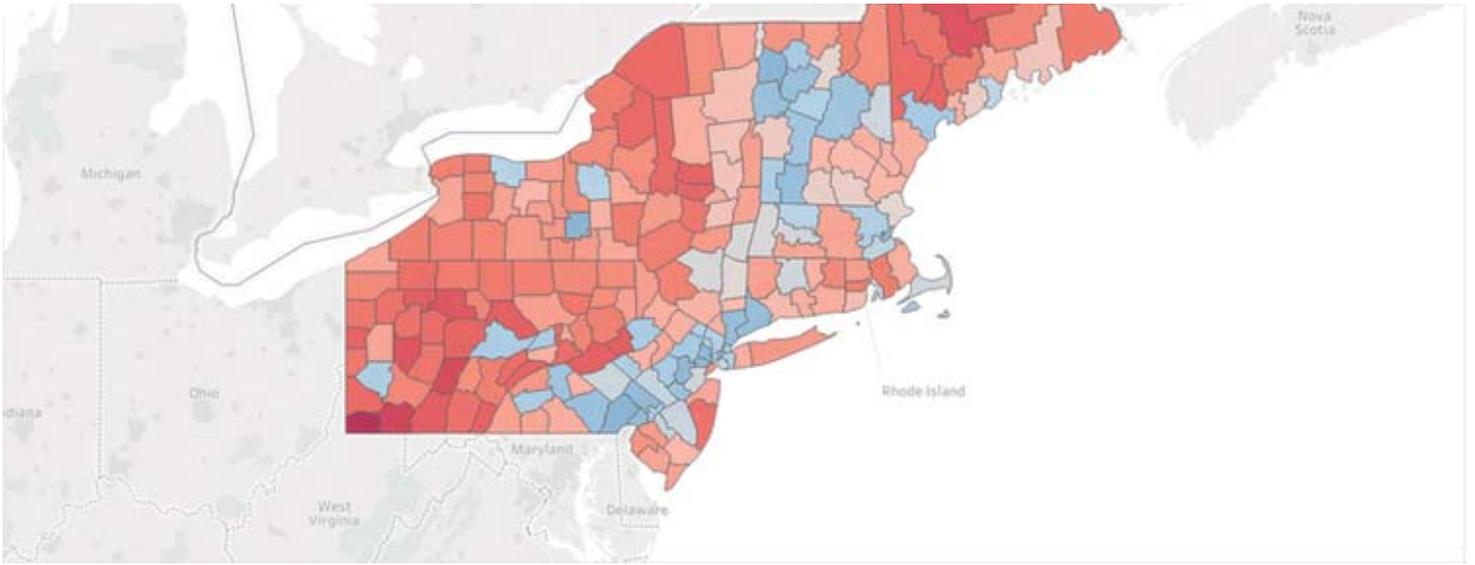
Donald Trump doesn't make much meaningful progress in New England, Maine aside. But there are some interesting switches: Kent County Rhode Island leaned red, as did Windham County, Connecticut; this reflects Trump's strength with non-traditional Republican voters. In the mid-Atlantic, upstate New York swung back, and is actually a bit redder than it was even in 1988 (though New York City is bluer).

But the real stories are in Maine and Pennsylvania. Northern Maine is now as red as upstate New York, which enabled Trump to almost carry the state (and to win one of its electoral votes). More importantly, Pennsylvania is no longer a "T": The Pittsburgh area is largely indistinguishable from the rest of the state. The Democratic coalition is now basically Philly and its suburbs. That represents a lot of votes, but it is not enough to guarantee a win in the state.

Putting this together, we can see what has happened to the Clinton coalition in this region: Vermont moves pretty heavily toward Democrats. Metro New York City moves toward Democrats, which neutralizes movement toward Republicans elsewhere in New Jersey, Connecticut and New York. Boston performs a similar function for Massachusetts. Rhode Island actually moves toward Republicans, but it was so heavily Democratic to begin with that it doesn't matter much:

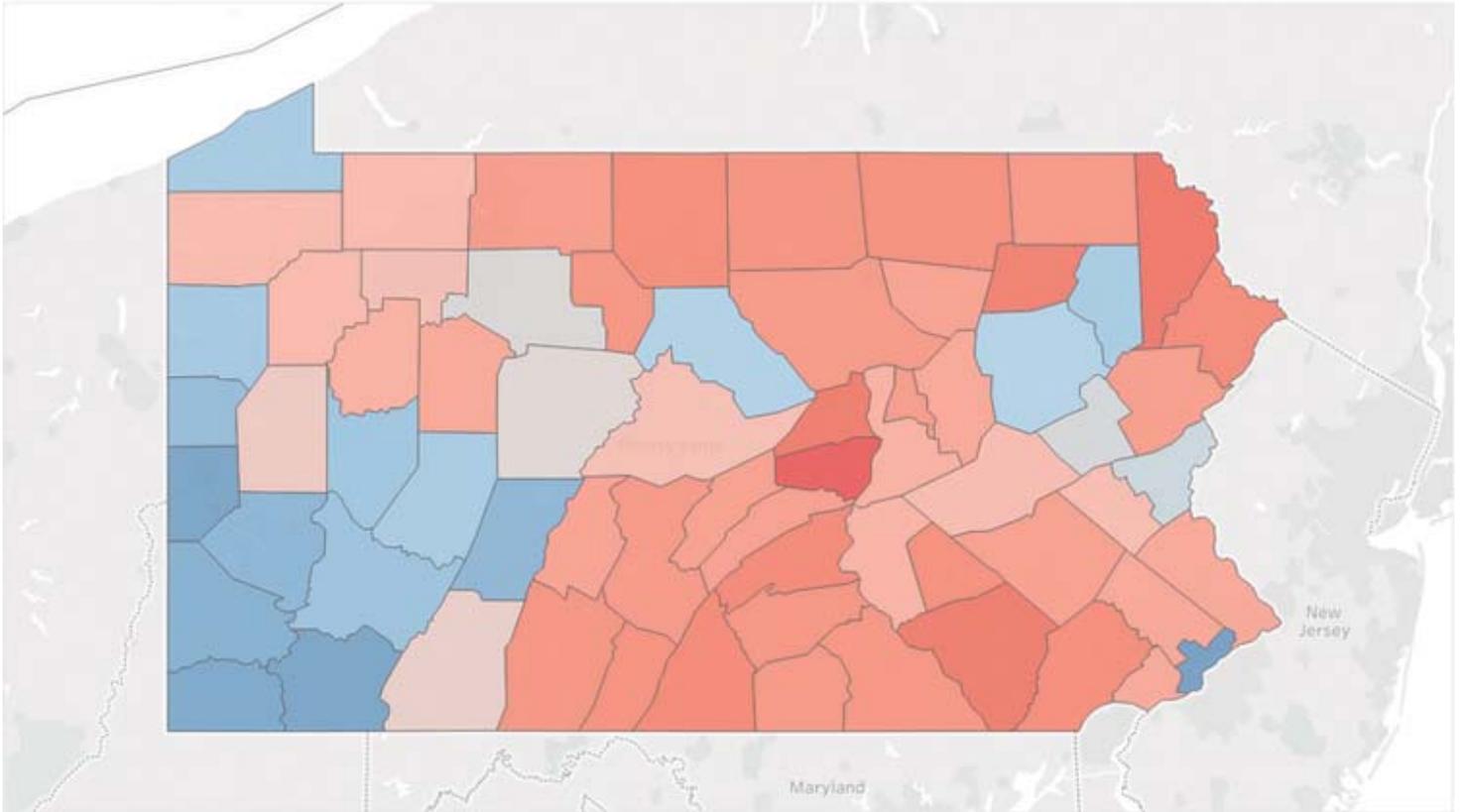
Change in Vote in the East, Normalized to National Vote, 1996-2016





But the shifts in western Pennsylvania and Northern Maine are pretty astonishing, and did have an impact. You can see this in greater relief by zooming in on Pennsylvania in 1988:

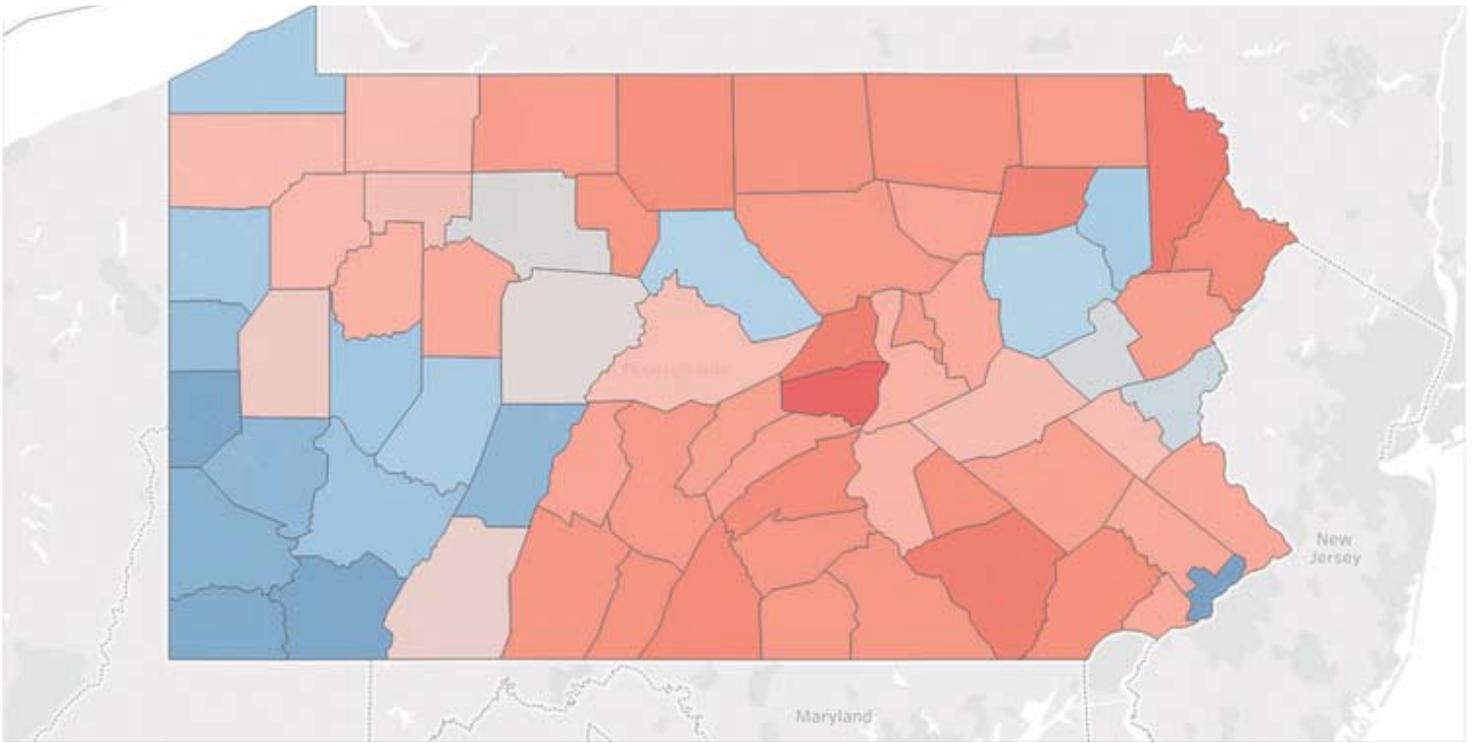
Michael Dukakis Vote in Pennsylvania, Normalized to National Vote, 1988



Versus 1996:

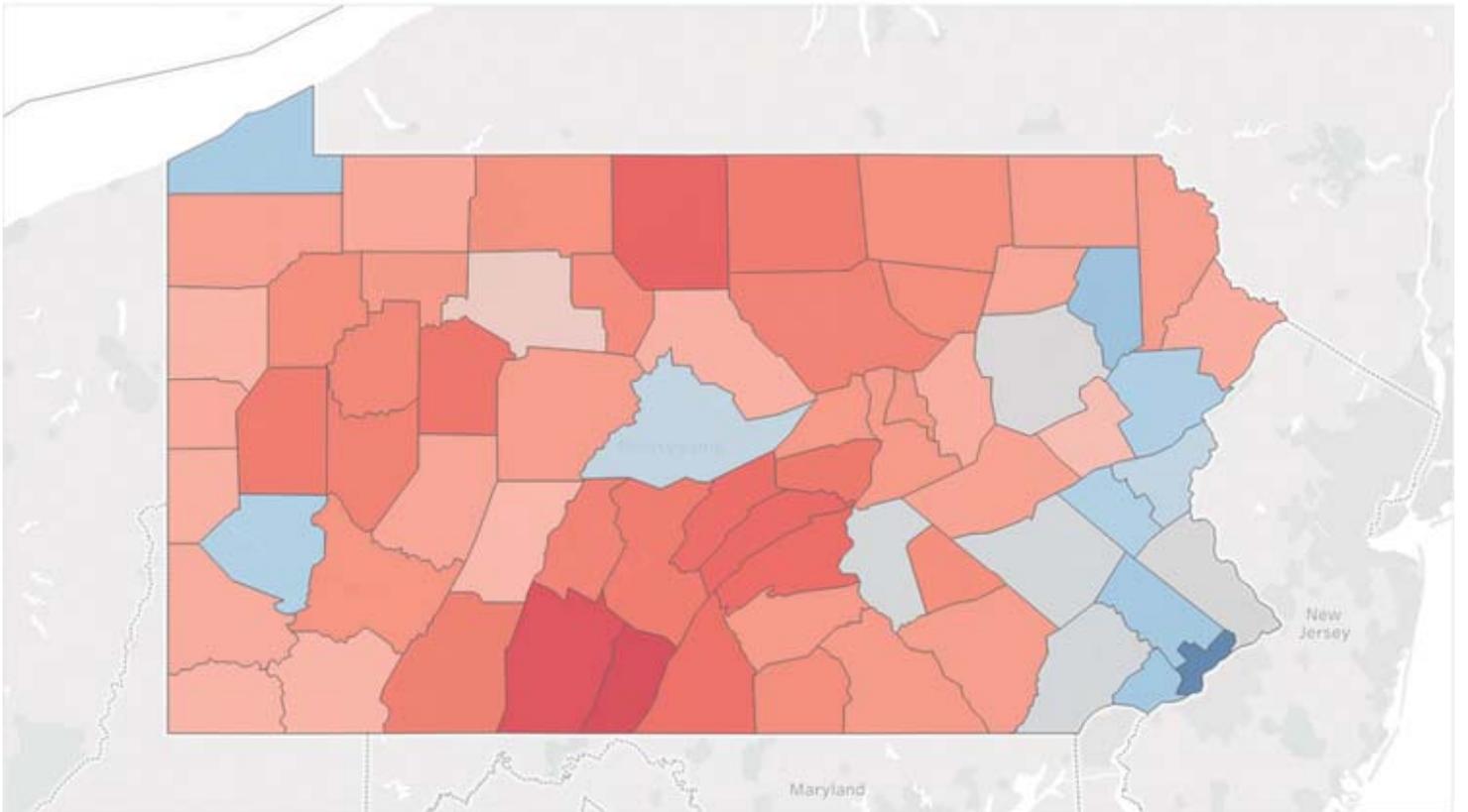
Bill Clinton Vote in Pennsylvania, Normalized to National Vote, 1996





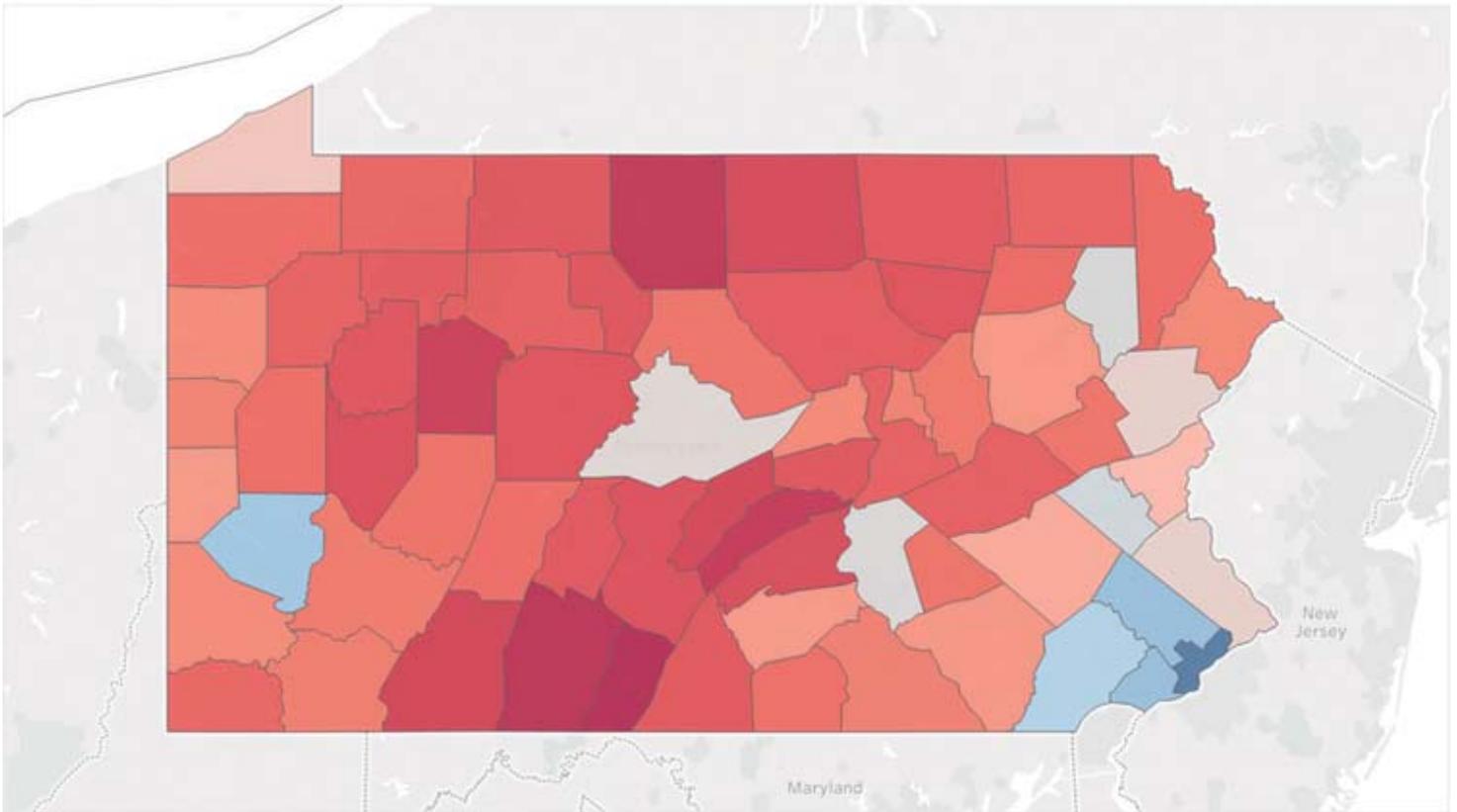
Versus 2008:

Barack Obama Vote in Pennsylvania, Normalized to National Vote, 2008

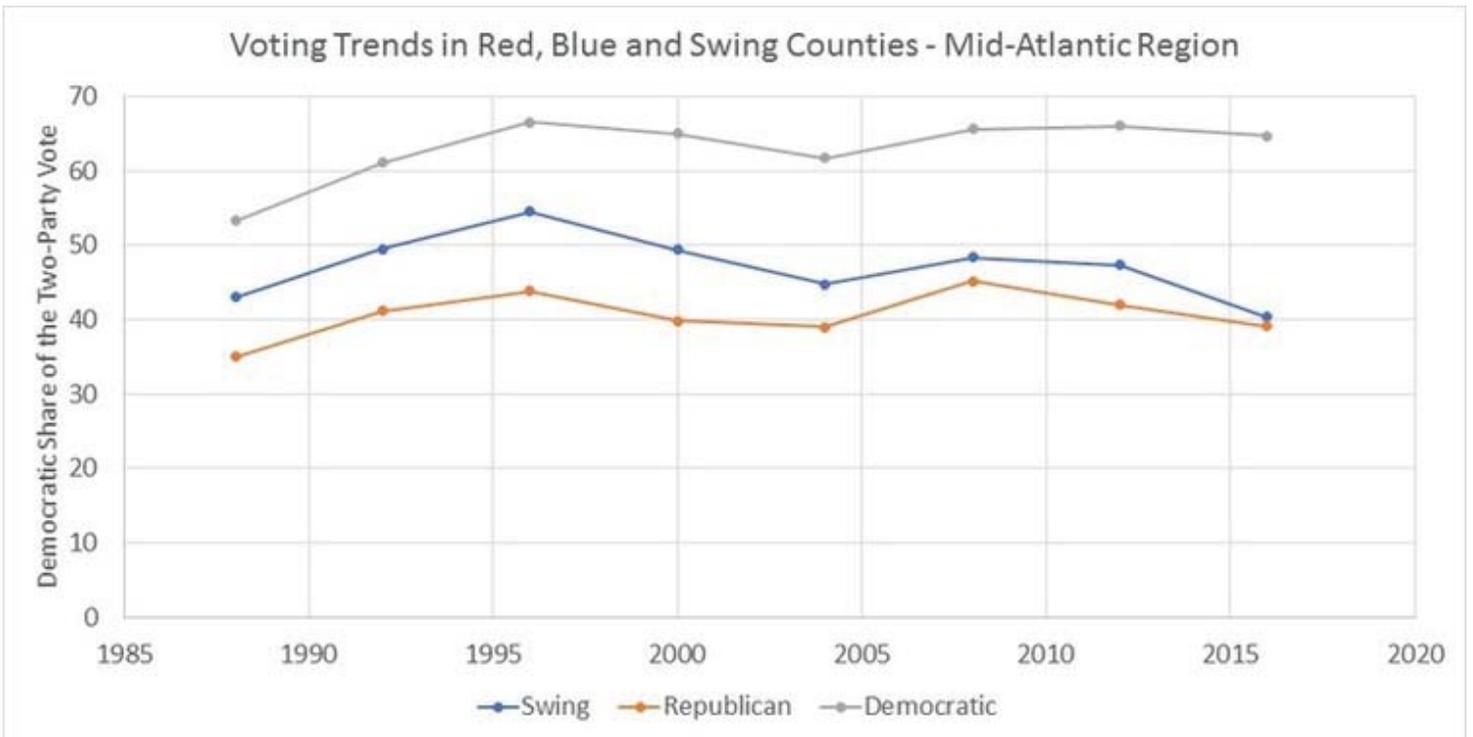


Versus 2016:

Hillary Clinton Vote in Pennsylvania, Normalized to National Vote, 2016

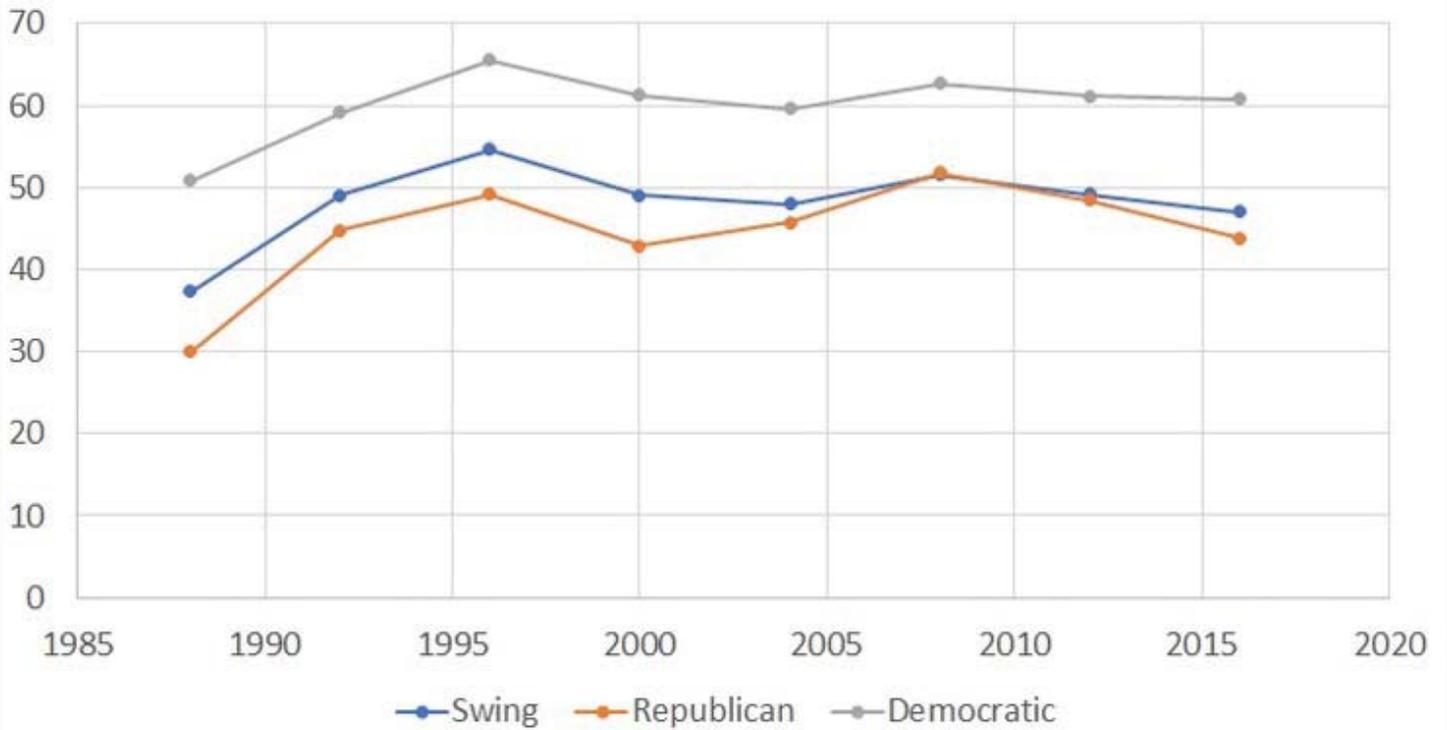


We can see this again by focusing on the old Dole/Kerry and Clinton '96/Bush '04 counties:



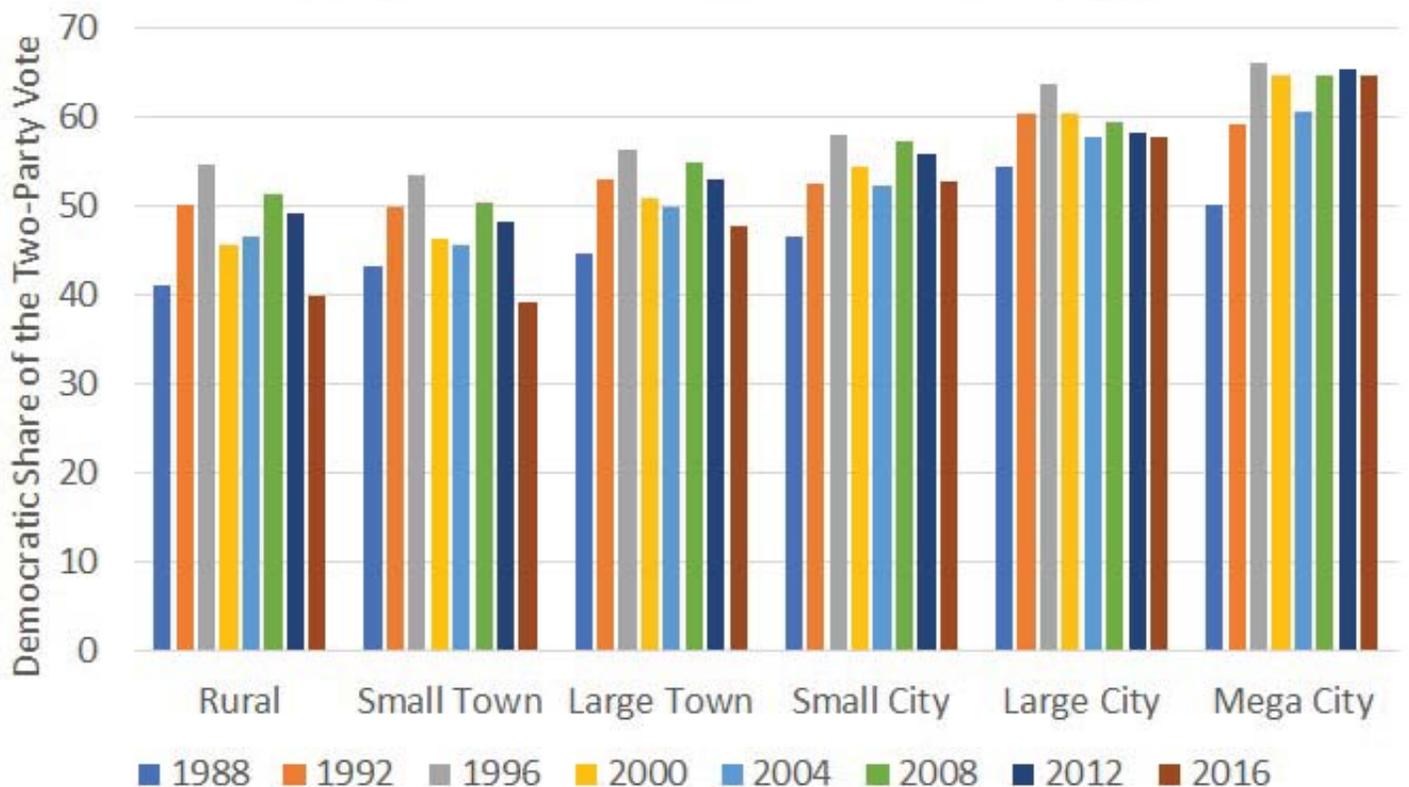
Basically, Donald Trump turned these swing counties Republican. The same is true in New England:

Voting Trends in Red, Blue and Swing Counties - New England



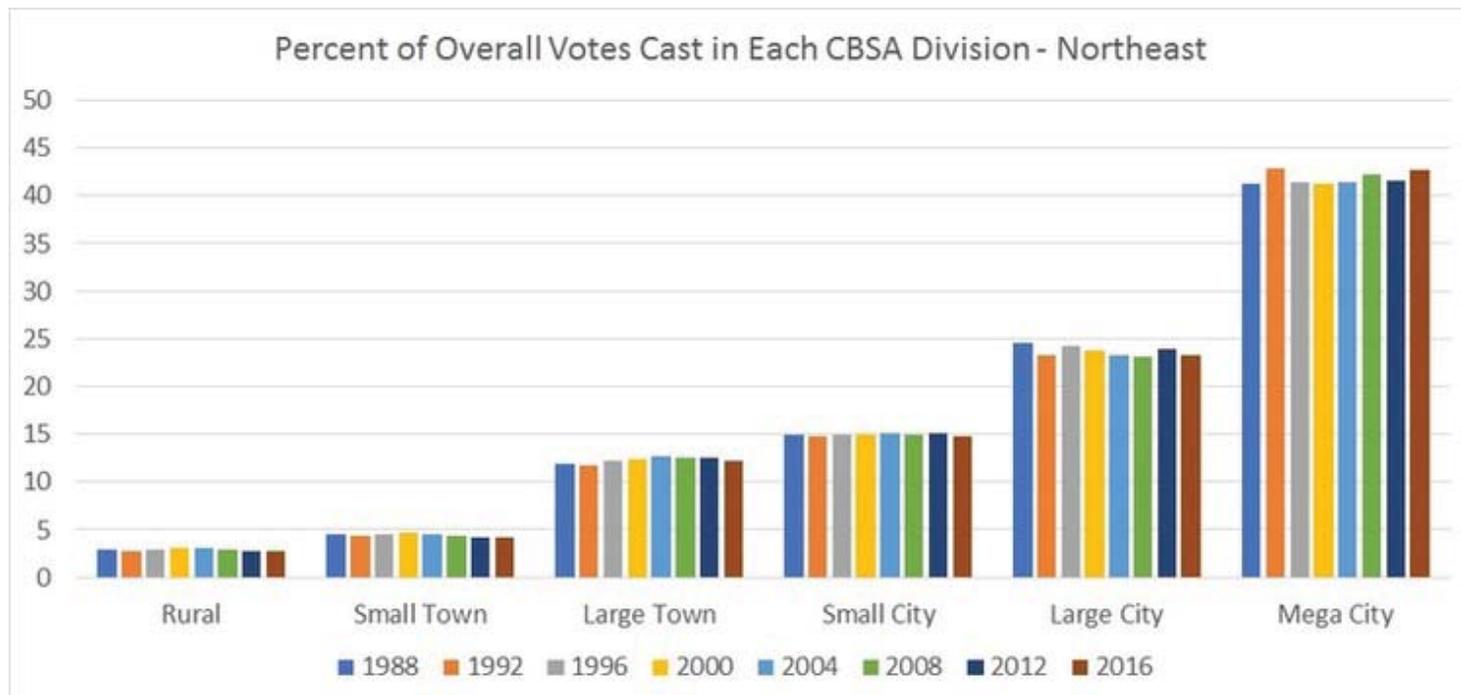
Overall, the Northeast looks an awful lot like what we've previously seen:

Voting Trends in CBSA Divisions - Northeast Region

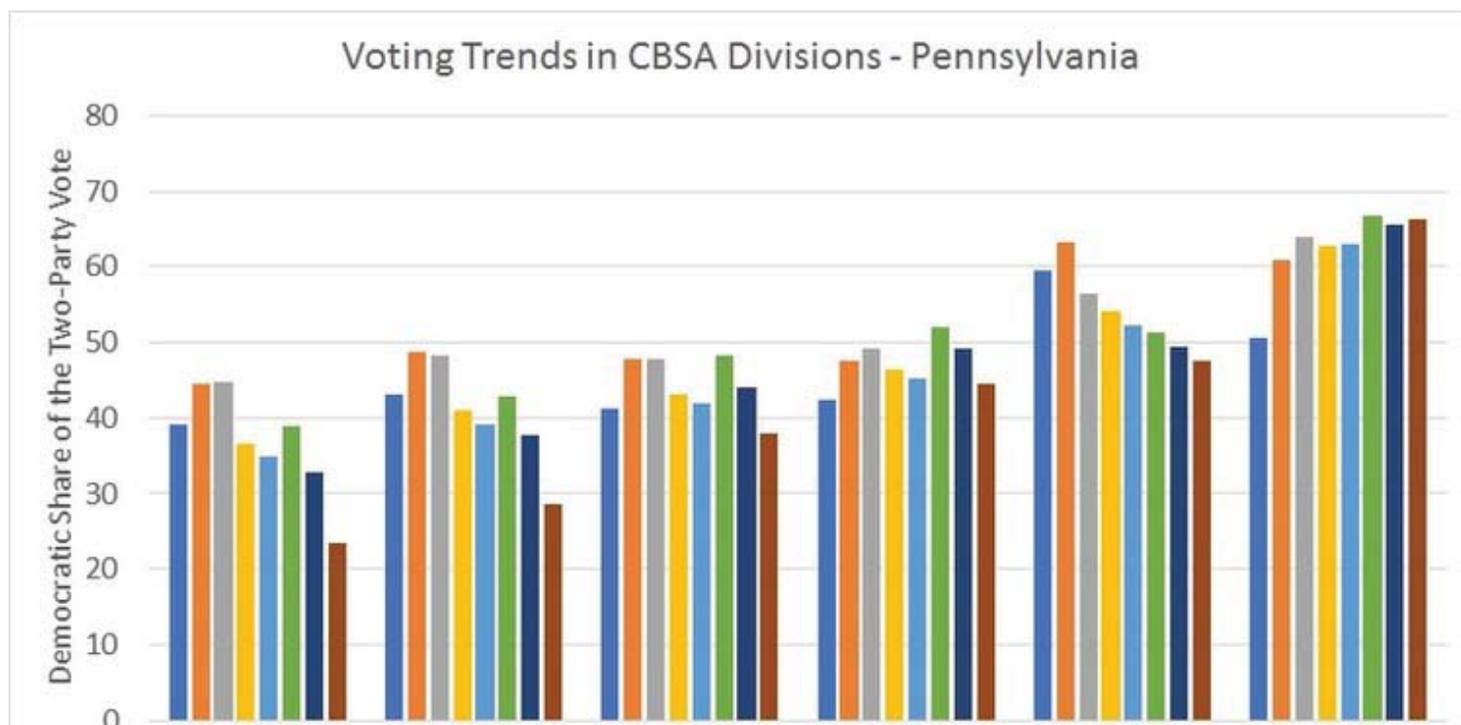


Clinton managed to maintain Democratic strength in cities, but saw substantial drop-offs in rural areas and towns, even from 2012.

It didn't hurt her much, though, because as in the Mountain West, there simply aren't that many rural votes in the region:



There are two exceptions to these trends: Maine, which is largely composed of rural areas and towns, and Pennsylvania, which does something different:

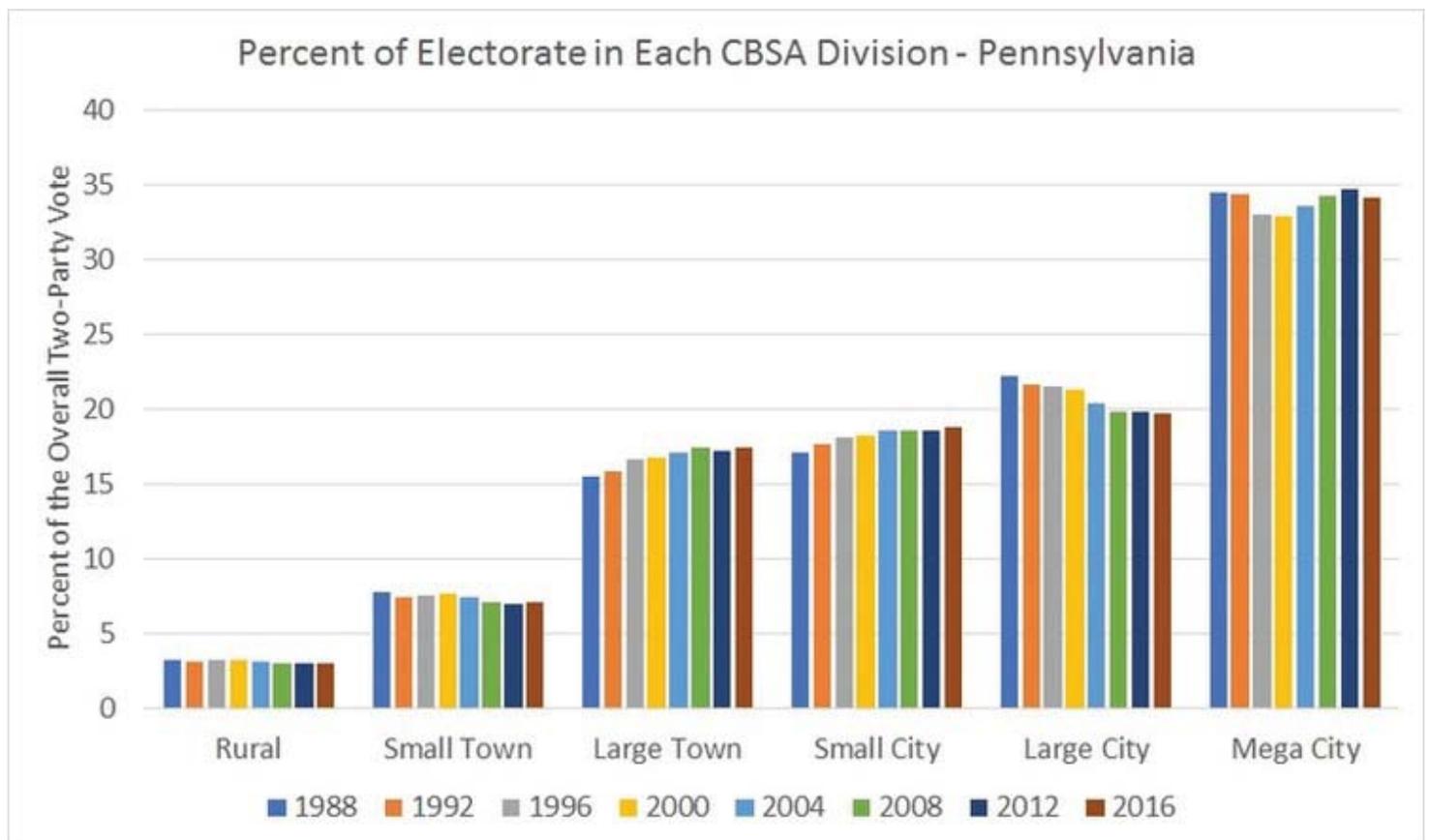




Note that Clinton performs as well as Obama in the mega city, which is basically metro Philadelphia. When we see in rural and small-town Pennsylvania largely mimics what we've seen elsewhere. In fact, rural Pennsylvania was more Republican than the rural South in 2016. Even when you remove counties that have populations that are more than 10 percent black, the rural South and Pennsylvania are roughly equally Republican.

But the real story is what happened in the "large city," which in Pennsylvania means Pittsburgh." There's been a gradual erosion of Democratic voting there, which has been offset by increased Democratic voting in metro Philly. But the latter seemed to top out in 2008, while the erosion in the former continues; Pittsburgh now votes like your average Pennsylvania small city. This could be a genuine headache for Democrats, if metro Pittsburgh continues to vote increasingly like Pennsylvantucky, while Democrats fail to make progress in Philadelphia.

Note also that, as with the South, rural areas and towns cast a lot of the votes, while Philadelphia casts about a third of the votes. In other words, Democrats simply cannot afford to continue to bleed votes outside of the metro Philly area:



Tomorrow, we focus on the biggie: The Midwest!

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