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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD VIETH, et al, Plaintiffs,	:	
v.	:	No. 1:CV-01-2439 (Judge Rambo)
THE COMMONWEALTH OF PENNSYLVANIA, et al. Defendants.	:	

APPENDIX
FOR DEFENDANTS LIEUTENANT GOVERNOR JUBELIRER AND SPEAKER RYAN IN SUPPORT OF THEIR REPLIES TO PLAINTIFFS' BRIEFS IN OPPOSITION TO MOTION TO DISMISS AND MOTION TO ABSTAIN

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

JOANN ERFER AND JEFFREY B. ALBERT, Petitioners,	:	
v.	:	Cmwlth Ct. No. 10 M.D. 2002
THE COMMONWEALTH OF PENNSYLVANIA, et al., Respondents.	:	

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR RESPONDENTS LIEUTENANT GOVERNOR JUBELIRER AND SPEAKER RYAN

FINDINGS OF FACT

Parties

1. Petitioners are hypothetical. *See* Transcript of Hearing (no mention of JoAnn Erfer or Jeffrey B. Allen is made); Answer of Respondents the Commonwealth and Executive Officers at ¶¶2-3 (denying allegations concerning Petitioners).

2. Respondents are the Commonwealth of Pennsylvania, Mark Schweiker, Governor of Pennsylvania; Kim Pizzingrilli, Secretary of the Commonwealth, Richard Filling, Commissioner of the Bureau of Commissions, Elections, and Legislation of the Pennsylvania Department of State; Robert C. Jubelirer, Lieutenant Governor and President of the Senate of Pennsylvania; and Matthew J. Ryan, Speaker of the House of Representatives of Pennsylvania.

Background

3. When congressional seats were reapportioned after the 2000 Census, Pennsylvania lost two seats, dropping from 21 to 19. *See* Section 1 of Act 1 (noting that the Commonwealth was to be divided into 19 congressional districts); *Mellow v. Mitchell*, 530 Pa. 44, 607 A.2d 204 (1992) (Appendix A, dividing the Commonwealth into 21 districts); Tr. at 20 (Hoeffel) (noting that Act 1 "represents 19 seats down from our current 21").

4. Under the 1990 Census, Pennsylvania's total population was 11,881,643, making the "ideal" population for each of Pennsylvania's 21 congressional seats 565,792 or 565,793. *See Mellow v. Mitchell*, 530 Pa. 44, 607 A.2d 204 (1992) (Appendix A).

5. Under the 2000 Census, Pennsylvania's total population was 12,281,054, making the "ideal" population for each of Pennsylvania's 19 congressional districts 646,371 or 646,372. *See* THE PENNSYLVANIA MANUAL, *Local Government* (115th edition.) (available on the Pennsylvania Department of State website at www.dgs.state.pa.us/PAManual/home.htm) (Appendix ("App.") Tab D contains copies of all data obtained from the Local Government section of the 115th edition of THE PENNSYLVANIA MANUAL).

6. The total population in Philadelphia decreased from 1,585,577 in 1990 to 1,517,550 in 2000. *See* THE PENNSYLVANIA MANUAL, *Local Government* (115th ed.) (App. Tab D).

7. The total population in Allegheny County decreased from 1,336,449 in 1990 to 1,281,666 in 2000 and the population of the City of Pittsburgh decreased from 369,879 in 1990 to 334,563 in 2000. *See* THE PENNSYLVANIA MANUAL, *Local Government* (115th ed. 2001) (App. Tab D); THE PENNSYLVANIA MANUAL *Local Government* (114th ed. 1999) (App. Tab F).

8. Between 1990 and 2000, significant population growth occurred in the counties surrounding Philadelphia (Chester, Montgomery, Delaware & Bucks), the Pocono Region (Monroe, Pike & Wayne), as the following chart shows:

County	1990 Population	2000 Population
Bucks	541,174	597,635
Chester	376,396	433,501
Delaware	547,651	550,864
Monroe	95,709	138,687
Montgomery	678, 111	750,097
Pike	27,966	46,302
Wayne	39,944	47,722

THE PENNSYLVANIA MANUAL, *Local Government* (115th ed.) (App. Tab D).

9. As of 2001, Pennsylvania has 67 counties and 2,569 cities, townships and boroughs. *See* THE PENNSYLVANIA MANUAL, *Local Government* (115th ed.) (App. Tab D).

10. Official voter registration data for November 2000 shows there were 7,781,997 registered voters in Pennsylvania: 3,250,764 (41.8%) Republicans; 3,736,304 (48.0%) Democrats; 7,918 (00.1%) Constitution; 30,248 (00.4%) Libertarian; 756,763 (09.7%) Other. *See* Certification No. 2002-11b, Office of the Secretary of the Commonwealth (App. Tab G).

11. Official voter registration data for November 2001 shows there were 7,773,403 registered voters in Pennsylvania: 3,233,171 (41.6%) Republicans; 3,733,766 (48.0%) Democrats; 3,268 (00.04%) Green; 803,198 (10.3%) Other. *See* Certification No. 2002-11b, Office of Secretary of the Commonwealth (App. Tab G).

12. Currently (elected in 2000 under the 1992 court-ordered congressional redistricting plan), there are 11 Republicans and 10 Democrats in Pennsylvania's congressional delegation. *See* THE PENNSYLVANIA MANUAL, *Federal Government* (115th ed.) (App. Tab H).

13. Under the 1992 court-ordered congressional redistricting plan, Montgomery County was split among five congressional districts, with the majority in the 13th district. *See Mellow v. Mitchell*, 530 Pa. 44, 607 A.2d 204 (1992) (Appendix A).

14. Under the 1992 court-ordered congressional redistricting plan (based on the legal description), 16 counties were split, 12 municipalities (cities, townships and boroughs) were split, 4 wards were split. Three of the above municipalities were split at the census block level. *See Mellow v. Mitchell*, 530 Pa. 44, 607 A.2d 204 (1992) (Appendix A).

15. Congressman William Coyne (Democrat) representing the 14th district, located in Allegheny County, has announced he will not seek reelection. Tr. at 70 (Lublin) and App. Tab H.

16. There were two statewide elections in 1998 – U.S. Senator and Governor. In the election for U.S. Senator, of the 2,957,499 votes cast, the Republican candidate received 1,814,180 (61.3%), the Democrat candidate received 1,028,839 (34.8%), and the two other candidates received 114,480 (3.9%) of the votes. In the election for Governor, of the 3,024,941

votes cast, the Republican candidate received 1,736,844 (57.4%), the Democrat candidate received 938,745 (31.0%), and the other candidate received 349,352 (11.5%) of the votes cast. Certification No. 2002-10b, Office of the Secretary of the Commonwealth (App. Tab I).

17. In the only statewide races in 1999 (Superior Court Judge), of the 4,023,279 total votes cast (2 positions were open), the two Republican candidates received a total of 2,075,561 (51.6%) and the two Democrat candidates received a total of 1,947,718 (48.4%) (one Republican and one Democrat were elected). Certification No. 2002-10b, Office of the Secretary of the Commonwealth (App. Tab I).

18. There were five statewide races in 2000 (President, U.S. Senator, Attorney General, Auditor General, State Treasurer). The following chart shows the results:

Election	Total Votes Cast	Republican Candidate	Democrat Candidate	Other Candidate
President	4,912, 185	2,281,127 (46.4%)	2,485,967 (50.6%)	145,091 (3.0%)
U.S. Senator	4,735, 116	2,481,962 (52.4%)	2,154,908 (45.5%)	98,246 (2.1%)
Attorney General	4,619,438	2,495,253 (54.0%)	1,991,144 (43.1%)	133,041 (2.9%)
Auditor General	4,664,541	1,862,934 (39.9%)	2,651,551 (56.9%)	150,056 (3.2%)
State Treasurer	4,680,934	2,307,422 (49.3%)	2,211,471 (47.2%)	162,041 (3.5%)

Certification No. 2002-10b, Office of the Secretary of the Commonwealth (App. Tab I).

19. There were seven statewide races in 2001 (Supreme Court Justice, three Commonwealth Court Judges, three Superior Court Judges). The following chart shows the results (all seven Republican candidates won):

Election	Total Votes Cast	Republican Candidate(s)	Democrat Candidate(s)	Other Candidate
Supreme Court	2,005,422	1,051,360 (52.4%)	954,062 (47.6%)	0
Commonwealth Court	5,275,158	2,839,610 (53.8%)	2,435,548 (46.2%)	0
Superior Court	5,376,773	2,899,151 (53.9%)	2,477,622 (46.1%)	0

Certification No. 2002-10b, Office of the Secretary of the Commonwealth (App. Tab I).

Enactment of Act No. 2002-1

20. Senate Bill 1200 was introduced on November 16, 2001. *See* Legislative History of SB 1200 (available, along with all versions of SB 1200 through the Electronic Bill Room on the General Assembly's website (www.legis.state.pa.us/WUØ1/LI/BI/billroom.htm)) (App. Tab A).

21. Congressman Joseph Hoeffel (D) testified before the Joint Hearing of the Senate and House State Government Committees on redistricting on November 27, 2001. Tr. at 29-30 (Hoeffel).

22. Congressman Frank Mascara (D) submitted written testimony to the Joint Hearing of the Senate and House State Government Committees on redistricting on November 28, 2001. Tr. at 116 (Mascara).

23. On December 10, 2001, the Senate passed SB 1200, PN 1531, which provided the legal descriptions for 19 congressional districts. Legislative History of SB 1200 (App. Tab A); SB 1200, PN 1531.

24. During debate in the Senate, a member of the Democrat Caucus offered A4552 as an amendment to SB 1200. *See* LEGISLATIVE JOURNAL – SENATE (Dec. 10, 2001) at 42-44 (App. Tab J). The amendment was defeated 27-22. *Id.*

25. The Senate declined to concur in the House amendment to SB 1200. *See* Legislative History of SB 1200 (App. Tab A).

26. The Senate and the House each appointed three members as conferees to a conference committee on SB 1200; the conferees for the House were Reps. Smith, Barley and Veon and the conferees for the Senate were Senators Brightbill, Piccola and Mellow. *See* Legislative History. Rep. DeWeese was not a conferee. Tr. at 149 (DeWeese).

27. On January 2, 2002, the Conference Committee reported a version agreed to by four of the six members (Reps. Smith and Barley and Senators Brightbill and Piccola). *See* SB 1200, PN 1645 (App. Tab B).

28. On January 3, 2002, the Senate, after debate, passed the Conference Committee Report on SB 1200 by a 28-22 vote. *See* Legislative History of SB 1200 (App. Tab A).

29. On January 3, 2002, the House, after debate, passed the Conference Committee Report on SB 1200 by a 139 - 52 vote, with 42 Democrats voting in favor of the bill. *See* Legislative History of SB 1200 (App. Tab A) and Tr. at 31-32, 107-08, 149-50 (Rep. DeWeese testified the public record of the vote would show that 42 of the 98 members of the Democrat Caucus voted in favor of the bill).

30. After certification by the Presiding Officers of the Senate and House, SB 1200 was forwarded to Governor Schweiker, who, on January 7, 2002, signed SB 1200 into law as Act No. 2002-1 ("Act 1"). *See* Certified Copy of the Act 1 (App. Tab C); *see also* Legislative History of SB 1200 (App. Tab A).

Act 1

31. Of the 19 districts put in place under Act 1, voter registration figures for the districts as of 2000 show that 7 have a majority Republican registration and 7 have a majority Democrat registration. Of the remaining 5 districts, 3 have a plurality Republican registration and 2 have a plurality Democrat registration. Respondents Ex. 1. The below chart shows the actual registration figures and percentages for each of the 19 districts.

Congressional District	Republican Registration	Democrat Registration	Other
1	83,648 (19.69%)	**314,219 (73.96%)**	26,967 (6.35%)
2	62,564 (13.65%)	**360,599(78.65%)**	35,312 (7.70%)
3	171,435 (44.05%)	182,454 (46.89%)	35,263 (9.06%)
4	168,115 (38.55%)	**225,631 (51.74%)**	42,353 (9.71%)
5	**190,842 (50.88%)**	145,735 (38.86%)	38,481 (10.26%)
6	209,105 (49.87%)	150,634 (35.92%)	59,600 (14.21%)
7	**279,835 (62.03%)**	119,762 (26.55%)	51,547 (11.42%)
8	208,392 (48.75%)	160,289 (37.50%)	58,791 (13.75%)
9	**190,087 (52.90%)**	137,561 (38.28%)	31,714 (8.82%)
10	**198,012 (52.06%)**	147,823 (38.86%)	34,520 (9.08%)
11	135,536 (34.92%)	**217,168(55.96%)**	35,389 (9.12%)
12	107,919 (27.30%)	**259,845 (65.74%)**	27,513 (6.96%)
13	209,502 (47.79%)	187,967 (42.88%)	40,882 (9.33%)
14	78,419 (17.31%)	**335,317 (74.04%)**	39,173 (8.65%)

15	164,599 (41.98%)	174,188 (44.43%)	53,273 (13.59%)
16	**214,334 (57.52%)**	106,083 (28.47%)	52,213 (14.01%)
17	**203,089 (52.87%)**	141,621 (36.86%)	39,443 (10.27%)
18	167,683 (37.05%)	**242,385 (53.55%)**	42,544 (9.40%)
19	**207,675 (54.11%)**	126,830 (33.04%)	49,318 (12.85%)

32. Under Act 1, Montgomery County is split among six congressional districts, with the largest portion in the 13th district. *See* Section 1 of Act 1 (Legal Description). Under the court-ordered 1992 plan, Montgomery County was split among five congressional districts.

33. Petitioners believe that, under Act 1, there are five congressional districts in which it is safe to assume an incumbent Democrat congressman will win re-election (if the incumbent runs) in 2002. The five congressmen are Reps. Murtha, Kanjorski, Fattah, Brady and Doyle. Tr. at 22 (Hoeffel); Tr. at 165, 179, 189 (Ceisler).

34. Under Act 1, there is a district (District 6) in which no incumbent resides. Tr. at 18 (Hoeffel).

35. Congresswoman Melissa Hart (District 4), a Republican, currently represents a district with a majority of registered Democrat voters, *see* Tr. 38 (Hoeffel). Under Act 1, district 4 continues to have a majority of registered Democrat voters (51.7% Democrat to 38.5% Republican). Respondents' Ex. 1.

Speech or Debate

36. Larry Ceisler is a paid consultant of the Pennsylvania House Democrat Caucus and he assisted in the Caucus' preparation of a congressional redistricting plan. Tr. at 160, 180 (Ceisler).

37. Rep. DeWeese is the House Minority Leader and the leader of the House Democrat Caucus. Tr. at 139 (DeWeese).

Expert Testimony of Professor Lublin

38. Professor David Lublin was offered as an expert on voting rights, redistricting and the statistical study of congressional elections and redistricting plans. Tr. at 52 (statement of counsel).

39. No evidence was presented that Professor Lublin's methodologies with respect to calculating partisan effects of redistricting and the effect on incumbents are generally accepted in the scientific field of voting rights, redistricting and the statistical study of congressional elections and redistricting plans.

40. No evidence was presented to support the general acceptance of Professors Lublin's methodologies or conclusions in the relevant scientific community.

41. Professor Lublin relied on data provided to him by Petitioners' Counsel's office. Tr. at 54 (Lublin); *see also* Exhibit 56.

42. No evidence was presented to support that the data compilation provided to Professor Lublin (Exhibit 56) accurately reflects the voting performance of Democrat and Republican Pennsylvania voters in 19 statewide elections.

43. Professor Lublin's testimony regarding his methodology lacked the precision required to permit replication of his results, in that:

a. his method for determining how districts "lean" is considered by experts in his field as "a good rough estimate," Tr. at 57 (Lublin);

b. he did not define "average district" and did not clarify the degree to which his assessment involved subjective judgment, Tr. at 61 (Lublin);

c. he testified that empirical literature suggests that "in general it's better to keep more of your old constituents than to get new constituents," Tr. at 75 (Lublin);

d. he testified that Act 1 "seems likely" to elect a certain number of democrats and republicans, that the two alternative plans "seem likely" to preserve the existing one republican seat edge, and that incumbents placed into districts that "lean to their party" would be reelected, Tr. at 53, 56 (Lublin);

e. he testified that it "may be helpful" to dump constituents of the opposite party in favor of affiliated constituents in redistricting, and made other statements based on how he believes a state will "lean." Tr. at 75 (Lublin).

Expert Testimony of Larry Ceisler

44. Larry Ceisler is a paid partisan consultant and political media commentator.

45. Mr. Ceisler's opinions are no more helpful to resolving the issues before the court than those of any other similarly informed Pennsylvanian.

Exhibits

46. Petitioners failed to establish a proper foundation for and to authenticate any of the maps used during the hearing.

47. Three of the maps (Exhibits 13, 17, and 55) purport to contain substantive, factual information regarding alternative redistricting plans.

48. Petitioners presented no evidence that the plans represented by the maps reflect a lower population deviation that Act 1 or that the map drawers adhered to other legal standards in preparing the maps.

49. No evidence was presented as to the data, accuracy, or adherence to legal standards for the information represented on the maps. As a result, the maps cannot be said to accurately reflect underlying data.

50. Petitioners presented no evidence to establish the relevance of the maps, particularly the maps representing alternative districting options, to their state constitutional claims.

51. Petitioners offered no proper foundation or authentication of Exhibit 56, the data compilation provided to Professor Lublin's analysis.

52. Exhibits 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51-54 show the results of Professor Lublin's statistical analysis, are based on the unsubstantiated data, and suffer from the same deficiencies as Professor Lublin's testimony.

Facts Pertinent to Asserted Claims

53. Registered Democrat voters in Pennsylvania frequently "split" their votes among the candidates of various parties and "cross-over" to vote for Republican candidates. Tr. at 35 (Hoeffel); Tr. at 103 (Mascara); Tr. at 196 (Ceisler); *see* Proposed Findings of Fact 16-19.

54. Registered Republican voters in Pennsylvania frequently "split" their votes among the candidates of various parties and "cross-over" to vote for Democrat candidates. Tr. at 194 (Ceisler); *see* Proposed Findings of Fact 16-19.

55. The Pennsylvania Democrat party, according to Petitioners' witness, consists of "people who hold office in the Democratic party, people who aspire to hold office in the Democratic party, Democrats who have Democratic party ideals and vote Democratic." Tr. at 195 (Ceisler).

56. In Pennsylvania, only registered Democrat voters can sign nominating petitions and vote for those who seeking to be nominated as the Democrat candidate for public office. Section 802 of the Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, *as amended,* 25 P.S. §2832.

57. Democrat members of Congress provided input on how the congressional district boundaries should be drawn. Tr. at 30 (Hoeffel); Tr. at 116 (Mascara).

58. Forty-two of the ninety-eight members of the Democrat Caucus of the House of Representatives voted in favor of Act 1. Tr. at 149-150 (DeWeese).

59. Without the vote of the 42 House Democrats, Act 1 would not have passed. *See* PA. CONST. art. II, §10 (102 votes are needed for final passage); Proposed Finding of Fact 29 (final vote was 132-59).

60. It has not been established that the Democrat Party will suffer actual discrimination as a result of Act 1. Rather, it will be free to appeal to its registered voters and to Republicans as well.

61. The Democrat Party will not be shut out of the political process as a whole.

62. Of the 19 districts, 7 have a majority Democrat voter registration, 7 have a majority Republican voter registration and 5 have no majority voter registration. Respondents' Ex. 1.

63. Of the 5 districts with no majority registration, 3 have a plurality Republican voter registration and 2 have a plurality Democrat registration. Respondents' Ex. 1.

64. Pennsylvania's congressional representatives work collegially on behalf of Pennsylvania. Tr. at 114 (Mascara).

65. Pennsylvania's congressional representatives zealously represent all their constituents, regardless of the party affiliation or the voting history. Tr. at 31-32 (Hoeffel); Tr. at 110-111 (Mascara).

66. Exhibits 13, 17, and 55 are labeled alternative plan 1, 2, and 3, respectively. *See* Exhibits 13, 17, and 55.

67. None of the alternative plans were before the General Assembly. Tr. at 80 (Petitioner's counsel).

68. Petitioners presented no testimony concerning the population or population deviation of the 19 congressional districts established by Act 1.

69. Petitioners presented no testimony concerning the population or population deviation of the alternative plans.

70. Petitioners presented no testimony concerning any "splits" created by Act 1.

71. Petitioners presented no testimony concerning any "splits" created by the alternative plans.

72. Petitioners' Exhibit 56 was identified as the data used by Professor Lublin in preparing his testimony, but no foundation in evidence was laid for Exhibit 56.

73. Professor Lublin testified only on the partisan effects of Act 1 and the alternative plans and the compactness of the districts under Act 1 and the alternative plans. *See* Exhibits 13, 17, 39, 40, 42-45, 47-49, 50-54 and testimony concerning them at Tr. 53 - 80.

CONCLUSIONS OF LAW

1. Plaintiffs bear the burden of proving that Act 1 is unconstitutional. *Singer v. Sheppard*, 464 Pa. 387, 346 A.2d 897 (1975); *In re Ross Township Election District Reapportionment*, 489 A.2d 297 (Pa. Cmwlth. 1985). *See also* Brief of Presiding Officers Argument Section V.A.

2. Article I, section 4 of the United States Constitution places in the legislature of each of the States the exclusive responsibility for the "times, places and manner of holding elections for [] representatives," except as Congress may direct otherwise.

3. The constitutionality of Act 1 is governed solely by the United States Constitution. *Bush v. Palm Beach County Canvassing Board*, 531 U.S. 70 (2000); *Bush v. Gore*, 531 U.S. 98, 103 (2000). *See also* Brief of Presiding Officers' at Argument Section I.

4. The provisions of the Pennsylvania Constitution relied on by Petitioners have no application in a facial challenge to the constitutionality of a legislatively-enacted congressional redistricting plan such as Act 1. *See Palm Beach County Canvassing Board*, 531 U.S. 70; *Bush* 531 U.S. 98. *See also* Brief of Presiding Officers' at Argument Section I.A.

5. The Pennsylvania Constitution places no requirements or restrictions on the General Assembly with respect to congressional redistricting. *See* Brief of Presiding Officers' at Argument Section I.B.

6. Petitioners state constitutional claims are, at most, co-extensive with their federal claims and do not raise independent claims. *See* Brief of Presiding Officers' at Argument Section I.B.

7. There is no case or controversy to be adjudicated because the Petitioners' existence has not been established and thus, there is no demonstrated antagonistic between Petitioners and Respondents. *See Gulnac by Gulnac v. South Butler County School District*, 526 A.2d 483, 587 A.2d 699 (1991). *See also* Brief of Presiding Officers' at Argument Section III.

8. Petitioners, if they exist, would lack standing to challenge the validity of Act 1 in its entirety because they have not shown harm to their individual interests. *See William Penn*

Parking Garage, Inc. v. City of Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975); *United States v. Hays*, 515 U.S. 737 (1995); *Sinkfield v. Kelley*, 531 U.S. 28 (2000) (*per curiam*). *See also* Brief of Presiding Officers' at Argument Section IV.

9. The following testimony of Congressman Hoeffel is incompetent and improper evidence of the intent of the General Assembly: Tr. at 21, lines 13-18. *See Commonwealth v. Green*, 58 Pa. 226, 233 (1868); *Commonwealth v. Moir*, 199 Pa. 534, 49 A.2d 351 (1901). *See also* Brief of Presiding Officers' at Argument Section II.D.2.

10. The following testimony of Congressman Mascara is improper evidence of the intent of the General Assembly: Tr. at 107, lines 3-16. *See Commonwealth v. Green*, 58 Pa. 226, 233 (1868); *Commonwealth v. Moir*, 199 Pa. 534, 49 A.2d 351 (1901). *See also* Brief of Presiding Officers at Argument Section II.D.2.

11. The following testimony of Rep. DeWeese is incompetent and improper evidence of the intent of the General Assembly and must also be stricken as violating the General Assembly's privilege under PA. CONST. art. II, §15 (Speech or Debate Clause): Tr. at 143, line 9 (DeWeese); Tr. at 144, lines 19-24 (DeWeese); Tr. at 145, lines 5-11, 23 (DeWeese); Tr. at 146, lines 4-16, 18-19 (DeWeese). *See Commonwealth v. Green*, 58 Pa. 226, 233 (1868) (no inquiry into motive); *Consumer Party of Pennsylvania v. Commonwealth*, 510 Pa. 158, 173, 507 A.2d 323, 330-31 (1986) (Speech or Debate); *City of Philadelphia v. Depuy*, 431 Pa. 276, 279, 244 A.2d 741, 743 (1968) (irrelevance of one legislator's testimony as to the intent of the General Assembly). *See also* Brief of Presiding Officers at Argument Sections II.D.1 and II.D.2.

12. The following testimony of Mr. Ceisler is improper evidence of the intent of the General Assembly and must also be stricken as violative of the Pennsylvania Speech or Debate Clause: Tr. at 184, line 15 (Ceisler). *Id.*

13. The *Frye* test for admissibility of scientific evidence applies to expert testimony based on technical and other specialized knowledge and is applicable to Professor Lublin's expert testimony. *See Grady v. Frito-Law, Inc.*, 2001 Pa. Super. LEXIS 3537 (No. 1617 WDA 1999, filed Dec. 31, 2001). *See also* Brief of Presiding Officers at Argument Section II.C.1.

14. The current standard for admissibility under *Frye* is set forth in *Blum v. Merrell Dow Pharmaceuticals, Inc.*, 705 A.2d 1314, 1322 (Pa. Super. 1997), *aff'd* 564 Pa. 3, 764 A.2d 1 (2000), which requires that the methodology and the causal relationship be generally accepted by the scientific community. *See* Brief of Presiding Officers at Argument Section II.C.

15. Petitioners did not establish an adequate foundation for using Professor Lublin's methodologies with respect to calculating partisan effects of redistricting and the effect on incumbents. *See Blum v. Merrell Dow Pharmaceuticals, Inc.*, 705 A.2d 1314, 1322 (Pa. Super. 1997), *aff'd,* 564 Pa. 3, 764 A.2d 1 (2000); *McKenzie v. Westinghouse Electric Corp.,* 674 A.2d 1167 (Pa. Cmwlth. 1996), *appeal denied,* 547 Pa. 733, 689 A.2d 237 (1997). *See also* Brief of Presiding Officers at Argument Section II.C.1.a.

16. Petitioners did not establish that Professor Lublin's conclusions are generally accepted in the relevant scientific field. *See Blum v. Merrell Dow Pharmaceuticals, Inc.*, 705 A.2d 1314, 1322 (Pa. Super. 1997), *aff'd,* 564 Pa. 3, 764 A.2d 1 (2000). *See also* Brief of Presiding Officers at Argument Section II.C.1.a.

17. Professor Lublin's expert testimony is inadmissible under Pa.R.E. 702 because it does not meet the *Frye* standard for admissibility of scientific, technical, or other specialized evidence. *See Commonwealth v. Crews*, 536 Pa. 508, 640 A.2d 395 (1994); *Blum v. Merrell Dow Pharmaceuticals, Inc.*, 705 A.2d 1314, 1322 (Pa. Super. 1997), *aff'd,* 564 Pa. 3, 764 A.2d 1 (2000). *See also* Brief of Presiding Officers at Argument Section II.C.1.a.

18. Petitioners did not establish that the data on which Professor Lublin based his analyses are accurate or reliable. *See Commonwealth v. Thomas,* 444 Pa. 436, 282 A.2d 693 (1971); *Mauger and Co. v. W.C.A.B (Waltz)*, 598 A.2d 1035 (Pa. Cmwlth. 1991). *See also* Brief of Presiding Officers at Argument Sections II.B.2 and II.C.1.c.

19. Professor Lublin's conclusions do not meet the requirement of Pennsylvania law that an expert's opinion must be expressed with reasonable certainty. *See Childers v. Power Line Equipment Rentals*, 681 A.2d 201 (Pa. Super. 1996); *Al Hamilton Contracting v. Dept. of Env.*

Res., 659 A.2d 31 (Pa. Cmwlth. 1995). *See also* Brief of Presiding Officers at Argument Section II.C.1.a.

20. Professor Lublin's testimony is irrelevant to any state constitutional claim under consideration by the court and, therefore, inadmissible under Pa.R.E. 401 & 402. *See Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975). *See also* Brief of Presiding Officers at Argument Section II.A.

21. Mr. Ceisler does not qualify as an expert under Pa.R.E. 702. *See Grady v. Frito-Law, Inc.*, 2001 PA Super 382, 2001 Pa. Super. LEXIS 3537 (No. 1617 WDA 1999, filed Dec. 31, 2001). *See also* Brief of Presiding Officers at Argument Section II.C.2.

22. Mr. Ceisler's testimony is inadmissible under Pa.R.E. 702 because it does not meet the *Frye* standard for admissibility of scientific, technical, or other specialized evidence, which requires general acceptance of the methodology by the relevant scientific community. *See Commonwealth v. Crews*, 536 Pa. 508, 640 A.2d 395 (1994); *Blum v. Merrell Dow Pharmaceuticals, Inc.*, 705 A.2d 1314, 1322 (Pa. Super. 1997), *aff'd,* 564 Pa. 3, 764 A.2d 1 (2000). *See also* Brief of Presiding Officers at Argument Section II.C.2.

23. Mr. Ceisler's testimony is not relevant to the claims before the court and is not admissible as fact or lay testimony. *See Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975). *See also* Brief of Presiding Officers at Argument Section II.C.2.

24. Petitioners' alternative maps (Exhibits 13, 17 and 55) are irrelevant and inadmissible under Pa.R.E. 401 & 402. *See Stotz v. Shields*, 696 A.2d 806 (Pa. Super. 1997); *Commonwealth v. Rogers*, 615 A.2d 806 (Pa. Super. 1997). *See also* Brief of Presiding Officers at Argument Section II.B.1.

25. All maps introduced by Petitioners are inadmissible under Pa.R.E. 901 for non-authentication. *See Stotz v. Shields*, 696 A.2d 806 (Pa. Super. 1997). *See also* Brief of Presiding Officers at Argument Section II.B.1.

26. Exhibit 56 is inadmissible under Pa.R.E. 901 for non-authentication. *See* Brief of Presiding Officers' at Argument Section II.B.2.

27. The Democrat Party, as defined by Petitioners, is neither a cohesive nor an identifiable group for purposes of equal protection analysis. *See* Brief of Presiding Officers at Argument Sections V.B.1.c. and V.B.1.d.(i).

28. Registered Democrat voters are not a cohesive group for purposes of equal protection analysis. *See* Brief of Presiding Officers at Argument Sections V.B.1.c.(i) and V.B.1.d.(i).

29. The Democrat party is not a minor party. *See* Brief of Presiding Officers at Argument Sections V.B.1.d.(i) and V.B.1.d.(i).

30. Petitioner failed to show discriminatory effects on the Democrat party or registered Democrat voters from Act 1. *See* Brief of Presiding Officers at Argument Section V.B.i.d.(iii).

31. Petitioners failed to show that the General Assembly passed Act 1 with the intent to discriminate against the Democrat Party or Democrat registered voters. *See* Brief of Presiding Officers at Argument Section V.B.2.b & c.

32. Petitioners failed to show that Act 1 deviates from the one-person, one-vote principle. *See* Brief of Presiding Officers at Argument Section V.B.2.b & c.

33. Petitioners failed to show that Act 1 places any burden to their rights to freedom of speech or to assemble under PA. CONST. art. I, §§7 & 20. *See* Brief of Presiding Officers at Argument Section V.D.

34. Petitioners failed to show that Act 1 infringes their right under PA. CONST. art. I, §5 that "elections shall be free and equal." *See* Brief of Presiding Officers at Argument Section V.C.

35. PA. CONST. art. I, §5 applies only to elections to fill public offices of Pennsylvania and not to federal elections. *See* Brief of Presiding Officers at Argument Section V.C.

36. The failure of Democrat candidates to succeed in winning elections does not constitute a burden on any right Petitioners may have under Article I of the Pennsylvania Constitution. *See* Brief of Presiding Officers at Argument Section V, C & D.

37. Petitioners, and all registered Democrat voters, must be presumed to be adequately represented by whatever representative is elected to represent the congressional districts in which they live. *See* Brief of Presiding Officers at Argument Section V.B.

38. The Petition fails to state a claim for which relief can be granted with respect to PA. CONST. art. I, §1. *See* Brief of Presiding Officers at Argument Section V.B.1.c.

39. The Petition fails to state a claim for which relief can be granted with respect to PA. CONST. art. I, §5. *See* Brief of Presiding Officers at Argument Section V.C.

40. The Petition fails to state a claim for which relief can be granted with respect to PA. CONST. art. I, §7. *See* Brief of Presiding Officers at Argument Section V.D.

41. The Petition fails to state a claim for which relief can be granted with respect to PA. CONST. art. I, §20. *See* Brief of Presiding Officers at Argument Section V.D.

42. The Petition fails to state a claim for which relief can be granted with respect to PA. CONST. art. I, §26. *See* Brief of Presiding Officers at Argument Section V.B.1.c.

43. Petitioners failed to prove a violation of PA. CONST. art. I, §1. *See* Brief of Presiding Officers at Argument Sections V.B.1.d and V.B.2.c.

44. Petitioners failed to prove a violation of PA. CONST. art. I, §5. *See* Brief of Presiding Officers at Argument Section V.C.

45. Petitioners failed to prove a violation of PA. CONST. art. I, §7. *See* Brief of Presiding Officers at Argument Section V.D.

46. Petitioners failed to prove a violation of PA. CONST. art. I, §20. *See* Brief of Presiding Officers at Argument Section V.D.

47. Petitioners failed to prove a violation of PA. CONST. art. I, §26. *See* Brief of Presiding Officers at Argument Sections V.B.1.d. & V.B.2.c.

48. Act 1 is the duly-enacted law that puts in place the districts in which elections will be held to fill the 19 congressional seats allocated to Pennsylvania under the 2000 Census.

Respectfully submitted,

February 5, 2002

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

JOANN ERFER AND JEFFREY B. ALBERT, Petitioners,	:	
v.	:	Cmwlth Ct. No. 10 M.D. 2002
THE COMMONWEALTH OF PENNSYLVANIA, et al., Respondents.	:	

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COMMONWEALTH COURT
OF
PENNSYLVANIA

BRIEF FOR DEFENDANTS LIEUTENANT GOVERNOR JUBELIRER AND SPEAKER RYAN IN SUPPORT OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

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TABLE OF CONTENTS

STATEMENT OF JURISDICTION 1

STATEMENT OF SCOPE AND STANDARD OF REVIEW 1

A. Scope Of Review 1

B. Standard Of Review 1

STATEMENT OF QUESTIONS INVOLVED 2

STATEMENT OF THE CASE 3

A. Procedural History 3

1. The Petition 3

2. Assumption of Plenary Jurisdiction by Supreme Court 4

3. The Hearing 5

B. Factual History 6

SUMMARY OF ARGUMENT 7

ARGUMENT 10

I. THERE ARE NO STATE CONSTITUTIONAL CLAIMS TO BE DECIDED 10

A. Federal Law Controls Congressional Redistricting 11

B. The Pennsylvania Constitution Has Not Application 12

II. EVIDENTIARY ISSUES 14

A. Standing Objection To Relevance 14

B. Exhibits 15

1. Alternative Plans 15

2. Data Provided to Dr. Lubin 17

C. Expert Testimony 18

1. Professor Lubin 20

a. Methodology 20

b. Causation 22

c. Factual basis for expert testimony 23

2. Larry Ceisler 23

D. Lay Testimony 25

1. Speech or Debate 25

2. Motive 29

III. ABSENCE OF CASE OR CONTROVERSY 33

IV. PETITIONERS LACK STANDING 33

A. Standing 33

B. Application 34

1. Claims VI & VIII (Partisan Gerrymandering) 34

2. Claims VII & IX 36

V. PETITIONERS HAVE FAILED TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED OR TO PROVE THAT ACT 1 VIOLATES THE PENNSYLVANIA CONSTITUTION 37

A. Standard 38

B. Claims VI & VIII (Equal Protection) 38

1. Partisan Gerrymandering 38

a. Petitioners raise only a federal constitutional issue 38

b. Petitioners seek relief that cannot be granted 38

c. Petitioners have failed to state a claim 39

i. Identifiable political group 39

ii. Intentional discrimination 42

iii. Discriminatory effects 44

d. Petitioners have failed to prove a claim 45

i. Identifiable political group 45

ii. Intentional discrimination 48

iii. Discriminatory effects 49

2. One-person, One-vote 53

a. Petitioners raise only federal constitutional issue 53

b. Petitioners have failed to state a claim 53

c. Petitioners have failed to prove a claim 55

C. Claim VII (Free & Equal Elections) 56

D. Claim IX (Freedom of Speech & Assembly) 59

VI. PETITIONERS SEEK AN IMPROPER REMEDY 61

CONCLUSION 62

TABLE OF AUTHORITIES

FEDERAL CASES

Anne Arundel Co. Republican Cent. Comm. v. State Advisory Bd. of Election Laws, 781 F. Supp. 394 (D.Md. 1991), *aff'd* 504 U.S. 938 (1992) 55, 56

Badham v. Eu, 694 F. Supp. 664 (N.D. Cal. 1988), *aff'd*, 488 U.S. 1024 (1989) ..... *passim*

Bush v. Gore, 531 U.S. 98 (2000) 11

Bush v. Palm Beach County Canvassing Board, 531 U.S. 70 (2000) 11

Bush v. Vera, 517 U.S. 952 (1996) 35

Connor v. Finch, 431 U.S. 407 (1977) 13, 16

Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) 19

Davis v. Bandemer, 478 U.S. 109 (1986) ..... *passim*

Dombrowski v. Eastland, 387 U.S. 82 (1967) 27

Fletcher v. Peck, 6 Cranch 87 (1810) 31

Frye v. United States, 293 F. 1013 (D.C. Cir. 1923) 18

Fund for Accurate and Informed Representation, Inc. v. Weprin, 796 F. Supp. 662 (N.D. N.Y 1992), *aff'd* 506 U.S. 1017 (1992) 49

In re Grand Jury Investigation, 587 F.2d 589 (3d Cir. 1978) 28

Gravel v. United States, 408 U.S. 606 (1972) 26

Hastert v. State Bd. of Elections, 777 F.Supp. 634 (N.D.Ill. 1991) 45

Hispanic Coalition on Reapportionment v. Legislative Reapportionment Commission, 536 F. Supp. 578 (E.D. Pa.), *aff'd*, 459 U.S. 801 (1982) 27

Holloway v. Hechler, 817 F.Supp. 617 (S.D.W. Va. 1992) *aff'd*, 507 U.S. 956 (1993) 39

Karcher v. Daggett, 462 U.S. 725 (1983) 40, 54

Kilbourn v. Thompson, 103 U.S. 168 (1881) 30

Kirkpatrick v. Preisler, 394 U.S. 526 (1969) 54

Marylanders for Fair Representation v. Schaefer,
849 F. Supp. 1022 (D. Md. 1994) 16, 39

Marylanders for Fair Representation, Inc. v. Schaefer,
144 F.R.D. 292 (D. Md. 1992) 26, 27

Miller v. Johnson, 515 U.S. 900 (1995) 32

Mobile v. Bolden, 446 U.S. 55 (1980) 40

Palmer v. Thompson, 403 U.S. 217 (1971) 31

Perez v. Pasadena Independent School District,
958 F. Supp. 1196 (S.D. Tex. 1997), *aff'd* 165 F.3d 368 (5th Cir. 1999) 23

Pope v. Blue, 809 F. Supp. 392 (W.D. N.C.), *aff'd* 506 U.S. 801 (1992) ..... *passim*

Powell v. McCormack, 395 U.S. 486 (1994) 26

Reed v. Babylon, 914 F. Supp. 843 (E.D. N.Y. 1996) 23

Republican Party of Virginia v. Wilder, 774 F.Supp. 400 (W.D. Va. 1991) 42

RPNC v. Martin, 980 F.2d 943 (4th Cir. 1992), *cert. denied*,
510 U.S. 828 (1993) 36 37, 44

Simpson v. City of Hampton, 166 F.R.D. 16 (E.D. Va. 1996) 26, 27

Sinkfield v. Kelley, 531 U.S. 28 (2000) 34, 35

Tenney v. Brandhove, 341 U.S. 367 (1951) 25, 30

Terrazas v. Slagle, 821 F.Supp.1162 (W.D. Tex. 1993) 42, 43, 44

U.S. Football League v. NFL, 842 F.2d 1335 (2d Cir. 1988) 28

United States Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995) 11

United States v. Craig, 528 F.2d 773 (7th Cir. 1976) 28

United States v. Hays, 515 U.S. 737 (1995) 34, 35

United States v. Helstoski, 442 U.S. 477 (1979) 25, 27

United States v. O'Brien, 391 U.S. 367 (1968) 31

Vera v. Bush, 933 F. Supp. 1341 (S.D. Tex. 1996) 24

Village of Arlington Heights v. Metropolitan Hous. Dev. Corp., 429 U.S. 252 (1977) 32

Washington v. Finlay, 664 F.2d 913 (4th Cir. 1981), *cert. denied* 457 U.S. 1120 (1982) 60

Wesberry v. Sanders, 376 U.S. 1 (1964) 13, 54

White v. Alabama, 867 F.Supp. 1571 (M.D. Ala. 1994) 39

Wise v. Lipscomb, 437 U.S. 535 (1978) 13, 61, 62

STATE CASES

In re 1991 Pennsylvania Legislative Reapportionment Commission, 530 Pa. 335, 609 A.2d 132 (1992), *cert. denied sub nom. Loeper v. Pennsylvania Legislative Reapportionment Commission*, 506 U.S. 819 (1992) 13, 57, 58, 59, 61

Al Hamilton Contracting v. Dept. of Env. Res., 659 A.2d 31 (Pa. Cmwlth. 1995) 22

Blum v. Merrell Dow Pharmaceuticals, Inc., 705 A.2d 1314 (Pa. Super. 1997), *aff'd*, 564 Pa. 3, 764 A.2d 1 (2000) ..... *passim*

Butcher v. Bloom, 415 Pa. 438, 203 A.2d 556 (1969) 12, 13, 61, 6259

Campaign for Fiscal Equity v. New York, 687 N.Y.S.2d 227 (N.Y. Sup. Ct.), *aff'd*, 697 N.Y.S.2d 40 (N.Y. App. Div. 1999) 26

Childers v. Power Line Equipment Rentals, 681 A.2d 201 (Pa. Super. 1996), *appeal denied* 547 Pa. 735, 690 A.2d 236 (1997) 22

City of Duquesne v. Fincke, 269 Pa. 112, 112 A. 130 (1920) 59

City of Philadelphia v. Depuy, 431 Pa. 276, 244 A.2d 741 (1968) 31

Commonwealth ex rel. Schnader v. Liveright, 308 Pa. 35, 161 A. 697 (1932) 37, 38

Commonwealth v. Crews, 536 Pa. 508, 640 A.2d 395 (1994) 19

Commonwealth v. Egan, 113 Pa. Super. 375, 173 A.2d 764 (1934) 59

Commonwealth v. Green, 58 Pa. 226 (1868) 30

Commonwealth v. Middleton, 550 A.2d 561 (Pa. Super. 1988) 20

Commonwealth ex. rel Elkin v. Moir, 194 Pa. 534, 49 A.2d 351 (1901) 29, 30

Commonwealth v. Rogers, 615 A.2d 55 (Pa. Super. 1992) 16

Commonwealth v. Thomas, 444 Pa. 436, 282 A.2d 693 (1971) 23

Commonwealth v. Topa, 471 Pa. 223, 369 A.2d 1277 (1977) 19

Consumer Party of Pennsylvania v. Commonwealth, 510 Pa. 158, 507 A.2d 323 (1986) 25, 26, 27, 28

Daly v. Hemphill, 411 Pa. 263, 191 A.2d 835 (1963) 1

Grady v. Frito-Lay, Inc., 2001 Pa. Super LEXIS 3537 (Dec. 31, 2001) 19

Gulnac by Gulnac v. South Butler Co. Sch. Dist, 526 A.2d 483, 587 A.2d 699 (1991) 33

Holmes v. Farmer, 475 A.2d 976 (R.I. 1984) 27, 28, 31

Jubelirer v. Singel, 638 A.2d 352 (Pa. Cmwlth. 1994) 30, 31

Kilgore v. Magee, 85 Pa. 401 (1877) 30

Lincoln Party v. General Assembly, 682 A.2d 1326 (Pa. Cmwlth. 1996) 26

Love v. Borough of Stroudsburg, 528 Pa. 320, 597 A2d 1137 (1991) 13, 38

Luitweiler v. Northchester Corp., 456 Pa. 530, 319 A.2d 899 (1974) 35

Mauger and Co. v. Workmens' Comp. App. Bd. (Waltz), 598 A.2d 1035 (Pa. Cmwlth. 1991) 23

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Mellow v. Mitchell, 530 Pa. 44, 607 A.2d 204 (1992) ..... *passim*

Milk Control Commission v. Battista, 413 Pa. 652, 198 A.2d 840 (1964) 1

Montgomery County v. Schooley, 627 A.2d 69 (Md. App. 1993) 27, 28

Newbold v. Osser, 425 Pa. 478, 230 A.2d 54 (1967) ..... *passim*

In re Nomination Petition of Johnson, 509 Pa. 347, 502 A.2d 142 (1985) 47

Oughton v. Black, 212 Pa. 1, 61 A. 346 (1905) 30

Palmeri v. Pennsylvania State Police, 474 A.2d 1223 (Pa. Cmwlth. 1984), *aff'd*, 508 Pa. 544, 499 A.2d 278 (1985) 22

Patterson v. Barlow, 60 Pa. 54 (1869) 14, 57

In re Rick Perry, 2001 Tex. LEXIS 96 (Texas 2001) 27, 31, 32

Pennsylvania AFL-CIO v. Commonwealth, 691 A.2d 1023 (Pa. Cmwlth. 1997) 6

Philadelphia Facilities Management Corp. v. Biester, 431 A.2d 1123 (Pa. Cmwlth. 1981) 33

Philadelphia Fraternal Order of Correctional Officers v. Rendell, 558 Pa. 229, 736 A.2d 573 (1999) 60

In re Ross Township Election District Reapportionment, 489 A.2d 297 (Pa. Cmwlth. 1985), *aff'd* 544 Pa. 41, 522 A.2d 553 (1987) 1, 38

Shoemaker v. Lawrence, 31 Pa. D.&C. 681 (Dauph. C.P. 1938) 57

Sierra Club v. Hartman, 529 Pa. 454, 605 A.2d 309 (1992) 33, 34

Singer v. Sheppard, 464 Pa. 387, 346 A.2d 897 (1975) 1

Smith v. County of York, 388 A.2d 1149 (Pa. Cmwlth. 1978) 33

Stotz v. Shields, 696 A.2d 806 (Pa. Super. 1997) 17

The Sunbury and Erie R.R. Co. v. Cooper, 33 Pa. 278 (1859) 30

Sweeny v. Tucker, 473 Pa. 493, 375 A.2d 698 (1977) 26, 30

Thomas v. West Bend Co., 760 A.2d 1174 (Pa. Super. 2000), *appeal denied* 781 A.2d 147 (Pa. 2001) 19

Uniontown Newspapers, Inc. v. Roberts, 777 A.2d 1225 (Pa Cmwlth. 2001) 26, 27

Wack v. Farmland Industries, Inc., 744 A.2d 265 (Pa. Super. 1999), *appeal denied* 565 Pa. 649, 771 A.2d 1287 (2001) 19

William Goldman Theatres, Inc. v. Dana, 403 Pa. 83, 173 A.2d 59 (1961), *cert. denied* 368 U.S. 897(1961) 59

William Penn Parking Garage, Inc. v. City of Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975) 33, 34

DOCKETED CASES

Deem v. Manhcin, No. 3:01 cv 75 (N.D.W.Va. Mem. Op. Dec. 21, 2001) 26, 31

Vieth v. Commonwealth, No. 3: CV-01-2439 (M.D. Pa.) 4

CONSTITUTIONS

U.S. Const. amend. I 3

U.S. CONST. amend XIV 38, 39

U.S. CONST. amend. XIV, §1 ..... 3, 40

U.S. CONST. amend. XIV, §2 3

U.S. CONST. art. I, §2 ..... 3, 14

U.S. Const. art I, § 4 3

U.S. CONST. art I, § 4, cl. 1 ..... *passim*

U.S. CONST. art. I, §6 25

U.S. CONST. art. II, §1, cl. 2 11

PA. CONST. art I, §1 ..... *passim*

PA. CONST. art. I, §5 ..... *passim*

PA. CONST. art. I, §7 ..... *passim*

PA. CONST. art. II §15 25

PA. CONST. art. II, §16 ..... 14, 16

PA. CONST. art. II, §17 58

PA. CONST. art. I, §20 ..... *passim*

PA. CONST. art I, §26 ..... *passim*

STATUTES

42 U.S.C. §1983 3

42 Pa.C.S. §726 4

The Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, 25 P.S. § 2832 47

Act 2002-1 ..... *passim*

RULES & REGULATIONS

Pa.R.E. 104 23

Pa.R.E. 201 6

Pa.R.E. 401 ..... 13, 25

Pa.R.E. 402 ..... 15, 25

Pa.R.E. 702 ..... *passim*

Comment - 1998 ..... 22, 23

Pa.R.E. 703 23

Comment - 1998 23

Pa.R.E. 901 ..... 16, 17

Comment-1998 16

MISCELLANEOUS

Peter Schuck, *The Thickest Thicket: Partisan Gerrymandering and the Judicial Regulation of Politics*, 87 COLUMBIA L. REV. 1325 (1987) 41

Comment, *Davis v. Bandemer: Remedial Difficulties in Political Gerrymandering*, 37 EMORY L.J. 443 (1988) 41

SB 1200 ..... *passim*

SB 1200, PN 1645 6

Legislative History of SB 1200 6

General Assembly Website (www.legis.state.pa.us) 6

THE PENNSYLVANIA MANUAL 6-3 (115th ed. 2001) 7

Biographical Directory of the United States Congress (internet address: http://bioguid.congress.gov) 52, 53

STATEMENT OF JURISDICTION

Commonwealth Court has jurisdiction over this case pursuant to the January 29, 2002 order of the Pennsylvania Supreme Court, Pa. Supreme Ct. Dkt. No. 14 MM 2002, remanding the case to Commonwealth Court for expedited consideration of the state constitutional claims and directing the court to file findings of fact and conclusions of law with the Pennsylvania Supreme Court by noon, February 8, 2002.

STATEMENT OF SCOPE AND STANDARD OF REVIEW

A. Scope Of Review

Pursuant to the Supreme Court's order, Commonwealth Court has plenary review of the evidence presented at the hearing and all questions of law for purposes of making findings of fact and conclusions of law.

B. Standard Of Review

As with any challenge to the constitutionality of legislation, Petitioners bear a very heavy burden. *Singer v. Sheppard*, 464 Pa. 387, 393, 346 A.2d 897, 900 (1975). There is a presumption in favor of constitutionality and "'all doubt is to be resolved in favor of sustaining the legislation.'" *Id.* (quoting *Milk Control Commission v. Battista,* 413 Pa. 652, 659, 198 A.2d 840, 843 (1964)). "'An Act of Assembly will not be declared unconstitutional unless it *clearly, palpably* and *plainly* violates the Constitution.'" *Singer*, 464 at 393, 346 A.2d at 900 (quoting *Daly v. Hemphill*, 411 Pa. 263, 271, 191 A.2d 835, 840 (1963)) (emphasis added). The standard is no different when the challenge is to a redistricting plan. *In re Ross Township Election District Reapportionment*, 489 A.2d 297 (Pa. Cmwlth. 1985), *aff'd* 514 Pa. 41, 522 A.2d 553 (1987).

STATEMENT OF QUESTIONS INVOLVED

1. Whether the constitutionality of the congressional redistricting plan put in place by Act 1 is solely a federal question.

2. Whether certain evidence introduced at the hearing by Petitioners should be deemed inadmissible for lack of foundation, irrelevancy, and violation of the Speech or Debate Clause.

3. Whether Petitioners have failed to state a case or controversy.

4. Whether Petitioners lack standing to pursue the claims based on the Pennsylvania Constitution.

5. Whether, under Pennsylvania law, a claim of partisan gerrymandering (assuming it has been raised by virtue of Claims VI & VIII) does not raise a claim for which relief can be granted.

6. Whether Petitioners have failed to state a claim or to prove their claim that Act 1 violates PA. CONST. art. I, §§1 & 26 (if Claims VI & VIII are read together to allege an equal protection violation based "partisan gerrymandering" and on the principle of "one person, one vote").

7. Whether Petitioners have failed to state a claim or to prove their claim that Act 1 violates PA. CONST. art. I, §5 (free and equal election) (Claim VII).

8. Whether Petitioners have failed to state a claim or to prove their claim that Act 1 violates PA. CONST. art. I, §§7 (freedom of speech) & 20 (freedom of association) (Claim IX).

9. Whether Petitioners seek a remedy which cannot be granted.

Suggested answer to all: YES

STATEMENT OF THE CASE

A. Procedural History

1. The Petition

On January 10, 2002, Jo Ann Erfer & Jeffrey Albert ("Petitioners") filed a Petition for Review in the Nature of a Complaint for Declaratory & Injunctive Relief ("Petition") in the Commonwealth Court of Pennsylvania, challenging Act No. 2002-1 ("Act 1") This statute puts into place 19 congressional districts in accordance with the results of the 2000 Census. Named as Respondents were the Commonwealth, the Governor of Pennsylvania Mark Schweiker, Secretary of the Commonwealth Kim Pizzingrilli & Commissioner of the Bureau of Commissions, Elections and Legislation of the Pennsylvania Department of State Robert Filling ("Executive Officers"), Lieutenant Governor Robert Jubelirer & Speaker of the House of Representatives Matthew Ryan ("Presiding Officers").

Petitioners alleged that Act 1 denies or abridges their "right to vote for their Representative to the United States Congress," in violation of U.S. CONST. art. I, §2, and amend. XIV, §2 and U.S. CONST. art. I, §4 (Claim I); denies them "equal protection of the laws as guaranteed to them by the Equal Protection Clause" of amend XIV, §1 (Claim II); "constitutes an abridgment of the privileges and immunities of citizenship guaranteed to [them] by the Privilege or Immunities Clause" of amend XIV, §1 (Claim III); denies or abridges their "right to free association" as guaranteed to them by amend I, (Claim IV); "constitute[s] a violation of" 42 U.S.C. §1983 (Claim V); denies or abridges their rights "as equally free and independent citizens under PA. CONST. art. I, §1 (Claim VI); denies or abridges their right "to a free and equal election" under PA. CONST. art. I, §5 (Claim VII); discriminates against them in their "exercise of their civil rights" in violation of PA. CONST. art I., §26 (Claim VIII); and violates their rights "to assemble together for their common good" and their right to freedom of speech in violation of PA. CONST. art. 1, §§ 7 & 20 (Claim IX).

On January 11, 2002, Petitioners asked Commonwealth Court to expedite consideration of the case and on January 16, 2002, Presiding Officers filed preliminary objections to the

Petition. Commonwealth Court ordered an expedited briefing schedule for the preliminary objections, with argument to be held before Commonwealth Court *en banc* on March 13, 2002.[1]

2. Assumption of Plenary Jurisdiction by Supreme Court

On January 25, 2002, Petitioners applied to the Supreme Court of Pennsylvania, asking it to assume plenary jurisdiction of the state constitutional claims (Claims VI-IX) under 42 Pa.C.S. §726 and to expedite consideration. The Supreme Court responded with the following order:

> AND NOW, this 29th day of January, 2002, Petitioners' request that this court exercise plenary jurisdiction over this matter is GRANTED. The matter is REMANDED to the Commonwealth Court for expedited consideration. The Commonwealth Court is to limit its consideration of the matter to the state constitutional claim[s] raised by Petitioners in their Petition for Review that they filed with the Commonwealth Court on January 10, 2002 that is docketed at 10 M.D. 2002. The Commonwealth Court is directed to file its findings of face and conclusions of law with this court no later than NOON on February 8, 2002.

Order dated 1/29/02 in Dkt. No. 14 MM 2002. Immediately thereafter, Commonwealth Court scheduled a hearing for Friday, February 1, 2002.[2]

On January 31, 2002, Presiding Officers filed a pretrial memorandum of law informing both Commonwealth Court and the Supreme Court that, in light of the delegation to the General Assembly under U.S. CONST. art. I, § 4, cl. 1 to set the time, place and manner of elections for members of Congress, and the interpretation placed on those provisions of the Pennsylvania Constitution used as the basis for Claims VI-IX of the Petition, Petitioners had raised only issues of federal constitutional law.

Also on January 29, 2002, Executive Officers filed an application to withdraw their preliminary objections, and simultaneously therewith, filed an Answer with New Matter to the

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[1] On January 11, 2002, Richard & Norma Jean Vieth and Susan Furey ("Veith Plaintiffs") filed an Amended Complaint for Declaratory & Injunctive Relief in this Court against the Executive Officers and Presiding Officers in the United States District Court for the Middle District of Pennsylvania, challenging Act 1. The Vieth Plaintiffs raised the identical federal claims, supported by the same allegations. Petitioners herein and the Vieth Plaintiffs are represented by the same counsel - Jenner & Block and Reed Smith LLP. The Vieth Plaintiffs asked the federal court to declare a deadline for this Court to act in the present matter, which the federal court declined to do. Presiding Officers and Executive Officers have filed motions to dismiss the federal complaint along with supporting briefs. Presiding Officers have also asked the federal court to abstain until this case has been resolved.

[2] At the end of the hearing, at Petitioners' request and with Respondents' concurrence, this Court directed the parties' submissions to be made by Tuesday, February 5, at 9 a.m.

Petition and a Third-Party Petition for Review in the Nature of a Complaint for Declaratory Relief, naming as third-party Respondents Richard & Norma Jean Veith and Susan Furey.

3. The Hearing

At the hearing held on February 1, 2002, Petitioners called six witnesses: Congressman Joseph Hoeffel, Professor David Lublin, Congressman Frank Mascara, Larry Sparr (Director of Elections for Washington County), Representative William DeWeese (Minority Leader of the House), and Larry Ceisler (a paid partisan consultant & media political pundit).

The following exhibits of Petitioners (titled by Petitioners[3]) were admitted, over the objection of Presiding Officers' counsel:

Exhibit 1	Map: U.S. Congressional Districts 1992-2001
Exhibit 2	Map: U.S. Congressional Districts 1992-2201 - Greater Southeast
Exhibit 6	Map: 2001 Congressional Reapportionment Conference Committee Plan
Exhibit 7	Map: 2001 Conference Committee Plan – Southeast Pa
Exhibit 9	Map: 12th & 18th Congressional District – Conference Committee
Exhibit 11	Map: 2001 Conference Committee Plan, Philadelphia County
Exhibit 39	Chart: Percentage of the Republican Vote Needed for GOP to Win Seats Based on Statewide Election Results
Exhibit 40	Graph: Percent of Votes to Elect 14 Republicans (1992) or 13 Republicans (Proposed Plan)
Exhibit 42	Chart: Compactness
Exhibit 43	Graph: Percent Constituents Retained by Plan and Party
Exhibit 44	Chart: Percentage of Districts with Above Average Republican Strength
Exhibit 45	Graph: Average Share of Districts with Above Average GOP Statewide Vote Strength Based on Major-Party Vote
Exhibit 47	Chart: Treatment of Incumbents: 1st Alternative Plan
Exhibit 48	Chart Treatment of Incumbents: Conference Plan
Exhibit 49	Chart Treatment of Incumbents: 2ndAlternative Plan
Exhibit 50	Graph: Estimated Percent Republican Seats
Exhibit 51	Chart: Partisan Characteristics of Districts: 1st Alternative Plan
Exhibit 52	Chart: Partisan Characteristics of Districts: Conference Plan
Exhibit 53	Chart: Partisan Characteristics of Districts: 1992 Plan
Exhibit 54	Partisan Characteristics of Districts: 2nd Alternative Plan
Exhibit 56	Untitled [Compilation of data]

The following stipulated exhibits were also admitted: Petitioners' Exhibit 37 (Resume of Dr. David Lublin) and Respondents' Exhibit 1 (Table: Voter Registration with New 2001

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[3] Petitioners' persistent attempt to refer to the congressional redistricting plan passed by the General Assembly, i.e., Act 1, as the "Conference Committee Plan" is both inaccurate and misleading. Act 1 is a duly-enacted statute.

Congressional Districts). The following Petitioners exhibits were admitted solely as "maps" (*see* Tr. at 204):

Exhibit 13	Map: 2001 Congressional Reapportionment 1st Alternative Plan
Exhibit 17	Map: 2001 Congressional Reapportionment 2nd Alternative Plan
Exhibit 55:	2001 Congressional Reapportionment 3rd Alternative Plan

B. Factual History

Presiding Officers have not answered the factual allegations of the Petition and, further, Petitioners failed to adduce any evidence in support of many of their factual allegations at the hearing. Because, in this brief, Presiding Officers argue both that Petitioners failed to state a claim for which relief can be granted and failed to prove a claim for which relief can be granted, Presiding Officers do reference facts pleaded in the Petition but not established at the hearing in the argument concerning Petitioners' failure to state a claim. The below factual history rests only on the facts established at the hearing or that can be judicially noticed.

As a result of the 2000 Census, Pennsylvania will have 19 congressional seats, a loss of 2 seats from the last reapportionment. *See Mellow v. Mitchell*, 530 Pa. 44, 47, 607 A.2d 204, 205 (1992); *see also* Act 1-2002. When the General Assembly recessed on December 13, 2001, different versions of a new redistricting plan (SB 1200) had been passed by the Senate and the House. *See* Legislative History of SB 1200 (Appendix ("App.") Tab A). SB 1200 was then considered by a Conference Committee, which reported a new version to the Senate and House. *See* SB 1200, PN 1645 (App. Tab B); Legislative History of SB 1200 (App. Tab A).[4] The final vote in the Senate on SB 1200 was 28-22; the final vote in the House of Representatives was 132-59. *See* Legislative History of SB 1200. Forty-two members of the House's ninety-eight-member Democrat Caucus voted in favor of the bill. *See* Tr. 149-150 (DeWeese). Without those 42 votes, the bill would not have had the majority needed for passage. Governor Schweiker

[4] The various versions of SB 1200 and the bill's legislative history are available on the General Assembly's website (www.legis.state.pa.us). Pursuant to Pa.R.E. 201 this Court can take judicial notice of the bill versions and legislative history. *See Pennsylvania AFL-CIO v. Commonwealth*, 691 A.2d 1023, 1026 (Pa. Cmwlth. 1997). For the convenience of the Court, Presiding Officers have submitted an Appendix, which contains a copy of SB 1200, PN 1645 at Tab B and a copy of the Legislative History of SB 1200 at Tab A.

signed SB 1200 as Act 2002-1 on January 7, 2002. *See* certified copy of Act 1 (App. Tab C). The 2000 Census shows Pennsylvania's population as 12,281,054, on April 1, 2000. *See* PENNSYLVANIA MANUAL 6-3 (115th Ed.) (App. Tab D). The 19 congressional districts do not equally divide this number, which yields 646,371 or 646,372 persons per district. The following chart, derived from Respondents' Exhibit 1, shows the number and percentage of registered republicans and democrats and others within each of the 19 districts under Act 1:

Congressional District	Republican Registration		Democrat Registration		Other	
1	83,648	19.69%	**314,219**	**73.96%**	26,967	6.35%
2	62,564	13.65%	**360,599**	**78.65%**	35,312	7.70%
3	171,435	44.05%	182,454	46.89%	35,263	9.06%
4	168,115	38.55%	**225,631**	**51.74%**	42,353	9.71%
5	**190,842**	**50.88%**	145,735	38.86%	38,481	10.26%
6	209,105	49.87%	150,634	35.92%	59,600	14.21%
7	**279,835**	**62.03%**	119,762	26.55%	51,547	11.43%
8	208,392	48.75%	160,289	37.50%	58,791	13.75%
9	**190,087**	**52.90%**	137,561	38.28%	31,714	8.83%
10	**198,012**	**52.06%**	147,823	38.86%	34,520	9.08%
11	135,536	34.92%	**217,168**	**55.96%**	35,389	9.12%
12	107,919	27.30%	**259,845**	**65.74%**	27,513	6.96%
13	209,502	47.79%	187,967	42.88%	40,882	9.33%
14	78,419	17.31%	**335,317**	**74.04%**	39,173	8.65%
15	164,699	41.98%	174,188	44.43%	53,273	13.59%
16	**214,334**	**57.52%**	106,083	28.47%	52,213	14.01%
17	**203,089**	**52.87%**	141,621	36.87%	39,443	10.27%
18	167,683	37.05%	**242,385**	**53.55%**	42,544	9.40%
19	**207,675**	**54.11%**	126,830	33.04%	49,318	12.85%

Pennsylvania has 2,567 municipalities (cities, borough & townships) and 67 counties. *See* PENNSYLVANIA MANUAL 6-3 (115th Ed.) (App. Tab D). The three largest counties, Philadelphia, Allegheny and Montgomery must be split due to population size. *Id.* at 6-12 (App. Tab D). The Boroughs of Shippensburg and Telford are split by county lines. *See* Section 1 of Act 1, Districts 15 & 16 (App. Tab C).

SUMMARY OF ARGUMENT

Act 1 of 2002 divides Pennsylvania into the 19 congressional districts to which it is entitled under the decennial census. This is 2 seats less than under the previous census. The

situation today is different than in 1992: then, Pennsylvania had also lost 2 congressional seats, but the statute in place provided for too many congressional seats and the General Assembly was deadlocked. In 1992 the Court had to act promptly to make sure that Pennsylvania could elect the correct number of representatives to Congress. Today, the General Assembly is not deadlocked. As a statute, Act 1 is entitled to a presumption of constitutionality. Moreover, even if Act 1 were overturned, the General Assembly must be given the opportunity for a new enactment, a prerogative of which it cannot be deprived.

Petitioners have alleged that Act 1 violates their state constitutional rights, but, at the conclusion of the hearing on February 1, 2002, Petitioners had not proven the most basic elements of their claim. Named Petitioners failed to appear and their identities were not established in any other way. Petitioners alleged violation of the one-person, one-vote rule, but presented *no* testimony on deviation. Petitioners also allege that they are registered Democrat voters and, as such, are subjected to unlawful discrimination under Act 1. However, the record does not even establish that they are live, registered voters. In any event, their counsel's proffered evidence contradicts their allegations.

The case presented by Petitioners' counsel is not at all based on discrimination against registered Democrat voters as such. The evidence shows that many Democrat voters frequently vote for Republican candidates. They will be as free to do so under Act 1 as they ever were, as will the many Republicans who split tickets to vote for Democrats in this diverse Commonwealth. The true nub of the grievance set forth at the hearing seems to be that too many congressional districts have too many Democrats in them who are willing to vote for Republican candidates. Accordingly, Petitioners fear that such districts will likely "lean" Republican, leading to major Republican gains in the congressional delegation.

Even if this were true, it would not suffice to overturn a duly-enacted statute. There is simply no precedent for saying that a political party is entitled to any proportion of seats.[5]

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[5] Moreover, Petitioners did not establish standing to complain on behalf of the Democrat Party. Petitioners, if they really are registered Democrats, may well be of the ticket-splitting variety.

The record shows that, under Act 1, voter registration in the 19 congressional districts is as follows: in 7 districts, registered Republicans have a majority; in 7 districts, registered Democrats have a majority, and in 5 districts, neither party has a majority. If the Democrat Party can persuade their registered voters to turn out and vote for its candidates, it will win at least 7 seats and probably more. The record also shows that Act 1 passed the General Assembly with major bi-partisan support in the House from almost half the Democrat Caucus, that it protects the most senior Democrat incumbent (Murtha) and 4 other Democrat incumbents (Kanjorski, Fattah, Brady & Doyle) and protects minority majority/influence districts in Philadelphia. The record shows that Act 1 even forces at least one incumbent Republican (Hart) to run in a district that has a registered Democrat majority. While it pits two Democrat incumbents against each other (Hoeffel & Borski), it also puts an incumbent Republican (Gekas) up against an incumbent Democrat (Holden).

Petitioners have failed to make out a case of actionable political gerrymandering. They cannot prove intent to discriminate against any political group. Indeed, the objective indicia show the contrary. Moreover, there are no effects that can be said to repress the ability of any voters to participate in the political process. The lack of cohesion of registered Democrat voters in Pennsylvania is simply a political fact for which there is no judicial remedy.

There are no state constitutional standards that override Act 1. In contrast to the standards set forth for use by the Commonwealth's legislative reapportionment commission for the General Assembly's redistricting, the Pennsylvania Constitution imposes no criteria for congressional redistricting. Moreover, neither the Pennsylvania Constitution nor the judiciary would be able to impose limits on the discretion of the General Assembly in congressional redistricting, because it is a function delegated exclusively to the state legislature by the United States Constitution. Accordingly, only federal constitutional standards can be applied.

Most of the evidence offered by Petitioners lacked a foundation. The provenance and accuracy of their data was not established. Moreover, in using the data, their expert witness on the political effects of redistricting failed to meet the most basic standards for opinion testimony,

by failing to give an explanation of methodology, evidence of scientific or professional acceptance of the methodology and substantiation of general acceptance of his conclusions. Petitioners' expert even admitted that he did not impartially select his own data, but considered only the data that provided by counsel, thus screening out many statewide political races that he could have considered. Petitioners' expert's conclusions lacked scientific certainty, being expressed in terms of "rough estimates," "leanings," possibilities and likelihoods.

Petitioners' other witnesses gave speculative testimony from a partisan perspective of the impact of Act 1 on communities and on the effectiveness of representation. Their testimony was self-serving, contradicted by their own admissions and merely a matter of opinion. In any event, no amount of political opinion on this topic, no matter how sage the pundits, must ever be given enough weight to overturn a duly enacted statute. Listening to political opinion is what legislatures must do, not judges. No chancellor must ever arrogate to him/herself the power to second-guess lawmakers on the configuration and balancing of communities of interest. The General Assembly is the only forum in which such issues ought to be considered. For the judiciary to succumb to Petitioners' temptation to adjudicate these issues, in the face of a duly-enacted statute, would be an intrusion into the function of the co-equal branch to whose discretion congressional redistricting has been committed.

ARGUMENT

I. THERE ARE NO STATE CONSTITUTIONAL CLAIMS TO BE DECIDED

The Supreme Court assumed jurisdiction over, and Commonwealth Court has been instructed to consider, only the alleged violations of the Pennsylvania Constitution raised by Petitioners. Because the General Assembly derives its authority over congressional redistricting directly and exclusively from the U.S. Constitution and because the provisions of the Pennsylvania Constitution either have no application to congressional redistricting or, if applicable, would be co-extensive with the protections of the U.S. Constitution, there are no independent state constitutional claims raised.

A. Federal Law Controls Congressional Redistricting

The U.S. Supreme Court held, in *Bush v. Palm Beach County Canvassing Board*, 531 U.S. 70 (2000), that the manner in which a state's presidential electors are to be selected is within the exclusive power of the state legislature under U.S. CONST. art. II, §1, cl. 2. That provision is an exclusive grant of authority to the state legislatures: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors ... ." U.S. CONST. art. II, §1, cl. 2. As the Court explained:

> [I]n the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the election of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, §1, cl. 2, of the United States Constitution.

531 U.S. at 76. *See also U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 805 (1995) (the federal constitution provides a role for the states in the federal electoral process only in select clauses "which are express delegations of power to the States to act with respect to federal elections").

In the subsequent case of *Bush v. Gore*, 531 U.S. 98, 103 (2000), the Court granted *certiorari* on the following questions: "whether the Florida Supreme Court established new standards for resolving Presidential election contests, thereby violating Art. II, §1, cl. 2 of the United States Constitution ... and whether the use of standardless manual recounts violates the Equal Protection and Due Process Clauses." The *per curiam* opinion invalidated the state court decision on the grounds that it required a remedy which violated equal protection. However, Chief Justice Rehnquist, joined in his concurring opinion by Justices Scalia and Thomas, explained why the federal principles governed:

> Of course, in ordinary cases, the distribution of powers among the branches of a State's government raises no questions of federal constitutional law, subject to the requirement that the government be republican in character. See U.S. Const., Art. IV, § 4. But there are a few exceptional cases in which the Constitution imposes a duty or confers a power on a particular branch of a State's government. This is one of them. Article II, § 1, cl. 2, provides that "each State shall appoint, in such Manner as the *Legislature* thereof may direct," electors for President and Vice President. . . . In McPherson v. Blacker, we explained that Art. II, § 1, cl. 2, 'conveys the broadest power of determination' and 'leaves it to the legislature

> exclusively to define the method' of appointment. A significant departure from the legislative scheme for appointing Presidential electors presents a federal constitutional question.

531 U.S. at 113-114 (internal citations omitted, emphasis original).

In a provision parallel to that applied in the *Bush* cases, the U.S. Constitution grants authority directly and exclusively to state legislatures to establish the time, place and manner for electing members of Congress. U.S. CONST. art. I, §4, cl.1 ("The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof"). Act 1 was enacted pursuant to the direct authority of this federal constitutional provision. Accordingly, as the *Bush* cases show, federal constitutional principles govern review of legislation enacted under the authority of U.S. CONST. art. I, §4, cl.1. Neither a state constitution nor a state judiciary can impose standards more stringent than, or at variance with, federal law, nor can state courts interpret state laws or state constitutions in any manner frustrating the federal delegation. Actions of a state legislature pursuant to U.S. CONST. art. I, §4, cl.1. are subject to federal constitutional requirements. It is for this reason that the "state constitutional claims" raised in the instant Petition have no independent viability but, at most, merge with the federal claims raised in Claims I-V.

B. The Pennsylvania Constitution Has No Application

The Pennsylvania Constitution does not (nor could it, as explained above) place any direct requirements or restrictions on the General Assembly's power to provide for the time, manner and place of electing Pennsylvania's representatives to the United States Congress. In fact, Pennsylvania does not even recognize partisan gerrymander, the primary focus of Petitioners' factual allegations. *See* Petition ¶¶26-30, 32-42.

In *Newbold v. Osser*, 425 Pa. 478, 489, 230 A.2d 54, 60 (1967), the Pennsylvania Supreme Court, addressing a claim that a redistricting plan adopted by the City Council of Philadelphia was an unconstitutional partisan gerrymander under the Pennsylvania Constitution, concluded:

> [T]here is no basis [in] our first *Butcher* opinion [415 Pa. 438, 203 A.2d 556 (1964)], nor is there any other basis in Pennsylvania's present Constitution or laws

> for the proposition that gerrymandering per se, as distinct from departure from explicit constitutional or statutory requirements of compactness or contiguity, may constitute the sole basis upon which a legislative plan of apportionment may be judicially invalidated.

While Pennsylvania courts have addressed partisan gerrymander claims, they have done so in connection with challenges based on the equal protection guarantee of the United States Constitution. *See e.g., In re 1991 Pennsylvania Legislative Reapportionment Commission*, 530 Pa. 335, 609 A.2d 132 (1992) (applying factors identified by the plurality in *Davis v. Bandemer*, 478 U.S. 109 (1986), to conclude that no appellant had established a prima facie case of political gerrymandering).

The situation is the same for Petitioners' claim that Act 1 violates the principle of one-person, one-vote. *See* Petition ¶¶23, 31. The Pennsylvania Constitution addresses equality of population only with respect to legislative districts. *See* PA. CONST. art. II, §16. When it was forced to put a congressional redistricting plan in place in 1992 after the General Assembly deadlocked, the Supreme Court applied federal case law in deciding compliance with the "one person, one vote" standard. *See Mellow*, 530 Pa. 44, 607 A.2d 204. The Supreme Court, in *Mellow,* even identified the standard for congressional redistricting as originating with the decision of the United States Supreme Court in *Wesberry v. Sanders*, 376 U.S. 1 (1964). *Id.* at 207.[6]

Moreover, to the extent that Petitioners argue that these claims are cognizable under the equal protection guarantee of the Pennsylvania Constitution (PA. CONST. art. I, §§1, 26), Pennsylvania courts analyze the equal protection provisions of the Pennsylvania Constitution "under the same standards used by the United States Supreme Court when reviewing equal protection claims under the Fourteenth Amendment to the United States Constitution." *Love v. Borough of Stroudsburg*, 528 Pa. 320, 325-26, 597 A2d 1137, 1139 (1991). Accordingly, the analysis of Petitioners' claims of partisan gerrymandering and violation of the one-person, one-

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[6] When drafting redistricting plans, "courts 'will be held to stricter standards ... than will a state legislature.'" *Wise v. Lipscomb,* 437 U.S. 535, 540 (1978) (quoting *Connor v. Finch,* 431 U.S. 407, 414 (1977)).

vote principle, if cognizable under the Pennsylvania Constitution, would be identical to the analysis of its claims of partisan gerrymandering and violation of the one-person, one-vote principle under the United States Constitution.

The guarantee of PA. CONST. art. I, §5 that "[e]lections shall be free and equal" applies only to elections for "offices of the Commonwealth." *Patterson v. Barlow*, 60 Pa. 54, 75 (1869) ("How shall elections be made equal? Clearly by laws which shall arrange all the qualified electors into suitable districts, and make their votes equally potent in the election; so that some shall not have more votes than others, and that all shall have an equal share in filling the offices of the Commonwealth."). The position of representative to the United States Congress is not an office of the Commonwealth. *See* U.S. CONST. art I, §2.

The guarantees to freedom of speech and freedom of assembly of PA. CONST. art. I, §7 and 20, have no application to the facial challenge to Act 1's constitutionality that is made here. Petitioners allege no provision of Act 1 that places a restraint on their rights to speech or assembly. Petitioners' alleged harm to these rights flows solely from the allegations that Democrat candidates will be less successful under Act 1 than Petitioners would like. *See* Argument Section V.D.

II. EVIDENTIARY ISSUES

Numerous evidentiary issues were raised at the hearing. Because of the Supreme Court's direction, Commonwealth Court stated at the outset that it would be "very liberal in allowing evidence in," and instructed counsel to "preserve your objections to the testimony." Tr. at 7. The Court explicitly reserved ruling on numerous of Presiding Officers' objections based on Speech or Debate. Commonwealth Court also admitted evidence to which Presiding Officers now renew their objections. The objectionable evidence and the status of Commonwealth Court's evidentiary rulings thereon are discussed below.

A. Standing Objection To Relevance

Commonwealth Court allowed Presiding Officers a standing objection to the relevance of all of Petitioners' evidence, in light of Presiding Officers' contention that only federal

constitutional issues had been raised, but were not before the court under the Supreme Court's order. *See* Tr. 6-8; 201. The merits of the contention are addressed in Argument Section I.

B. Exhibits

1. Alternative Plans

Petitioners offered three alternative plans, presented as maps (Exhibits 13, 17 & 55), which the Court admitted solely as maps. Tr. at 204. Presiding Officers renew their objection to the alternative plans, which should not have been admitted for any purpose. The alternative plans are irrelevant under Pa.R.E. 401 & 402 for four reasons. They are also inadmissible for lack of authentication.

First, the alternative plans are irrelevant because, if Act 1 is invalidated, the General Assembly must be given a reasonable opportunity to enact replacement legislation. *See* U.S. CONST. art. I, §4, cl. 1 (grant of authority to the state legislature to set the manner of congressional elections); *Mellow*, 530 Pa. 44, 607 A.2d 204 (noting that Commonwealth Court, after invalidating congressional reapportionment plan, gave General Assembly opportunity to enact new plan); *see also Newbold*, 425 Pa. at 484-85, 230 A.2d at 57-58 ("courts have uniformly approached the granting of relief in this area [i.e., reapportionment and redistricting] with the greatest caution and an effort to minimize judicial interference with legislative prerogatives. ... [U]nlike the court below, every court which has invalidated a legislative reapportionment plan has given the Legislature at least one opportunity to revise its plan"). Since the judiciary would only be involved in drawing a new plan if Act 1 is invalidated *and* the General Assembly fails to adopt new legislation, alternative plans are presently irrelevant.

Second, this Court has been instructed to consider only Petitioners' state constitutional claims. Alternative plans, to the extent such might be relevant to *federal* claims for partisan gerrymandering and violation of the principle of one-person, one-vote, are irrelevant to the claims presently before the court. Partisan gerrymandering is not a cognizable claim under the state constitution, *see Newbold*, 425 Pa. at 489, 230 A.2d at 60; nor is a claim for violation of one-person, one-vote with respect to congressional redistricting plans. Even if these claims are

deemed cognizable under PA. CONST. art. I, §§1 & 26 (because the state constitutional guarantee of equal protection is interpreted as coextensive with federal principles), they cannot be interpreted in a manner frustrating the delegation of authority under U.S. CONST. art. I, §4, cl.1. *See* Argument Section I. This makes the alternative plans presently irrelevant to the claims before the court.

Third, since this case concerns congressional as opposed to legislative reapportionment, the requirements of PA. CONST. art. II, §16 (requiring legislative districts to be contiguous, compact, etc.) are inapplicable. Moreover, while a court-drafted plan would ultimately be tested against "traditional redistricting criteria" which might include these requirements, *see Connor*, 431 U.S. 407, alternative plans are irrelevant now because the state judiciary will not draft a plan unless Act 1 is invalidated *and* the General Assembly fails to act,.

Fourth, the alternative plans presented by Petitioners were never before the General Assembly. Unlike where an alternative plan (discarded in favor of the chosen plan) can be compared, for example, for population deviations, *see Marylanders for Fair Representation v. Schaefer*, 849 F. Supp. 1022 (D. Md. 1994), evidence of alternative plans other than ones before the legislature would not allow the court to draw any inferences about the enacted plan.

The alternative plans are also inadmissible because they were not authenticated.[7] Pa.R.E. 901 requires that, before an item such as a drawing, chart, or map is admitted as an exhibit, it must be verified by testimony as accurate or shown to correctly summarize evidence of record. Pa.R.E. 901 Comment – 1998; *Commonwealth v. Rogers*, 615 A.2d 55 (Pa. Super. 1992). Petitioners failed to establish any foundation for any of the maps. The maps were not intended merely as visual aids but purport to contain and convey substantive, factual information regarding alternative redistricting plans. The witnesses testified, at most, that they had "reviewed" the maps, Tr. at 22-24 (Hoeffel on Exhibits 13, 17, & 55); Tr. at 105 (Mascara), but acknowledged that they did not prepare the maps and could not vouch for the maps' accuracy,

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[7] This objection was made at Tr. 199-210.

legal description (of which there were none), data from which they were prepared, or the number of "splits" they contained. *See, e.g.*, Tr. at 26-27, 33 (Hoeffel).[8]

There is no evidence in the record as to the data used to create the maps purporting to show alternative plans, who prepared them, how the proposed districts were drawn, the population in each district, the methodology for designing the proposed districts, or that the applicable legal standards for configuring congressional districts were considered. It is thus impossible to conclude that the maps fairly and accurately represent underlying actual data. Presiding Officers do not object to the Court taking judicial notice of the redistricting map required by Section 5 of Act 1, *see* Tr. at 200-2-1 but asks that the maps showing alternative plans be stricken.

2. Data Provided to Dr. Lublin

Petitioners' Exhibit 56, which purports to be data "provided from the House Democratic demographic office to Professor Lublin," Tr. at 205 (Petitioners' counsel, Mr. Smith), is inadmissible for lack of foundation, authentication, and relevance.[9] Although admitted by the Court as data used by Dr. Lublin to perform his statistical manipulations, the actual data in Exhibit 56 should not be considered.

Under Pa.R.E. 901, "[t]he requirement of authentication of identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." Two requirements must be satisfied for admissibility: the document must be authenticated and it must be relevant; a proponent, in other words, must show that the document is what it purports to be and relates to an issue in the truth-determining process. *Stotz v. Shields*, 696 A.2d 806 (Pa. Super. 1997).

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[8] Even where Congressman Hoeffel might have been able to authenticate a map (i.e., a map of his district prior to enactment of Act 1), Petitioner failed to ask the few questions necessary establish a proper foundation for authenticity, but merely told the witness what the map depicted and sought the witness's agreement. Tr. at 9 (Hoeffel).

[9] Counsel for Presiding Officers raised these objections at Tr. 201-202, 205.

Petitioners' counsel moved Exhibit 56 into evidence not only as the basis for Professor Lublin's testimony but also to show the "population data for alternative one and alternative two." Tr. at 205 (Petitioners' counsel). Professor Lublin testified that he was provided data by Petitioners' Counsel's office on the outcomes of 19 statewide offices, which he believed included all federal statewide elections and all statewide executive office elections. Tr. at 54 (Lublin). Professor Lublin also testified that it was his belief that the Pennsylvania House Democrats provided the data and that Exhibit 56 was a printout of the data he used to arrive at his conclusions. Tr. at 55, 80 (Lublin). Professor Lublin did not prepare or compile the data, and could not possibly verify its accuracy. No other evidence shows that the documents in Exhibit 56 actually were the data summaries identified by Petitioners' counsel, or that the data were accurate. In short, Petitioners offered no foundation or authentication for Exhibit 56, and it should not be considered for any purpose.

C. Expert Testimony

The expert testimony presented by Petitioners is inadmissible under Pa.R.E. 702 because it does not meet the *Frye* standard for admissibility of scientific, technical, or other specialized evidence, which standard requires general acceptance of the methodology by the relevant scientific community.

Pa.R.E. 702 provides:

> If scientific, technical or other specialized knowledge beyond that possessed by a layperson will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise.

This rule is applied in conjunction with the standard for expert testimony developed in *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923).[10] *See Blum v. Merrell Dow Pharmaceuticals, Inc.*,

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[10] *Frye*, 293 F. at 1014:

> Just when a scientific principle or discovery crosses the line between the experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from a well-recognized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs.

564 Pa. 3, 764 A.2d 1 (2000); *Commonwealth v. Crews*, 536 Pa. 508, 640 A.2d 395 (1994). The standard for admissibility of scientific evidence applies equally to other expert testimony based on technical and other specialized knowledge. Pa.R.E. 702 establishes a standard of evidentiary reliability requiring a valid connection to the pertinent inquiry before it is admissible. Where the expert testimony's factual basis, data, principles, methods, or their application are called into question, the trial judge must determine whether the testimony has a reliable basis in the knowledge and experience of the relevant discipline. *See Grady v. Frito-Lay, Inc.*, 2001 Pa. Super. LEXIS 3537 (Dec. 31, 2001).

Because of the danger that a fact-finder will ascribe a degree of certainty to the testimony of an expert, the Frye test requires general acceptance of reliability in the scientific community as the standard for admitting expert scientific testimony.[11] The current standard for admissibility under Frye is set forth in *Blum*, 705 A.2d 1314. There are " two ways to analyze the question of whether causation testimony proffered ... meets the *Frye/Topa* standard. One focuses on whether the causal relationship is generally accepted by the scientific community, and the other whether the methodology is generally accepted by the scientific community."[12] *Id.* at 1322. *See also Thomas v. West Bend Co.*, 760 A.2d 1174 (Pa. Super. 2000), *appeal denied* 781 A.2d 147 (Pa. 2001) (substance of expert's opinion was not generally accepted in the relevant medical community regardless of whether the expert exercised sound methodology in reaching his opinion.); *Wack v. Farmland Industries, Inc.*, 744 A.2d 265, 271 (Pa. Super. 1999), *appeal denied* 565 Pa. 649, 771 A.2d 1287 (2001) (Studies cited in expert testimony do not support a

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[11] The Pennsylvania Supreme Court adopted the *Frye* test in *Commonwealth v. Topa*, 471 Pa. 223, 369 A.2d 1277 (1977) (spectrograms had not yet become generally accepted by scientists in that field, and opinion evidence of the defendant's voiceprints was therefore inadmissible).

[12] Pennsylvania courts have not yet decided whether the rationale in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) supersedes or modifies the *Frye* test in Pennsylvania. Pa.R.E. 702, Comment – 1998; *Crews*, 536 Pa. at 518 n.2, 640 A.2d at 400 n.2. The Pennsylvania Supreme Court recently declined to decide whether it should follow the lead of the federal courts in moving from the *Frye* to the *Daubert* standard. *See Blum*, 564 Pa. 3, 8, 764 A.2d 1, 4 (after finding expert testimony unreliable under either standard, court concluded it would be "jurisprudentially unsound, therefore, to utilize this case as a vehicle to evaluate the wisdom of such a change.").

causal link between exposure to benzene/petroleum by-products and the type of cancer suffered by the deceased, nor do they demonstrate such link is generally accepted in the scientific community.). Moreover, the scientific principles upon which an expert's opinion relies cannot be based solely upon the views of a small segment of the relevant scientific community. *McKenzie v. Westinghouse Electric Corp.*, 674 A.2d 1167 (Pa. Cmwlth. 1996), *appeal denied*, 547 Pa. 733, 689 A.2d 237 (1997).

1. Professor Lublin

a. Methodology

Whether an expert's methodology is generally accepted in the field cannot be established by the expert's own testimony. *Blum*, 705 A.2d at 1321; *McKenzie*, 674 A.2d at 1171 ("In order for expert testimony to be admissible, the party seeking to offer that testimony must provide an adequate foundation for doing so. A party does not lay an adequate foundation for expert testimony simply by presenting the testimony of its witness that he or she believes a particular proposition to be true based upon his or her own personal views and observations.").[13]

Commonwealth Court reserved its decision to admit Professor Lublin's testimony "until [Respondents] can show that his testimony was so far outside the norm, that it is just generally not accepted." Tr. at 82 (Court). As application of the standard articulated in *Blum* and *McKenzie* shows, Professor Lublin's expert testimony should be stricken because the evidence does not support a finding that his methodologies are generally accepted in the relevant scientific field. It would be error for the burden of proving a negative to be imposed on Respondents.

Professor Lublin's conclusions, in any event, are so qualified and imprecise that they lack any probative value for any purpose. In response to the question whether his method for

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[13] *Compare Commonwealth v. Middleton*, 550 A.2d 561 (Pa. Super. 1988) (in case involving use electrophoresis tests on dried blood stains rather than fresh blood samples, court held that when an uncontroverted opinion of a expert witness is based not only on his personal views or those of a small segment of the scientific community, but rather is to the effect that the scientific procedures has gained general acceptance in the scientific community as a whole due to its reliability, as evidenced by published scientific studies, then the testimony of a single expert is not deficient merely because numerous experts were not called to testify.).

determining how districts "lean" is "standard methodology in his field," Professor Lublin testified that "it is considered a *good rough estimate*." Tr. at 56-57 (Lublin) (emphasis added). Asked whether empirical literature exists regarding whether an incumbent's advantage is affected by the number of constituents retained following redistricting, Professor Lublin responded that there is empirical literature suggesting that "in general it's better to keep more of your old constituents than to get new constituents." Tr. at 75 (Lublin). Moreover, since Professor Lublin did not disclose his methodology for calculating the "lean" factor, it is impossible to replicate any of Professor' Lublin's results. Given the absence of methodological discussion in his testimony on likely political outcomes, it falls far short of competent evidence.

In contrast, on another issue, Professor Lublin fleshed out his testimony. He testified that two numerical methods for calculating compactness, the perimeter (Polsby-Popper) method and the dispersion (Reock) measure, are generally accepted in his field and widely used by experts in redistricting cases. Tr. at 78 (Lublin). Finally, Professor Lublin testified that there is empirical literature on compactness of legislative districts. Tr. at 76 (Lublin). Respondents do not object to Professor's Lublin's mathematical measurements for compactness, except on the basis that such is irrelevant. The sum of his testimony on compactness is that he has mathematically measured the extent to which congressional districts deviate from the shape of a circle. There is no conclusion to be drawn beyond that.

The remainder of his testimony was inadmissible because the record contains insufficient evidence to demonstrate that Professor Lublin's methodologies are generally accepted in the scientific field of voting rights, redistricting and the statistical study of congressional elections and redistricting plans. No other witness testified as to the general acceptance of Professor Lublin's methodologies for calculating partisan effects of redistricting and the effect on incumbents and Petitioners introduced no published works and elicited no testimony to bolster the reliability of Professor Lublin's testimony, except through vague references to "empirical literature." Because Professor Lublin's methodology is not reliable, his testimony on political impact was not admissible and should be stricken.

b. Causation

Because Professor Lublin's methodology is not shown to be reliable, conclusions derived from that methodology cannot be considered generally accepted in the relevant scientific community. Moreover, when proof of causation is required, an expert must testify with reasonable certainty that, in his professional opinion, the result followed from the cause alleged. An expert fails to meet this standard of certainty by testifying that alleged cause "possibly" or "could have" led to the result, that it "could very properly account for" the result, or even that it was "very highly probable" that it caused the result. *Childers v. Power Line Equipment Rentals*, 681 A.2d 201, 209 (Pa. Super. 1996), *appeal denied* 547 Pa. 735, 690 A.2d 236 (1997) (citations omitted). While an expert's opinion "need not be based on an absolute certainty, an opinion based on mere possibilities is not competent evidence." *Id.* at 210. *See also Palmeri v. Pennsylvania State Police*, 474 A.2d 1223, 1225 (Pa. Cmwlth. 1984), *aff'd*, 508 Pa. 544, 499 A.2d 278 (1985); *Al Hamilton Contracting v. Dept. of Env. Res.*, 659 A.2d 31, 37 (Pa. Cmwlth. 1995). Adoption of Pa.R.E. 702 did not change the requirement that an expert's opinion must be expressed with reasonable certainty. Pa.R.E. 702, Comment – 1998.

Professor Lublin's opinion regarding the effect of the newly exacted redistricting plan or potential impact of several alternative redistricting plans does not meet the requisite "reasonable certainty" standard, and accordingly, his conclusions are inadmissible. Professor Lublin testified that Act 1 "seems likely" to elect a certain number of democrats and republicans, Tr. at 53 (Lublin); that the two alternative plans "seem likely" to preserve the existing one republican seat edge, *id.*; that incumbents placed into districts that "leaned to their party" would be reelected, Tr. at 56 (Lublin); his methodology for determining how districts "lean" is "considered a good rough estimate," Tr. at 56-57 (Lublin); that Act 1 contains the highest percentage of districts that "lean to" the republicans, Tr. at 58 (Lublin); that it "may be helpful" to dump constituents of the opposite party in favor of affiliated constituents in redistricting, Tr. at 75 (Lublin); and similar conclusions at to future election results based on how he believes a district will "lean." No expert can predict with any degree of certainty the results of future elections in light of the many

variables affecting a voter's decision, and Professor Lublin has failed to demonstrate with any reasonable certainty that redistricting under Act 1 will cause democrats to lose in future elections or to lose political power.

c. Factual basis for expert testimony

Although under Pa.R.E. 703, the facts and data relied upon by an expert in reaching his opinion need not themselves be admissible, they must be of a type reasonably relied upon by experts in the particular field in forming opinions on the subject.[14] *See Commonwealth v. Thomas*, 444 Pa. 436, 282 A.2d 693 (1971). For an expert's testimony to be competent, it must be based on evidence of record or reasonable inferences drawn therefrom, and cannot be based on mere conjecture or assumption. *Mauger and Co. v. Workmen's Comp. App. Bd. (Waltz)*, 598 A.2d 1035, 1038 (Pa. Cmwlth. 1991). As discussed in Argument Section II.B.2, because the data upon which Professor Lublin relied lack the basic indicia of reliability, the Court cannot presume that the data provided to Professor Lublin (Exhibit 56) accurately reflects the voting performance of voters of the two major political parties. Moreover, he admitted to major gaps in his data, acknowledging his ignorance that there were 7 statewide election races last year in Pennsylvania. While admitting that more data would always be better, Professor Lublin admitted that he used only the data his lawyers gave him. Tr. at 54 (Lublin). Professor Lublin's testimony is inadmissible.

2. Larry Ceisler

Petitioners' other "expert" was Mr. Ceisler, a paid partisan consultant and political media pundit. While some federal courts have permitted political consultants to provide expert testimony,[15] no Pennsylvania court appears to have qualified such an individual to testify as an

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[14] Whether evidence is reasonably relied upon by expert is a preliminary question for determination by the trial court under Pa.R.E. 104. Pa.R.E. 703, Comment – 1998.

[15] An independent consultant in political redistricting, economic modeling & statistical analysis testified as an expert in a case where group of African-American citizens claimed that the town's at-large election system violated the Voting Rights Act and their federal constitutional rights. *Reed v. Babylon*, 914 F. Supp. 843 (E.D. N.Y. 1996). Both plaintiff's expert and defendant's expert (a professor of political science) relied on the statistical methodologies of ecological regression analysis and extreme case analysis. In *Perez v. Pasadena Independent School District*, 958 F. Supp. 1196 (S.D. Tex. 1997), *aff'd*

expert in redistricting cases. Mr. Ceisler's testimony is not relevant to the claim before the court and is not admissible even if deemed lay testimony.[16]

Mr. Ceisler's testimony is inadmissible under Pa.R.E. 702 because it does not meet the *Frye* standard for admissibility of scientific, technical, or other specialized evidence, which requires general acceptance of the methodology by the relevant scientific community. *See* Argument Section II.C (setting forth *Frye* standard). Petitioners sought to qualify him as an expert in Pennsylvania politics and Congressional elections, Tr. at 157-160, but presented no evidence that he had *any* methodology for assessing Pennsylvania politics and elections, let alone a methodology generally accepted in political science or other relevant field. As noted above, whether an expert's methodology is generally accepted in the field cannot be established by the expert's own testimony. *Blum*, 705 A.2d at 1321; *McKenzie*, 674 A.2d at 1171.[17] Mr. Ceisler's opinions are no more helpful to resolving the issues before the court as any other informed Pennsylvanian. Because Mr. Ceisler did not offer "specialized knowledge" beyond that possessed by a layperson, he should not have been qualified as an expert and his testimony should be stricken.

Even if qualified as an expert, Mr. Ceisler's opinions should nonetheless be stricken from the record due to the lack of any identifiable methodology on which he based his conclusions. Mr. Ceisler testified that he reviewed data on the performance of certain districts in statewide elections in forming his opinions about who will win in those districts and that his conclusions

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165 F.3d 368 (5th Cir. 1999), plaintiffs alleging vote dilution of Hispanics in a school district offered as an expert the testimony of a political consultant familiar with the district's demographics, who had worked on redistricting plans for municipal elections in the local area. He was accepted only a fact witness regarding local elections. In *Vera v. Bush*, 933 F. Supp. 1341, 1350 n.13 (S.D. Tex. 1996), the court accepted the affidavit of a political consultant as expert testimony in a case of racial gerrymandering, but the reported case is devoid of analysis of the standard used by the court to qualify him as an expert.

[16] Counsel for Presiding Officers raised these objections at Tr. 161-162.

[17] Commonwealth Court questioned the utility of Mr. Ceisler's testimony, noting that he would testify to the same conclusions as Professor Lublin "but not based on statistical analysis," Tr. at 161, but, noting an absence of guiding Pennsylvania law, permitted the testimony. Tr. at 162 (Court).

were consistent with that data. Tr. at 169 (Ceisler). Yet, he provided no testimony regarding the data or the method of analysis itself. His opinions were therefore inadmissible.

Should the Court treat Mr. Ceisler as a fact witness rather than an expert, his testimony is still irrelevant and inadmissible on the basis of Pa.R.E. 401& 402. Mr. Ceisler's opinions as to the potential impact of the new district configurations, impressions of voting patterns within the Commonwealth, and political motives he perceives behind the new plan are neither reliable or relevant. He provided no testimony bearing on any material issue related to Petitioners' claims,[18] and thus his testimony should be ignored. Mr. Ceisler, moreover, exhibited ignorance in many areas that would have been encompassed by his conclusions, including the very identity of many of the communities about which he was opining. Tr. at 193-195 (Ceisler).

D. Lay Testimony

Much of the remaining lay testimony elicited by Petitioners (from Congressmen Hoeffel & Mascara, Representative DeWeese and Ceisler (whatever his ultimate designation as a witness)) should be stricken from the record or considered improper for the purpose it was proffered because to permit it runs counter to the Pennsylvania Speech or Debate Clause and the prohibition against inquiry into the motives of the legislature as a basis for invalidating a duly-enacted statute.

1. Speech or Debate

"[F]or any speech or debate in either House [members of the General Assembly] shall not be questioned in any other place." PA. CONST. art. II §15. *See also* U.S. CONST. art. I, §6 (federal counterpart); *Tenney v. Brandhove*, 341 U.S. 367 (1951) (extending common law legislative privilege to state legislators). The privilege "preserve[s] the constitutional structure of separate, coequal, and independent branches of government," *United States v. Helstoski*, 442 U.S. 477, 491 (1979), and "insures that legislators are free to represent the interests of their constituents without fear [ ] they will be later called to task in the courts for that representation.'" *Consumer*

[18] This objection was made at Tr. at 176.

Party of Pennsylvania v. Commonwealth, 510 Pa. 158, 173, 507 A.2d 323, 330-31 (1986) (quoting *Powell v. McCormack*, 395 U.S. 486, 503 (1944)); *Uniontown Newspapers, Inc. v. Roberts*, 777 A.2d 1225 (Pa. Cmwlth. 2001). As the Pennsylvania Supreme Court has acknowledged, "nothing is more basic to the independence and integrity of the legislature than its ability to pass legislation." *Consumer Party*, 510 Pa. at 173, 507 A.2d 330.

The privilege operates to protect information regarding what did or did not take place within the legitimate legislative sphere. *See Sweeney v. Tucker*, 473 Pa. 493, 505, 375 A.2d 698, 704 (1977) (Speech or Debate Clause "prohibits inquiry into those things generally said or done in the House or Senate in the performance of official duties"); *see also Uniontown Newspapers*, 777 A.2d at 1233 ("'sphere of legislative activity' extends much farther than merely the drafting and debating of laws"). The privilege applies not only to legislators but also to their staff and anyone involved in activity that is appropriately deemed "legislative" in nature, including employees and paid consultants privy to the process. *See Gravel v. United States*, 408 U.S. 606 (1972) (explaining why privilege extends to staff); *Lincoln Party v. General Assembly*, 682 A.2d 1326 (Pa. Cmwlth. 1996) (noting that privilege applies to staff); *see also Marylanders for Fair Representation, Inc. v. Schaefer*, 144 F.R.D. 292 (D. Md. 1992) (common law legislative privilege applies to staff members, officers and other employees of the body because the immunity attaches by virtue of function, not title); *Campaign for Fiscal Equity v. New York*, 687 N.Y.S.2d 227 (N.Y. Sup. Ct.), *aff'd*, 697 N.Y.S.2d 40 (N.Y. App. Div. 1999) (issuing protective order to bar deposition of former Department of Education employee who communicated with legislators re: computer models for educational funding).

Courts in redistricting cases have routinely applied the legislative privilege to prevent inquiry (whether by deposition, subpoena *duces tecum* or trial testimony) into the process of enacting state and congressional redistricting plans. *See e.g., Deem v. Manchin*, No. 3:01cv75 (N.D. W.Va. Mem. Op. Dec. 21, 2001) (referencing earlier decision to prohibit deposition of senators about motives behind redistricting plan); *Simpson v. City of Hampton*, 166 F.R.D. 16 (E.D. Va. 1996) (denying motion to compel discovery of personal notes & files of city council in

racial vote dilution case); *Marylanders for Fair Representation*, 144 F.R.D. 292 (prohibiting deposition of advisory committee members & legislators on how plan was developed & why alternative plans rejected); *In re Rick Perry*, 2001 Tex. LEXIS 96 (Oct. 17, 2001) (prohibiting deposition of reapportionment board members & staff regarding calculations performed in developing plan); *Montgomery County v. Schooley*, 627 A.2d 69 (Md. App. 1993) (reversing trial court's permission to depose councilman on motives behind the plan); *Holmes v. Farmer*, 475 A.2d 976 (R.I. 1984) (affirming trial judge's refusal to permit legislators & their aides to testify at hearing on motives behind the plan); *see also Hispanic Coalition on Reapportionment v. Legislative Reapportionment Commission*, 536 F. Supp. 578, 582 n.2 (E.D. Pa.), *aff'd* 459 U.S. 801 (1982) (granting motion for protective order against deposition inquiring into motives behind legislative reapportionment plan).

Presiding Officers can assert the privilege against any person wishing to testify voluntarily about legislative activities because the privilege belongs to the General Assembly and cannot be waived. In its testimonial and evidentiary forms, the privilege shields legislators from "the burden of defending themselves" when "engaged 'in the sphere of legitimate legislative activity.'" *Dombrowski v. Eastland*, 387 U.S. 82, 85 (1967) (quoting *Tenney*). Formulating, debating and enacting law is quintessential legislative activity. *Consumer Party*, 510 Pa. at 173, 507 A.2d at 330 ("nothing is more basic to the independence and integrity of the legislature than its ability to pass legislation"); *Uniontown Newspapers*, 777 A.2d at 1233 (drafting and debating bills protected).

In *Helstoski*, the U.S. Supreme Court strongly intimated that the legislative privilege cannot be waived. *See* 442 U.S. at 492 (Congressman's words and conduct were not explicit and unequivocal waiver ..."*assuming such a waiver can ever be made*") (emphasis added). To permit waiver by an individual legislator or person involved in the legislative process is inconsistent with the institutional purposes served by the privilege:

> The privilege protects the institution of the Legislature itself from attack [as well as] the individual legislators personally. ... *To allow the privilege to be waived would be inconsistent with these purposes*. The privilege is *institutional* in its

> protection of the Legislature, ensuring the separation of powers among the coequal branches of government. [Allowing] an individual legislator to waive the institution's privilege *would be to allow one to act on behalf of the whole in waiving the protection of a significant bulwark of our constitutionally mandated system of government.*

Holmes, 475 A.2d at 985 (emphasis added) (refusing waiver in challenge to redistricting plan); *see also U.S. Football League v. NFL*, 842 F.2d 1335, 1375 (2d Cir. 1988) (purposes of Speech or Debate protection would be "'ill-served' if such waivers were permitted"); *Consumer Party*, 510 Pa. at 172, 507 A.2d at 330 (privilege to be interpreted broadly to effectuate its purpose).

Where legislation is challenged on constitutional grounds, and "the legislative process itself or [ ] the end product of that process," is under attack, "waiver by one legislator of his privilege may, in effect, dictate the waiver by other legislators of their privilege. One willing member could thus cripple the privilege of other members and be the instrument for dismantling the separation of powers pillar upon which the privilege is, in part, based." *Montgomery County*, 627 A.2d at 120-121 (refusing waiver in challenge to redistricting plan).

Legislative privilege is institutional when raised in the context of a constitutional challenge to legislation. *See United States v. Craig*, 528 F.2d 773, 780-81 & n.2 (7th Cir. 1976) (privilege provides "an institutional immunity for the legislature itself"); *see also In re Grand Jury Investigation*, 587 F.2d 589, 593 (3d Cir. 1978) (privilege is of "great institutional importance to the House as a whole, [and] it is also personal to each member"). Legislators seeking to preserve the privilege on the institution's behalf must be permitted to assert it against those who would subvert its protections, perhaps for personal or political gain. *See Mongomery County*, 627 A.2d at 122 (county could raise privilege against councilman to prevent testimony about redistricting process). Otherwise, a privilege which serves as a bulwark of separation of powers could be consistently lost for reasons conflicting with the interests of the institution. Presiding Officers must be allowed to assert the privilege against testimony that implicates legitimate legislative activity.

At the hearing, the Court raised the question of whether the privilege would apply to testimony about the *absence* of debate or discussion within the General Assembly. As shown

above, the privilege covers the entire legislative process, not just words that are actually spoken aloud. To permit a legislator to testify that his political opponents would not hear his views forces those opponents to consider waiving the privilege to testify about what opportunities were offered or not and why. Again, it would lead to a repeat battle in court of the political battle in the General Assembly. In this case, though, it is a matter of public record that 42 members of the minority party voted for Act 1. The public record, therefore, suggests that, regardless of the "input" they had, that a large, bi-partisan majority of the House was satisfied with the bill. The Court may not look behind that vote.

For the reasons given above, the following testimony must be stricken from the record as violative of the Speech or Debate Clause: Tr. at 141, lines 12-14 (DeWeese); Tr. at 143, line 9 (DeWeese); Tr. at 144, lines 19-24 (DeWeese); Tr. at 145, lines 5-11 & 23 (DeWeese); Tr. at 184, lines 10-16 (Ceisler).

2. Motive

Three legal principles, rooted in long-standing judicial precedent, limit inquiry into the legislative intent behind Act 1: 1) the prohibition on inquiring into the motive of the General Assembly; 2) Speech or Debate Clause protection; and 3) the irrelevancy of an individual legislator's testimony regarding the body's intent. These principles require that the testimony elicited by Petitioners purporting to explain the "motive or design" behind Act be stricken.

In Pennsylvania, there is a strong prohibition against inquiring into the "intent of the General Assembly. As explained in *Commonwealth ex rel. Elkin v. Moir*:

> The rule of law on this subject appears to be that, except where the constitution has imposed limits upon the legislative power, it must be considered as practically absolute ... . The judiciary can only arrest the execution of a statute when it conflicts with the constitution. ... It is no part of our business to discuss the wisdom of th[e] legislation. ... Nor are the motives of the legislators, real or supposed, in passing the act, open to judicial inquiry or consideration. The legislature is the lawmaking department of the government, and its acts in that capacity are entitled to respect and obedience until clearly shown to be in violation of the only superior power, the constitution.
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> . . . .
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> *We cannot try the constitutionality of a legislative act by the motives and designs of the lawmakers*, however plainly expressed. If the act itself is within the scope

> of their authority it must stand, and we are bound to make it stand if it will upon any intendment. It is its effect not its purpose which must determine its validity.

199 Pa. 534, 543, 49 A.2d 351, 352-53 (1901). *See also The Sunbury and Erie R.R. Co. v. Cooper*, 33 Pa. 278, 286 (1859) ("Acts that are not forbidden by the constitution, in form or in substance, cannot be constitutionally condemned because of the motives that induce them"); *Kilgore v. Magee*, 85 Pa. 401, 411 (1877) ("The motives of those who passed the law are not involved").

In *Commonwealth v. Green*, 58 Pa. 226, 233 (1868), the Pennsylvania Supreme Court applied this principle in a redistricting setting: "We cannot pronounce an Act of Assembly to be void even though an unworthy partisan purpose may be apparent ... . If by what is termed gerrymandering, either of congressional, legislative, or judicial districts, the fair will of a local majority is overridden by voters outside, the remedy is in the hands of the people." *See also Oughton v. Black*, 212 Pa. 1, 8, 61 A. 346, 349 (1905) (noting, in rejecting challenge that statute violated state constitutional guarantee to free & equal elections, that "[c]ourts cannot hold [statutes] unconstitutional because, in their judgment, they are harsh or unwise, or have their origin in partisan purpose. Constitutional laws often have their origins in such purposes ... . Courts have nothing to do with the motives of legislators, nor the reasons they may have for passing the law").

The Speech or Debate Clause also operates to provide protection against inquiry into the motive or intent of the General Assembly. *See Sweeney*, 473 Pa. at 505, 375 A.2d at 704 (Speech or Debate Clause "prohibits inquiry into those things generally said or done in the House or Senate in the performance of official duties *and into the motivation for those acts*") (emphasis added); *see also Tenney*, 341 U.S. at 377 ("[t]he claim of an unworthy purpose does not destroy the privilege"). As explained above, the legislative privilege prevents any inquiry into activities occurring within the "legitimate legislative sphere." How and why legislators or the body itself voted on a particular bill is quintessentially activity occurring within the legislative sphere. *See Kilbourn v. Thompson*, 103 U.S. 168 (1881) (voting protected activity under federal Speech or Debate Clause); *Jubelirer v. Singel*, 638 A.2d 352 (Pa. Cmwlth. 1994) (voting protected activity

under state Speech or Debate Clause). Numerous courts, in redistricting challenges, have prevented inquiry into motive on this basis. *See e.g., Deem*, No. 3:01 cv 75 (Mem. Op.) (referring to earlier decision to prohibit deposition of senators about motives behind plan); *In re Rick Perry*, 2001 Tex. LEXIS 96 (prohibiting deposition of reapportionment board members & staff regarding calculations underlying plan); *Holmes*, 475 A.2d 976 (affirming refusal to force legislators & their aides to testify at hearing on motives behind plan).

It is also generally recognized that the testimony of an individual legislator as to the intent of a legislative body as a whole is simply irrelevant. *See City of Philadelphia v. Depuy*, 431 Pa. 276, 279, 244 A.2d 741, 743 (1968) (in passing constitutionality of act, testimony of former state senator as to his recollections of events surrounding the passage was "irrelevant and improper").[19] The basis for this principle was cogently explained by the U.S. Supreme Court in *United States v. O'Brien*, 391 U.S. 367, 384 (1968):

> It is now a familiar principle of constitutional law that this Court will not strike down an otherwise constitutional statue on the basis of an alleged illicit legislative motive. . . . Inquiries into congressional motives or purposes are a hazardous matter. When the issue is simply the interpretation of legislation, the Court will look to statements by legislators for guidance as to the purpose of the legislature, because the benefit to sound decision-making in this circumstance is thought sufficient to risk the possibility of misreading Congress' purpose. It is entirely a different matter when we are asked to void a statute that is, under well-settled criteria, constitutional on its face, on the basis of what fewer than a handful of Congressmen said about it. *What motivates one legislator to make a speech about a statute is not necessarily what motivates scores of others to enact it, and the stakes are sufficiently high for us to eschew guesswork.* We decline to void essentially on the ground that it is unwise legislation which Congress has the undoubted power to enact and which could be reenacted in its exact form if the same or another legislator made a 'wiser' speech about it.

391 U.S. 367, 383-84 (1968) (emphasis added). *See also Fletcher v. Peck*, 6 Cranch 87, 130-131 (1810); *Palmer v. Thompson*, 403 U.S. 217, 225 (1971) (citing *Fletcher* & *O'Brien* and explaining, "it is extremely difficult for a court to ascertain the motivation, or collection of different motivations, that lie behind a legislative enactment; ... there is an element of futility in a judicial attempt to invalidate a law because of the bad motives of its supporters. If the law is

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[19] This testimony is offered to prove Act 1 unconstitutional. This is not a statutory construction case, where the court is freer to examine all sources shedding light on legislative intent.

struck down for this reason, rather than because of its facial content or effect, it would presumably be valid as soon as the legislature or relevant governing body repassed it for different reasons").

While the U.S. Supreme Court has mandated that "intentional discrimination" as well as "actual discriminatory effects" must be established in a partisan gerrymandering claim under the Fourteenth Amendment, *Davis v. Bandemer*, 478 U.S. 109, 127 (1986), virtually all evidence of intent is "indirect." Sources of "direct" evidence are limited by long-standing principles protecting the independence and integrity of the legislature. *See Village of Arlington Heights v. Metropolitan Hous. Dev. Corp.*, 429 U.S. 252, 266 & 268 n.18 (1977) (counseling sensitive inquiry into "such circumstantial and direct evidence of intent *as may be available*" and acknowledging the prohibition against "judicial inquiries into legislative [ ] motivation"); *Miller v. Johnson*, 515 U.S. 900, 916 (1995) (cautioning lower courts against "judicial intervention into the legislative realm" in gerrymandering cases); *In re Perry*, 2001 Tex. LEXIS 96 *14 (refusing, in challenge to redistricting plan, to allow inquiry into intent under *Arlington Heights* absent extraordinary circumstance justifying the "unprecedented excursion into legislative immunity").

Should the Commonwealth Court and ultimately the Supreme Court look to *Bandemer* for guidance in addressing a partisan gerrymandering claim under the state constitution, inquiry into the motive and intent of the General Assembly in passing Act 1 should still be scrupulously avoided. Instead, the Courts may, consistent with *Bandemer*, attempt to infer discriminatory intent from objective indicia. *See e.g., Badham v. Eu*, 694 F. Supp. 664, 670 (N.D. Cal. 1988) (focusing solely on effects), *aff'd*, 488 U.S. 1024 (1989); *Pope v. Blue*, 809 F. Supp. 392, 396 (W.D. N.C.), *aff'd* 506 U.S. 801 (1992) (same). Petitioners, however, did not present objective indicia to support an inference that the General Assembly intended to discriminate against Petitioners or Democrats. On the contrary, the record shows that the new congressional districts are well balanced in terms of which party has a majority of registered voters in each. Alternatively, because the stringent *Bandemer* inquiry into discriminatory effects reveals that

Petitioners have failed to meet their burden, inquiry into motive and intent can be completely avoided.

For all of the foregoing reasons, the following testimony, offered to show the intent or motive of the General Assembly, is incompetent for that purpose: Tr. at 21, lines 13-18 (Hoeffel); Tr. at 107, lines 3-16 (Mascara); Tr. at 143, line 9 (DeWeese); Tr. at 146, lines 4-16, 18-19 (DeWeese); Tr. at 184, lines 10-16 (Ceisler). It must be ignored.

III. ABSENCE OF CASE OR CONTROVERSY

A party, in order to maintain a suit, must have actual or legal existence. *Philadelphia Facilities Management. Corp. v. Biester*, 431 A.2d 1123 (Pa. Cmwlth. 1981). For a court to grant declaratory relief, it must have before it parties with antagonistic claims. *See Gulnac by Gulnac v. South Butler Co. Sch. Dist.*, 526 A.2d 483, 587 A.2d 699 (1991); *Smith v. County of York*, 388 A.2d 1149 (Pa. Cmwlth. 1978) (same). In the absence of such, the court risks issuing an advisory opinion. *Gulnac by Gulnac*, 526 A.2d at 487, 587 A.2d at 701. The court cannot decide a constitutional issue in a vacuum where it will have no effect on the parties. *Id.*

Petitioners introduced no evidence at the hearing of the existence of the two named Petitioners - JoAnn Erfer and Jeffrey Albert. At the hearing, the parties were beyond the preliminary objection stage where Petitioners could rely on the truth of the allegations in the Petition, including their averments about the named Petitioners. Relief cannot be granted where there is no proof of existence of the named Petitioners and no proof that they actually possess any interest or claim adverse to Respondents. Any decision in this case would be advisory.

IV. PETITIONERS LACK STANDING

A. Standard

To obtain judicial resolution of a dispute, a petitioner must first satisfy the threshold requirement of standing. *Sierra Club v. Hartman*, 529 Pa. 454, 605 A.2d 309 (1992). To have standing, a petitioner must have a substantial, direct and immediate interest in the controversy. *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 192, 346 A.2d 269, 280-81 (1975); *Sierra Club*, 529 Pa. at 456, 605 A.2d at 310. "Rooted in this precept is the notion

that for a party to maintain a challenge to an official order or action his rights must have been invaded or infringed." *Sierra Club,* 529 Pa. at 456, 604 A.2d at 310.

Under the traditional concept of standing, the requirement of a "substantial" interest is not met unless a petitioner's interest has substance, i.e., "there must be some discernible adverse effect to some interest other than the abstract interest of all citizens in having others comply with the law." *William Penn Parking Garage*, 464 Pa. at 195, 346 A.2d at 282. The requirement of a "direct" interest is not met unless a petitioner shows "causation of the harm to his interest by the matter of which he complains." *Id.* A "immediate" interest will not be shown unless the harm to petitioner's interest is "immediate and not a remote consequence of the judgment." *Id.* at 197, 346 A.2d at 283.

B. Application

1. Claims VI & VIII (Partisan Gerrymandering)

The bulk of the allegations of harm in the Petition and all of the evidence introduced by Petitioners at the hearing pertain to partisan gerrymandering.[20] Petitioners, however, have failed to establish that they have standing to pursue Claims VI & VIII for two reasons.

First, Petitioners have failed to show individualized harm. As the U.S. Supreme Court has held, individuals not resident in the challenged district should be deemed to lack standing to assert a gerrymandering claim for that district. *United States v. Hays*, 515 U.S. 737 (1995); *Sinkfield v. Kelley*, 531 U.S. 28 (2000) (*per curiam*). In *Hays*, residents of district 4 brought suit against the state's congressional redistricting plan, which created two majority-minority districts. The plan was invalidated, and a reenacted plan changed the boundaries of district 4 so the complainants now lived in district 5. The court also invalidated the new plan, but the U.S. Supreme Court reversed for lack of standing:

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[20] As will be explained below, Claims VI & VIII of the Petition are presumed to raise the claim that Act 1 violates the equal protection guarantees of the Pennsylvania Constitution. *See* PA. CONST. art I, §§1, 26. Partisan gerrymandering is a recognized form of equal protection violation. *See Bandemer*, 478 U.S. 109.

> Where a plaintiff resides in a racially gerrymandered district, [he] has been denied equal treatment because of the legislature's reliance on racial criteria, and therefore has standing to challenge the legislature's action ...[w]here a plaintiff does not live in such a district, he or she does not suffer those special harms, and any inference that the plaintiff has personally been subjected to a racial classification would not be justified absent special evidence tending to support that inference. Unless such evidence is present, that plaintiff would be asserting only a generalized grievance against governmental conduct of which he or she does not approve.

515 U.S. at 744-45 (internal citation omitted). It was irrelevant that complainants challenged the entire plan because:

> "[t]he fact that [the plan] *affects* all Louisiana voters by classifying each of them as a member of a particular congressional district does not mean – even if [the plan] inflicts race-based injury on *some* Louisiana voters – that *every* Louisiana voter has standing to challenge [the plan] as a racial classification. Only those citizens able to allege injury 'as a direct result of having *personally* been denied equal treatment,' may bring such a challenge[.]"

Id. at 746 (emphasis original). *Hays* was reaffirmed in *Sinkfield*. *See also Bush v. Vera*, 517 U.S. 952 (1996) (standing limited to residents of challenged district).

Petitioners are alleged to reside in Districts 6 & 8 under Act 1. Petition ¶¶2-3. No evidence, however, was introduced at the hearing to show that the named Petitioners exist and live at the locations alleged, much less any harm to the interests of JoAnn Erfer and Jeffrey Albert. In fact, as discussed above, there was no evidence even of the existence and political party affiliation of the named Petitioners. *See* Argument Section III. Even if they were to have come forward and identified themselves, it has become abundantly clear that the named Petitioners are at most straw petitioners through which the national Democrat Party seeks to vindicate its interests. This suit should be viewed as a stealth class action or an improper attempt at reverse associational standing by which two individuals would represent all Democrat voters in Pennsylvania or the interests of the state Democrat party. There is no evidence in the record, however, to suggest that the named Petitioners are registered Democrats, that they vote Democrat or that they hold interests consonant with the voters whose interests they purport to represent. Even if Petitioners had sought to represent a class (and they have not), at a minimum, they must show that they possess a consonant interest with other class members. *See Luitweiler v. Northchester Corp.*, 456 Pa. 530, 319 A.2d 899 (1974). This they have not done, and

probably could not do, in light of the non-cohesive nature of a group like Democrats who frequently vote for non-Democrat candidates.

Moreover, under *Hays*, the named Petitioners could never challenge districts other than 6 & 8, where they allegedly reside. Yet, evidence at the hearing clarified that Petitioners were seeking to challenge at least Districts 8, 12, 13, and 18, *see* Tr. at 10-14 (Hoeffel), Tr. at 96-98 (Mascara), if not Act 1 in its entirety. They cannot be permitted to challenge the entire plan in the absence of proven harm to their individual interests from every district drawn by Act 1. The record provides no support.

The second reason that standing has not been shown is because Petitioners have alleged and presented (to the extent they can be said to have presented anything) only harm to a group (i.e., to Democrat voters & the Democrat Party), not harm to their individual interests. *See e.g.*, Petition ¶31 (Act 1 "harms ... Democrat voters ... and the Democratic Party "). If Claims VI & VIII are read to allege an equal protection claim for partisan gerrymandering, the issue in such a case is "whether a particular *group* has been unconstitutionally denied its chance to effectively influence the political process." *Bandemer*, 478 U.S. at 132-33 (emphasis added); *see also id.* at 153 (O'Connor, J., dissenting) (explaining Justice White's concept of a partisan gerrymander as a "group right"). The group's interest in litigation challenging a statewide plan as a partisan gerrymander might, perhaps, be asserted by the Pennsylvania Democrat State Committee or its leaders. *See RPNC v. Martin*, 980 F.2d 943 (4th Cir. 1993), *cert. denied* 510 U.S. 828 (1993). (plaintiffs in partisan gerrymandering claim included state party). It cannot be asserted by a few individual voters, especially where the record contains no support for the allegation that the named Petitioners are party members or even Democrat voters.

2. Claims VII & IX

On the remaining claims, Petitioners either failed to prove harm or relied on speculation and generalized grievances. On Claim VII (free & equal elections), Petitioners did not allege and did not prove that Act 1 prohibits congressional elections from being open to the public, available to all qualified voters, or denies them the voting franchise. Instead, they relied on the

generalized grievance of "vote dilution." Petition ¶¶ 31,33. On Claim IX (freedom of speech & association), Petitioners alleged, but failed to prove, that Act 1 (1)will "minimize the representation of Democrats," Petition ¶25, (2) fails to reflect the voting preferences of Pennsylvania residents, (3)"consistently degrades the votes of Democratic voters in the Commonwealth," Petition ¶36, (4) reduces the choices in Pennsylvania elections, and (5) "essentially shut Democrats and Democratic voters out of the political process." Petition ¶¶26, 36-38. Petitioners did not allege, and offered no proof of, any specific harm to *their* right to speak and associate versus that of the Democratic Party and Democratic voters as a whole. They do not allege and did not prove any specific inability to vote, to speak with their fellow Democrats or Congressman, or associate with their fellow Democrats. While Petitioners alleged that their "ability to associate with other Democratic voters" is harmed, Petition ¶ 40, they fail to prove any specific instance of their inability to associate. Without the requisite showing of individualized harm, they do not have standing.

V. PETITIONERS HAVE FAILED TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED OR TO PROVE THAT ACT 1 VIOLATES THE PENNSYLVANIA CONSTITUTION

A. Standard

Petitioners make a facial challenge to the constitutionality of legislation. They face an onerous burden, as the Pennsylvania Supreme Court so articulately explained in its 1932 landmark decision that is as applicable today as then:

> [I]t must be borne in mind that: In determining whether an act of assembly is unconstitutional, it should not be so held unless it is clearly, strongly and imperatively prohibited. If the act is within the scope of legislative power, it must stand, and we are bound to make it stand if it will upon any intendment. Nothing but a clear violation of the Constitution, -- a clear usurpation of power prohibited, -- will justify the judicial department in pronouncing an act of the legislative department unconstitutional and void. Every presumption should be indulged in its favor and one who claims an act is unconstitutional must prove his case beyond doubt. It is the duty of every judge to search for a construction which will support the legislative interpretation of the Constitution, and an act can never properly be declared void unless this is found to be impossible. A statute will be declared unconstitutional only when it violates the Constitution clearly, palpably, plainly; and in such a manner as to leave no doubt or hesitation in the mind of the court. An act of the legislature is not to be declared void, unless the violation of the Constitution is so manifest as to leave no room for reasonable doubt.

Commonwealth ex rel. Schnader v. Liveright, 308 Pa. 35, 55-56, 161 A. 697, 702-03 (1932) (citations, quotations and ellipses removed). This onerous burden does not change just because the challenged legislation implements a congressional redistricting plan. *See In re Ross Township Election District Reapportionment*, 489 A.2d 297 at 301 ("Neither the burden of going forward with the evidence, nor the ultimate burden of proof, was upon the township. Research has disclosed no authority for relieving the challengers of a reapportionment plan of their burden to establish the alleged defects, and the Supreme Court has uniformly required the challenger to produce a prima facie case of discrimination before the political entity must justify its plan.")

B. Claims VI & VIII (Equal Protection)

In Claims VI and VIII, Petitioners invoke PA. CONST. art I, §§ 1 & 26. These two provisions together constitute an equal protection guarantee. *See* Love, 528 Pa. at 324-26, 597 A2d at 1139-1140. Presiding Officers assume that Petitioners will argue that the state's equal protection guarantee should be read as has its federal counterpart (U.S. CONST. amend. XIV) to encompass a claim for partisan gerrymandering and a claim for violation of the principle of one-person, one-vote.

1. Partisan Gerrymandering

a. Petitioners raise only a federal constitutional issue

For the reasons explained above in Argument Section I, a claim for partisan gerrymandering raises a purely federal constitutional issue. Only state constitutional issues are presently before the Court.

b. Petitioners seek relief that cannot be granted

To the extent Petitioners' claims premised on PA. CONST. art I, §§1 & 26 are interpreted to raise a claim for partisan gerrymandering, Petitioners seek relief which the courts of this Commonwealth may not grant. Partisan gerrymandering is not a cognizable claim in Pennsylvania, *see* Argument Section I.B. Nor, for all of the reasons provided in *Newbold*, 425 Pa. 478, 230 A.2d 54, and Justice O'Connor's separate opinion in *Bandemer*, should it be

recognized now. *See* 478 U.S. at 144 (O'Connor, J., concurring in the judgment only, joined by Chief Justice Burger and then-Justice Rehnquist).[21]

c. Petitioners have failed to state a claim

Petitioners failed to state a claim in Claims VI & VIII for two reasons. First, as explained above, partisan gerrymandering is not a cognizable claim under the Pennsylvania Constitution. *See* Argument Section III.B. Second, even if the judiciary should now interpret Pennsylvania's equal protection guarantee to include a prohibition on partisan gerrymandering (which it should not), it can only do so (for reasons explained above in Argument Section I) consistent with the U.S. CONST. amend XIV. As the following discussion shows, under the accepted federal standards for partisan gerrymandering, Petitioners' allegations are insufficient.

Under the plurality opinion in *Bandemer*, to succeed on a partisan gerrymandering claim, Petitioners must prove "both intentional discrimination against an identifiable political group and an actual discriminatory effect on that group." 478 U.S. at 127.[22] This standard includes three requisites: (1) an identifiable political group; (2) intentional discrimination against that group; and (3) an actual discriminatory effect on that group. Each of these three standards and their application in this case is discussed below.

i. Identifiable political group

The *Bandemer* plurality did not address the issue of whether an "identifiable political group" had been established and did not provide guidance on how such should be determined.

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[21] Justice White's opinion in *Bandemer* has been heavily criticized. *See e.g., RPNC*, 980 F.2d at 950 n.15. Time and experience have shown that Justice O'Connor's opposing view is right – "The Equal Protection Clause does not supply judicially manageable standards for resolving purely partisan gerrymandering claims, and no group right to an equal share of political power was ever intended by the Framers of the Fourteenth Amendment." *Bandemer*, 478 U.S. at 147 (O'Connor, J., concurring in judgment only).

[22] Partisan gerrymandering claims are routinely dismissed prior to trial. *See e.g., Badham v. Eu*, 694 F.Supp. 664 (N.D. Cal. 1988) *aff'd* 488 U.S. 1024 (1989) (motion to dismiss); *Pope v. Blue*, 809 F.Supp. 392 (W.D.N.C. 1992) *aff'd* 506 U.S. 801 (1992) (motion to dismiss); *Holloway v. Hechler*, 817 F.Supp. 617 (S.D.W. Va. 1992) *aff'd* 507 U.S. 956 (1993)(motion to dismiss); *Marylanders for Fair Representation v. Schaefer*, 849 F.Supp.1022 (D. Md. 1994) (defendants' motion for summary judgment);*White v. Alabama*, 867 F.Supp. 1571 (M.D. Ala. 1994) (defendants' motion for summary judgment).

478 U.S. at 127.[23] Courts addressing partisan gerrymander claims after *Bandemer* have paid scant, if any, attention to the requirement of an "identifiable political group." Guidance can be derived, however, from Justice Stevens' concurring opinion in *Mobile v. Bolden*, 446 U.S. 55 (1980).

Mobile concerned a challenge by Afro-American voters to the validity of the at-large election of the governing body of the city (a 3-member commission). The Supreme Court reversed the Fifth Circuit, which, among other things, had upheld the district court's conclusion that the at-large election process violated U.S. CONST. amend. XIV, §1. In his concurrence, Justice Stevens addressed the thorny problem of defining an identifiable group of voters:

> ... In the line-drawing [i.e., districting or redistricting] process, racial, religious, ethnic, and economic gerrymanders are all species of political gerrymanders.
>
> From the standpoint of the groups of voters that are affected by the line-drawing process, it is also important to recognize that it is the group's interest in gaining or maintaining political power that is at stake. The mere fact that a number of citizens share a common ethnic, racial, or religious background does not create the need for protection against gerrymandering. *It is only when their common interests are strong enough to be manifested in political action that the need arises. For the political strength of a group is not a function of its ethnic, racial, or religious composition; rather it is a function of numbers – specifically the number of persons who will vote in the same way.*

446 U.S. 55, 88 (1980) (Stevens, J., concurring) (emphasis added). *See Karcher v. Daggett*, 462 U.S. 725, 754 (1983) (Stevens, J., concurring) ("As a threshold matter, plaintiffs must show that they are members of an identifiable political group whose voting strength has been diluted. They must first prove that they belong to a politically salient class ... ."). To constitute a "politically

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[23] The *Bandemer* plurality notes only "[t]hat the characteristics of the complaining [political] group are not immutable or that the group has not been subject to the same historical stigma [as racial groups] may be relevant to the manner in which the case is adjudicated, but these differences do not justify a refusal to entertain such a case." *Id.* at 125. The concurrence concluded that neither major party could bring a claim of partisan gerrymandering:

> Clearly, members of the Democratic and Republican Parties cannot claim that they are a discrete and insular group vulnerable to exclusion from the political process by some dominant group: these political parties *are* the dominant groups, and the Court has offered no reason to believe that they are incapable of fending for themselves through the political process.

478 U.S. at 152 (O'Connor, J. concurring in judgment only).

identifiable group," the group must be one whose members vote the same, i.e., a cohesive group. As one writer suggests:

> In political gerrymandering, courts must find a correlation between Democrats and those who rigidly vote for Democratic candidates. ... To maintain a legitimate argument that 'Democrats' were unable to elect Democratic candidates, the plaintiff group must, with a least some degree of specificity, point out which persons were denied an effective vote. Merely asserting that some dynamic, amorphous group had its votes diluted cannot suffice. ... Those who occasionally cross over party lines to vote for non-Democrats widen the gap between plaintiff groups and their representative political group. Because individual preferences in voting have become so prevalent, few, if any, large political organizations today can assert that their members consistently vote along straight party lines.

Comment, *Davis v. Bandemer: Remedial Difficulties in Political Gerrymandering*, 37 EMORY L.J. 443, 479 (1988).

Petitioners identify "registered Democrats voters" and the Democrat Party as the groups allegedly harmed by Act 1. Petition ¶¶ 1-3, 26, 31, 34-42. What Petitioners do not allege, which is fatal, are facts that, if true, would establish that registered Democrats vote in a cohesive manner, i.e., consistently vote for Democrat candidates.[24] Rather, the factual allegations show there is cross-over and split-ticket voting by Democrats (as well as by Republicans).

Petitioners allege that, as between registered Democrat and registered Republican voters, Democrats have a 53.6% to 46.4% advantage. Petition ¶27. They also allege results of 5 statewide 2000 elections showing that only the Democrat candidate for Auditor General received at least 53.6% of the vote. Petition ¶29. In the alleged results of the other 4 races, the largest percentage of Democrat votes (50.6%) was received by the Democrat candidate for President,

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[24] As one legal scholar points out:

> The partisan identification of American voters is probably weaker today than at any time since the founding of mass-based political parties during the Jacksonian era more than 150 years ago. ... The amount of ticket-splitting (a common measure of declining party identification) for offices at all levels of government and in all jurisdictions has risen to unprecedented levels. ...
>
> . . . .
>
> The factors that cause changes in voting behavior between one election and the next are also becoming more salient, making party performance in one election an even less accurate predictor of its future performance. ...

Peter Schuck, *The Thickest Thicket: Partisan Gerrymandering and the Judicial Regulation of Politics*, 87 COLUMBIA L. REV. 1325, 1372, 1374 (1987).

while Democrat candidates for Attorney General, State Treasurer and U.S. Senator all received less than 50% of the votes cast for either a Democrat or Republican, all less than the percentage of Democrat voters alleged by Plaintiffs. Democrats were voting for Republican candidates. Plaintiffs' own allegations show that Democrats are not a cohesive group. Petitioners fail to allege facts that, if true, would show the "politically identifiable group" to support a claim of partisan gerrymandering.

As to the Democrat Party, while identifiable, Petitioners' own allegations show it is not a minor party. *See* Petition ¶27. This is fatal to its ability to prove partisan gerrymandering. *See Bandemer*, 478 U.S. at 152 (O'Connor, J. concurring in judgment only).

ii. Intentional discrimination

The *Bandemer* plurality glossed over the intent factor, noting that "we are confident that if the law challenged here had discriminatory effects on Democrats, this record would support a finding that the discrimination was intentional." 478 U.S. at 127. The Court then proceeded to point out the obvious – "Politics and political considerations are inseparable from districting and apportionment" and noted that "[a]s long as redistricting is done by a legislature, it should not be very difficult to prove that the likely political consequences of the reapportionment were intended." *Id.* at 128 (internal quotations & citations omitted), 129.

Most cases after *Bandemer* have given short shrift to intent. *See e.g., Badham*, 694 F. Supp. at 670 ("as in *Bandemer,* we will focus our attention on the sufficiency of the 'effects' alleged by the plaintiffs"); *Republican Party of Virginia v. Wilder*, 774 F.Supp. 400, 404 (W.D. Va. 1991) (in decision denying a motion for preliminary injunction, court, without identifying what it found persuasive, notes: "For the purposes of this motion, we are of the opinion that the Republicans have proved that the Virginia legislature intended to discriminate against Republicans when it adopted [the legislative redistricting plan]."); *Pope*, 809 F.Supp. at 396 (court notes that if the "abundant allegations regarding discriminatory intent of the General Assembly" are true, it would have "no trouble" finding discriminatory intent); *Terrazas v. Slagle*, 821 F.Supp.1162, 1172 (W.D. Tex. 1993) ("The intent element is easily met, and for purposes of

this case, we will assume that the plaintiffs' evidence is sufficient in this regard."). As explained above in Section II.D, in making the intent inquiry under *Bandemer* in this case, Petitioners are limited by the strong prohibition in Pennsylvania against inquiring into motive, the Speech or Debate Clause and the general recognition that the testimony of individual legislators as to the intent of the General Assembly is irrelevant.

The Petition is replete with bald accusations and legal conclusions of discriminatory intent but alleges no facts that, if true, would establish an intent on the part of the General Assembly to discriminate against registered Democrat voters. Petitioners allege that district 6 "looms like a dragon descending on Philadelphia," district 7 "is barely contiguous," district 8 "includes an ungainly gash," and district 12 "snakes through several counties." Petition ¶24. Petitioners did not, however, attach a copy of the map showing districts and district boundaries nor provide the voter registration numbers for those districts. Their bald assertions must be ignored in determining whether facts have been alleged that, if true, would establish discriminatory intent.

Petitioners also allege that "[n]ational Republican leaders pressured Pennsylvania legislators to push for maximum partisan advantage" and detail what was said, who it was said by and, now and then, to whom it was said. Petition ¶18. None of these statements, however, are relevant to the intent of the General Assembly in passing Act 1. *See* Argument Section II.D. Petitioners allege that the Democrat members of the conference committee on SB 1200 "were shut out" of the process to reach agreement between the Senate and House versions of SB 1200 and SB 1200 was voted out of conference "on straight party lines." Petition ¶21. These allegation, even if true, do not evidence discriminatory intent on the part of the General Assembly. The allegations pertain only to the six members of the Conference Committee. The actual vote on the SB 1200, a fact subject to judicial notice, shows that passage of SB 1200 was a bi-partisan effort. Almost half (42) of the 97 members of the House Democrat Caucus voted for SB 1200 and without those votes SB 1200 would not have passed.

iii. Discriminatory effects

The *Bandemer* plurality elaborated at length on what would be needed to demonstrate discriminatory effects. Initially, it explained:

> [W]here unconstitutional vote dilution is alleged in the form of statewide political gerrymandering, the mere lack of a proportional representation will not be sufficient to prove unconstitutional discrimination. Again, without specific supporting evidence, a court cannot presume in such a case that those who are elected will disregard the disproportionately underrepresented group. Rather, unconstitutional discrimination occurs only when the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole.

478 U.S. at 132. Later, the plurality summarized what needed to be shown:

> In the statewide political gerrymandering context, these prior cases [concerning racial gerrymandering] lead to the analogous conclusion that equal protection violations may be found only where a history (actual or projected) of disproportionate results appears in conjunction with similar indicia [lack of political power and denial of fair representation].

Id. at 139. To satisfy the "discriminatory effects" standard, post-*Bandemer* courts require plaintiffs to "make a two-prong showing: (1) of an actual or projected history of disproportionate results; and (2) that 'the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole.'" *Terraszas*, 821 F. Supp. at 1172 (quoting *Bandemer,* 478 U.S. at 132).

In only one case has a challenger been held to have alleged facts that, if true, would establish the discriminatory effects standard. *See RPNC*, 980 F.2d 943. That case involved a challenge to the process for electing superior court judges (primary election by districts but general election statewide). The Fourth Circuit, 980 F.2d at 957, held the complaint stated a claim for partisan gerrymandering, explaining:

> [The] complaint sets forth data to support its allegations that not only are the election results disproportionate, but also that the nomination and slating of candidates is affected. Claiming that the method of electing superior court judges inhibits potential Republican candidates from seeking this office, RPNC points to data revealing that in the 1984 and 1986 general elections of 40 judgeships up for election, only four were contested by Republican candidates, and that since 1968, of approximately 220 judgeships up for election, a Republican candidate offered for election in only ten. RPNC maintains that these data demonstrate that few Republicans will offer to run since the chance of success is almost nonexistent. RPNC also asserts that the method of electing superior court judges diminishes

> campaign contributions for these elections because potential contributors are unwilling to donate money or other resources to a candidate who is perceived to be an almost certain loser. Thus, the complaint does contain allegations of an effort that goes beyond the mere disproportionate election results.
>
> Importantly, Republican success in other elected positions in North Carolina affirms our conviction that [plaintiff] has sufficiently alleged more than a de minimis effect on the political process of electing superior court judges.

No partisan gerrymandering case has specified what type of allegations or evidence would be sufficient for showing a "projected history of disproportionate results under a statewide redistricting plan." In *Hastert v. State Bd. of Elections*, 777 F.Supp. 634, 658 (N.D.Ill. 1991), the three-judge panel, to whom the task of drawing a congressional redistricting plan had fallen, found "the expert testimony and evidence regarding the political impact of the Hastert and Rosebrook plans flawed on both sides." The experts had used different statistical tools.

In considering whether a redistricting plan consistently degrades a group's influence on the political process as a whole, *Bandemer* provides some basic principles. The Court stresses that "the power to influence the political process is not limited to winning elections," explaining:

> An individual or group of individuals who votes for a losing candidate is usually deemed to be adequately represented by the winning candidate and to have as much opportunity to influence that candidate as other voters in the district. We cannot presume, in such a situation without actual proof to the contrary, that the candidate elected will entirely ignore the interest of those voters. This is true even in a safe district where the losing group loses election after election. Thus, a group's electoral power is not unconstitutionally diminished by the simple fact that of an apportionment scheme that makes winning elections more difficult, and a failure of proportional representation alone does not constitute impermissible discrimination.

478 U.S. at 132.

d. Petitioners have failed to prove a claim

Despite having several witnesses testify regarding the political effects of Act 1, Petitioners failed to provide evidence sufficient to meet the three key elements of a claim for partisan gerrymandering under *Bandemer*.

i. Identifiable political group

Petitioners played fast and loose with voter statistics at the hearing in their attempt to portray Pennsylvania Democrats as an identifiable political group. They relied on voter

registration to show that Democrats are a majority of Pennsylvania voters, *see* Tr. at 44 (Hoeffel), yet, when it came to proving effects, their expert, Professor Lublin, focused on voting strength or "performance" (as opposed to voter registration) in determining whether districts "lean" toward the Republicans or the Democrats. Tr. at 59-60 (Lublin). It appears that Petitioners and their expert believe that many registered Democrats are really voting as Republicans. This, of course, is a political, not a constitutional, issue. Petitioners should not be permitted to use voter registration when it suits them and ignore it when it undercuts their claim.

Apart from the statistical anomalies, Petitioners' own witnesses repeatedly confirmed that Pennsylvania Democrats are not a cohesive group. Congressman Hoeffel, Congressman Mascara and Mr. Ceisler all agreed that Pennsylvania Democrats tend to vote for, and often prefer to vote for Republican candidates. Tr. at 35-36 (Hoeffel); 110-111 (Mascara); 170 (Ceisler). Mr. Ceisler, when asked whether his conclusion that the Democrats would only garner 5 or 6 seats out of 19 was supported by the voter registration districts for the districts, stated: "No... because it basically shows that a lot -- I think over half the districts have democratic registration, but those districts don't perform for democrats as per the registration." Tr. at 170. When asked to identify the Democratic Party, Mr. Ceisler offered a very mutable definition, testifying that "[t]he Democratic party would be people who hold office in the Democratic party, people who aspire to hold office in the Democratic party, Democrats who have Democratic party ideals and vote Democratic." Tr. at 195.[25] Such a definition, as Mr. Ceisler himself acknowledged, would include some Republican voters and exclude many people registered as Democrat voters. *See id.* Congressman Mascara corroborated the political reality of cross-over voting in Pennsylvania when he explained that, despite having a sizeable edge in Democrat versus Republican registration in District 18 under Act 1 (54% Democrat: 37% Republican), it would be "very difficult" for him as a Democrat to win District 18 because "[i]n spite of the fact

[25] When asked why the registration did not reflect the voter preference, Mr. Ceisler stated "we have a very old state here and we have a lot of Reagan democrats." Tr. at 170. In effect, Petitioners themselves have identified two types of Democrats, undercutting any claim to cohesiveness.

I think the number is like there's 75,000 more democrats in that district than republicans, [] their preference and their leaning are towards the republican candidate." Tr. at 109-110. No group with this much play can be considered "identifiable" under *Bandemer*.

To the extent, moreover, that Petitioners offer their "leaning" analysis to suggest that "Democratic voters" are all those individuals, including registered Republicans, independents, and others, who vote for Democrat candidates, they further undercut their own claim. *See Pope,* 809 F. Supp. at 396 n.3 ("Perplexingly…a substantial minority of the plaintiffs in this case are registered as members of the Democratic Party or as Independents. Inclusion of these plaintiffs substantially detracts from the plaintiffs' [i.e., Republicans'] status as an 'identifiable group.'"). It is also worth noting that Petitioners' conception of a "Democrat" (as someone, even a registered Republican, who votes for Democrat candidates) runs counter to the Section 802 of the Pennsylvania Election Code, which provides:

> No person who is not registered and enrolled as a member of a political party shall be entitled to vote at any primary of such party or to be elected or serve as a party officer, or a member or officer of any party committee, or delegate or alternate delegate to any party convention.

Act of June 3, 1937, P.L. 1333, 25 P.S. § 2832. As the Pennsylvania Supreme Court has stated, "[t]he members of a political party have a right to select candidates who share their political philosophy and who are in agreement with their priorities of government." *In re Nomination Petition of Johnson*, 509 Pa. 347, 355-56, 502 A.2d 142, 147 (1985). When a person registers as one party or another, the Supreme Court of Pennsylvania will not look beyond that expressed preference without further, specific proof. *See id.* at 356, 502 A.2d at 147. There is no practical way other than voter registration to accurately and objectively identify Democrat voters.

The record simply does not support a finding that Democrats in Pennsylvania are a "politically salient class" for equal protection purposes or an "identifiable" political group under *Bandemer*.

ii. Intentional discrimination

For the reasons set forth above in Argument Section II.D, much of Petitioners' evidence ostensibly offered to show that the General Assembly intended to discriminate against Democrats in Act 1 must be stricken from the record or considered improper for this purpose. Even if, however, the evidence is admitted and examined, Petitioners have failed to carry their burden on this element of the *Bandemer* test.

Petitioners offered testimony to explain away the fact that 42 Democrats in the House voted in favor of Act 1, ensuring its passage. According to Congressman Mascara and Representative DeWeese, these 42 representatives were pressured by Democratic members of Congress (Murtha, Doyle, Brady and Kanjorski) allegedly protected by Act 1. Tr. at 106-108 (Mascara); Tr. at 145-46 (DeWeese). Representative DeWeese contended that Democrats in House had no input into the process that generated Act 1. Tr. at 143-45 (DeWeese).

Petitioners' theory of incumbent protection appears to have been offered to support a finding of discriminatory intent. *See* Tr. at 176-177 (Ceisler); *see also* Tr. at 74-75 (Lublin) (explaining that, under Act 1, the average Republican incumbent keeps more of his constituents that the average Democrat incumbent).

Under *Bandemer*, it is the intent of the General Assembly as a whole, not the intent of individual legislators, which must be assessed. The objective indisputable legislative history of Act 1 shows that it would not have passed but for the substantial support received from House Democrats. Petitioners have successfully identified reasons why individual democrat legislators would vote in favor of Act 1 - i.e., to protect certain Democrat incumbents and to create opportunity districts for Democrats. While certain individual legislators now claim that the Democrats were excluded from the process, the simple fact remains that they could have defeated Act 1 by voting cohesively against it. Petitioners' self-serving testimony amounts to nothing more than post hoc rationalization by the leader of the Democrat Caucus and disappointed Democrat Congressmen as to why the Caucus lost control of its party members. *See e.g., Davis*, 478 U.S. at 115 n.2 (noting straight party line vote); *Badham*, 694 F. Supp. at

666 (same); *Fund for Accurate and Informed Representation, Inc. v. Weprin*, 796 F. Supp. 662, 669 (N.D. N.Y 1992), *aff'd* 506 U.S. 1017 (1992) (noting that a partisan gerrymandering claim could not be brought where the complaining party controlled one house of the legislative apparatus needed to pass the bill). This is insufficient to show the intent necessary for claim under *Bandemer*.

iii. Discriminatory effects

Petitioners have also failed to prove discriminatory effects, the showing which is at the heart of a partisan gerrymandering claim. This failure alone is fatal.

Bandemer requires a showing that "the electoral system is arranged in a manner that will *consistently* degrade a voter's or a group of voters' influence on the political process as a whole." 478 U.S. at 132. Petitioners' evidence of the political effects of Act 1 into the next decade, which came only from Mr. Ceisler, cannot meet this prong. This partisan political pundit testified that it was "likely" that a 14-5 (or 13-6) breakdown in Congressional seats in favor of Republicans would persist through the coming decade:

> Q: Do you have an opinion about the likelihood that the 14-5 breakdown that you've described will persist through the coming ten years?
>
> A: Yes. Incumbents, incumbents win in Pennsylvania. And because the cost of election is going to be so high, it's going to be a bar to people running against incumbents effectively. So I think this plan is an incumbent protection plan for those 14 Republicans and the five Democrats.[26]

Tr. at 176-177. On cross-examination, Mr. Ceisler corrected his testimony, noting that there were not 14 Republican incumbents members of Congress but rather 14 "Republican districts." *Id.* at 189. With only 11 Republican incumbents and 5 Democrat incumbents, even under Mr. Ceisler's analysis, there are three seats without a single incumbent which could be filled by a

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[26] Mr. Ceisler's testimony that Act 1 would make campaigns more expensive over the next ten years since the districts as drawn would span several media markets (Tr. at 175-176) was stricken because, in the absence of any requirement in the Pennsylvania Constitution that congressional districts have only one media market, the testimony was not relevant to any issue presently before the Court. Even if, however, the testimony had not been stricken, it would provide no proof of discriminatory effect because all candidates, regardless of party, would face the same burden.

Democrat.[27] Petitioners' expert, Professor Lublin, did not testify as to the projected results over the next decade. The only evidence in the record on this critical point is nothing more than Mr. Ceisler's haphazard guess.

Petitioners elicited testimony to the effect that each Republican incumbent was protected by Act 1. Petitioners' own witnesses admitted, however, that "incumbency is something that can change over night." Tr. at 39 (Hoeffel). This is insufficient to support Petitioners' speculative contention that a 13-6, 14-5 split in the Congressional delegation will be sustained over the next ten years, let alone come to pass in the upcoming elections. As Congressmen Hoeffel testified, "obviously any district can change party hands." Tr. at 39.

The record contains cogent examples of this reality under Act 1. Incumbent Republican Congresswoman Melissa Hart represents District 4, a district with 168,115 registered Republicans and 225,631 registered Democrats. Respondents' Exhibit 1. Congressman Hoeffel admitted that District 4 contains a significant democrat edge, and that if Congresswoman Hart left to run for a state office (or for any reason), her district would be without an incumbent. Tr. at 38-39 (Hoeffel). With a majority of registered Democrat voters, in a special election, District 4 could flip democrat. *Id.* at 39. *See also id.* at 39-40 (discussing District 3). It should also be noted that, in Pennsylvania, a person need not live in the district to represent it.

Petitioners elicited testimony that if incumbent Democrat Congressmen Borski and Mascara were defeated, the ability of Pennsylvania's congressional delegation to secure substantial transportation dollars would be affected because of loss of seniority. Tr. at 96-97 (Mascara), Tr. at 171 (Ceisler). Loss of seniority and the ability to bring "pork" to Pennsylvania are not cognizable effects of partisan gerrymandering under *Bandemer* or its progeny.

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[27] Even Mr. Ceisler's analysis in this regard is misleading. He assumed that the 18th District was a Republican incumbent district. However, the only possible incumbent who could run for the 18th is Frank Mascara (D). He also assumed that the 13th District was a Republican District. However, the only incumbents who would be running that district would be democrats. The only true open seat is the 6th District, which is a Republican plurality district.

Bandemer also states that a finding of unconstitutionality must be supported by evidence that the group has been robbed of a "fair chance to influence the political process." 478 U.S. at 133. Petitioners, however, presented no evidence regarding the effect of Act 1 on the political process as a whole. Even under Petitioners' own characterization of the effects of Act 1, they believe that five Democrats have safe seats. Tr. at 189 (Ceisler). *See also Pope*, 809 F. Supp. at 397 (reasoning that plaintiffs could not show that they were shut out of the political process when they conceded that a number of seat seats for the Republican party had been created).

Petitioners presented no evidence that Act 1 will interfere with the ability of Democrats to register, organize, vote, fund-raise or campaign. *See Badham*, 694 F. Supp. at 670. There are no facts in evidence to show that Democrats are not free to speak out on issues of public concern, to engage in the political debate or to freely associate. *See id.* To the contrary, the evidence revealed that Democrats are still free to choose their standard bearer in the primary process, *see* Tr. at 32-33 (Hoeffel), and that, depending on who the Democrats choose as their standard bearer, they could win in a district that is allegedly "designed" to be won by a Republican:

> Q: Congressman [Hoeffel], do you believe you could win the new version of District 13 if you were nominated by the democratic party?
> A I do.
> Q But you have an apprehension about whether you would be nominated?
> A That's correct.

Tr. at 46-47. Similarly, while Congressman Mascara was pessimistic about his chances of winning the 18th District, he did not testify that it was impossible for him to do so.

> Q Is it your intention to run in the 18th, Congressman?
> A I am presently doing polling, and we are studying the data, and I haven't made a decision. But again, it's not about me, sir. It's not about me.
> Q If you decide to run, do you think you could win in the 18th?
> A I doubt it. Perhaps a couple million dollars might change that, but I don't see anybody in the democratic party willing to dole out the dollars for a run in the 18th district. No. At first blush, it would be very difficult to win that. They have structured that in a certain way that it doesn't bode well for a democrat to run in that district.

Tr. at 109.[28] The most that can be gleaned from Congressman Mascara's self-serving testimony is that it would be "very difficult" to run in the 18th District, but with enough money, a Democrat could be competitive.[29] As the U.S. Supreme Court stressed in *Bandemer*, "a group's electoral power is not unconstitutionally diminished by the simple fact of an apportionment scheme that makes wining elections more difficult." 478 U.S. at 132.

The *Bandemer* Court also stressed that "without specific supporting evidence, a court cannot presume [ ] that those who are elected will disregard the disproportionately underrepresented group." 478 U.S. at 132. Petitioners have not shown that they are a disproportionately underrepresented group, but even if they had, this record will not support a finding that Republican Congressman will neglect the interests of their Democrat constituents. Both Congressmen testified that they currently do and would represent all their constituents regardless of party affiliation and that all of their colleagues (Republican or Democrat) could be expected to do the same. Tr. at 31-32 (Hoeffel); Tr. at 110-111 (Mascara). Congressman Mascara candidly acknowledged that to ignore any part of a constituency "wouldn't make good political sense" for a politician, Tr. at 111 (Mascara), and Congressman Hoeffel conceded that "there are many national issues where people feel similarly no matter where they live." Tr. at 43 (Hoeffel). While Petitioners' political pundit expressed his opinion that members of Congress "in reality" cannot effectively represent all of their constituents, even he admitted that they would zealously try. Tr. at 191 (Ceisler). Mr. Ceisler's lone statement, which was directly contradicted by the Congressmen (who, one would assume, are better able to opine on the reality of representation) will not suffice to carry Petitioners' prima facie burden under *Davis*.[30] *See Bandemer*, 478 U.S. at 132; *Badham*, 694 F. Supp. at 670-71.

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28 Congressman Mascara testified that the voter registration edge in the 18th District is 54% Democrat to 37% Republicans. Tr. at 109-110.

29 This claim is tempered by the fact that if a Democratic candidate were able to carry all of the Democrats in that district, he would win given the 54% to 37% Democrat to Republican registration.

30 Mr. Ceisler is certainly not as experienced as Congressmen Hoeffel and Mascara on the issue of constituent representation. He testified that his experience on the operation of a congressional office was as a staffer in Representative Thomas Morgan's office. Tr. at 164 (Ceisler). Rep. Morgan was a member

Petitioners' statistical expert, Dr. Lublin, who characterized his analysis as "a good rough estimate," testified that 13 of the districts under Act 1 "leaned" toward the Republicans. Tr. at 52, 57. When he applied that analysis to the actual election results under the 1992 Congressional district plan, 18 of the 21 districts were won by the party to which the district leaned. Tr. at 63 (Lublin). If Dr. Lublin's analysis had the same rate of error when applied to Act 1, Democrats could win 8 or 9 out of 19 districts.

The testimony and evidence that Petitioners presented to prove the discriminatory effects of Act 1 can be best described as speculation without foundation. Dr. Lublin's "leaning" analysis, which even considered only a "rough estimate," is infested with ill-explained value judgments. *See* Tr. at 55-57 (Lublin). While he professed to be a "great believer in accuracy," Tr. at 65 (Lublin), Professor Lublin never discussed the accuracy, precision or margin of error associated with his analysis. He used, moreover, only the race results provided him by counsel (the source of which remains unclarified), ignored the total votes in these races (by considering only the majority parties) and was unaware that there were statewide appellate judicial races in 2001 and 1999. Tr. at 54, 65, 88-89 (Lublin). Moreover, Dr. Lublin only examined major party votes. Tr. at 64. Ignoring the votes cast for other candidates makes Dr. Lublin's assessment incomplete and his conclusions questionable.

2. One-person, One-vote

a. Petitioners raise only federal constitutional issue

For the reasons explained above in Argument Section I, a claim for violation of the principle of one-person, one vote raises a federal constitutional issue. Only state constitutional issues are presently before the Court.

b. Petitioners have failed to state a claim

Courts of the Commonwealth use principles of federal equal protection in analyzing alleged violations of the principle of one-person, one-vote. *See Mellow*, 530 Pa. at 51, 607 A.2d

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of the Pennsylvania Congressional delegation from 1945 to 1977. *See* Biographical Directory of the United States Congress (internet address: http://bioguid.congress.gov.) (App. Tab E).

at 207 (citing e.g., *Wesberry v. Sanders*, 376 U.S. 1 (1964)). Petitioners have failed to state a claim under the accepted standard for such a claim.

In *Wesberry*, the U.S. Supreme Court held that U.S. CONST. art. I, §2 requires "that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's," i.e., the "one-person, one-vote" standard. 376 U.S. at 8. In *Kirkpatrick v. Preisler*, 394 U.S. 526, 530 (1969), the Court rejected the "argument that there is a fixed numerical or percentage population variance small enough to be considered de minimis and to satisfy without question the 'as nearly as practicable standard,' [because]

> The whole thrust of the 'as nearly as practicable' approach is inconsistent with adoption of fixed numerical standards which excuse population variances without regard to the circumstances of each particular case. The extent to which equality may practicably be achieved may differ from State to State and from district to district.

In *Karcher*, 462 U.S. at 730-31, the Court established a two-prong test for determining whether a congressional districting plan conformed to the "as nearly as practicable" standard of "one person, one vote:"

> First, the court must consider whether the population differences among districts could have been reduced or eliminated altogether by a good-faith effort to draw districts of equal population. Parties challenging apportionment legislation must bear the burden of proof on this issue, and if they fail to show that the differences could have been avoided the apportionment scheme must be upheld. If, however, the plaintiffs can establish that the population differences were not the result of a good-faith effort to achieve equality, the State must bear the burden of proving that each significant variance between districts was necessary to achieve some legitimate goal.

Petitioners alleged that under Act 1 "the Commonwealth's most populated district, District 7, would have a population of 646,380," while the "least populated districts, Districts 1, 2, and 17, would each have populations of 646,361," which "creates a total population deviation of 19." Petition ¶23. Petitioners also allege that 10 districts "are overpopulated, i.e., contain more than 646,371 people." *Id.* ¶31. Assuming these facts to be true, the total population deviation is nevertheless 0.00%. As a matter of law, the district populations are equal and there is no "significant variance between districts" to be explained.

Even if this Court were to decide to follow the three-judge decision in *Anne Arundel Co. Republican Cent. Comm. v. State Advisory Bd. of Election Laws*, 781 F. Supp. 394 (D.Md. 1991), *aff'd* 504 U.S. 938 (1992), where a 10 person difference between the lowest and highest population of a congressional district was considered a population deviation subject to the *Karcher* test, Petitioners' allegations are insufficient, even if true, to meet their burden under the first prong of that test. Petitioners must allege that a plan with a smaller deviation could have been drawn or that the deviations were avoidable. *See id.* at 397 ("Given the existence of ... a plan with a smaller numerical deviation from absolute equality, plaintiffs [in *Anne Arundel*] have proved that [the challenged plan] did not result from an unavoidable good faith effort to achieve population equality."). Petitioners here make no such allegations.

c. Petitioners have failed to prove a claim

There was no evidence introduced at the hearing regarding the population deviations in Act 1. As the case is now beyond the preliminary objection stage, the Court cannot presume the truth of the allegation that a deviation of 19 exists. In the absence of any evidence showing a deviation of any kind, no one-person, one-vote claim can be proven.

Should the court nonetheless entertain the claim, it must still fail for lack of proof. Petitioners proffered three alternative plans for redistricting the Commonwealth, all of which were created by counsel, and were not before the General Assembly when Act 1 was passed. Petitioners did not identify the data used to generate the plans, nor the accuracy of the district lines. As such, these alternative plans should not be considered. *See* Argument Section II.B.1.

Congressman Hoeffel was asked what the population deviation was for Alternative Plans 1 and 2 and he replied "zero." Tr. at 23-24. On cross-examination, he admitted that he had not created the plans, but that he believed "zero" referred to "zero percentage." Tr. at 25-36. Counsel for Petitioners assured the court that Petitioners would address the population deviation in the alternative plans later with their expert witnesses, but no such testimony was ever elicited. Tr. at 24 (Mr. Smith). No other witness testified as to the population deviations in the three alternative plans.

No population deviation was discussed for Alternative 3. Exhibit 56 purports to show that Alternative Plan 1 has a total deviation of 19, and that Alternative Plan 2 has a total deviation of 15. Exhibit 56, however, provides no legal description of the districts drawn, thereby making it impossible to assess its accuracy. Nor could Petitioners' witnesses opine that the Alternative Plans did not violate the Voting Rights Act or dilute minority voting strength. Tr. at 190 (Ceisler).

Even assuming Petitioners have properly proffered a plan with a smaller population deviation, there are numerous justifications supporting Act 1. First, Act 1 protects Representative Murtha, the longest-serving Pennsylvania member of the state's Congressional delegation, and member of the Appropriations Committee. Tr. at 98, 112 (Mascara); *see also* Tr. at 177 (Ceisler) (opining that Act 1 is "an incumbent protection plan"). *See Anne Arundel Co.*, 781 F. Supp. at 398 (approving of the Maryland General Assembly's protection of Congressman Hoyer due to his seniority and importance in Maryland's congressional delegation). Second, Act 1 protects Districts 1 and 2 (minority-influence and minority-majority districts respectively). Tr. at 189 (Ceisler). *See Anne Arundel Co.*, 781 F. Supp. at 398 (approving of the Maryland General Assembly's attempt to preserve the strength of racial groups). Third, the pairings under Act 1 reflect populations shifts. The pairing in District 13 between Congressmen Borski and Hoeffel reflects population loss in Philadelphia requiring that it be further joined with surrounding communities. The pairing in District 14 between Congressmen Coyne and Doyle reflects population loss in Pittsburgh and the steel valley (however, with the announcement of Coyne's retirement, this is not really a pairing). The pairing Congressmen Gekas (R) and Holden (D) in the 17th District is in a district that has a voter registration of 37% Democrat and 53% Republican.

C. Claim VII (Free & Equal Elections)

In Claim VII, Petitioners assert that Act 1 violates their "right to a free and equal election, as guaranteed" by PA. CONST. art. I, §5. Article I, §5 provides, in relevant part, that "[e]lections

shall be free and equal." In *Patterson*, 60 Pa. 54, the Pennsylvania Supreme Court discussed the meaning of this right and how it was to be secured:

> ... [T]he power to regulate elections is a legislative one, which has always been exercised by the General Assembly since the foundation of the government. ... This undoubted legislative power is left by the Constitution to a discretion unfettered by rule or proviso, save the single injunction 'that elections shall be free and equal.' But to whom are the elections free? They are free only to the *qualified* electors of the Commonwealth. Clearly they are *not* free to the unqualified. ... How shall elections be made equal? Clearly by laws which shall arrange all the qualified electors into suitable districts, and make their votes equally potent in the election; so that some shall not have more votes than others, and that all shall have an *equal share in filling the offices of the Commonwealth.* But how shall this freedom and equality be secured? The Constitution has given no rule and furnished no guide. ... It has simply enjoined the duty and left the means of accomplishment to the legislature. The discretion, therefore, belongs to the General Assembly, is a sound one, and cannot be reviewed by any other department of the government except in a case of plain, palpable and clear abuse of the power which actually infringes the rights of the electors. It is not possible, nor does the Constitution require, that this freedom and equality of election shall be a prefect one.

Id. at 75 (emphasis original in part and added in part). From this discussion, it can be seen that the right to elections that are free and equal is: (1) an individual right enjoyed by "qualified electors;" (2) a right secured by the General Assembly through regulation; (3) a right to an equal vote for the election in the district in which the individual resides; and (4) a right limited to elections to "fill[] the offices of the Commonwealth," not the offices of the United States.

Article I, §5 has been considered twice in connection with challenges to a legislative redistricting plan and those decisions are instructive. The first case, *Shoemaker v. Lawrence,* 31 Pa.D. & C. 681 (Dauph.C.P. 1938), concerned the constitutionality of an act reapportioning state legislative seats. Review of the legal descriptions showed that "in three counties certain townships and boroughs are not included in any legislative district." *Id.* at 686. The omission of these townships and boroughs constituted a violation of PA. CONST. art. I, §5 because in three counties some qualified electors had no vote. *Id.* (requirement of PA. CONST. art. I, §5 "means ... every voter shall have the same right as every other voter"). The second case, *In re 1991 Pennsylvania Legislative Reapportionment Commission*, 530 Pa. 335, 609 A.2d 132 (1992), *cert. denied sub nom. Loeper v. PLRC*, 506 U.S. 819 (1992) concerned the validity of the legislative

redistricting plan drawn by the Legislative Reapportionment Commission, in accordance with PA. CONST. art. II, §17, after the 1990 Census. Two disappointed aspirants to office who found themselves residing outside the legislative district in which they had hoped to run for election asserted that, among other things, the plan violated their right to a free and equal election under PA. CONST. art. I, §5. The Supreme Court disagreed, explaining:

> This plan does not violate Section 5 of Article I of our Constitution. This Court has defined Section 5 in the following manner:
>
> > 'Elections are free and equal within the meaning of the Constitution when they are public and open to all qualified electors alike; when every voter has the same right as any other voter; when each voter under the law has the right to cast his ballot and have it honestly counted; when the regulation of the right to exercise the franchise does not deny the franchise itself, ... and when no constitutional right of the qualified elector is subverted or denied him.'
>
> Using this analysis, we find that the Commission's final plan in no way deprives Appellants or any citizens of this Commonwealth of their right to free and equal elections. A candidate's interest in a specific office can only be less than the incumbent's interest, which has already been characterized as 'highly circumscribed.' The aspirant has a right to run in his district for any office for which he is qualified; however, his right to run for office does not rise to a constitutionally protected level requiring the Legislative Reapportionment Commission to tailor its plan around the residences of political aspirants who seek to challenge a specific incumbent.

530 Pa. at 356, 609 A.2d at 142 (citations omitted).

Petitioners have failed both to state a claim under PA. CONST. art. I, §5 upon which relief can be granted and to prove a violation of PA. CONST. art. I, §5 for three reasons. First, Act 1 does not regulate elections to fill offices of the Commonwealth, but rather elections to fill offices of the United States. *See* Argument I. Second, even if PA. CONST. art. I, §5 applies to congressional elections, Petitioners did not allege or prove any violation of their individual right to an equal vote for the representative for Congress in the districts in which they allegedly reside (but failed to prove). Their vote in that district will count as much as the vote of any other qualified electors who chooses to vote.[31] Third, the allegations of the Petition and the proof of

[31] When it is asserted that a particular election is not "free and equal" under PA. CONST. art. I, §5, the inquiry must be limited to the district in which the election takes place when the qualified electors are voting to elect an official to represent that district. Where the election is statewide, the district would be statewide, i.e., Governor. Otherwise it is limited to the district for whom the officer is being elected.

harm offered at the hearing concern only the ability of Democrat candidates to be elected, not the ability of Petitioners to vote. A candidate has no constitutional right to run for office in a specific district. *See In re 1991 Pennsylvania Legislative Reapportionment Commission.*

D. Claim IX (Freedom of Speech & Assembly)

In Claim IX, Petitioners allege their "right to assemble together for their common good," PA. CONST. art. I, §20, and their "right to freedom of speech," PA. CONST. art. I, §7,[32] are violated by Act 1. Petition ¶59-60. The right to freedom of speech and to assemble are not absolute and are subject to reasonable regulation. *See e.g., City of Duquesne v. Fincke*, 269 Pa. 112, 118, 112 A. 130, 132 (1920) (Article I, §§7 and 20 "do not give to [an individual] the right to assemble with others and to speak wherever he and they choose to go" and "[i]f [the individual] wishes to address an assemblage he must gather his audience together in places where he and they have the right to be for this purpose"); *Commonwealth v. Egan*, 173 A.2d 764, 767 (Pa. Super. 1934) ("[r]ights of free speech and assembly must be exercised in subordination to reasonable rules and regulations").

Petitioners cannot challenge Act 1 as violative of PA. CONST. art. I, §§ 7 & 20 because the Pennsylvania Constitution has no application to a congressional redistricting plan. *See* Argument Section I. However, even if such is permitted, this claim must be dismissed because Petitioners have failed both to state a claim upon which relief can be granted under PA. CONST. art. I, §§ 7 & 20 or to establish through testimony and evidence that Act 1 violates PA. CONST. art. I, §§ 7 & 20.

Petitioners make a facial challenge to the validity of Act 1, yet, they point to no provision of Act 1, either in their Petition or in the testimony presented at the hearing that places any burden on their right to freedom of speech or right to assemble. The only harm pleaded by

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[32] Article I, §7, unlike the right to freedom of speech in the federal constitution, prohibits "the imposition of prior restraints on upon the communication of thoughts and opinions." *William Goldman Theatres, Inc. v. Dana*, 403 Pa. 83, 88, 173 A.2d 59, 62 (1961), *cert. denied* 368 U.S. 897 (1961). Petitioners did not allege and offered no evidence to show that Act 1 places a prior restraint of their right to freedom of speech.

Petitioners that could even remotely be considered related to Claim IX is the following: "Petitioners' ability to associate with other Democratic voters to support their candidate of choice has been uniquely harmed, not by any accident of geography, but by an intentional effort to degrade a class of voters' ability to influence the political process." Petition ¶40. This allegation stems from Petitioners' allegations that Act 1 will result in fewer Democrat than Republican candidates being elected. The viability of this complaint is elucidated by consideration of the constitutional challenge considered and rejected in *Philadelphia Fraternal Order of Correctional Officers v. Rendell*, 558 Pa. 229, 736 A.2d 573 (1999).

In that case, the PFOCO argued that its members' rights to freedom of association and speech, guaranteed by PA. CONST. art. I, §§7 & 20, were violated by an ordinance that designated AFSCME as the only union with which the City would engage in collective bargaining concerning wages and benefits for city employees. The Supreme Court rejected the claim, explaining: "[F]reedom of speech [under the 14th Amendment] does not include the right to force another to listen, and we can glean no similar compulsion based upon the Constitution of Pennsylvania." 558 Pa. at 237, 736 A.2d at 577.

Here, Petitioners claim their rights to freedom of speech and association will be violated because the General Assembly drew congressional districts that might result in the elections of others than the Democrat candidate they prefer. They do not claim that no Democrat candidates will be elected. Similar to *PFOCO*, however, Article I, §§ 7 and 20 do not include the right to force the General Assembly to draw congressional districts that will result in the success of candidates preferred by Petitioners. *See Washington v. Finlay,* 664 F.2d 913, 927-28 (4th Cir. 1981), *cert. denied* 457 U.S. 1120 (1982) ("The first amendment's protection of the freedom of association and of the rights to run for office, have one's name on the ballot, and present one's views to the electorate do not also include entitlement to success in those endeavors. The carefully guarded right to expression does not carry with it any right to be listened to, believed or supported in one's views."); *Badham*, 694 F. Supp. at 674 ("The First Amendment guarantees the right to participate in the political process; it does not guarantee political success."); *Pope*,

809 F. Supp. at 398 ("While plaintiffs may be discouraged by their lack of electoral success, they cannot claim that [the redistricting plan] regulates their speech or subjects them to any criminal or civil penalties for engaging in protected expression.")

Petitioners have neither stated a claim on which relief can be granted under or established a violation of PA. CONST. art. I, §§7 & 20.

VI. PETITIONERS SEEK AN IMPROPER REMEDY

In their Prayer for Relief, Petitioners asked Commonwealth Court to "impose by Court order a new congressional redistricting plan ... for the 2002 elections and enjoin the Respondents from enacting or implementing a new [] plan until the 2004 elections." Prayer for Relief ¶D. This request is improper.

If Act 1 is found to be invalid, the General Assembly must be given a reasonable opportunity to enact replacement legislation. *See* U.S. CONST. art. I, § 4, cl. 1 (grant of authority to the state legislature to set the manner of congressional elections); *Mellow*, 530 Pa. 44, 607 A.2d 204 (Commonwealth Court, after invalidating federal reapportionment plan, gave General Assembly opportunity to enact new plan). As the Supreme Court, reversing the trial court's order adopting a second plan formulated by a court-appointed redistricting commission without giving the township an opportunity to enact a new plan, explained in *Newbold*:

> [C]ourts have uniformly approached the granting of relief in this area [i.e., reapportionment and redistricting] with the greatest caution and an effort to minimize judicial interference with legislative prerogatives. ... [U]nlike the court below, every court which has invalidated a legislative apportionment plan has given the Legislature at least one opportunity to revise its plan."

425 Pa. at 484-85, 230 A.2d at 57-58.[33]

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[33] This approach is consistent with that taken by the federal courts following the invalidation of state reapportionment plans (legislative or constitutional), *see e.g., Wise*, 437 U.S. at 540 ("When a federal court declares an existing apportionment scheme unconstitutional, it is therefore appropriate, whenever practicable, to afford a reasonable opportunity for the legislature to meet the constitutional requirements by adopting a substitute rather than for the federal court to devise and order into effect its own plan"), and by state courts following the invalidation of state legislative reapportionment plans. *See e.g., In re 1991 Pennsylvania Legislative Reapportionment Commission*, 530 Pa. at 344, 609 A.2d at 136 ("this Court may only undertake to reapportion the Commonwealth if the [Legislative Reform] Commission has not filed a plan within the constitutionally prescribed time limits...absent that, this Court may only remand an unconstitutional plan back to the Commission for redrafting"); *Butcher*, 415 Pa. at 458, 203 A.2d at 568 ("courts need feel obligated to take further affirmative action *only if the legislature*

Moreover, neither this Court nor the Supreme Court can enjoin the General Assembly from conducting an activity that it is legally obligated to perform. *See* U.S. CONST. art I, § 4, cl. 1; *see also Wise*, 437 U.S. at 539 ("redistricting an reapportioning legislative bodies is a legislative task which federal courts should make every effort not to pre-empt"). To recommend the injunction sought by Petitioners would be to recommend a violation of the U.S. Constitution, the Supremacy Clause, and the separation of powers between the state judiciary and the General Assembly.

CONCLUSION

WHEREFORE, for the reasons set forth above, Defendants Lieutenant Governor Jubelirer and Speaker Ryan request that this Court adopt their findings of fact as supported by the evidence and the conclusions of law which the factual findings support and ultimately conclude that Petitioners' state constitutional claims must be dismissed because (1) Petitioners lack standing to assert any of the state constitutional claims or (2) Petitioners have failed to state claim for which relief may be granted or failed to meet their heavy burden of prove that Act No. 2002-1 violates the Pennsylvania Constitution.

Respectfully submitted,

February 5, 2002

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fails to enact a constitutionally valid state legislative apportionment scheme in a timely fashion *after being afforded a further opportunity for the courts to do so.*'") (internal citation omitted, emphasis added by Court).

3

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

JOANN ERFER AND JEFFREY B. ALBERT, Petitioners,	:	
v.	:	Cmwlth Ct. No. 10 M.D. 2002
THE COMMONWEALTH OF PENNSYLVANIA, et al., Respondents.	:	

APPENDIX TO
PROPOSED FINDINGS OF FACTS & CONCLUSION OF LAW AND BRIEF FOR DEFENDANTS LIEUTENANT GOVERNOR JUBELIRER AND SPEAKER RYAN

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TABLE OF CONTENTS

Tab A	Legislative History of SB 1200
Tab B	SB 1200, PN 1645
Tab C	Certified Copy of Act 1 (Enrolled Bill)
Tab D	THE PENNSYLVANIA MANUAL, *Local Government* 6-3, 6-12, 6-47 (115th ed. 2001)
Tab E	Thomas E. Morgan, Biographical Information (http://bioguide.congress.gov)
Tab F	THE PENNSYLVANIA MANUAL, *Local Government* 6-7 (114th ed. 2001)
Tab G	Secretary of State Voter Registration Certification
Tab H	THE PENNSYLVANIA MANUAL, *Federal Government* 8-12 – 8-16 (115th ed. 2001)
Tab I	Secretary of State Election Results Certification
Tab J	LEGISLATIVE JOURNAL – SENATE (December 10, 2001)

A

SB 1200 By Senators BRIGHTBILL and LEMMOND.

Prior Printer's Nos. 1531, 1612, 1627. Printer's No. 1645.

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

Referred to STATE GOVERNMENT, Nov. 16, 2001
Reported as committed, Dec. 4, 2001
First consideration, Dec. 4, 2001
Re-referred to APPROPRIATIONS, Dec. 4, 2001
Re-reported as committed, Dec. 5, 2001
Second consideration, Dec. 5, 2001
Amended on third consideration, Dec. 10, 2001
Third consideration and final passage, Dec. 10, 2001 (27-22)
(Remarks see Senate Journal), Dec. 10, 2001

In the House

Referred to STATE GOVERNMENT, Dec. 10, 2001
Reported as committed, Dec. 10, 2001
First consideration, Dec. 10, 2001
Laid on the table, Dec. 10, 2001
Removed from table, Dec. 10, 2001
Re-referred to APPROPRIATIONS, Dec. 10, 2001
Re-reported as committed, Dec. 11, 2001
Second consideration, Dec. 11, 2001
Third consideration, with amendments, Dec. 12, 2001
Final passage, Dec. 12, 2001 (142-56)
(Remarks see House Journal), Dec. 12, 2001

In the Senate

Senate non-concurred in House amendments, Dec. 12, 2001
Senate appoints Senators BRIGHTBILL, PICCOLA and MELLOW a committee of conference, Jan. 1, 2002

In the House

House insists on its amendments non-concurred in the Senate, Jan. 1, 2002
House appoints Representatives S. H. SMITH, BARLEY and VEON a committee of conference, Jan. 1, 2002
Conference committee report presented in House, Jan. 2, 2002
Conference committee report adopted by House, Jan. 3, 2002 (132-59)
(Remarks see House Journal), Jan. 3, 2002

In the Senate

Conference committee report presented in Senate, Jan. 3, 2002
Conference committee report adopted by Senate, Jan. 3, 2002 (28-22)
(Remarks see Senate Journal), Jan. 3, 2002

Signed in Senate, Jan. 3, 2002
Signed in House, Jan. 3, 2002
In hands of the Governor, Jan. 4, 2002
Last day for action, Jan. 14, 2002
Approved by the Governor, Jan. 7, 2002
Act No. 1

PRIOR PRINTER'S NOS. 1531, 1612, 1627 PRINTER'S NO. 1645

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1200 Session of 2001

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 1200, entitled:
"An act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census,"

respectfully submit the following bill as our report:

DAVID J. BRIGHTBILL

JEFFREY E. PICCOLA

(Committee on the part of the Senate.)

SAMUEL H. SMITH

JOHN E. BARLEY

(Committee on the part of the House of Representatives.)

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AN ACT

To apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Congressional districts.

For the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in the Congress of the United States, this Commonwealth shall be divided into 19 districts which shall have one Congressman each, as follows:

(1) The First District is composed of part of Delaware County consisting of the City of Chester and the Townships of Chester, Darby Wards 1 and 2, Ridley Ward 1 (Division 2) and Tinicum Wards 1, 2 and 4 and the Boroughs of Colwyn, Darby, Eddystone and Yeadon; and part of Philadelphia County consisting of the City of Philadelphia Wards 1, 2, 3, 4, 5, 7, 10, 14, 15 (Divisions 3, 7, 10, 15, 16, 17 and 19), 17, 18, 19, 20, 23 (Divisions 1, 2, 3, 4, 5, 6, 7, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23), 25, 26 (Divisions 2 and 23), 31, 33 (Divisions 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24), 34, 37, 39, 40, 42, 43, 49 (Divisions 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22 and 23), 53 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22 and 23), 54 and 62 (Divisions 7, 10, 11, 14, 20 and 23).

(2) The Second District is composed of part of Montgomery County consisting of the Township of Cheltenham;

and part of Philadelphia County consisting of the City of Philadelphia Wards 6, 8, 9, 11, 12, 13, 15 (Divisions 1, 2, 4, 5, 6, 8, 9, 11, 12, 13, 14 and 18), 16, 21, 22, 23 (Divisions 8, 10, 11 and 12), 24, 26 (Divisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 24), 27, 28, 29, 30, 32, 33 (Divisions 2 and 3), 35 (Divisions 1, 13, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30 and 31), 36, 38, 44, 46, 47, 48, 49 (Divisions 7, 8, 18, 20, 24 and 25), 50, 51, 52, 59, 60 and 61.

(3) The Third District is composed of part of Armstrong County consisting of the Townships of Boggs, Bradys Bend, Cowanshannock, East Franklin, Hovey, Kittanning, Madison, Mahoning, Perry, Pine, Rayburn, Redbank, South Buffalo District Western, Sugarcreek, Valley, Washington, Wayne and West Franklin and the Boroughs of Applewold, Atwood, Dayton, Parker City, Rural Valley, South Bethlehem, West Kittanning and Worthington; part of Butler County consisting of the City of Butler and the Townships of Allegheny, Brady, Butler, Center, Cherry, Clay, Clearfield, Concord, Connoquenessing, Donegal, Fairview, Forward, Franklin, Jefferson, Marion, Mercer, Muddy Creek, Oakland, Parker, Penn, Slippery Rock, Summit, Venango, Washington, Winfield and Worth and the Boroughs of Bruin, Callery, Cherry Valley, Chicora, Connoquenessing, East Butler, Eau Claire, Evans City, Fairview, Harrisville, Karns City, Petrolia, Portersville, Prospect, Saxonburg, Slippery Rock, West Liberty and West Sunbury; part of Crawford County consisting of the City of Meadville and the Townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North

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Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Sparta, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango and Woodcock and the Boroughs of Blooming Valley, Cambridge Springs, Centerville, Cochranton, Conneaut Lake, Conneautville, Linesville, Saegertown, Spartansburg, Springboro, Townville, Venango and Woodcock; all of Erie County; part of Mercer County consisting of the Cities of Hermitage Districts Ne, Nw, Se and Sw (Divisions 1 and 2) and Sharon and the Townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findley, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek and Worth and the Boroughs of Clark, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sharpsville, Sheakleyville and Stoneboro; part of Venango County consisting of the Townships of Clinton, Irwin, Richland, Rockland and Scrubgrass and the Boroughs of Barkeyville, Clintonville and Emlenton; and part of Warren County consisting of the City of Warren and the Townships of Brokenstraw, Columbus, Eldred, Farmington, Freehold, Glade, Pine Grove, Spring Creek, Sugar Grove and Triumph and the Boroughs of Bear Lake, Sugar Grove and Youngsville.

(4) The Fourth District is composed of part of Allegheny County consisting of the Townships of Aleppo, East Deer Ward 1, Fawn, Frazer, Hampton, Harmar, Harrison, Indiana, Kilbuck, Leet, Marshall, McCandless, O'Hara Wards 1 (Division 1), 2, 3, 4 and 5, Ohio, Pine, Richland, Ross, Shaler, Springdale

and West Deer and the Boroughs of Aspinwall, Avalon Ward 3 (Division 1), Bell Acres, Ben Avon, Ben Avon Heights, Brackenridge (Wards 01 (all blocks except 4019, 4025 and 4999 of tract 402000), 02 and 03), Bradford Woods, Cheswick, Edgeworth, Emsworth, Etna Ward 3, Fox Chapel, Franklin Park, Glenfield, Haysville, Leetsdale, Oakmont, Osborne, Plum, Sewickley, Sewickley Heights, Sewickley Hills, Springdale and West View; all of Beaver County; part of Butler County consisting of the Townships of Adams, Buffalo, Clinton, Cranberry, Jackson, Lancaster and Middlesex and the Boroughs of Harmony, Mars, Seven Fields, Valencia and Zelienople; all of Lawrence County; part of Mercer County consisting of the Cities of Farrell and Hermitage District Sw (Division 3) and the Township of Shenango and the Boroughs of West Middlesex and Wheatland; and part of Westmoreland County consisting of the Boroughs of Delmont, Export and Murrysville.

(5) The Fifth District is composed of all of Cameron County; all of Centre County; all of Clarion County; part of Clearfield County consisting of the City of Dubois and the Townships of Bell, Bigler, Bloom, Boggs, Bradford, Brady, Cooper, Covington, Decatur, Ferguson, Girard, Goshen, Graham, Greenwood, Huston, Karthaus, Lawrence, Morris, Penn, Pike, Pine, Sandy, Union and Woodward and the Boroughs of Brisbin, Chester Hill, Clearfield, Curwensville, Glen Hope, Grampian, Houtzdale, Lumber City, Mahaffey, Osceola Mills, Troutville and Wallaceton; all of Clinton County; part of Crawford County consisting of the City of Titusville and the Townships of Oil Creek and Rome and the Borough of Hydetown; all of Elk County; all of Forest County; all of Jefferson County; part of Lycoming County consisting of the Townships of Anthony,

Armstrong, Bastress, Brady, Brown, Clinton, Cummings, Fairfield, Limestone, McHenry, Mifflin, Nippenose, Old Lycoming, Piatt, Pine, Porter, Susquehanna, Washington, Watson and Woodward and the Boroughs of Duboistown, Jersey Shore, Montgomery, Montoursville, Salladasburg and South Williamsport; all of McKean County; part of Mifflin County consisting of the Townships of Armagh, Brown, Decatur, Derry and Granville and the Boroughs of Burnham, Juniata Terrace and Lewistown; all of Potter County; all of Tioga County; part of Venango County consisting of the Cities of Franklin and Oil City and the Townships of Allegheny, Canal, Cherrytree, Cornplanter, Cranberry, Frenchcreek, Jackson, Mineral, Oakland, Oil Creek, Pinegrove, Plum, President, Sandycreek and Victory and the Boroughs of Cooperstown, Pleasantville, Polk, Rouseville, Sugarcreek and Utica; and part of Warren County consisting of the Townships of Cherry Grove, Conewango, Deerfield, Elk, Limestone, Mead, Pittsfield, Pleasant, Sheffield, Southwest and Watson and the Boroughs of Clarendon and Tidioute.

(6) The Sixth District is composed of part of Berks County consisting of the City of Reading Wards 3 (Division 2), 9 (Division 5), 10, 12 (Division 5), 13 (Divisions 4 and 5), 14, 15 (Division 9), 16, 17 and 18 (Divisions 1, 2 and 3) and the Townships of Amity, Brecknock, Caernarvon, Colebrookdale, Cumru, District, Douglass, Earl District 2, Exeter, Hereford, Longswamp, Lower Alsace, Maxatawny, Muhlenberg District 4, Pike, Robeson, Rockland, South Heidelberg Precinct 2, Spring Districts 1, 2, 3, 4, 5, 6 and 7, Union and Washington and the Boroughs of Adamstown, Bally, Bechtelsville, Birdsboro, Boyertown, Kenhorst, Kutztown,

Mohnton, Mount Penn, New Morgan, Shillington, Sinking Spring, St. Lawrence, Topton, West Lawn, West Reading, Wyomissing and Wyomissing Hills; part of Chester County consisting of the City of Coatesville and the Townships of Caln, Charlestown, East Bradford District North (all blocks except 3027 of tract 303900), East Brandywine, East Caln, East Coventry, East Nantmeal, East Pikeland, East Vincent, East Whiteland, Honey Brook, North Coventry, Pocopson, Sadsbury, Schuylkill, South Coventry, Tredyffrin, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick, West Bradford, West Brandywine, West Caln, West Nantmeal, West Pikeland, West Sadsbury, West Vincent and West Whiteland and the Boroughs of Atglen, Downingtown, Elverson, Honey Brook, Modena, Phoenixville, South Coatesville and Spring City; and part of Montgomery County consisting of the Townships of East Norriton, Limerick, Lower Merion, Perkiomen, Plymouth Districts 1, 3 (Division 2) and 4, Skippack, Whitemarsh District West (Divisions 1 and 2) and Worcester and the Boroughs of Collegeville, Narberth, Norristown, Pottstown and Trappe.

(7) The Seventh District is composed of part of Chester County consisting of the Townships of East Goshen, Easttown, Thornbury, West Goshen, Westtown and Willistown and the Borough of Malvern; part of Delaware County consisting of the Townships of Aston, Bethel, Chadds Ford, Concord, Darby Wards 3, 4 and 5, Edgmont, Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newtown, Radnor, Ridley Wards 1 (Divisions 1 and 3), 2, 3, 4, 5, 6, 7, 8 and 9, Springfield, Thornbury, Tinicum Wards 3 and 5, Upper Chichester, Upper Darby and Upper Providence and the Boroughs of Aldan, Brookhaven, Chester Heights, Clifton Heights,

Collingdale, East Lansdowne, Folcroft, Glenolden, Lansdowne, Marcus Hook, Media, Millbourne, Morton, Norwood, Parkside, Prospect Park, Ridley Park, Rose Valley, Rutledge, Sharon Hill, Swarthmore, Trainer and Upland; and part of Montgomery County consisting of the Townships of Lower Providence, Upper Merion, Upper Providence and West Norriton and the Boroughs of Bridgeport, Conshohocken, Royersford and West Conshohocken.

(8) The Eighth District is composed of all of Bucks County; part of Montgomery County consisting of the Townships of Abington Wards 5 (Division 2), 8 (Division 1) and 15 (Division 2), Upper Dublin Districts 3 and 5 (Division 2) and Upper Moreland Districts 2 and 3 (Division 2); and part of Philadelphia County consisting of the City of Philadelphia Wards 58 (Divisions 4, 6, 7, 20, 21, 22, 24, 29, 31, 39 and 41) and 66 (Divisions 2, 3, 4, 5, 6, 9, 11, 14, 16, 20, 22, 25, 30, 33, 34, 35, 36, 37, 42, 44, 45 and 46).

(9) The Ninth District is composed of all of Bedford County; all of Blair County; part of Cambria County consisting of the Townships of Allegheny, Chest, Clearfield, Dean, Elder, Gallitzin, Reade, Susquehanna and White and the Boroughs of Ashville, Chest Springs, Gallitzin, Hastings, Loretto, Northern Cambria, Patton and Tunnelhill (Cambria County portion); part of Clearfield County consisting of the Townships of Beccaria, Burnside, Chest, Gulich, Jordan and Knox and the Boroughs of Burnside, Coalport, Irvona, New Washington, Newburg, Ramey and Westover; part of Cumberland County consisting of the Townships of Cooke, Dickinson,

29 Hopewell, Lower Frankford, Lower Mifflin, North Middleton,
30 North Newton, Penn, South Newton, Southampton Districts Lower
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1 and Upper (Precinct 1 and Precinct 2 only blocks 4028, 4029,
2 4030, 4034, 4035, 4036, 4037, 4038, 4057, 4061, 4062, 4063,
3 4064, 4066 and 4070 of tract 013101), Upper Frankford, Upper
4 Mifflin and West Pennsboro and the Boroughs of Newburg and
5 Newville; part of Fayette County consisting of the City of
6 Connellsville Wards 3 (only blocks 2002, 2003, 2004, 2005,
7 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2058, 2059 and 2061
8 of tract 260600 and only blocks 4001, 4002 and 4003 of tract
9 260800), 4 and 5 and the Townships of Connellsville, Dunbar
10 District 1, Georges Districts 1 and 2, Henry Clay, North
11 Union District 3, South Union District 3, Springfield,
12 Springhill District 1, Stewart and Wharton and the Boroughs
13 of Fairchance, Markleysburg, Ohiopyle, Smithfield and South
14 Connellsville; all of Franklin County; all of Fulton County;
15 all of Huntingdon County; part of Indiana County consisting
16 of the Townships of Armstrong, Banks, Black Lick, Brush
17 Valley, Buffington, Burrell, Canoe, Center, Conemaugh, East
18 Mahoning, East Wheatfield, Grant, Green, Montgomery, North
19 Mahoning, Rayne, South Mahoning, Washington, West Mahoning,
20 West Wheatfield, White Districts 3, 4 and 6 and Young and the
21 Boroughs of Armagh, Blairsville, Cherry Tree, Creekside,
22 Ernest, Glen Campbell, Homer City, Indiana Districts 1 and 4,
23 Marion Center, Plumville, Saltsburg, Shelocta and Smicksburg;
24 all of Juniata County; part of Mifflin County consisting of
25 the Townships of Bratton, Menno, Oliver, Union and Wayne and
26 the Boroughs of Kistler, McVeytown and Newton Hamilton; part
27 of Perry County consisting of the Townships of Carroll,
28 Greenwood, Howe, Jackson, Liverpool, Northeast Madison, Rye,
29 Saville, Southwest Madison, Spring, Toboyne, Tuscarora and
30 Tyrone and the Boroughs of Blain, Landisburg, Liverpool and
20010S1200B1645 - 10 -

1 Millerstown; and part of Somerset County consisting of the
2 Townships of Addison, Allegheny, Black, Brothersvalley, Elk
3 Lick, Fairhope, Greenville, Larimer, Lower Turkeyfoot,
4 Milford, Northampton, Ogle, Shade, Somerset, Southampton,
5 Stonycreek, Summit and Upper Turkeyfoot and the Boroughs of
6 Addison, Berlin, Callimont, Casselman, Central City,
7 Confluence, Garrett, Indian Lake, Meyersdale, New Baltimore,
8 New Centerville, Rockwood, Salisbury, Shanksville, Somerset,
9 Ursina and Wellersburg.
10 (10) The Tenth District is composed of all of Bradford
11 County; part of Lackawanna County consisting of the City of
12 Carbondale and the Townships of Abington, Benton, Carbondale,
13 Clifton, Covington, Elmhurst, Fell, Glenburn, Greenfield,
14 Jefferson, La Plume, Madison, Newton, North Abington, Ransom,
15 Roaring Brook, Scott, South Abington, Spring Brook,
16 Thornhurst and West Abington and the Boroughs of Archbald,
17 Clarks Green, Clarks Summit, Dalton, Dickson City Wards 1
18 (Divisions 2, 3 and 4), 2 and 3, Jermyn, Jessup Wards 1, 2
19 and 3 (Divisions 2 and 3), Mayfield, Moscow, Olyphant Ward 1
20 and Vandling; part of Luzerne County consisting of the
21 Townships of Dallas, Exeter, Fairmount, Franklin, Kingston,
22 Lake, Lehman and Ross and the Boroughs of Dallas, Forty Fort,
23 Harveys Lake, Kingston, Swoyersville Wards 1 and 2, West
24 Wyoming and Wyoming; part of Lycoming County consisting of
25 the City of Williamsport and the Townships of Cascade, Cogan
26 House, Eldred, Franklin, Gamble, Hepburn, Jackson, Jordan,

Lewis, Loyalsock, Lycoming, McIntyre, McNett, Mill Creek, Moreland, Muncy, Muncy Creek, Penn, Plunketts Creek, Shrewsbury, Upper Fairfield and Wolf and the Boroughs of Hughesville, Muncy and Picture Rocks; all of Montour County;

all of Northumberland County; all of Pike County; all of Snyder County; all of Sullivan County; all of Susquehanna County; all of Union County; all of Wayne County; and all of Wyoming County.

(11) The Eleventh District is composed of all of Carbon County; all of Columbia County; part of Lackawanna County consisting of the City of Scranton and the Boroughs of Blakely, Dickson City Ward 1 (Division 1), Dunmore, Jessup Ward 3 (Division 1), Moosic, Old Forge, Olyphant Wards 2, 3 and 4, Taylor and Throop; part of Luzerne County consisting of the Cities of Hazleton, Nanticoke, Pittston and Wilkes-Barre and the Townships of Bear Creek, Black Creek, Buck, Butler, Conyngham, Dennison, Dorrance, Fairview, Foster, Hanover, Hazle, Hollenback, Hunlock, Huntington, Jackson, Jenkins, Nescopeck, Newport, Pittston, Plains, Plymouth, Rice, Salem, Slocum, Sugarloaf, Union, Wilkes-Barre and Wright and the Boroughs of Ashley, Avoca, Bear Creek Village, Conyngham, Courtdale, Dupont, Duryea, Edwardsville, Exeter, Freeland, Hughestown, Jeddo, Laflin, Larksville, Laurel Run, Luzerne, Nescopeck, New Columbus, Nuangola, Penn Lake Park, Plymouth, Pringle, Shickshinny, Sugar Notch, Swoyersville Ward 3, Warrior Run, West Hazleton, West Pittston, White Haven and Yatesville; and all of Monroe County.

(12) The Twelfth District is composed of part of Allegheny County consisting of the Township of East Deer Ward 2 and the Boroughs of Brackenridge Ward 1 (only blocks 4019, 4025 and 4999 of tract 402000) and Tarentum; part of Armstrong County consisting of the Townships of Bethel, Burrell, Cadogan, Gilpin, Kiskiminetas, Manor, North Buffalo, Parks, Plumcreek, South Bend and South Buffalo District

Eastern and the Boroughs of Apollo, Elderton, Ford City, Ford Cliff, Freeport, Kittanning, Leechburg, Manorville and North Apollo; part of Cambria County consisting of the City of Johnstown and the Townships of Adams, Barr, Blacklick, Cambria, Conemaugh, Cresson, Croyle, East Carroll, East Taylor, Jackson, Lower Yoder, Middle Taylor, Munster, Portage, Richland, Stonycreek, Summerhill, Upper Yoder, Washington, West Carroll and West Taylor and the Boroughs of Brownstown, Carrolltown, Cassandra, Cresson, Daisytown, Dale, East Conemaugh, Ebensburg, Ehrenfeld, Ferndale, Franklin, Geistown, Lilly, Lorain, Nanty Glo, Portage, Sankertown, Scalp Level, South Fork, Southmont, Summerhill, Vintondale, Westmont and Wilmore; part of Fayette County consisting of the Cities of Connellsville Wards 1, 2, 3 (all blocks except 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2058, 2059 and 2061 of tract 260600 and 4001, 4002 and 4003 of tract 260800) and 6 and Uniontown and the Townships of Brownsville, Bullskin, Dunbar Districts 2, 3 and 4, Franklin, Georges Districts 3 and 4, German, Jefferson, Lower Tyrone, Luzerne, Menallen, Nicholson, North Union Districts 1, 2, 4 and 5, Perry, Redstone, Saltlick, South Union Districts 1 and 2, Springhill District 2, Upper Tyrone and Washington and the Boroughs of Belle Vernon, Brownsville, Dawson, Dunbar, Everson, Fayette City, Masontown, Newell,

Perryopolis, Point Marion and Vanderbilt; all of Greene County; part of Indiana County consisting of the Townships of Cherryhill, Pine and White Districts 1 and 2 and the Boroughs of Clymer and Indiana Districts 2 and 3; part of Somerset County consisting of the Townships of Conemaugh, Jefferson, Jenner, Lincoln, Middlecreek, Paint and Quemahoning and the

Boroughs of Benson, Boswell, Hooversville, Jennerstown, Paint, Seven Springs, Stoystown and Windber; part of Washington County consisting of the Cities of Monongahela and Washington and the Townships of Canton, Carroll Districts 2, 3 and 5, Chartiers Districts 3, 5, 6 and 7, East Bethlehem, Fallowfield Districts 1, 2 and 4, North Bethlehem, North Strabane Districts 2, 3 and 5 (only blocks 3016, 3017, 4004, 4005, 4006, 4007, 4011, 4012, 4013 and 4015 of tract 745100), Somerset, South Strabane Districts 2, 4 and 5, Union, West Bethlehem and West Pike Run and the Boroughs of Allenport, Beallsville, Bentleyville, California, Canonsburg Wards 2 and 3 (Division 1), Centerville, Charleroi Districts 1, 3 and 4, Coal Center, Cokeburg, Deemston, Donora, Dunlevy, East Washington District 2, Elco, Ellsworth, Finleyville, Houston, Long Branch, Marianna, New Eagle, North Charleroi, Roscoe, Speers, Stockdale, Twilight and West Brownsville; and part of Westmoreland County consisting of the Cities of Arnold, Latrobe, Lower Burrell, Monessen and New Kensington and the Townships of Allegheny, Bell, Derry, East Huntingdon District Bessemer, Fairfield, Hempfield Districts Bovard, Hannastown and Luxor, Loyalhanna, Mount Pleasant Districts Bridgeport, Duncan, Heccla, Laurel Run, Mammoth, Spring Garden, United and Westmoreland, Rostraver, Salem Districts Hugus and Mechlings, Sewickley Districts East Herminie, Lowber, Rillton, Sewickley and West Herminie, South Huntingdon Districts Jacobs Creek, Mineral, Port Royal, Wayne, Wyano and Yukon, St. Clair, Unity Districts Crabtree, Dorothy and Lloydsville, Upper Burrell and Washington Districts North Washington and Paulton and the Boroughs of Avonmore, Bolivar, Derry, East Vandergrift, Hyde Park, Mount Pleasant, New

Alexandria, New Florence, North Belle Vernon, Oklahoma, Scottdale, Seward, Smithton, Sutersville, Vandergrift, West Leechburg and West Newton.

(13) The Thirteenth District is composed of part of Montgomery County consisting of the Townships of Abington Wards 1, 2, 3, 4, 5 (Division 1), 6, 7, 8 (Division 2), 9, 10, 11, 12, 13, 14 and 15 (Division 1), Hatfield, Horsham, Lower Frederick, Lower Gwynedd, Lower Moreland, Lower Salford, Marlborough (only blocks 2002 and 2003 of tract 207600), Montgomery, New Hanover, Plymouth Districts 2 and 3 (Division 1), Springfield, Towamencin, Upper Dublin Districts 1, 2, 4, 5 (Division 1), 6 and 7, Upper Frederick, Upper Gwynedd, Upper Moreland Districts 1, 3 (Division 1), 4, 5, 6 and 7, Upper Salford, Whitemarsh Districts East, Middle and West (Division 3) and Whitpain and the Boroughs of Ambler, Bryn Athyn, Green Lane, Hatboro, Hatfield, Jenkintown, Lansdale, North Wales, Rockledge and Schwenksville; and part of Philadelphia County consisting of the City of Philadelphia Wards 35 (Divisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 25 and 32), 41, 45, 53 (Divisions 17, 20 and 21), 55, 56, 57, 58 (Divisions 1, 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 25, 26, 27, 28, 30, 32, 33, 34,

35, 36, 37, 38, 40, 42, 43 and 44), 62 (Divisions 1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 15, 16, 17, 18, 19, 21, 22, 24, 25 and 26), 63, 64, 65 and 66 (Divisions 1, 7, 8, 10, 12, 13, 15, 17, 18, 19, 21, 23, 24, 26, 27, 28, 29, 31, 32, 38, 39, 40, 41 and 43).

(14) The Fourteenth District is composed of part of Allegheny County consisting of the Cities of Clairton, Duquesne, McKeesport and Pittsburgh and the Townships of

Elizabeth Ward 9, Kennedy, Neville, North Versailles Wards 1, 2, 3 (Division 2), 4, 5, 6 and 7, O'Hara Ward 1 (Division 2), Penn Hills Wards 1, 2, 3 (Divisions 2, 3, 4 and 5), 4 (Divisions 1, 2 and 4), 5 (Divisions 2, 3 and 4), 6 (Divisions 1, 2, 3, 4 and 6), 7 (Divisions 1, 2, 3, 4, 6 and 7), 8 and 9 (Divisions 1, 2 and 5), Reserve, Robinson Districts 3 and 5, Stowe and Wilkins Ward 2 (Division 2) and the Boroughs of Avalon Wards 1, 2 and 3 (Divisions 2 and 3), Baldwin Districts 1, 2, 3, 4, 5, 9, 11, 12, 13, 15, 16 and 18, Bellevue, Blawnox, Braddock, Braddock Hills, Chalfant, Coraopolis, Crafton Wards 1, 2 and 3 (Division 1), Dravosburg, East McKeesport, East Pittsburgh, Edgewood, Etna Wards 1 and 2, Forest Hills, Glassport, Homestead, Ingram, Liberty, Lincoln, McKees Rocks, Millvale, Monroeville Wards 1 (Division 1) and 7, Mount Oliver, Munhall, North Braddock, Pitcairn Districts 2 and 3, Port Vue, Rankin, Sharpsburg, Swissvale, Turtle Creek, Verona, Versailles, Wall, West Homestead, West Mifflin, Whitaker, Wilkinsburg and Wilmerding.

(15) The Fifteenth District is composed of all of Lehigh County; part of Montgomery County consisting of the Townships of Douglass, Franconia, Lower Pottsgrove, Marlborough, (all blocks except 2002 and 2003 of tract 207600), Salford, Upper Hanover, Upper Pottsgrove and West Pottsgrove and the Boroughs of East Greenville, Pennsburg, Red Hill, Souderton and Telford (Montgomery County portion); and all of Northampton County.

(16) The Sixteenth District is composed of part of Berks County consisting of the City of Reading Wards 1, 2, 3 (Division 1), 4, 5, 6, 7, 8, 9 (Division 2), 11, 12

(Divisions 1 and 3), 13 (Divisions 1 and 2), 15 (Divisions 1, 2, 6 and 7), 18 (Division 4) and 19 and the Townships of Bern District 3, Lower Heidelberg, South Heidelberg Precinct 1 and Spring District 8 and the Borough of Wernersville; part of Chester County consisting of the Townships of Birmingham, East Bradford Districts North (only block 3027 of tract 303900) and South, East Fallowfield, East Marlborough, East Nottingham, Elk, Franklin, Highland, Kennett, London Britain, London Grove, Londonderry, Lower Oxford, New Garden, New London, Newlin, Penn, Pennsbury, Upper Oxford, West Fallowfield, West Marlborough and West Nottingham and the Boroughs of Avondale, Kennett Square, Oxford, Parkesburg, West Chester and West Grove; and all of Lancaster County.

(17) The Seventeenth District is composed of part of Berks County consisting of the Townships of Albany, Alsace, Bern Districts 1 and 2, Bethel, Centre, Earl District 1, Greenwich, Heidelberg, Jefferson, Maidencreek, Marion, Muhlenberg Districts 1, 2, 3, 5, 6, 7 and 8, North Heidelberg, Oley, Ontelaunee, Penn, Perry, Richmond, Ruscombmanor, Tilden, Tulpehocken, Upper Bern, Upper

Tulpehocken and Windsor and the Boroughs of Bernville, Centerport, Fleetwood, Hamburg, Laureldale, Leesport, Lenhartsville, Lyons, Robesonia, Shoemakersville, Strausstown and Womelsdorf; all of Dauphin County; all of Lebanon County; part of Perry County consisting of the Townships of Buffalo, Centre, Juniata, Miller, Oliver, Penn, Watts and Wheatfield and the Boroughs of Bloomfield, Duncannon, Marysville, New Buffalo and Newport; and all of Schuylkill County.

(18) The Eighteenth District is composed of part of Allegheny County consisting of the Townships of Baldwin,

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Collier, Crescent, Elizabeth Wards 1, 2, 3, 4, 5, 6, 7 and 8, Findlay, Forward, Moon, Mount Lebanon, North Fayette, North Versailles Ward 3 (Divisions 1, Penn Hills Wards 3 (Divisions 1 and 6), 4 (Divisions 3 and 5), 5 (Divisions 1, 5 and 6), 6 (Division 5), 7 (Division 5) and 9 (Divisions 3 and 4), Robinson Districts 1, 2, 4, 6, 7, 8 and 9, Scott, South Fayette, South Park, South Versailles, Upper St. Clair and Wilkins Wards 1 and 2 (Division 1) and the Boroughs of Baldwin Districts 6, 7, 8, 10, 14 and 17, Bethel Park, Brentwood, Bridgeville, Carnegie, Castle Shannon, Churchill, Crafton Ward 3 (Division 2), Dormont, Elizabeth, Green Tree, Heidelberg, Jefferson Hills, McDonald (Allegheny County portion), Monroeville Wards 1 (Divisions 2, 3 and 4), 2, 3, 4, 5 and 6, Oakdale, Pennsbury Village, Pitcairn District 1, Pleasant Hills, Rosslyn Farms, Thornburg, Trafford (Allegheny County portion), West Elizabeth, White Oak and Whitehall; part of Washington County consisting of the Townships of Amwell, Blaine, Buffalo, Carroll Districts 1 and 4, Cecil, Chartiers Districts 1, 2 and 4, Cross Creek, Donegal, East Finley, Fallowfield District 3, Hanover, Hopewell, Independence, Jefferson, Morris, Mount Pleasant, North Franklin, North Strabane Districts 1, 4, 5 (all blocks except blocks 3016, 3017, 4004, 4005, 4006, 4007, 4011, 4012, 4013 and 4015 of tract 745100) and 6, Nottingham, Peters, Robinson, Smith, South Franklin, South Strabane Districts 1 and 3 and West Finley and the Boroughs of Burgettstown, Canonsburg Wards 1 and 3 (Division 3), Charleroi Districts 2 and 6, Claysville, East Washington District 1, Green Hills, McDonald, Midway, West Alexander and West Middletown; and part of Westmoreland County consisting of the Cities of

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Greensburg and Jeannette and the Townships of Cook, Donegal, East Huntingdon Districts Ruffsdale, Stoners, Strohms and Whites, Hempfield Districts Alwine, Carbon, East Adamsburg, Eastview, Fort Allen, Foxhill, Gayville, Grapeville, Haydenville, High Park, Lincoln Heights, Lincoln Heights West, Maplewood, Middletown, New Stanton, North Carbon, Sibel, Todd, University, Valley, Weavers Old Stand, Wegley, Wendel Herm, West Hempfield and West Point, Ligonier, Mount Pleasant Districts Pleasant Valley and Ridgeview, North Huntingdon, Penn, Salem Districts Five Points, New Salem, Slickville, Steeles and Trees Mills, Sewickley District Whyel, South Huntingdon Districts Hixon and South Huntingdon, Unity Districts Baggaley, Beatty, Dennison, Gravel Hill, Kuhns, Marguerite, Mutual, Pleasant Unity, Roble and Whitney and Washington Districts Beamers and Oakland X Roads and the Boroughs of Adamsburg, Arona, Donegal, Hunker, Irwin, Laurel Mountain, Ligonier, Madison, Manor, New Stanton, North Irwin, Penn, South Greensburg, Southwest Greensburg, Trafford

19 (Westmoreland County portion), Youngstown and Youngwood.
20 (19) The Nineteenth District is composed of all of Adams
21 County; part of Cumberland County consisting of the Townships
22 of East Pennsboro, Hampden, Lower Allen, Middlesex, Monroe,
23 Shippensburg, Silver Spring, South Middleton, Southampton
24 District Upper (Precinct 2 all blocks except 4028, 4029,
25 4030, 4034, 4035, 4036, 4037, 4038, 4057, 4061, 4062, 4063,
26 4064, 4066 and 4070 of tract 013101) and Upper Allen and the
27 Boroughs of Camp Hill, Carlisle, Lemoyne, Mechanicsburg,
28 Mount Holly Springs, New Cumberland, Shippensburg (Cumberland
29 County portion), Shiremanstown and Wormleysburg; and all of
30 York County.

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1 Section 2. First election.
2 (a) General rule.--The first election under this act shall
3 be held at the primary election in the year 2002.
4 (b) Current officeholders.--The members of Congress now in
5 office shall continue in the office until the expiration of
6 their respective terms.
7 (c) Vacancies.--Vacancies now existing or happening after
8 the passage of this act and before the commencement of the terms
9 of the members elected at the election of 2002 shall be filled
10 for the unexpired terms from the districts formerly prescribed
11 by law.
12 Section 3. Missed political subdivision.
13 In the event any political subdivision or part thereof should
14 be omitted in the description of the congressional districts,
15 the political subdivision or part thereof shall be included as a
16 part of the congressional district which completely surrounds
17 it. Should any omitted political subdivision or part thereof be
18 not completely surrounded by one congressional district, it
19 shall become a part of that congressional district to which it
20 is contiguous, or if there are two or more such contiguous
21 districts, it shall become a part of that congressional district
22 contiguous thereto which has the least population.
23 Section 4. Duty to publish notice of redistricting.
24 Upon the enactment of this act providing for the
25 establishment of congressional districts following the official
26 reporting of the Federal decennial census as required by Federal
27 law, the Secretary of the Commonwealth shall publish notice of
28 the congressional districts as established at least once in at
29 least one newspaper of general circulation in each county in
30 which such newspapers are published.

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1 Section 5. Contents of notice.
2 The notice shall contain a map of this Commonwealth showing
3 all congressional districts established and a map showing the
4 congressional districts in the county in which the publication
5 is made. The notice shall also state the population of the
6 districts having the smallest and largest populations and the
7 percentage variation of such districts from the average
8 population for congressional districts.
9 Section 6. Repeals and abrogation.
10 (a) Statutes.--All acts and parts of acts are repealed
11 insofar as they are inconsistent with this act.
12 (b) Existing plan.--The existing State Congressional
13 Redistricting Plan is abrogated.
14 Section 7. Effective date.
15 This act shall take effect as follows:
16 (1) Section 6(b) shall take effect November 6, 2002.

17 (2) The remainder of this act shall take effect
18 immediately.

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PRIOR PRINTER'S NOS. 1531, 1612, 1627 PRINTER'S NO. 1645

THE GENERAL ASSEMBLY OF PENNSYLVANIA

ACT 1
OF 2002

SENATE BILL

No. 1200 Session of 2001

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 1200, entitled:
"An act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census,"

respectfully submit the following bill as our report:

DAVID J. BRIGHTBILL

JEFFREY E. PICCOLA

(Committee on the part of the Senate.)

SAMUEL H. SMITH

JOHN E. BARLEY

(Committee on the part of the House of Representatives.)

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AN ACT

1 To apportion the Commonwealth of Pennsylvania into congressional
2 districts in conformity with constitutional requirements;
3 providing for the nomination and election of Congressmen; and
4 requiring publication of notice of the establishment of
5 congressional districts following the Federal decennial
6 census.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Congressional districts.

10 For the purpose of electing representatives of the people of
11 Pennsylvania to serve in the House of Representatives in the
12 Congress of the United States, this Commonwealth shall be
13 divided into 19 districts which shall have one Congressman each,
14 as follows:

15 (1) The First District is composed of part of Delaware
16 County consisting of the City of Chester and the Townships of
17 Chester, Darby Wards 1 and 2, Ridley Ward 1 (Division 2) and
18 Tinicum Wards 1, 2 and 4 and the Boroughs of Colwyn, Darby,
19 Eddystone and Yeadon; and part of Philadelphia County
20 consisting of the City of Philadelphia Wards 1, 2, 3, 4, 5,
21 7, 10, 14, 15 (Divisions 3, 7, 10, 15, 16, 17 and 19), 17,
22 18, 19, 20, 23 (Divisions 1, 2, 3, 4, 5, 6, 7, 9, 13, 14, 15,
23 16, 17, 18, 19, 20, 21, 22 and 23), 25, 26 (Divisions 2 and
24 23), 31, 33 (Divisions 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
25 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24), 34, 37, 39,
26 40, 42, 43, 49 (Divisions 1, 2, 3, 4, 5, 6, 9, 10, 11, 12,
27 13, 14, 15, 16, 17, 19, 21, 22 and 23), 53 (Divisions 1, 2,
28 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22
29 and 23), 54 and 62 (Divisions 7, 10, 11, 14, 20 and 23).

30 (2) The Second District is composed of part of
31 Montgomery County consisting of the Township of Cheltenham;

1 and part of Philadelphia County consisting of the City of
2 Philadelphia Wards 6, 8, 9, 11, 12, 13, 15 (Divisions 1, 2,
3 4, 5, 6, 8, 9, 11, 12, 13, 14 and 18), 16, 21, 22, 23
4 (Divisions 8, 10, 11 and 12), 24, 26 (Divisions 1, 3, 4, 5,
5 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
6 22 and 24), 27, 28, 29, 30, 32, 33 (Divisions 2 and 3), 35
7 (Divisions 1, 13, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29,
8 30 and 31), 36, 38, 44, 46, 47, 48, 49 (Divisions 7, 8, 18,
9 20, 24 and 25), 50, 51, 52, 59, 60 and 61.
10 (3) The Third District is composed of part of Armstrong
11 County consisting of the Townships of Boggs, Bradys Bend,
12 Cowanshannock, East Franklin, Hovey, Kittanning, Madison,
13 Mahoning, Perry, Pine, Rayburn, Redbank, South Buffalo
14 District Western, Sugarcreek, Valley, Washington, Wayne and
15 West Franklin and the Boroughs of Applewold, Atwood, Dayton,
16 Parker City, Rural Valley, South Bethlehem, West Kittanning
17 and Worthington; part of Butler County consisting of the City
18 of Butler and the Townships of Allegheny, Brady, Butler,
19 Center, Cherry, Clay, Clearfield, Concord, Connoquenessing,
20 Donegal, Fairview, Forward, Franklin, Jefferson, Marion,
21 Mercer, Muddy Creek, Oakland, Parker, Penn, Slippery Rock,
22 Summit, Venango, Washington, Winfield and Worth and the
23 Boroughs of Bruin, Callery, Cherry Valley, Chicora,
24 Connoquenessing, East Butler, Eau Claire, Evans City,
25 Fairview, Harrisville, Karns City, Petrolia, Portersville,
26 Prospect, Saxonburg, Slippery Rock, West Liberty and West
27 Sunbury; part of Crawford County consisting of the City of
28 Meadville and the Townships of Athens, Beaver, Bloomfield,
29 Cambridge, Conneaut, Cussewago, East Fairfield, East
30 Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North

1 Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South
2 Shenango, Sparta, Spring, Steuben, Summerhill, Summit, Troy,
3 Union, Venango, Vernon, Wayne, West Fallowfield, West Mead,
4 West Shenango and Woodcock and the Boroughs of Blooming
5 Valley, Cambridge Springs, Centerville, Cochranton, Conneaut
6 Lake, Conneautville, Linesville, Saegertown, Spartansburg,
7 Springboro, Townville, Venango and Woodcock; all of Erie
8 County; part of Mercer County consisting of the Cities of
9 Hermitage Districts Ne, Nw, Se and Sw (Divisions 1 and 2) and
10 Sharon and the Townships of Coolspring, Deer Creek, Delaware,
11 East Lackawannock, Fairview, Findley, French Creek, Greene,
12 Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty,
13 Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning,
14 Salem, Sandy Creek, Sandy Lake, South Pymatuning,
15 Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek
16 and Worth and the Boroughs of Clark, Fredonia, Greenville,
17 Grove City, Jackson Center, Jamestown, Mercer, New Lebanon,
18 Sandy Lake, Sharpsville, Sheakleyville and Stoneboro; part of
19 Venango County consisting of the Townships of Clinton, Irwin,
20 Richland, Rockland and Scrubgrass and the Boroughs of
21 Barkeyville, Clintonville and Emlenton; and part of Warren
22 County consisting of the City of Warren and the Townships of
23 Brokenstraw, Columbus, Eldred, Farmington, Freehold, Glade,
24 Pine Grove, Spring Creek, Sugar Grove and Triumph and the
25 Boroughs of Bear Lake, Sugar Grove and Youngsville.
26 (4) The Fourth District is composed of part of Allegheny
27 County consisting of the Townships of Aleppo, East Deer Ward
28 1, Fawn, Frazer, Hampton, Harmar, Harrison, Indiana, Kilbuck,
29 Leet, Marshall, McCandless, O'Hara Wards 1 (Division 1), 2,
30 3, 4 and 5, Ohio, Pine, Richland, Ross, Shaler, Springdale

1 and West Deer and the Boroughs of Aspinwall, Avalon Ward 3
2 (Division 1), Bell Acres, Ben Avon, Ben Avon Heights,
3 Brackenridge (Wards 01 (all blocks except 4019, 4025 and 4999
4 of tract 402000), 02 and 03), Bradford Woods, Cheswick,
5 Edgeworth, Emsworth, Etna Ward 3, Fox Chapel, Franklin Park,
6 Glenfield, Haysville, Leetsdale, Oakmont, Osborne, Plum,
7 Sewickley, Sewickley Heights, Sewickley Hills, Springdale and
8 West View; all of Beaver County; part of Butler County
9 consisting of the Townships of Adams, Buffalo, Clinton,
10 Cranberry, Jackson, Lancaster and Middlesex and the Boroughs
11 of Harmony, Mars, Seven Fields, Valencia and Zelienople; all
12 of Lawrence County; part of Mercer County consisting of the
13 Cities of Farrell and Hermitage District Sw (Division 3) and
14 the Township of Shenango and the Boroughs of West Middlesex
15 and Wheatland; and part of Westmoreland County consisting of
16 the Boroughs of Delmont, Export and Murrysville.
17 (5) The Fifth District is composed of all of Cameron
18 County; all of Centre County; all of Clarion County; part of
19 Clearfield County consisting of the City of Dubois and the
20 Townships of Bell, Bigler, Bloom, Boggs, Bradford, Brady,
21 Cooper, Covington, Decatur, Ferguson, Girard, Goshen, Graham,
22 Greenwood, Huston, Karthaus, Lawrence, Morris, Penn, Pike,
23 Pine, Sandy, Union and Woodward and the Boroughs of Brisbin,
24 Chester Hill, Clearfield, Curwensville, Glen Hope, Grampian,
25 Houtzdale, Lumber City, Mahaffey, Osceola Mills, Troutville
26 and Wallaceton; all of Clinton County; part of Crawford
27 County consisting of the City of Titusville and the Townships
28 of Oil Creek and Rome and the Borough of Hydetown; all of Elk
29 County; all of Forest County; all of Jefferson County; part
30 of Lycoming County consisting of the Townships of Anthony,

1 Armstrong, Bastress, Brady, Brown, Clinton, Cummings,
2 Fairfield, Limestone, McHenry, Mifflin, Nippenose, Old
3 Lycoming, Piatt, Pine, Porter, Susquehanna, Washington,
4 Watson and Woodward and the Boroughs of Duboistown, Jersey
5 Shore, Montgomery, Montoursville, Salladasburg and South
6 Williamsport; all of McKean County; part of Mifflin County
7 consisting of the Townships of Armagh, Brown, Decatur, Derry
8 and Granville and the Boroughs of Burnham, Juniata Terrace
9 and Lewistown; all of Potter County; all of Tioga County;
10 part of Venango County consisting of the Cities of Franklin
11 and Oil City and the Townships of Allegheny, Canal,
12 Cherrytree, Cornplanter, Cranberry, Frenchcreek, Jackson,
13 Mineral, Oakland, Oil Creek, Pinegrove, Plum, President,
14 Sandycreek and Victory and the Boroughs of Cooperstown,
15 Pleasantville, Polk, Rouseville, Sugarcreek and Utica; and
16 part of Warren County consisting of the Townships of Cherry
17 Grove, Conewango, Deerfield, Elk, Limestone, Mead,
18 Pittsfield, Pleasant, Sheffield, Southwest and Watson and the
19 Boroughs of Clarendon and Tidioute.
20 (6) The Sixth District is composed of part of Berks
21 County consisting of the City of Reading Wards 3 (Division
22 2), 9 (Division 5), 10, 12 (Division 5), 13 (Divisions 4 and
23 5), 14, 15 (Division 9), 16, 17 and 18 (Divisions 1, 2 and 3)
24 and the Townships of Amity, Brecknock, Caernarvon,
25 Colebrookdale, Cumru, District, Douglass, Earl District 2,
26 Exeter, Hereford, Longswamp, Lower Alsace, Maxatawny,
27 Muhlenberg District 4, Pike, Robeson, Rockland, South
28 Heidelberg Precinct 2, Spring Districts 1, 2, 3, 4, 5, 6 and
29 7, Union and Washington and the Boroughs of Adamstown, Bally,
30 Bechtelsville, Birdsboro, Boyertown, Kenhorst, Kutztown,

1 Mohnton, Mount Penn, New Morgan, Shillington, Sinking Spring,
2 St. Lawrence, Topton, West Lawn, West Reading, Wyomissing and
3 Wyomissing Hills; part of Chester County consisting of the
4 City of Coatesville and the Townships of Caln, Charlestown,
5 East Bradford District North (all blocks except 3027 of tract
6 303900), East Brandywine, East Caln, East Coventry, East
7 Nantmeal, East Pikeland, East Vincent, East Whiteland, Honey
8 Brook, North Coventry, Pocopson, Sadsbury, Schuylkill, South
9 Coventry, Tredyffrin, Upper Uwchlan, Uwchlan, Valley,
10 Wallace, Warwick, West Bradford, West Brandywine, West Caln,
11 West Nantmeal, West Pikeland, West Sadsbury, West Vincent and
12 West Whiteland and the Boroughs of Atglen, Downingtown,
13 Elverson, Honey Brook, Modena, Phoenixville, South
14 Coatesville and Spring City; and part of Montgomery County
15 consisting of the Townships of East Norriton, Limerick, Lower
16 Merion, Perkiomen, Plymouth Districts 1, 3 (Division 2) and
17 4, Skippack, Whitemarsh District West (Divisions 1 and 2) and
18 Worcester and the Boroughs of Collegeville, Narberth,
19 Norristown, Pottstown and Trappe.
20 (7) The Seventh District is composed of part of Chester
21 County consisting of the Townships of East Goshen, Easttown,
22 Thornbury, West Goshen, Westtown and Willistown and the
23 Borough of Malvern; part of Delaware County consisting of the
24 Townships of Aston, Bethel, Chadds Ford, Concord, Darby Wards
25 3, 4 and 5, Edgmont, Haverford, Lower Chichester, Marple,
26 Middletown, Nether Providence, Newtown, Radnor, Ridley Wards
27 1 (Divisions 1 and 3), 2, 3, 4, 5, 6, 7, 8 and 9,
28 Springfield, Thornbury, Tinicum Wards 3 and 5, Upper
29 Chichester, Upper Darby and Upper Providence and the Boroughs
30 of Aldan, Brookhaven, Chester Heights, Clifton Heights,

1 Collingdale, East Lansdowne, Folcroft, Glenolden, Lansdowne,
2 Marcus Hook, Media, Millbourne, Morton, Norwood, Parkside,
3 Prospect Park, Ridley Park, Rose Valley, Rutledge, Sharon
4 Hill, Swarthmore, Trainer and Upland; and part of Montgomery
5 County consisting of the Townships of Lower Providence, Upper
6 Merion, Upper Providence and West Norriton and the Boroughs
7 of Bridgeport, Conshohocken, Royersford and West
8 Conshohocken.
9 (8) The Eighth District is composed of all of Bucks
10 County; part of Montgomery County consisting of the Townships
11 of Abington Wards 5 (Division 2), 8 (Division 1) and 15
12 (Division 2), Upper Dublin Districts 3 and 5 (Division 2) and
13 Upper Moreland Districts 2 and 3 (Division 2); and part of
14 Philadelphia County consisting of the City of Philadelphia
15 Wards 58 (Divisions 4, 6, 7, 20, 21, 22, 24, 29, 31, 39 and
16 41) and 66 (Divisions 2, 3, 4, 5, 6, 9, 11, 14, 16, 20, 22,
17 25, 30, 33, 34, 35, 36, 37, 42, 44, 45 and 46).
18 (9) The Ninth District is composed of all of Bedford
19 County; all of Blair County; part of Cambria County
20 consisting of the Townships of Allegheny, Chest, Clearfield,
21 Dean, Elder, Gallitzin, Reade, Susquehanna and White and the
22 Boroughs of Ashville, Chest Springs, Gallitzin, Hastings,
23 Loretto, Northern Cambria, Patton and Tunnelhill (Cambria
24 County portion); part of Clearfield County consisting of the
25 Townships of Beccaria, Burnside, Chest, Gulich, Jordan and
26 Knox and the Boroughs of Burnside, Coalport, Irvona, New
27 Washington, Newburg, Ramey and Westover; part of Cumberland
28 County consisting of the Townships of Cooke, Dickinson,
29 Hopewell, Lower Frankford, Lower Mifflin, North Middleton,
30 North Newton, Penn, South Newton, Southampton Districts Lower

1 and Upper (Precinct 1 and Precinct 2 only blocks 4028, 4029,
2 4030, 4034, 4035, 4036, 4037, 4038, 4057, 4061, 4062, 4063,
3 4064, 4066 and 4070 of tract 013101), Upper Frankford, Upper
4 Mifflin and West Pennsboro and the Boroughs of Newburg and
5 Newville; part of Fayette County consisting of the City of
6 Connellsville Wards 3 (only blocks 2002, 2003, 2004, 2005,
7 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2058, 2059 and 2061
8 of tract 260600 and only blocks 4001, 4002 and 4003 of tract
9 260800), 4 and 5 and the Townships of Connellsville, Dunbar
10 District 1, Georges Districts 1 and 2, Henry Clay, North
11 Union District 3, South Union District 3, Springfield,
12 Springhill District 1, Stewart and Wharton and the Boroughs
13 of Fairchance, Markleysburg, Ohiopyle, Smithfield and South
14 Connellsville; all of Franklin County; all of Fulton County;
15 all of Huntingdon County; part of Indiana County consisting
16 of the Townships of Armstrong, Banks, Black Lick, Brush
17 Valley, Buffington, Burrell, Canoe, Center, Conemaugh, East
18 Mahoning, East Wheatfield, Grant, Green, Montgomery, North
19 Mahoning, Rayne, South Mahoning, Washington, West Mahoning,
20 West Wheatfield, White Districts 3, 4 and 6 and Young and the
21 Boroughs of Armagh, Blairsville, Cherry Tree, Creekside,
22 Ernest, Glen Campbell, Homer City, Indiana Districts 1 and 4,
23 Marion Center, Plumville, Saltsburg, Shelocta and Smicksburg;
24 all of Juniata County; part of Mifflin County consisting of
25 the Townships of Bratton, Menno, Oliver, Union and Wayne and
26 the Boroughs of Kistler, McVeytown and Newton Hamilton; part
27 of Perry County consisting of the Townships of Carroll,
28 Greenwood, Howe, Jackson, Liverpool, Northeast Madison, Rye,
29 Saville, Southwest Madison, Spring, Toboyne, Tuscarora and
30 Tyrone and the Boroughs of Blain, Landisburg, Liverpool and

1 Millerstown; and part of Somerset County consisting of the
2 Townships of Addison, Allegheny, Black, Brothersvalley, Elk
3 Lick, Fairhope, Greenville, Larimer, Lower Turkeyfoot,
4 Milford, Northampton, Ogle, Shade, Somerset, Southampton,
5 Stonycreek, Summit and Upper Turkeyfoot and the Boroughs of
6 Addison, Berlin, Callimont, Casselman, Central City,
7 Confluence, Garrett, Indian Lake, Meyersdale, New Baltimore,
8 New Centerville, Rockwood, Salisbury, Shanksville, Somerset,
9 Ursina and Wellersburg.
10 (10) The Tenth District is composed of all of Bradford
11 County; part of Lackawanna County consisting of the City of
12 Carbondale and the Townships of Abington, Benton, Carbondale,
13 Clifton, Covington, Elmhurst, Fell, Glenburn, Greenfield,
14 Jefferson, La Plume, Madison, Newton, North Abington, Ransom,
15 Roaring Brook, Scott, South Abington, Spring Brook,
16 Thornhurst and West Abington and the Boroughs of Archbald,
17 Clarks Green, Clarks Summit, Dalton, Dickson City Wards 1
18 (Divisions 2, 3 and 4), 2 and 3, Jermyn, Jessup Wards 1, 2
19 and 3 (Divisions 2 and 3), Mayfield, Moscow, Olyphant Ward 1
20 and Vandling; part of Luzerne County consisting of the
21 Townships of Dallas, Exeter, Fairmount, Franklin, Kingston,
22 Lake, Lehman and Ross and the Boroughs of Dallas, Forty Fort,
23 Harveys Lake, Kingston, Swoyersville Wards 1 and 2, West
24 Wyoming and Wyoming; part of Lycoming County consisting of
25 the City of Williamsport and the Townships of Cascade, Cogan
26 House, Eldred, Franklin, Gamble, Hepburn, Jackson, Jordan,
27 Lewis, Loyalsock, Lycoming, McIntyre, McNett, Mill Creek,
28 Moreland, Muncy, Muncy Creek, Penn, Plunketts Creek,
29 Shrewsbury, Upper Fairfield and Wolf and the Boroughs of
30 Hughesville, Muncy and Picture Rocks; all of Montour County;

1 all of Northumberland County; all of Pike County; all of
2 Snyder County; all of Sullivan County; all of Susquehanna
3 County; all of Union County; all of Wayne County; and all of
4 Wyoming County.
5 (11) The Eleventh District is composed of all of Carbon
6 County; all of Columbia County; part of Lackawanna County
7 consisting of the City of Scranton and the Boroughs of
8 Blakely, Dickson City Ward 1 (Division 1), Dunmore, Jessup
9 Ward 3 (Division 1), Moosic, Old Forge, Olyphant Wards 2, 3
10 and 4, Taylor and Throop; part of Luzerne County consisting
11 of the Cities of Hazleton, Nanticoke, Pittston and Wilkes-
12 Barre and the Townships of Bear Creek, Black Creek, Buck,
13 Butler, Conyngham, Dennison, Dorrance, Fairview, Foster,
14 Hanover, Hazle, Hollenback, Hunlock, Huntington, Jackson,
15 Jenkins, Nescopeck, Newport, Pittston, Plains, Plymouth,
16 Rice, Salem, Slocum, Sugarloaf, Union, Wilkes-Barre and
17 Wright and the Boroughs of Ashley, Avoca, Bear Creek Village,
18 Conyngham, Courtdale, Dupont, Duryea, Edwardsville, Exeter,
19 Freeland, Hughestown, Jeddo, Laflin, Larksville, Laurel Run,
20 Luzerne, Nescopeck, New Columbus, Nuangola, Penn Lake Park,
21 Plymouth, Pringle, Shickshinny, Sugar Notch, Swoyersville
22 Ward 3, Warrior Run, West Hazleton, West Pittston, White
23 Haven and Yatesville; and all of Monroe County.
24 (12) The Twelfth District is composed of part of
25 Allegheny County consisting of the Township of East Deer Ward
26 2 and the Boroughs of Brackenridge Ward 1 (only blocks 4019,
27 4025 and 4999 of tract 402000) and Tarentum; part of
28 Armstrong County consisting of the Townships of Bethel,
29 Burrell, Cadogan, Gilpin, Kiskiminetas, Manor, North Buffalo,
30 Parks, Plumcreek, South Bend and South Buffalo District

1 Eastern and the Boroughs of Apollo, Elderton, Ford City, Ford
2 Cliff, Freeport, Kittanning, Leechburg, Manorville and North
3 Apollo; part of Cambria County consisting of the City of
4 Johnstown and the Townships of Adams, Barr, Blacklick,
5 Cambria, Conemaugh, Cresson, Croyle, East Carroll, East
6 Taylor, Jackson, Lower Yoder, Middle Taylor, Munster,
7 Portage, Richland, Stonycreek, Summerhill, Upper Yoder,
8 Washington, West Carroll and West Taylor and the Boroughs of
9 Brownstown, Carrolltown, Cassandra, Cresson, Daisytown, Dale,
10 East Conemaugh, Ebensburg, Ehrenfeld, Ferndale, Franklin,
11 Geistown, Lilly, Lorain, Nanty Glo, Portage, Sankertown,
12 Scalp Level, South Fork, Southmont, Summerhill, Vintondale,
13 Westmont and Wilmore; part of Fayette County consisting of
14 the Cities of Connellsville Wards 1, 2, 3 (all blocks except
15 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011,
16 2014, 2058, 2059 and 2061 of tract 260600 and 4001, 4002 and
17 4003 of tract 260800) and 6 and Uniontown and the Townships
18 of Brownsville, Bullskin, Dunbar Districts 2, 3 and 4,
19 Franklin, Georges Districts 3 and 4, German, Jefferson, Lower
20 Tyrone, Luzerne, Menallen, Nicholson, North Union Districts
21 1, 2, 4 and 5, Perry, Redstone, Saltlick, South Union
22 Districts 1 and 2, Springhill District 2, Upper Tyrone and
23 Washington and the Boroughs of Belle Vernon, Brownsville,
24 Dawson, Dunbar, Everson, Fayette City, Masontown, Newell,
25 Perryopolis, Point Marion and Vanderbilt; all of Greene
26 County; part of Indiana County consisting of the Townships of
27 Cherryhill, Pine and White Districts 1 and 2 and the Boroughs
28 of Clymer and Indiana Districts 2 and 3; part of Somerset
29 County consisting of the Townships of Conemaugh, Jefferson,
30 Jenner, Lincoln, Middlecreek, Paint and Quemahoning and the

1 Boroughs of Benson, Boswell, Hooversville, Jennerstown,
2 Paint, Seven Springs, Stoystown and Windber; part of
3 Washington County consisting of the Cities of Monongahela and
4 Washington and the Townships of Canton, Carroll Districts 2,
5 3 and 5, Chartiers Districts 3, 5, 6 and 7, East Bethlehem,
6 Fallowfield Districts 1, 2 and 4, North Bethlehem, North
7 Strabane Districts 2, 3 and 5 (only blocks 3016, 3017, 4004,
8 4005, 4006, 4007, 4011, 4012, 4013 and 4015 of tract 745100),
9 Somerset, South Strabane Districts 2, 4 and 5, Union, West
10 Bethlehem and West Pike Run and the Boroughs of Allenport,
11 Beallsville, Bentleyville, California, Canonsburg Wards 2 and
12 3 (Division 1), Centerville, Charleroi Districts 1, 3 and 4,
13 Coal Center, Cokeburg, Deemston, Donora, Dunlevy, East
14 Washington District 2, Elco, Ellsworth, Finleyville, Houston,
15 Long Branch, Marianna, New Eagle, North Charleroi, Roscoe,
16 Speers, Stockdale, Twilight and West Brownsville; and part of
17 Westmoreland County consisting of the Cities of Arnold,
18 Latrobe, Lower Burrell, Monessen and New Kensington and the
19 Townships of Allegheny, Bell, Derry, East Huntingdon District
20 Bessemer, Fairfield, Hempfield Districts Bovard, Hannastown
21 and Luxor, Loyalhanna, Mount Pleasant Districts Bridgeport,
22 Duncan, Heccla, Laurel Run, Mammoth, Spring Garden, United
23 and Westmoreland, Rostraver, Salem Districts Hugus and
24 Mechlings, Sewickley Districts East Herminie, Lowber,
25 Rillton, Sewickley and West Herminie, South Huntingdon
26 Districts Jacobs Creek, Mineral, Port Royal, Wayne, Wyano and
27 Yukon, St. Clair, Unity Districts Crabtree, Dorothy and
28 Lloydsville, Upper Burrell and Washington Districts North
29 Washington and Paulton and the Boroughs of Avonmore, Bolivar,
30 Derry, East Vandergrift, Hyde Park, Mount Pleasant, New

1 Alexandria, New Florence, North Belle Vernon, Oklahoma,
2 Scottdale, Seward, Smithton, Sutersville, Vandergrift, West
3 Leechburg and West Newton.
4 (13) The Thirteenth District is composed of part of
5 Montgomery County consisting of the Townships of Abington
6 Wards 1, 2, 3, 4, 5 (Division 1), 6, 7, 8 (Division 2), 9,
7 10, 11, 12, 13, 14 and 15 (Division 1), Hatfield, Horsham,
8 Lower Frederick, Lower Gwynedd, Lower Moreland, Lower
9 Salford, Marlborough (only blocks 2002 and 2003 of tract
10 207600), Montgomery, New Hanover, Plymouth Districts 2 and 3
11 (Division 1), Springfield, Towamencin, Upper Dublin Districts
12 1, 2, 4, 5 (Division 1), 6 and 7, Upper Frederick, Upper
13 Gwynedd, Upper Moreland Districts 1, 3 (Division 1), 4, 5, 6
14 and 7, Upper Salford, Whitemarsh Districts East, Middle and
15 West (Division 3) and Whitpain and the Boroughs of Ambler,
16 Bryn Athyn, Green Lane, Hatboro, Hatfield, Jenkintown,
17 Lansdale, North Wales, Rockledge and Schwenksville; and part
18 of Philadelphia County consisting of the City of Philadelphia
19 Wards 35 (Divisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14,
20 15, 16, 17, 25 and 32), 41, 45, 53 (Divisions 17, 20 and 21),
21 55, 56, 57, 58 (Divisions 1, 2, 3, 5, 8, 9, 10, 11, 12, 13,
22 14, 15, 16, 17, 18, 19, 23, 25, 26, 27, 28, 30, 32, 33, 34,
23 35, 36, 37, 38, 40, 42, 43 and 44), 62 (Divisions 1, 2, 3, 4,
24 5, 6, 8, 9, 12, 13, 15, 16, 17, 18, 19, 21, 22, 24, 25 and
25 26), 63, 64, 65 and 66 (Divisions 1, 7, 8, 10, 12, 13, 15,
26 17, 18, 19, 21, 23, 24, 26, 27, 28, 29, 31, 32, 38, 39, 40,
27 41 and 43).
28 (14) The Fourteenth District is composed of part of
29 Allegheny County consisting of the Cities of Clairton,
30 Duquesne, McKeesport and Pittsburgh and the Townships of

1 Elizabeth Ward 9, Kennedy, Neville, North Versailles Wards 1,
2 2, 3 (Division 2), 4, 5, 6 and 7, O'Hara Ward 1 (Division 2),
3 Penn Hills Wards 1, 2, 3 (Divisions 2, 3, 4 and 5), 4
4 (Divisions 1, 2 and 4), 5 (Divisions 2, 3 and 4), 6
5 (Divisions 1, 2, 3, 4 and 6), 7 (Divisions 1, 2, 3, 4, 6 and
6 7), 8 and 9 (Divisions 1, 2 and 5), Reserve, Robinson
7 Districts 3 and 5, Stowe and Wilkins Ward 2 (Division 2) and
8 the Boroughs of Avalon Wards 1, 2 and 3 (Divisions 2 and 3),
9 Baldwin Districts 1, 2, 3, 4, 5, 9, 11, 12, 13, 15, 16 and
10 18, Bellevue, Blawnox, Braddock, Braddock Hills, Chalfant,
11 Coraopolis, Crafton Wards 1, 2 and 3 (Division 1),
12 Dravosburg, East McKeesport, East Pittsburgh, Edgewood, Etna
13 Wards 1 and 2, Forest Hills, Glassport, Homestead, Ingram,
14 Liberty, Lincoln, McKees Rocks, Millvale, Monroeville Wards 1
15 (Division 1) and 7, Mount Oliver, Munhall, North Braddock,
16 Pitcairn Districts 2 and 3, Port Vue, Rankin, Sharpsburg,
17 Swissvale, Turtle Creek, Verona, Versailles, Wall, West
18 Homestead, West Mifflin, Whitaker, Wilkinsburg and
19 Wilmerding.
20 (15) The Fifteenth District is composed of all of Lehigh
21 County; part of Montgomery County consisting of the Townships
22 of Douglass, Franconia, Lower Pottsgrove, Marlborough, (all
23 blocks except 2002 and 2003 of tract 207600), Salford, Upper
24 Hanover, Upper Pottsgrove and West Pottsgrove and the
25 Boroughs of East Greenville, Pennsburg, Red Hill, Souderton
26 and Telford (Montgomery County portion); and all of
27 Northampton County.
28 (16) The Sixteenth District is composed of part of Berks
29 County consisting of the City of Reading Wards 1, 2, 3
30 (Division 1), 4, 5, 6, 7, 8, 9 (Division 2), 11, 12

1 (Divisions 1 and 3), 13 (Divisions 1 and 2), 15 (Divisions 1,
2 2, 6 and 7), 18 (Division 4) and 19 and the Townships of Bern
3 District 3, Lower Heidelberg, South Heidelberg Precinct 1 and
4 Spring District 8 and the Borough of Wernersville; part of
5 Chester County consisting of the Townships of Birmingham,
6 East Bradford Districts North (only block 3027 of tract
7 303900) and South, East Fallowfield, East Marlborough, East
8 Nottingham, Elk, Franklin, Highland, Kennett, London Britain,
9 London Grove, Londonderry, Lower Oxford, New Garden, New
10 London, Newlin, Penn, Pennsbury, Upper Oxford, West
11 Fallowfield, West Marlborough and West Nottingham and the
12 Boroughs of Avondale, Kennett Square, Oxford, Parkesburg,
13 West Chester and West Grove; and all of Lancaster County.
14 (17) The Seventeenth District is composed of part of
15 Berks County consisting of the Townships of Albany, Alsace,
16 Bern Districts 1 and 2, Bethel, Centre, Earl District 1,
17 Greenwich, Heidelberg, Jefferson, Maidencreek, Marion,
18 Muhlenberg Districts 1, 2, 3, 5, 6, 7 and 8, North
19 Heidelberg, Oley, Ontelaunee, Penn, Perry, Richmond,
20 Ruscombmanor, Tilden, Tulpehocken, Upper Bern, Upper
21 Tulpehocken and Windsor and the Boroughs of Bernville,
22 Centerport, Fleetwood, Hamburg, Laureldale, Leesport,
23 Lenhartsville, Lyons, Robesonia, Shoemakersville, Strausstown
24 and Womelsdorf; all of Dauphin County; all of Lebanon County;
25 part of Perry County consisting of the Townships of Buffalo,
26 Centre, Juniata, Miller, Oliver, Penn, Watts and Wheatfield
27 and the Boroughs of Bloomfield, Duncannon, Marysville, New
28 Buffalo and Newport; and all of Schuylkill County.
29 (18) The Eighteenth District is composed of part of
30 Allegheny County consisting of the Townships of Baldwin,

1 Collier, Crescent, Elizabeth Wards 1, 2, 3, 4, 5, 6, 7 and 8,
2 Findlay, Forward, Moon, Mount Lebanon, North Fayette, North
3 Versailles Ward 3 (Divisions 1, Penn Hills Wards 3 (Divisions
4 1 and 6), 4 (Divisions 3 and 5), 5 (Divisions 1, 5 and 6), 6
5 (Division 5), 7 (Division 5) and 9 (Divisions 3 and 4),
6 Robinson Districts 1, 2, 4, 6, 7, 8 and 9, Scott, South
7 Fayette, South Park, South Versailles, Upper St. Clair and
8 Wilkins Wards 1 and 2 (Division 1) and the Boroughs of
9 Baldwin Districts 6, 7, 8, 10, 14 and 17, Bethel Park,
10 Brentwood, Bridgeville, Carnegie, Castle Shannon, Churchill,
11 Crafton Ward 3 (Division 2), Dormont, Elizabeth, Green Tree,
12 Heidelberg, Jefferson Hills, McDonald (Allegheny County
13 portion), Monroeville Wards 1 (Divisions 2, 3 and 4), 2, 3,
14 4, 5 and 6, Oakdale, Pennsbury Village, Pitcairn District 1,
15 Pleasant Hills, Rosslyn Farms, Thornburg, Trafford (Allegheny
16 County portion), West Elizabeth, White Oak and Whitehall;
17 part of Washington County consisting of the Townships of
18 Amwell, Blaine, Buffalo, Carroll Districts 1 and 4, Cecil,
19 Chartiers Districts 1, 2 and 4, Cross Creek, Donegal, East
20 Finley, Fallowfield District 3, Hanover, Hopewell,
21 Independence, Jefferson, Morris, Mount Pleasant, North
22 Franklin, North Strabane Districts 1, 4, 5 (all blocks except
23 blocks 3016, 3017, 4004, 4005, 4006, 4007, 4011, 4012, 4013
24 and 4015 of tract 745100) and 6, Nottingham, Peters,
25 Robinson, Smith, South Franklin, South Strabane Districts 1
26 and 3 and West Finley and the Boroughs of Burgettstown,
27 Canonsburg Wards 1 and 3 (Division 3), Charleroi Districts 2
28 and 6, Claysville, East Washington District 1, Green Hills,
29 McDonald, Midway, West Alexander and West Middletown; and
30 part of Westmoreland County consisting of the Cities of

1 Greensburg and Jeannette and the Townships of Cook, Donegal,
2 East Huntingdon Districts Ruffsdale, Stoners, Strohms and
3 Whites, Hempfield Districts Alwine, Carbon, East Adamsburg,
4 Eastview, Fort Allen, Foxhill, Gayville, Grapeville,
5 Haydenville, High Park, Lincoln Heights, Lincoln Heights
6 West, Maplewood, Middletown, New Stanton, North Carbon,
7 Sibel, Todd, University, Valley, Weavers Old Stand, Wegley,
8 Wendel Herm, West Hempfield and West Point, Ligonier, Mount
9 Pleasant Districts Pleasant Valley and Ridgeview, North
10 Huntingdon, Penn, Salem Districts Five Points, New Salem,
11 Slickville, Steeles and Trees Mills, Sewickley District
12 Whyel, South Huntingdon Districts Hixon and South Huntingdon,
13 Unity Districts Baggaley, Beatty, Dennison, Gravel Hill,
14 Kuhns, Marguerite, Mutual, Pleasant Unity, Roble and Whitney
15 and Washington Districts Beamers and Oakland X Roads and the
16 Boroughs of Adamsburg, Arona, Donegal, Hunker, Irwin, Laurel
17 Mountain, Ligonier, Madison, Manor, New Stanton, North Irwin,
18 Penn, South Greensburg, Southwest Greensburg, Trafford
19 (Westmoreland County portion), Youngstown and Youngwood.
20 (19) The Nineteenth District is composed of all of Adams
21 County; part of Cumberland County consisting of the Townships
22 of East Pennsboro, Hampden, Lower Allen, Middlesex, Monroe,
23 Shippensburg, Silver Spring, South Middleton, Southampton
24 District Upper (Precinct 2 all blocks except 4028, 4029,
25 4030, 4034, 4035, 4036, 4037, 4038, 4057, 4061, 4062, 4063,
26 4064, 4066 and 4070 of tract 013101) and Upper Allen and the
27 Boroughs of Camp Hill, Carlisle, Lemoyne, Mechanicsburg,
28 Mount Holly Springs, New Cumberland, Shippensburg (Cumberland
29 County portion), Shiremanstown and Wormleysburg; and all of
30 York County.

1 Section 2. First election.
2 (a) General rule.--The first election under this act shall
3 be held at the primary election in the year 2002.
4 (b) Current officeholders.--The members of Congress now in
5 office shall continue in the office until the expiration of
6 their respective terms.
7 (c) Vacancies.--Vacancies now existing or happening after
8 the passage of this act and before the commencement of the terms
9 of the members elected at the election of 2002 shall be filled
10 for the unexpired terms from the districts formerly prescribed
11 by law.
12 Section 3. Missed political subdivision.
13 In the event any political subdivision or part thereof should
14 be omitted in the description of the congressional districts,
15 the political subdivision or part thereof shall be included as a
16 part of the congressional district which completely surrounds
17 it. Should any omitted political subdivision or part thereof be
18 not completely surrounded by one congressional district, it
19 shall become a part of that congressional district to which it
20 is contiguous, or if there are two or more such contiguous
21 districts, it shall become a part of that congressional district
22 contiguous thereto which has the least population.
23 Section 4. Duty to publish notice of redistricting.
24 Upon the enactment of this act providing for the
25 establishment of congressional districts following the official
26 reporting of the Federal decennial census as required by Federal
27 law, the Secretary of the Commonwealth shall publish notice of
28 the congressional districts as established at least once in at
29 least one newspaper of general circulation in each county in
30 which such newspapers are published.

1 Section 5. Contents of notice.

2 The notice shall contain a map of this Commonwealth showing
3 all congressional districts established and a map showing the
4 congressional districts in the county in which the publication
5 is made. The notice shall also state the population of the
6 districts having the smallest and largest populations and the
7 percentage variation of such districts from the average
8 population for congressional districts.

9 Section 6. Repeals and abrogation.

10 (a) Statutes.--All acts and parts of acts are repealed
11 insofar as they are inconsistent with this act.

12 (b) Existing plan.--The existing State Congressional
13 Redistricting Plan is abrogated.

14 Section 7. Effective date.

15 This act shall take effect as follows:

16 (1) Section 6(b) shall take effect November 6, 2002.

17 (2) The remainder of this act shall take effect
18 immediately.

We certify that this bill, Senate Bill No. 1200, Printer's No. 1645, has passed the Senate and House of Representatives.

Secretary, Senate

President, Senate

Speaker, House of Representatives

Approved the 7th day of January A.D. 2002

Governor

I do hereby certify that the foregoing

is a true and correct copy of the

Act of the General Assembly No. 2002-1.

Secretary of the Commonwealth

Volume 115

THE PENNSYLVANIA MANUAL

HOME

Governor's Letter | Preface | Acknowledgements

SECTION 1 **Pennsylvania: Past and Present**	SECTION 2 **Constitution of Pennsylvania**	SECTION 3 **General Assembly**
SECTION 4 **Executive**	SECTION 5 **Judiciary**	SECTION 6 **Local Government**
SECTION 7 **Elections**	SECTION 8 **The Federal Government**	SECTION 9 **Appendix**

GENERAL INDEX	**INDIVIDUAL INDEX**	**ADDENDUM**

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PENNSYLVANIA LOCAL GOVERNMENT

Local government in Pennsylvania is a mosaic of 5,334 individual units. All were established by the State or provincial government and operate under laws of the Commonwealth. Each unit is distinct and independent of other local units, although they may overlap geographically and may act together to serve the public.

As of 2001, there were 67 counties, 56 cities, 964 boroughs, 1 incorporated town, 1,548 townships (91 first class, 1,457 second class), 501 school districts and 2,198 authorities (active and inactive). The number of local units has remained fairly stable for the past few decades with two major exceptions. After passage of school district legislation in 1963 and 1965, the number of school districts diminished radically. Authorities, born as local units during the depression years of the 1930s, have proliferated at a phenomenal pace since then.

STATE AND LOCAL GOVERNMENT

Constitutional Provisions

The Constitution authorizes the state to enact laws regulating local units of government. It outlines basic requirements and rights. The Constitution requires periodic legislative redistricting, guarantees the right to select a home rule charter or an optional plan of government, and mandates uniform legislation establishing the procedure for consolidation, merger or change of municipal boundaries. The Constitution also prohibits special or local legislation by the General Assembly, sets up county government with elected row officers, permits classification of local governments according to population, and requires taxation to be uniform upon the same classes of subjects. The General Assembly is allowed to enact certain tax exemptions and special tax provisions because of age, disability, infirmity or poverty.

Classifications

Municipalities and school districts may be classified according to population, and the General Assembly can legislate separately for each class. There are four general types of municipalities in Pennsylvania: counties, cities, boroughs and townships. At the present time there are nine classes of counties, four classes of cities, two classes of townships and five classes of school districts. Boroughs are not classified. Legislation may be enacted for each class even though there is only one unit in a particular class, as is the case of Philadelphia as a city of the first class and Allegheny as the only county currently of the second class.

Each class of municipality operates under its own code of laws which sets forth the governmental structure as well as the general and specific powers of local government. Except for home rule municipalities, the codes are the most important source of legislative powers granted to a municipal governing body by the General Assembly. They are the County Code, Third Class City Code, Borough Code, First Class Township Code, Second Class Township Code and Public School Code.

Legislation

There is also extensive general legislation applying to local governments. Some examples of legislative provisions outside the local government codes are real property assessment, local non-property taxation, municipal borrowing, real estate tax collection, intergovernmental cooperation, municipal employes retirement, solid waste management, sewage facilities and planning and zoning.

Significant general laws affecting local governments both grant powers and impose restrictions. The Pennsylvania Municipalities Planning Code empowers municipalities to plan their development and adopt zoning, subdivision and land development ordinances. The Pennsylvania Sewage Facilities Act regulates community and individual sewage disposal systems. The Solid Waste Management Act provides for solid waste collection and disposal.

The Local Government Unit Debt Act establishes debt limits for local government units based on municipal revenues. The Municipal Police Education and Training Act mandates training of all municipal police officers. The Intergovernmental Cooperation Act permits two or more municipalities to cooperate jointly in the exercise of any governmental functions and allows municipalities to delegate powers to other local units. The Sunshine Law requires public agencies to discuss and act upon agency business only at meetings open to the public. There are numerous other general laws affecting local government powers and procedures.

Taxes

The state gives local governments authority to levy taxes on inhabitants and property within their jurisdiction and provides for tax exemptions. Taxes are levied and collected under general laws. The two primary sources of tax revenue at the local level are the real estate tax, authorized under the respective municipal codes, and the earned income tax, authorized by the Local Tax Enabling Act. The Local Tax Enabling Act authorizes numerous other types of taxes.

Home Rule

The Home Rule Charter and Optional Plans Law grants Pennsylvania municipalities the power to determine for themselves what structure their government will take and what services it will perform. A home rule municipality no longer has its powers and organization determined by the state legislature. A home rule municipality drafts and amends its own charter and can exercise any power or perform any function not denied by the state Constitution, the General Assembly or its home rule charter. As of January 2001, 71 municipalities have adopted home rule charters, including 6 counties, 19 cities, 19 boroughs and 27 townships.

POPULATION OF COUNTIES: 2000-1990

COUNTIES	TOTAL POPULATION 2000	TOTAL POPULATION 1990	PERCENT CHANGE 2000-1990
THE STATE	**12,281,054**	**11,881,643**	**3.4**
Adams	91,292	78,274	16.6
Allegheny	1,281,666	1,336,449	-4.1
Armstrong	72,392	73,478	-1.5
Beaver	181,412	186,093	-2.5
Bedford	49,984	47,919	4.3
Berks	373,638	336,523	11.0
Blair	129,144	130,542	-1.1
Bradford	62,761	60,967	2.9
Bucks	597,635	541,174	10.4
Butler	174,083	152,013	14.5
Cambria	152,598	163,029	-6.4
Cameron	5,974	5,913	1.0
Carbon	58,802	56,846	3.4
Centre	135,758	123,786	9.7
Chester	433,501	376,396	15.2
Clarion	41,765	41,699	0.2
Clearfield	83,382	78,097	6.8
Clinton	37,914	37,182	2.0
Columbia	64,151	63,202	1.5
Crawford	90,366	86,169	4.9
Cumberland	213,674	195,257	9.4
Dauphin	251,798	237,813	5.9
Delaware	550,864	547,651	0.6
Elk	35,112	34,878	0.7
Erie	280,843	275,572	1.9
Fayette	148,644	145,351	2.3
Forest	4,946	4,802	3.0
Franklin	129,313	121,082	6.8
Fulton	14,261	13,837	3.1
Greene	40,672	39,550	2.8
Huntingdon	45,586	44,164	3.2
Indiana	89,605	89,994	-0.4
Jefferson	45,932	46,083	-0.3
Juniata	22,821	20,625	10.6
Lackawanna	213,295	219,039	-2.6
Lancaster	470,658	422,822	11.3
Lawrence	94,643	96,246	-1.7
Lebanon	120,327	113,744	5.8
Lehigh	312,090	291,130	7.2
Luzerne	319,250	328,149	-2.7
Lycoming	120,044	118,710	1.1
McKean	45,936	47,131	-2.5
Mercer	120,293	121,003	-0.6
Mifflin	46,486	46,197	0.6
Monroe	138,687	95,709	44.9
Montgomery	750,097	678,111	10.6
Montour	18,236	17,735	2.8
Northampton	267,066	247,105	8.1
Northumberland	94,556	96,771	-2.3
Perry	43,602	41,172	5.9
Philadelphia	1,517,550	1,585,577	-4.3
Pike	46,302	27,966	65.6
Potter	18,080	16,717	8.2
Schuylkill	150,336	152,585	-1.5
Snyder	37,546	36,680	2.4
Somerset	80,023	78,218	2.3
Sullivan	6,556	6,104	7.4
Susquehanna	42,238	40,380	4.6
Tioga	41,373	41,126	0.6
Union	41,624	36,176	15.1
Venango	57,565	59,381	-3.1
Warren	43,863	45,050	-2.6
Washington	202,897	204,584	-0.8
Wayne	47,722	39,944	19.5
Westmoreland	369,993	370,321	-0.1
Wyoming	28,080	28,076	0.0
York	381,751	339,574	12.4

CITIES

THE ACT PROVIDING FOR THE CLASSIFICATION OF CITIES

Section 1 – Purpose of classification; division into classes.

For the purpose of legislation regulating their municipal affairs, the exercise of certain corporate powers, and having respect to the number, character, powers, and duties of certain officers thereof, the cities now in existence and those hereafter created in this Commonwealth shall be divided into four classes:

Those containing a population of one million or over shall constitute the first class.

Those containing a population of two hundred fifty thousand and under one million shall constitute the second class.

Those containing a population of eighty thousand and under two hundred fifty thousand and which by ordinance elect to be a city of the second class A shall constitute the second class A.

Those containing a population under two hundred fifty thousand and which have not elected to become a city of the second class A constitute the third class.

Section 2 – The classification of said cities respectively, shall be ascertained and fixed by reference to the last two preceding United States decennial censuses, and whenever it shall appear by both of such censuses, that any city of the first, second or second A class has decreased in population below the minimum population figures prescribed for its current classification, or that any city of the second, second A or third class has increased above the maximum population figure prescribed for its current classification, it shall be the duty of the Governor, under the great seal of the Commonwealth, to certify the fact accordingly, which certificate shall be entered at large upon the minutes of the councils of such city and recorded in the office for recording the deeds of the proper county. No change in classification or in the existing form of government shall become effective until ten years after the certification of the fact of decrease or increase of population by the Governor: Provided, That the court of common pleas of the county in which the city is located shall appoint a charter commission to study and make recommendations on the adoption of a form of city government under sections 3, 4, 5, 6 and 7 of this act, and a form of government is adopted within the above ten-year period. If a form of government is not adopted within the ten-year period, the city shall automatically become classified according to the provisions of section 1 of this act and be subject to the provisions therein.

It is the intent of the preceding paragraph that the classification of any city of the first, second, second class A and third class shall not be changed because its population has changed at the time of one United States decennial census, because it is recognized that a change in the form of municipal government is attended by certain expense and hardship and such change should not be occasioned by a temporary fluctuation in population but rather only after it is demonstrated by two censuses that the population of a city has remained below the minimum figure or above the maximum figure of its class for at least a decade.

At the municipal election occurring not less than one month after the date of such certificate the proper officers shall be elected to which the said city will become entitled under the change in classification, and upon the first Monday of April next ensuing the terms of all officers of said city when in office whose offices are superseded by reason thereof shall cease and determine, and the city government shall be duly organized and shall thereafter be controlled and regulated by the laws of this Commonwealth applicable to the same under the classification hereby fixed and appointed.

Until otherwise provided by law, cities of the second class A shall continue to be governed, and shall have all the powers, privileges and prerogatives now provided by the laws of the Commonwealth relating to the cities of the second class. (1895 P.L. 275, Sections 1 and 2, as amended.)

CLASSIFICATION OF CITIES, 2000 CENSUS

First Class (1) – Philadelphia (1,517,550).

Second Class (1) – Pittsburgh (334,563).

Second Class A (1) – Scranton (76,415).

Third Class (51) – Aliquippa (11,734), Allentown (106,632), Altoona (49,523), Arnold (5,667), Beaver Falls (9,920), Bethlehem (71,329), Bradford (9,175), Butler (15,121), Carbondale (9,804), Chester (36,854), Clairton (8,491), Coatesville (10,838), Connellsville (9,146), Corry (6,834), DuBois (8,123), Duquesne (7,332), Easton (26,263), Erie (103,717), Farrell (6,050), Franklin (7,212), Greensburg (15,889), Harrisburg (48,950), Hazleton (23,329), Hermitage (16,157), Jeannette (10,654), Johnstown (23,906), Lancaster (56,348), Lebanon (24,461), Lock Haven (9,149), Lower Burrell (12,608), McKeesport (24,040), Meadville (13,685), Monessen (8,669), Monongahela (4,761), Nanticoke (10,955), New Castle (26,309), New Kensington (14,701), Oil City (11,504), Parker City (799), Pittston (8,104), Pottsville (15,549), Reading (81,207), Shamokin (8,009), Sharon (16,328), St. Marys (14,502), Sunbury (10,610), Titusville (6,146), Uniontown (12,422), Warren (10,259), Washington (15,268), Wilkes-Barre (43,123), Williamsport (30,706), York (40,862).

E

Biographical Directory of the United States Congress

1774 - Present

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MORGAN, Thomas Ellsworth, 1906-1995

MORGAN, Thomas Ellsworth, a Representative from Pennsylvania; born in Ellsworth, Washington County, Pa., October 13, 1906; attended the public schools of Washington County and East Bethlehem Township High School, Fredericktown, Pa.; was graduated from Waynesburg (Pa.) College in 1930, Detroit (Mich.) College of Medicine and Surgery in 1933, and Wayne University, Detroit, Mich., in 1934; began the practice of medicine and surgery at Fredericktown, Pa., in 1935; elected as a Democrat to the Seventy-ninth and to the fifteen succeeding Congresses (January 3, 1945-January 3, 1977); chairman, Committee on Foreign Affairs (Eighty-sixth through Ninety-third Congresses), Committee on International Relations (Ninety-fourth Congress); was not a candidate for reelection in 1976 to the Ninety-fifth Congress; died July 31, 1995.

F

VOLUME 114

The Pennsylvania Manual

PUBLISH

Department of General Services
Commonwealth of Pennsylvania

Tom Ridge, Governor

Gary Crowell, Secretary of General Services

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 137 of 280

MUNICIPALITIES WHICH HAVE ADOPTED HOME RULE CHARTERS, OPTIONAL PLANS AND OPTIONAL CHARTERS AS OF JANUARY 1, 1999

A total of 70 jurisdictions have adopted home rule charters, including six counties, 19 cities, 27 townships and 19 boroughs. Eleven have adopted optional plans: six townships, three cities and two boroughs. Fourteen cities continue to operate under optional charters adopted under the Optional Third Class City Charter Law.

COUNTY	MUNICIPALITY	1990 POPULATION	FORM	DATE ADOPTED
Allegheny	Allegheny County	1,336,449	Home Rule	May 1998
	Bellevue Borough	9,126	Home Rule	Nov. 1974
	Bethel Park Borough	33,823	Home Rule	Nov. 1976
	Bradford Woods Borough	1,329	Home Rule	May 1974
	Clairton City	9,656	Home Rule	Apr. 1988
	Green Tree Borough	4,905	Home Rule	Nov. 1974
	Hampton Township	15,568	Home Rule	Nov. 1981
	Indiana Township	6,024	Optional Plan	Nov. 1974
	McCandless Town	28,781	Home Rule	Nov. 1974
	McKeesport City	26,016	Home Rule	Nov. 1973
	Monroeville Borough	26,169	Home Rule	May 1974
	Mount Lebanon Township	33,362	Home Rule	May 1974
	O'Hara Township	9,096	Home Rule	Nov. 1973
	Penn Hills Township	51,479	Home Rule	May 1973
	Pine Township	4,048	Home Rule	Nov. 1991
	Pittsburgh City	369,879	Home Rule	Nov. 1974
	Richland Township	8,600	Home Rule	May 1974
	Upper Saint Clair Township	19,692	Home Rule	Nov. 1973
	West Deer Township	11,371	Home Rule	May 1974
	Whitehall Borough	14,451	Home Rule	May 1994
Berks	Reading City	78,380	Home Rule	Nov. 1993
Blair	Altoona City	51,881	Optional Plan	Nov. 1987
	Tyrone Borough	5,743	Home Rule	May 1982
Bucks	Bensalem Township	56,788	Optional Plan	Nov. 1987
	Bristol Township	57,129	Optional Plan	Nov. 1984
	Chalfont Borough	3,069	Home Rule	Nov. 1974
	Quakertown Borough	8,982	Optional Plan	May 1974
Cambria	Johnstown City	28,134	Home Rule	May 1993
	Portage Borough	3,105	Home Rule	May 1994
Carbon	Weatherly Borough	2,640	Optional Plan	May 1974
Centre	College Township	6,709	Optional Plan	May 1974
	Ferguson Township	9,368	Home Rule	May 1974
	State College Borough	38,923	Home Rule	Nov. 1973
Chester	Coatesville City	11,038	Home Rule	May 1979
	Elk Township	1,129	Home Rule	Nov. 1974
	Tredyffrin Township	28,028	Home Rule	May 1974
	West Chester Borough	18,041	Home Rule	Nov. 1993
Clearfield	DuBois City	8,286	Optional Plan	May 1978
Clinton	Lock Haven City	9,230	Optional Charter	Nov. 1969
Crawford	Cambridge Springs Borough	1,837	Home Rule	May 1974
	Meadville City	14,318	Optional Charter	Nov. 1965
	Titusville City	6,434	Optional Charter	Nov. 1962
Dauphin	Harrisburg City	52,376	Optional Charter	May 1969
Delaware	Delaware County	547,651	Home Rule	May 1975
	Chester City	41,856	Home Rule	Apr. 1980
	Chester Township	5,399	Home Rule	May 1990
	Haverford Township	49,848	Home Rule	Apr. 1976
	Middletown Township	14,130	Home Rule	May 1975
	Radnor Township	28,703	Home Rule	Nov. 1976
	Upper Darby Township	81,177	Home Rule	May 1974
	Upper Providence Township	9,727	Home Rule	Nov. 1975
Elk	Saint Marys City	14,020	Home Rule	Nov. 1992

G

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

Cert. No. 2002-11b

OFFICE OF THE SECRETARY OF THE COMMONWEALTH

Harrisburg, **January 31, 2002**

PENNSYLVANIA, SS:

I, Kim Pizzingrilli, Secretary of the Commonwealth of Pennsylvania, DO HEREBY CERTIFY, That the attached is a true and accurate copy of the official Voter Registration Statistics for November 2000 and November 2001, as the same remains of record and on file in the Department of State's Bureau of Commissions, Elections, and Legislation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of my Office to be affixed, the day and year above written.

Kim Pizzingrilli

Secretary of the Commonwealth

COMMONWEALTH OF PENNSYLVANIA
NOVEMBER 2000 - VOTER REGISTRATION STATI[illegible] - OFFICIAL

DEPARTMENT OF STATE
VOTER REGISTRATION DIVISION

COUNTY	REPUBLICAN	DEMOCRATIC	CONSTITUTION	LIBERTARIAN	OTHER PARTIES	ALL PARTIES
ADAMS	26,774	15,925	97	267	5,360	48,423
ALLEGHENY	260,791	568,560	10	2,388	83,145	914,894
ARMSTRONG	18,927	20,600	49	123	3,376	43,075
BEAVER	33,451	73,045	126	248	9,645	116,515
BEDFORD	16,955	10,500	26	57	1,862	29,400
BERKS	89,731	94,861	455	1,652	24,245	210,944
BLAIR	40,852	25,224	98	291	6,889	73,354
BRADFORD	22,345	10,375	53	122	3,516	36,411
BUCKS	192,498	145,625	11	3,083	53,149	394,366
BUTLER	51,557	42,516	99	383	10,890	105,445
CAMBRIA	28,818	57,060	112	202	5,204	91,396
CAMERON	1,771	1,547	5	7	217	3,547
CARBON	13,755	16,826	54	145	3,080	33,860
CENTRE	40,000	33,215	105	564	14,334	88,218
CHESTER	163,833	82,428	349	1,733	45,082	293,425
CLARION	11,431	9,412	1	69	1,570	22,483
CLEARFIELD	20,572	20,778	65	114	3,402	44,931
CLINTON	9,508	8,911	31	58	1,631	20,139
COLUMBIA	15,851	16,717	43	121	3,953	36,685
CRAWFORD	27,955	20,680	66	131	3,862	52,694
CUMBERLAND	76,801	39,060	5	564	15,878	132,308
DAUPHIN	83,185	59,138	355	699	16,446	159,823
DELAWARE	230,741	110,104	369	1,279	35,546	378,039
ELK	7,292	10,409	26	38	1,641	19,406
ERIE	67,154	89,994	293	506	14,302	172,249
FAYETTE	18,375	60,069	89	167	4,458	83,158
FOREST	1,660	1,170	0	1	164	2,995
FRANKLIN	41,274	22,387	105	215	7,485	71,466
FULTON	4,279	3,286	14	26	448	8,053
GREENE	5,659	16,774	27	42	1,116	23,618
HUNTINGDON	15,149	8,941	34	57	2,240	26,421
INDIANA	20,647	21,670	50	148	5,106	47,621
JEFFERSON	13,444	10,628	37	59	1,724	25,892
JUNIATA	6,897	4,610	17	20	826	12,370
LACKAWANNA	45,246	92,065	25	296	7,738	145,370
LANCASTER	166,272	67,932	454	1,212	34,004	269,874
LAWRENCE	19,967	31,709	41	89	3,971	55,777
LEBANON	40,764	20,073	125	300	7,153	68,415
LEHIGH	80,324	84,391	360	1,010	23,193	189,278
LUZERNE	69,603	111,902	193	514	11,799	194,011
LYCOMING	34,440	23,405	129	207	5,476	63,657
MCKEAN	15,704	8,089	58	109	2,361	26,321
MERCER	30,029	36,130	111	183	6,593	73,046
MIFFLIN	13,222	8,982	19	65	1,792	24,080
MONROE	33,546	31,716	192	565	13,359	79,378
MONTGOMERY	272,615	173,503	595	3,090	64,411	514,214
MONTOUR	5,069	3,959	0	33	985	10,046
NORTHAMPTON	62,906	78,941	282	858	21,827	164,814
NORTHUMBERLAND	23,393	23,829	45	126	3,265	50,658
PERRY	15,480	6,709	38	85	2,284	24,596
PHILADELPHIA	198,007	760,315	1,114	2,717	63,106	1,025,259
PIKE	15,184	9,943	52	103	4,871	30,153
POTTER	7,036	3,644	21	25	746	11,472
SCHUYLKILL	46,093	34,655	122	246	6,121	87,237
SNYDER	12,674	4,458	24	48	1,572	18,776
SOMERSET	23,998	21,770	55	90	2,735	48,648
SULLIVAN	2,570	1,712	0	12	311	4,605
SUSQUEHANNA	15,061	8,273	15	90	2,105	25,544
TIOGA	16,294	7,179	52	74	1,801	25,400
UNION	11,380	5,123	10	60	2,098	18,671
VENANGO	17,786	12,728	35	117	2,871	33,537
WARREN	14,222	10,464	52	72	2,765	27,575
WASHINGTON	40,948	85,898	88	310	10,880	138,124
WAYNE	16,700	7,750	30	88	2,988	27,556
WESTMORELAND	77,227	141,652	256	511	20,081	239,727
WYOMING	10,963	5,696	24	71	1,502	18,256
YORK	116,109	78,664	25	1,293	28,207	224,298
PENNSYLVANIA	**3,250,764**	**3,736,304**	**7,918**	**30,248**	**756,763**	**7,781,997**

COMMONWEALTH OF PENNSYLVANIA
2001 VOTER REGISTRATION STATISTICS - OFFICIAL
NOVEMBER 2001

DEPARTMENT OF STATE
VOTER REGISTRATION DIVISION

COUNTY	REPUBLICAN	DEMOCRATIC	GREEN	OTHER PARTIES	ALL PARTIES
ADAMS	27,613	16,166	22	2,756	46,557
ALLEGHENY	264,708	574,368	389	88,413	927,878
ARMSTRONG	19,208	20,490	6	3,655	43,359
BEAVER	33,374	72,022	4	9,925	115,325
BEDFORD	20,171	12,261	1	2,424	34,857
BERKS	92,135	96,686	101	27,930	216,852
BLAIR	41,275	25,301	48	7,470	74,094
BRADFORD	22,753	10,521	12	3,899	37,185
BUCKS	195,984	151,375	191	58,836	406,386
BUTLER	51,088	41,347	8	11,111	103,554
CAMBRIA	27,515	54,529	20	5,400	87,464
CAMERON	1,791	1,549	0	253	3,593
CARBON	13,949	16,917	9	3,360	34,235
CENTRE	40,190	33,344	149	15,121	88,804
CHESTER	157,181	79,583	83	45,822	282,669
CLARION	11,734	9,487	13	432	21,666
CLEARFIELD	20,985	20,871	7	3,798	45,661
CLINTON	9,774	9,100	13	1,834	20,721
COLUMBIA	16,079	16,731	10	4,205	37,025
CRAWFORD	28,273	20,947	14	4,243	53,477
CUMBERLAND	73,362	37,057	83	15,745	126,247
DAUPHIN	75,344	52,904	59	16,154	144,461
DELAWARE	218,630	106,069	120	35,357	360,176
ELK	7,358	10,490	6	1,783	19,637
ERIE	68,016	91,565	31	15,822	175,434
FAYETTE	18,911	60,852	7	4,981	84,751
FOREST	1,670	1,158	5	155	2,988
FRANKLIN	41,454	22,018	30	7,898	71,400
FULTON	4,356	3,232	1	496	8,085
GREENE	5,871	16,893	4	1,268	24,036
HUNTINGDON	15,625	9,094	10	2,487	27,216
INDIANA	21,060	21,802	30	4,930	47,822
JEFFERSON	13,892	10,786	3	1,973	26,654
JUNIATA	6,998	4,634	3	918	12,553
LACKAWANNA	45,060	93,655	61	8,394	147,170
LANCASTER	167,015	68,976	139	36,468	272,598
LAWRENCE	19,768	31,350	0	4,011	55,129
LEBANON	39,885	19,328	30	7,468	66,711
LEHIGH	81,750	86,367	81	26,139	194,337
LUZERNE	71,061	113,323	154	13,137	197,675
LYCOMING	35,043	23,666	33	6,177	64,919
MCKEAN	15,897	8,023	10	2,549	26,479
MERCER	30,502	36,434	26	7,137	74,099
MIFFLIN	13,707	9,178	7	1,975	24,867
MONROE	33,885	32,535	37	14,190	80,647
MONTGOMERY	259,553	170,468	186	65,882	496,089
MONTOUR	5,232	4,026	2	1,117	10,377
NORTHAMPTON	64,511	80,583	121	24,326	169,541
NORTHUMBERLAND	23,364	23,461	14	3,615	50,454
PERRY	15,707	6,728	7	2,524	24,966
PHILADELPHIA	190,924	752,169	511	67,545	1,011,149
PIKE	15,944	10,513	16	5,452	31,925
POTTER	7,149	3,684	3	869	11,705
SCHUYLKILL	46,597	34,979	12	6,897	88,485
SNYDER	12,924	4,544	12	1,698	19,178
SOMERSET	24,594	22,037	6	3,155	49,792
SULLIVAN	2,529	1,665	0	322	4,516
SUSQUEHANNA	15,394	8,419	7	2,309	26,129
TIOGA	16,677	7,333	13	2,046	26,069
UNION	11,398	5,123	30	2,299	18,850
VENANGO	17,391	12,402	6	3,007	32,806
WARREN	14,438	10,575	14	2,990	28,017
WASHINGTON	41,925	86,045	28	11,779	139,777
WAYNE	16,523	7,759	25	3,171	27,478
WESTMORELAND	76,911	139,029	45	20,806	236,791
WYOMING	11,065	5,764	3	1,693	18,525
YORK	120,521	81,476	137	31,197	233,331
PENNSYLVANIA	3,233,171	3,733,766	3,268	803,198	7,773,403

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

Cert. No. 2002-11b

OFFICE OF THE SECRETARY OF THE COMMONWEALTH

Harrisburg, **January 31, 2002**

PENNSYLVANIA, SS:

I, Kim Pizzingrilli, Secretary of the Commonwealth of Pennsylvania, DO HEREBY CERTIFY, That the attached is a true and accurate copy of the official Voter Registration Statistics for November 2000 and November 2001, as the same remains of record and on file in the Department of State's Bureau of Commissions, Elections, and Legislation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of my Office to be affixed, the day and year above written.

Kim Pizzingrilli

Secretary of the Commonwealth

COMMONWEALTH OF PENNSYLVANIA
NOVEMBER 2000 - VOTER REGISTRATION STATISTICS - OFFICIAL

DEPARTMENT OF STATE
VOTER REGISTRATION DIVISION

COUNTY	REPUBLICAN	DEMOCRATIC	CONSTITUTION	LIBERTARIAN	OTHER PARTIES	ALL PARTIES
ADAMS	26,774	15,925	97	267	5,360	48,423
ALLEGHENY	260,791	568,560	10	2,388	83,145	914,894
ARMSTRONG	18,927	20,600	49	123	3,376	43,075
BEAVER	33,451	73,045	126	248	9,645	116,515
BEDFORD	16,955	10,500	26	57	1,862	29,400
BERKS	89,731	94,861	455	1,652	24,245	210,944
BLAIR	40,852	25,224	98	291	6,889	73,354
BRADFORD	22,345	10,375	53	122	3,516	36,411
BUCKS	192,498	145,625	11	3,083	53,149	394,366
BUTLER	51,557	42,516	99	383	10,890	105,445
CAMBRIA	28,818	57,060	112	202	5,204	91,396
CAMERON	1,771	1,547	5	7	217	3,547
CARBON	13,755	16,826	54	145	3,080	33,860
CENTRE	40,000	33,215	105	564	14,334	88,218
CHESTER	163,833	82,428	349	1,733	45,082	293,425
CLARION	11,431	9,412	1	69	1,570	22,483
CLEARFIELD	20,572	20,778	65	114	3,402	44,931
CLINTON	9,508	8,911	31	58	1,631	20,139
COLUMBIA	15,851	16,717	43	121	3,953	36,685
CRAWFORD	27,955	20,680	66	131	3,862	52,694
CUMBERLAND	76,801	39,060	5	564	15,878	132,308
DAUPHIN	83,185	59,138	355	699	16,446	159,823
DELAWARE	230,741	110,104	369	1,279	35,546	378,039
ELK	7,292	10,409	26	38	1,641	19,406
ERIE	67,154	89,994	293	506	14,302	172,249
FAYETTE	18,375	60,069	89	167	4,458	83,158
FOREST	1,660	1,170	0	1	164	2,995
FRANKLIN	41,274	22,387	105	215	7,485	71,466
FULTON	4,279	3,286	14	26	448	8,053
GREENE	5,659	16,774	27	42	1,116	23,618
HUNTINGDON	15,149	8,941	34	57	2,240	26,421
INDIANA	20,647	21,670	50	148	5,106	47,621
JEFFERSON	13,444	10,628	37	59	1,724	25,892
JUNIATA	6,897	4,610	17	20	826	12,370
LACKAWANNA	45,246	92,065	25	296	7,738	145,370
LANCASTER	166,272	67,932	454	1,212	34,004	269,874
LAWRENCE	19,967	31,709	41	89	3,971	55,777
LEBANON	40,764	20,073	125	300	7,153	68,415
LEHIGH	80,324	84,391	360	1,010	23,193	189,278
LUZERNE	69,603	111,902	193	514	11,799	194,011
LYCOMING	34,440	23,405	129	207	5,476	63,657
MCKEAN	15,704	8,089	58	109	2,361	26,321
MERCER	30,029	36,130	111	183	6,593	73,046
MIFFLIN	13,222	8,982	19	65	1,792	24,080
MONROE	33,546	31,716	192	565	13,359	79,378
MONTGOMERY	272,615	173,503	595	3,090	64,411	514,214
MONTOUR	5,069	3,959	0	33	985	10,046
NORTHAMPTON	62,906	78,941	282	858	21,827	164,814
NORTHUMBERLAND	23,393	23,829	45	126	3,265	50,658
PERRY	15,480	6,709	38	85	2,284	24,596
PHILADELPHIA	198,007	760,315	1,114	2,717	63,106	1,025,259
PIKE	15,184	9,943	52	103	4,871	30,153
POTTER	7,036	3,644	21	25	746	11,472
SCHUYLKILL	46,093	34,655	122	246	6,121	87,237
SNYDER	12,674	4,458	24	48	1,572	18,776
SOMERSET	23,998	21,770	55	90	2,735	48,648
SULLIVAN	2,570	1,712	0	12	311	4,605
SUSQUEHANNA	15,061	8,273	15	90	2,105	25,544
TIOGA	16,294	7,179	52	74	1,801	25,400
UNION	11,380	5,123	10	60	2,098	18,671
VENANGO	17,786	12,728	35	117	2,871	33,537
WARREN	14,222	10,464	52	72	2,765	27,575
WASHINGTON	40,948	85,898	88	310	10,880	138,124
WAYNE	16,700	7,750	30	88	2,988	27,556
WESTMORELAND	77,227	141,652	256	511	20,081	239,727
WYOMING	10,963	5,696	24	71	1,502	18,256
YORK	116,109	78,664	25	1,293	28,207	224,298
PENNSYLVANIA	3,250,764	3,736,304	7,918	30,248	756,763	7,781,997

COMMONWEALTH OF PENNSYLVANIA
2001 VOTER REGISTRATION STATISTICS - OFFICIAL
NOVEMBER 2001

DEPARTMENT OF STATE
VOTER REGISTRATION DIVISION

COUNTY	REPUBLICAN	DEMOCRATIC	GREEN	OTHER PARTIES	ALL PARTIES
ADAMS	27,613	16,166	22	2,756	46,557
ALLEGHENY	264,708	574,368	389	88,413	927,878
ARMSTRONG	19,208	20,490	6	3,655	43,359
BEAVER	33,374	72,022	4	9,925	115,325
BEDFORD	20,171	12,261	1	2,424	34,857
BERKS	92,135	96,686	101	27,930	216,852
BLAIR	41,275	25,301	48	7,470	74,094
BRADFORD	22,753	10,521	12	3,899	37,185
BUCKS	195,984	151,375	191	58,836	406,386
BUTLER	51,088	41,347	8	11,111	103,554
CAMBRIA	27,515	54,529	20	5,400	87,464
CAMERON	1,791	1,549	0	253	3,593
CARBON	13,949	16,917	9	3,360	34,235
CENTRE	40,190	33,344	149	15,121	88,804
CHESTER	157,181	79,583	83	45,822	282,669
CLARION	11,734	9,487	13	432	21,666
CLEARFIELD	20,985	20,871	7	3,798	45,661
CLINTON	9,774	9,100	13	1,834	20,721
COLUMBIA	16,079	16,731	10	4,205	37,025
CRAWFORD	28,273	20,947	14	4,243	53,477
CUMBERLAND	73,362	37,057	83	15,745	126,247
DAUPHIN	75,344	52,904	59	16,154	144,461
DELAWARE	218,630	106,069	120	35,357	360,176
ELK	7,358	10,490	6	1,783	19,637
ERIE	68,016	91,565	31	15,822	175,434
FAYETTE	18,911	60,852	7	4,981	84,751
FOREST	1,670	1,158	5	155	2,988
FRANKLIN	41,454	22,018	30	7,898	71,400
FULTON	4,356	3,232	1	496	8,085
GREENE	5,871	16,893	4	1,268	24,036
HUNTINGDON	15,625	9,094	10	2,487	27,216
INDIANA	21,060	21,802	30	4,930	47,822
JEFFERSON	13,892	10,786	3	1,973	26,654
JUNIATA	6,998	4,634	3	918	12,553
LACKAWANNA	45,060	93,655	61	8,394	147,170
LANCASTER	167,015	68,976	139	36,468	272,598
LAWRENCE	19,768	31,350	0	4,011	55,129
LEBANON	39,885	19,328	30	7,468	66,711
LEHIGH	81,750	86,367	81	26,139	194,337
LUZERNE	71,061	113,323	154	13,137	197,675
LYCOMING	35,043	23,666	33	6,177	64,919
MCKEAN	15,897	8,023	10	2,549	26,479
MERCER	30,502	36,434	26	7,137	74,099
MIFFLIN	13,707	9,178	7	1,975	24,867
MONROE	33,885	32,535	37	14,190	80,647
MONTGOMERY	259,553	170,468	186	65,882	496,089
MONTOUR	5,232	4,026	2	1,117	10,377
NORTHAMPTON	64,511	80,583	121	24,326	169,541
NORTHUMBERLAND	23,364	23,461	14	3,615	50,454
PERRY	15,707	6,728	7	2,524	24,966
PHILADELPHIA	190,924	752,169	511	67,545	1,011,149
PIKE	15,944	10,513	16	5,452	31,925
POTTER	7,149	3,684	3	869	11,705
SCHUYLKILL	46,597	34,979	12	6,897	88,485
SNYDER	12,924	4,544	12	1,698	19,178
SOMERSET	24,594	22,037	6	3,155	49,792
SULLIVAN	2,529	1,665	0	322	4,516
SUSQUEHANNA	15,394	8,419	7	2,309	26,129
TIOGA	16,677	7,333	13	2,046	26,069
UNION	11,398	5,123	30	2,299	18,850
VENANGO	17,391	12,402	6	3,007	32,806
WARREN	14,438	10,575	14	2,990	28,017
WASHINGTON	41,925	86,045	28	11,779	139,777
WAYNE	16,523	7,759	25	3,171	27,478
WESTMORELAND	76,911	139,029	45	20,806	236,791
WYOMING	11,065	5,764	3	1,693	18,525
YORK	120,521	81,476	137	31,197	233,331
PENNSYLVANIA	3,233,171	3,733,766	3,268	803,198	7,773,403

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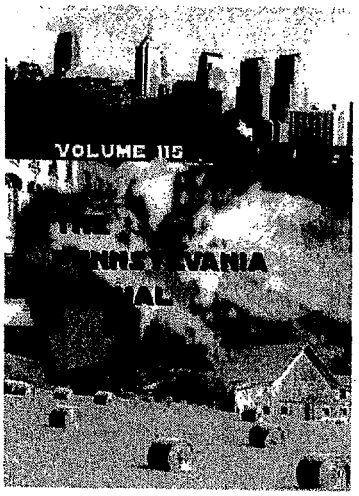
Volume 115

THE PENNSYLVANIA MANUAL

HOME



Governor's Letter | Preface | Acknowledgements

SECTION 1 **Pennsylvania: Past and Present**	SECTION 2 **Constitution of Pennsylvania**	SECTION 3 **General Assembly**
SECTION 4 **Executive**	SECTION 5 **Judiciary**	SECTION 6 **Local Government**
SECTION 7 **Elections**	SECTION 8 **The Federal Government**	SECTION 9 **Appendix**

GENERAL INDEX	**INDIVIDUAL INDEX**	**ADDENDUM**

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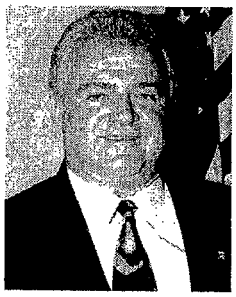
USPS Mail: PA Historic and Museum Commission
Keystone Building
400 North Street
Harrisburg, PA 17120-0053

PENNSYLVANIA DELEGATION TO THE UNITED STATES HOUSE OF REPRESENTATIVES

ROBERT A. BORSKI JR. **3rd District**

Robert A. Borski Jr. (D), born in 1948, in Philadelphia, son of Rita Borski and the late Robert A. Borski Sr.; Univ. of Baltimore (B.A.), 1971; Roman Catholic; Pa. House of Rep., 1976-82; elected to U.S. House of Rep. 1982, reelected 10 consecutive terms; Regional Whip; mem., Trans. & Infrastructure, Ranking Mem. (Sub-comm.), Highway & Transit; mem., NATO Parliamentary Assembly; married Karen; 5 children. Wash. Office: 2409 Rayburn HOB, 20515; 202/225-8251; www.house.gov/borski.



ROBERT A. BRADY **1st District**

Robert A. Brady (D), born in 1945, in Philadelphia; St. Thomas More H.S.; frmr. carpenter; frmr. dep. mayor for Labor, Phila.; sgt-at-arms , Phila., 1975-83; frmr. commissioner, Pa. Turnpike; lect., Univ. of Pa.; leader, 34th Ward, Phila., 1980; chmn., Phila. Dem. Party, 1986-present; mem., Pa., Natl. Dem. Comms.; elected to U.S. House of Representatives May 19, 1998; married Debra Brady; 2 children; 2 grandchildren; Wash. Office: 216 Cannon HOB, 20515-3801; 202/225-4731.

WILLIAM J. COYNE **14th District**

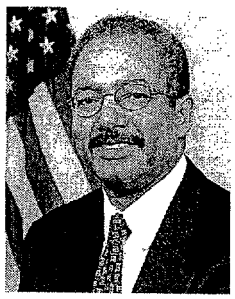
William J. Coyne (D), born in 1936, in Pittsburgh, son of the late Phillip and Mary Coyne; Robert Morris Coll. (B.S.), 1965; U.S. Army, 1955-57; accountant; Pa. House of Representatives, 1971-73; Pgh. City Cncl., 1974-81; Catholic; elected to U.S. House of Representatives Nov. 1980, reelected 10 consecutive terms; mem., Ways & Means Comm.; Wash. Office: 2455 Rayburn HOB, 20515-3814; 202/225-2301.

MIKE F. DOYLE **18th District**

Mike F. Doyle (D), born in 1953, in Swissvale, son of Rosemarie Doyle and the late Michael Doyle Sr.; Swissvale H.S., 1971; Penn State Univ. (B.S.), com. dev., 1975; co-owner, Eastgate Ins. Agency; frmr. chief of staff, Pa. Sen. F. Pecora; mem., Lions Club, Ancient Order of Hibernians, Ital. Sons & Daughters of Amer., Penn State Univ. Alum. Assn.; grad., Ldrshp. Pgh.-Yr. III; elected to U.S. House of Representatives 1994, reelected 1996, 1998; Comm., Energy & Commerce; married Susan; 4 children; Wash. Office: 133 Cannon HOB, 20515-3818; 202/225-2135.

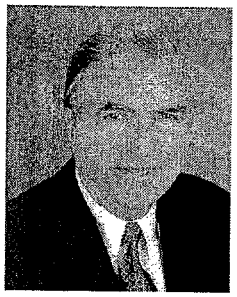
PHIL S. ENGLISH **21st District**

Phil S. English (R), born in 1956, in Erie, son of John Sr. and Otilie English; Univ. of Pa. (B.A.), pol. sci., 1978; controller, City of Erie, 1985-89; var. positions, Pa. Senate: leg. aide, min. exec. dir., Fin. Comm., sr. policy analyst, exec. dir., Trans. Comm., research dir., L&I Comm.; chief of staff, Sen. M. Hart, 1990; elected to U.S. House of Representatives Nov. 8, 1994, reelected 1996, 1998, 2000; mem., Ways & Means, Joint Economic Comms.; married Chris English; Wash. Office: 1410 Longworth HOB, 20515-3821; 202/225-5406.



CHAKA FATTAH **2nd District**

Chaka Fattah (D), born in 1956, in Philadelphia; att. Overbrook H.S., Com. Coll. of Phila., Univ. of Pa. Wharton Sch.; Univ. of Pa. Fels Sch. of State & Local Govt. (M.A.), govt. adm.; sr. exec. prog., Harvard Univ. JFK Sch. of Govt.; fndr., "Drug Free" campaign, Fattah Conf. on Higher Educ., Fed. Funds Forum; mem., British/Amer. Proj. for Successor Generation, Mt. Carmel Bapt. Ch.; frmr. chmn., Pa. Higher Educ. Facilities Auth., PHEAA Exec. Bd.; frmr. trustee, Com. Coll. of Phila., Temple, Lincoln, Penn State Univs.; hon. doc., Phila. Coll. of Pharmacy & Sci., Phila. Coll. of Textiles & Sci., St. Paul's Coll.; Pa. Pub. Interest Coalition State Leg. of the Yr.; Phila. Bd. of Educ. Excellence in Educ. Awd.; Phila. Jaycees Outst. Young Ldr. Awd., 1995; Pa. House of Representatives, 1983-88; Pa. Senate, 1989-94; elected to U.S. House of Representatives 1994, reelected 1996, 1998; mem., Approp. Comm.; House Adm.; married Renée; 3 children; Wash. Office: 1205 Longworth HOB, 20515-3802; 202/225-4001.



GEORGE W. GEKAS **17th District**

George W. Gekas (R), born in 1930, in Harrisburg, son of the late William and Mary Gekas; Dickinson Coll. (B.A.), 1952; Dickinson Sch. of Law (LL.B., J.D.), 1958; atty.; U.S. Army, 1953-55; mem., Dauphin Co., Pa. Bar Assns., Amer. Judicature Soc., Amer. Legion, AHEPA, Greek Orthodox Ch. of Greece; asst. Dist. Atty., Dauphin Co., 1960-66; Pa. House of Representatives, 1967-74; Pa. Senate, 1976-82; elected to U.S. House of Representatives 1982, reelected 10 consecutive terms; mem., Judiciary Comm. (sub-comm. chmn.-Immigration & Claims); married Evangeline C.; Wash. Office: 2109 Rayburn HOB, 20515-3817; 202/225-4315.

JAMES C. GREENWOOD **8th District**

James C. Greenwood (R), born in 1951, in Philadelphia, son of James and Alice Greenwood; Dickinson Coll. (B.A.), 1973; Pa. House of Representatives 1980-86; Pa. Senate 1986-93; elected to U.S. House of Representatives 1992, reelected 1994, 1996, 1998, 2000; mem., Commerce, Educ. & Workforce Comms., Energy & Commerce, chmn., (sub.-comm., Oversight & Investigations; married Christina; 3 children; Wash. Office: 2436 Rayburn HOB, 20515-3808; 202/225-4276.

MELISSA A. HART **4th District**

Melissa A. Hart (R), born in 1962, in Pittsburgh, daughter of Albina Hart and the late Donald Hart; North Allegheny H.S., Washington & Jefferson Coll., B.A., 1984, Univ. of Pgh., J.D., 1987; (sub.-comms.) Capital Mkts., Insurance, Gov't. sponsored Enterprises, Domestic Monetary Policy, Financial Instits, Consumer Credit; v. chair, Constitution, adm. & commercial Law, Immigration & Claims, Financial Servs., Judiciary Comm., Sci. Comm.; mem., Allegheny Co. Bar Assn., Delta Gamma Soc., Amen Corner, St. Alexis Roman Catholic Ch.; awds., Zonta Status of Woman awd., Chatham Coll. Pres. Medal, Nat'l. Epilepsy Assn. Advocacy awd.; elected to U.S. House of Representatives, Nov. 2000.

JOSEPH M. HOEFFEL **13th District**

Joseph Hoeffel (D), born in 1950, in Philadelphia, son of Joseph M. and Eleanore Hoeffel; William Penn Charter Sch., 1968; Boston Univ.; Temple Univ. Sch. of Law; frmr. state leg.; atty.; elected to U.S. House of Representatives 1998; mem., Budget, Intl. Relations, Science Comms.; married Francesca; 2 children; Wash. Office: 1229 Longworth HOB, 20515; 202/225-6111.

TIM HOLDEN **6th District**

Tim Holden (D), born in 1957, in St. Clair, son of Joseph "Sox" and Catherine Holden; Bloomsburg Univ. (B.A.), sociology, 1980; lic. ins. broker/real estate agent; frmr. probation officer; frmr. sergeant-at-arms, Pa. House of Representatives; sheriff, Schuylkill Co., 1985-92; elected to U.S. House of Representatives 1992, reelected 5 consecutive terms; ; co-chmn., Correctional Officers, Mining, Northeast Agric.; Hellenic, Firefighters, Law Enforcement, Sportsmen's, Steel, mem., Agric., Trans. & Infrastructure Comms., Caucuses: Rural Health Care , Rural, Alzheimers, Cong. Beef, Pork Inst. Cong., House Commuter, Diabetes, Water Infrastructure, Autism, Cong. Cement & Wine ; Cong., House Com Ad Hoc Comm. of Irish Affairs, Blue Dog Coalition; married Gwen; Wash. Office: 2417 Rayburn Office Bldg., 20515-3811; 202/225-5546.

PAUL EDMUND KANJORSKI **11th District**

Paul Edmund Kanjorski (D), born in 1937, in Nanticoke, son of the late Peter and Wanda Kanjorski; att. Temple Univ., Dickinson Sch. of Law; U.S. Army; lawyer; sol., Nanticoke, 1967-82; workman's comp. referee, 1972-80; Wyoming Sanitary Auth., 1972-84; mem., Wilkes-Barre Law Libr. Assn.; Roman Catholic; elected to U.S. House of Representatives 1984, reelected 7 consecutive terms; mem., Financial Serv., Govt. Reform Comms.; married Nancy Marie; 1 child; Wash. Office: 2353 Rayburn HOB, 20515-3811; 202/225-6511.

FRANK R. MASCARA **20th District**

Frank R. Mascara (D), born in 1930, in Belle Vernon, son of the late Eugene J. and Mary Mascara; Belle Vernon H.S., 1949; Calif. Univ. of Pa. (B.S.), educ., summa cum laude; vet., U.S. Army, 1946-47; accountant; businessman; frmr. co. commissioner (chmn., 1980-94), controller, Washington Co.; frmr. trustee, Calif. Univ. of Pa.; elected to U.S. House of Representatives 1994, reelected 1996, 1998; mem., Trans. & Infrastructure, Financial Serv. Comms.; married Dolores Marscara; 4 children: Mark, Jon, Frank, Karen; 9 grandchildren; Wash. Office: 314 Cannon HOB, 20515-3820; 202/225-4665.

JOHN P. MURTHA JR. **12th District**

John P. Murtha Jr. (D), born in 1932, in New Martinsville, W. Va.; Univ. of Pgh. (B.A.), econ.; Indiana Univ. of Pa.; hon. deg., Mt. Aloysius Jr. Coll., St. Francis Coll., 1993; maj., U.S. Marine Corps, Vietnam, 1966-67, Bronze Star Medal with Combat "V," 2 Purple Heart Medals, Vietnamese Cross of Gallantry; ret. col., U.S. Marine Corps Reserves; Pa. Disting. Serv. Medal; Pa. Merit. Serv. Medal; Univ. of Pgh.-Johnstown John P. Murtha Awd.; Amer. Legion, Adj. Gen. of Pa., Salvation Army, VFW awds.; Pa. House of Representatives, 1969-74; elected to U.S. House of Representatives Feb. 1974, reelected 12 consecutive terms; mem., Approp. Comm.; married Joyce; 3 children; Wash. Office: 2423 Rayburn HOB, 20515-3812; 202/225-2065.

JOHN E. PETERSON **5th District**

John E. Peterson (R), born in 1938, in Titusville, son of Benjamin and Mary Peterson; Titusville H.S.; att. Penn State Univ., Rural Leadership Training; U.S. Army; bd. mem., Titusville Hosp.; past pres., Titusville C of C; mem., Pleasantville Lions Club, Pleasantville PTA; Pa. House of Representatives, 1977-84; Pa. Senate, 1984-96; elected to U.S. House of Representatives 1996, reelected 1998; mem., Approp., Resources Comms.; married Saundra; 1 son; 2 granddaughters; Wash. Office: 307 Cannon HOB, 20515; 202/225-5121.

JOSEPH R. PITTS **16th District**

Joseph R. Pitts (R), born in 1939, in Lexington, Ky., son of Joseph and Pearl Pitts; Asbury Coll. (A.B.) 1961; West Chester Univ. (M.Ed.), 1972; capt., U.S. Air Force, 6 yrs., Strategic Air Command, Vietnam, Air Medal with 5 oak leaf clusters; navigator, electronic warfare officer; frmr. teacher; mem., Brandywine Valley Assn., Kennett Sq. Rotary, Willowdale Chapel; leg. Indr., Keystone State Games; founding chmn., Capitol Preservation Comm.; Pa. House of Representatives, 1972-96; chmn., Approp. Comm., 1988-96; elected to U.S. House of Representatives 1996, reelected 1998; mem., Energy & Commerce Comm., Intl. Relation Comm., Hesinki Comm., chmn., Values Action Team, Renewal Alliance; Fatherhood Task Force, Human Rights Caucus; married Virginia; 3 children; Wash. Office: Cannon HOB, 20515-3816; 202/225-2411.

TODD R. PLATTS **19th District**

Todd R. Platts (R), born in 1962, in York, son of Russell and Barbara Platts; York Suburban H.S., 1980, Shippensburg Univ., B.S., 1984, Pepperdine Univ. Sch. of Law, J.D., 1991; Pa. State Representative, 1993-00, atty., assc., Barley, Snyder, Senft & Cohen; mem., co-chmn., York Co. trans. Coalition, Leg. Chmn., York Metropolitan Planning Org., Statewide children's Health Ins. Prog. Adv. Co., 1998-00, Hugh O'Brian Youth Leadership, Central Pa. Leadership Seminar, 1994-00, Jr. Achievement, South Central Pa., 1993-96; elected to U.S. House of Representatives, 2000; married, Leslie; 2 children.

DON SHERWOOD **10th District**

Don Sherwood (R), born in 1941, in N.E. Pennsylvania, son of Doris Sherwood and the late Walter A. Sherwood; att. Lackawanna Trail H.S.; Wyoming Sem. Prep. Sch.; Dartmouth Coll. (B.A.), econ., 1963; 1st lt., U.S. Army; owner, Sherwood Chevrolet, Horlacher-Sherwood Forestry Equip.; partner, Sun Auto Grp., Sun Buick/Pontiac/GMC; frmr. sch. dir., Tunkhannock Area Sch. (pres., 1992-98); dir., Pa. Chevrolet Dealers Area Mktg. Grp.; v. pres., N.E. Pa. Chevrolet Dealers Assn; mem., Pa. Hardwood Lumber Manuf. Assn., Pa. Farm Bureau; elected to U.S. House of Representatives Nov. 1998; mem., Approp. Comm. (sub-com. on Labor, HHS, Educ., sub-com. on Treas./Postal Serv.); married Carol; 3 children; Wash. Office: 1223 Longworth HOB, 20515; 202/225-3731.

BILL SHUSTER **9th District**

Bill Shuster (R), born in 1961, in McKeesport, Everett H.S., Dickinson Coll. (B.A.); American Univ. (M.B.A.); Goodyear Tire & Rubber Corp.; Bandag, Inc.; pres. & gen. man., Shuster Chrysler; mem., Zion Lutheran Ch., Natl. Fed. of Independent Bus.; Natl. Rifle Assn.; Y.M.C.A.; Precious Life, inc.; Rotary Club; Dir., Pa. Automotive Assn.; Bd. of Trustees, Homewood Home Retirement Comm.; Sigma Chi Fraternity; elected to the 107th Congress, by special election, on May 15, 2001; married: Rebecca; 2 children; Wash. Office: 2188 Rayburn HOB, 20515-3809; 202/225-2486 .

PATRICK J. TOOMEY **15th District**

Patrick J. Toomey (R), born in 1961, in Providence, R.I., son of Patrick and Mary Ann Toomey; La Salle Acad., 1980; Harvard Univ. (B.A.), pol. philosophy, cum laude, 1984; investment banker; restauranteur; co-fndr., Toomey Enterprises, Inc.; mem., Allentown Govt. Study Comm., 1994; elected to U.S. House of Representatives 1998; mem., Rep. Policy, Budget, Financial Serv. Comm., Small Bus. Comms., Chmn. (sub-comm. Tax, Finance & Export); Social Security Task Force; married Kris; 1 child; Wash. Office: 224 Cannon HOB, 20515-3815; 202/225-6411.

CURT WELDON **7th District**

Curt Weldon (R), born in 1947, in Marcus Hook, the son of Stephen W. and Catherine Weldon; Media H.S., 1965; West Chester Univ. (B.A.), 1969; grad. work, Cheyney Univ., Temple Univ., St. Joseph Cabrini Coll.; frmr. teacher; mayor, Boro. of Marcus Hook, 1977-82; chmn., Del. Co. Cncl., 1981-86, Del. Valley Reg. Plan. Comm., 1984-85; bd. chmn., Sacred Heart Med. Ctr.; mem., num. comm., serv. orgs.; num. leadership, serv. awds.; hon. doc., Neuman Coll., West Chester Univ.; elected to U.S. House of Representatives Nov. 4, 1986, reelected 8 consecutive terms; mem., Rep. Policy, (sub-comm. chmn.) Military Readiness, Science Comms., Educ. Caucus, Coalition on Adoption, Envir. Task Force, Migratory Bird Conserv. Comm.; fndr., Fire Serv. Caucus; fndr., co-chmn., Missile Def. Caucus; chmn., Empowerment Caucus, Global Leg. for Bal. Envir. (GLOBE) Oceans Protection Task Force; co-chmn., Anti-Poverty Task Force; fndr., chmn., U.S.-Former Soviet Union Energy Caucus; U.S. v. pres., Adv. Comm. on Protection of Sea (ACOPS); married Mary; 5 children; Wash. Office: 2466 Rayburn HOB, 20515-3807 202/225-2011.

I

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

Cert. No. 2002-10b

OFFICE OF THE SECRETARY OF THE COMMONWEALTH

Harrisburg, **January 31, 2002**

PENNSYLVANIA, SS:

I, Kim Pizzingrilli, Secretary of the Commonwealth of Pennsylvania, DO HEREBY CERTIFY, That the attached is a true and accurate copy of the official election results for general election of November 3, 1998 for the offices of United States Senator, United States Representative in Congress, and Governor; for the general election of November 2, 1999 for the office of Judge of the Superior Court; for the general election of November 7, 2000 for the offices of President of the United States, United States Senator, United States Representative in Congress, Attorney General, Auditor General, and State Treasurer; and for the general election of November 6, 2001 Justice of the Supreme Court, Judge of the Commonwealth Court and Judge of the superior Court, as the same remains of record and on file in the Department of State's Bureau of Commissions, Elections, and Legislation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of my Office to be affixed, the day and year above written.

Kim Pizzingrilli

Secretary of the Commonwealth

PENNSYLVANIA
DEPARTMENT OF STATE
15:52

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 03, 1998
UNITED STATES SENATOR

REPORT ELC506
DATE 12/15/1998
PAGE NO. 1

COUNTY	SPECTER ARLEN REPUBLICAN	LLOYD BILL DEMOCRATIC	SNYDER DEAN CONSTITUTIONAL	IANNANTUONO JACK LIBERTARIAN
ADAMS	13,740	5,462	454	327
ALLEGHENY	199,654	125,944	8,718	5,602
ARMSTRONG	11,748	5,212	632	244
BEAVER	29,111	20,729	1,037	683
BEDFORD	8,406	3,216	291	83
BERKS	52,787	22,282	1,721	2,045
BLAIR	20,223	6,748	578	307
BRADFORD	12,112	3,932	397	162
BUCKS	91,809	42,976	3,105	3,194
BUTLER	29,798	12,504	1,427	756
CAMBRIA	22,335	21,720	665	348
CAMERON	987	517	64	16
CARBON	7,353	5,218	390	228
CENTRE	20,909	9,041	486	431
CHESTER	71,508	24,611	2,527	2,719
CLARION	6,983	2,666	538	133
CLEARFIELD	12,162	7,415	571	153
CLINTON	5,100	2,837	227	87
COLUMBIA	9,003	4,662	392	156
CRAWFORD	13,763	5,986	628	274
CUMBERLAND	37,643	13,276	1,039	804
DAUPHIN	41,397	17,209	1,539	734
DELAWARE	101,502	44,704	2,930	2,514
ELK	5,175	3,597	239	85
ERIE	43,175	25,616	2,227	1,131
FAYETTE	13,854	13,812	834	413
FOREST	1,052	442	37	14
FRANKLIN	21,704	8,210	718	285
FULTON	2,238	962	50	15
GREENE	4,742	3,991	157	112
HUNTINGDON	6,752	2,280	301	75
INDIANA	14,577	7,856	450	245
JEFFERSON	7,161	3,433	437	114
JUNIATA	4,034	1,720	108	45
LACKAWANNA	38,710	25,492	1,038	627
LANCASTER	69,422	21,108	4,479	1,137
LAWRENCE	14,000	11,167	535	278
LEBANON	19,539	6,089	695	312
LEHIGH	48,627	22,484	1,421	1,750
LUZERNE	44,513	24,205	1,428	920
LYCOMING	19,506	7,134	785	329
MCKEAN	6,332	2,505	228	92
MERCER	15,904	12,122	839	306
MIFFLIN	6,611	2,499	196	80
MONROE	15,393	7,967	513	517
MONTGOMERY	139,956	60,315	3,868	4,627
MONTOUR	2,808	1,223	125	45
NORTHAMPTON	39,679	21,808	1,115	1,273
NORTHUMBERLAND	13,529	7,534	759	294
PERRY	7,374	2,360	285	109
PHILADELPHIA	117,277	177,969	4,237	3,615
PIKE	6,310	2,982	197	128
POTTER	3,177	1,131	133	42
SCHUYLKILL	29,098	13,855	791	537
SNYDER	5,963	1,708	186	63
SOMERSET	7,986	16,203	202	95
SULLIVAN	1,583	651	35	20
SUSQUEHANNA	9,198	3,363	203	141
TIOGA	7,045	2,523	258	140
UNION	5,927	1,872	200	85
VENANGO	10,562	4,226	315	140
WARREN	6,784	2,935	507	111
WASHINGTON	29,289	20,535	1,152	751
WAYNE	8,469	3,105	247	139
WESTMORELAND	54,839	34,778	2,999	1,548
WYOMING	7,166	1,810	154	113
YORK	57,107	22,395	2,338	1,205
STATE TOTALS	1,814,180	1,028,839	68,377	46,103

PENNSYLVANIA
DEPARTMENT OF STATE
14:23

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
MUNICIPAL ELECTION OF NOVEMBER 02, 1999
JUDGE OF THE SUPERIOR COURT

REPORT ELC506
DATE 12/20/1999
PAGE NO. 1

COUNTY	LALLY-GREEN MAUREEN REPUBLICAN	KLEIN RICHARD B. REPUBLICAN	TODD DEBRA DEMOCRATIC	SCHILLER BERLE DEMOCRATIC
ADAMS	8,782	8,383	5,236	3,507
ALLEGHENY	135,379	94,724	177,827	126,543
ARMSTRONG	6,934	6,170	8,100	5,269
BEAVER	13,588	12,798	26,764	17,136
BEDFORD	6,797	6,686	4,011	2,758
BERKS	28,134	27,597	23,091	20,726
BLAIR	13,386	12,028	6,202	3,800
BRADFORD	8,481	7,247	4,131	2,908
BUCKS	53,765	52,536	34,558	32,659
BUTLER	18,029	13,841	14,583	9,941
CAMBRIA	14,379	12,527	17,755	13,213
CAMERON	899	862	673	468
CARBON	4,330	4,051	5,065	4,514
CENTRE	13,914	12,480	9,683	6,646
CHESTER	38,594	35,405	20,604	17,172
CLARION	4,833	4,573	4,288	2,617
CLEARFIELD	8,673	7,306	7,271	5,193
CLINTON	3,277	2,960	3,061	2,471
COLUMBIA	6,290	5,221	4,751	3,967
CRAWFORD	9,630	7,001	5,367	4,087
CUMBERLAND	19,939	20,219	9,760	7,393
DAUPHIN	23,023	24,973	13,128	10,919
DELAWARE	66,213	64,273	32,220	32,276
ELK	3,633	2,772	3,773	2,432
ERIE	24,558	22,070	18,324	18,760
FAYETTE	7,886	7,153	15,388	11,400
FOREST	815	624	583	404
FRANKLIN	10,494	10,274	4,842	3,339
FULTON	1,473	1,420	893	621
GREENE	2,465	2,028	4,334	3,795
HUNTINGDON	5,238	4,929	2,754	1,743
INDIANA	8,135	7,586	8,627	5,933
JEFFERSON	5,516	5,093	4,496	2,758
JUNIATA	3,093	3,165	2,189	1,472
LACKAWANNA	19,603	14,708	23,290	23,343
LANCASTER	40,187	38,005	14,351	13,626
LAWRENCE	9,281	7,409	13,859	8,021
LEBANON	11,946	12,705	5,119	4,164
LEHIGH	21,221	20,888	16,860	15,882
LUZERNE	25,256	19,461	22,927	23,667
LYCOMING	12,261	11,304	6,238	5,394
MCKEAN	4,697	4,495	2,383	1,553
MERCER	13,029	7,860	8,904	6,170
MIFFLIN	4,259	3,561	1,953	1,629
MONROE	9,435	8,528	6,306	5,995
MONTGOMERY	67,953	70,713	42,641	46,041
MONTOUR	1,989	1,811	1,319	1,097
NORTHAMPTON	15,296	15,622	16,406	15,251
NORTHUMBERLAND	9,964	9,428	8,112	7,333
PERRY	4,205	4,214	1,831	1,213
PHILADELPHIA	86,329	91,300	224,699	221,020
PIKE	4,494	4,298	2,906	2,689
POTTER	2,612	2,539	1,509	983
SCHUYLKILL	19,299	16,384	15,433	12,514
SNYDER	4,176	4,201	1,562	1,241
SOMERSET	10,512	9,853	8,854	6,048
SULLIVAN	1,108	979	721	596
SUSQUEHANNA	6,045	5,145	3,222	2,566
TIOGA	5,428	4,759	2,645	1,706
UNION	4,191	3,884	1,938	1,976
VENANGO	5,860	4,719	4,076	2,969
WARREN	5,169	4,682	3,061	2,449
WASHINGTON	16,327	13,397	27,154	20,246
WAYNE	5,332	4,710	2,446	2,147
WESTMORELAND	27,394	25,900	37,298	30,010
WYOMING	4,056	3,471	1,799	1,463
YORK	27,431	26,733	16,929	14,793
STATE TOTALS	1,086,920	988,641	1,053,083	894,635

PENNSYLVANIA
DEPARTMENT OF STATE
15:07

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
PRESIDENT OF THE UNITED STATES

COUNTY	BUSH GEORGE W. REPUBLICAN	GORE AL DEMOCRATIC	PHILLIPS HOWARD CONSTITUTION	BROWNE HARRY LIBERTARIAN	NADER RALPH GREEN	BUCHANAN PATRICK J. REFORM
ADAMS	20,848	11,682	27	72	696	108
ALLEGHENY	235,361	329,963	3,522	945	10,575	2,112
ARMSTRONG	15,508	11,127	31	30	485	242
BEAVER	32,491	38,925	104	153	1,450	470
BEDFORD	13,598	5,474	8	19	265	71
BERKS	71,273	59,150	125	682	3,494	439
BLAIR	28,376	15,774	76	74	693	147
BRADFORD	14,660	7,911	22	48	600	89
BUCKS	121,927	132,914	669	1,017	6,294	601
BUTLER	44,009	25,037	50	125	1,287	316
CAMBRIA	28,001	30,308	170	88	1,369	350
CAMERON	1,383	779	5	3	50	26
CARBON	9,717	10,668	187	41	574	90
CENTRE	26,172	21,409	39	148	1,623	147
CHESTER	100,080	82,047	103	716	4,302	314
CLARION	9,796	5,605	16	31	293	102
CLEARFIELD	18,019	11,718	26	43	570	233
CLINTON	6,064	5,521	46	13	307	43
COLUMBIA	12,095	8,975	21	49	663	91
CRAWFORD	18,858	13,250	155	74	854	130
CUMBERLAND	54,802	31,053	47	222	1,749	189
DAUPHIN	53,631	44,390	102	221	2,059	255
DELAWARE	105,836	134,861	702	743	5,348	587
ELK	7,347	5,754	18	17	352	90
ERIE	49,027	59,399	449	242	2,980	238
FAYETTE	20,013	28,152	225	58	798	286
FOREST	1,371	843	1	2	57	9
FRANKLIN	33,042	14,922	43	69	761	132
FULTON	3,753	1,425	1	9	77	20
GREENE	5,890	7,230	18	39	337	120
HUNTINGDON	10,408	5,073	12	21	340	103
INDIANA	16,799	13,667	17	46	711	161
JEFFERSON	11,473	5,566	29	47	339	120
JUNIATA	5,795	2,656	9	21	158	28
LACKAWANNA	35,096	57,471	1,341	75	2,134	264
LANCASTER	115,900	54,968	379	340	3,341	389
LAWRENCE	18,060	20,593	27	50	653	257
LEBANON	28,534	16,093	143	102	873	135
LEHIGH	55,492	56,667	214	322	3,278	307
LUZERNE	52,328	62,199	981	148	3,456	474
LYCOMING	27,137	14,663	217	62	965	139
MCKEAN	9,661	5,510	129	37	403	64
MERCER	23,132	23,817	348	70	1,073	285
MIFFLIN	9,400	4,835	49	25	264	41
MONROE	23,265	21,939	116	116	1,319	123
MONTGOMERY	145,623	177,990	200	1,231	6,816	562
MONTOUR	3,960	2,356	8	10	132	26
NORTHAMPTON	47,396	53,097	592	269	3,012	324
NORTHUMBERLAND	18,142	13,670	109	45	956	329
PERRY	11,184	4,459	15	39	309	65
PHILADELPHIA	100,959	449,182	1,032	979	8,206	822
PIKE	9,339	7,330	99	41	498	57
POTTER	4,858	2,037	7	18	146	24
SCHUYLKILL	29,841	26,215	40	92	1,713	399
SNYDER	8,963	3,536	10	15	271	46
SOMERSET	20,218	12,028	24	47	487	181
SULLIVAN	1,928	1,066	4	6	91	10
SUSQUEHANNA	10,226	6,481	12	32	459	61
TIOGA	9,635	4,617	24	40	404	52
UNION	8,523	4,209	17	20	373	33
VENANGO	11,642	8,196	55	42	467	121
WARREN	9,290	7,537	129	32	466	87
WASHINGTON	37,339	44,961	60	111	1,442	528
WAYNE	11,201	6,904	63	33	625	88
WESTMORELAND	80,858	71,792	323	227	2,601	908
WYOMING	6,922	4,363	6	26	344	32
YORK	87,652	51,958	580	418	3,305	331
STATE TOTALS	2,281,127	2,485,967	14,428	11,248	103,392	16,023

PENNSYLVANIA
DEPARTMENT OF STATE
15:09

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
UNITED STATES SENATOR

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	SANTORUM RICK REPUBLICAN	KLINK RON DEMOCRATIC	SEARER LESTER B. CONSTITUTION	FEATHERMAN JOHN J. LIBERTARIAN	DOMSKE ROBERT E. REFORM
ADAMS	21,621	10,177	225	432	291
ALLEGHENY	247,405	306,410	4,774	4,500	2,119
ARMSTRONG	15,388	11,380	207	247	276
BEAVER	33,609	41,419	309	416	336
BEDFORD	13,791	4,810	128	162	186
BERKS	78,297	48,998	599	2,172	603
BLAIR	30,343	12,863	432	532	485
BRADFORD	16,314	6,150	105	194	133
BUCKS	144,711	103,961	913	2,936	965
BUTLER	44,568	24,816	393	626	443
CAMBRIA	29,514	28,932	640	606	490
CAMERON	1,524	626	14	13	13
CARBON	10,598	8,878	204	161	88
CENTRE	30,002	16,706	306	1,019	416
CHESTER	117,092	63,259	462	3,417	889
CLARION	9,823	5,482	136	165	112
CLEARFIELD	18,582	10,415	301	363	379
CLINTON	6,710	4,333	99	113	73
COLUMBIA	13,405	7,337	154	294	220
CRAWFORD	20,280	11,000	215	241	186
CUMBERLAND	55,799	28,080	674	1,095	787
DAUPHIN	54,986	40,047	919	1,252	805
DELAWARE	128,768	105,712	791	1,952	563
ELK	7,586	5,316	127	154	116
ERIE	58,302	46,726	669	826	488
FAYETTE	19,342	27,502	432	250	204
FOREST	1,406	786	20	18	19
FRANKLIN	33,541	13,594	198	344	294
FULTON	3,761	1,311	16	45	23
GREENE	5,935	7,636	117	111	165
HUNTINGDON	11,185	3,910	155	192	218
INDIANA	17,651	12,761	144	420	167
JEFFERSON	11,370	5,361	161	223	168
JUNIATA	5,912	2,407	80	92	41
LACKAWANNA	40,520	47,363	1,081	390	239
LANCASTER	119,519	47,600	1,032	1,263	493
LAWRENCE	17,672	21,026	151	210	208
LEBANON	28,324	14,517	310	596	236
LEHIGH	63,025	45,148	355	1,257	376
LUZERNE	55,549	51,613	1,243	804	414
LYCOMING	28,773	11,034	302	327	232
MCKEAN	9,804	4,304	132	109	49
MERCER	23,157	22,191	355	254	146
MIFFLIN	9,768	4,021	145	105	52
MONROE	25,524	17,351	253	615	257
MONTGOMERY	174,512	140,507	645	4,222	742
MONTOUR	4,309	1,927	55	65	50
NORTHAMPTON	53,853	42,965	549	992	327
NORTHUMBERLAND	19,029	11,208	297	292	307
PERRY	11,118	4,124	157	190	192
PHILADELPHIA	121,433	398,756	1,731	3,611	1,094
PIKE	9,856	6,138	133	129	65
POTTER	5,043	1,694	28	95	36
SCHUYLKILL	34,175	21,184	380	592	707
SNYDER	9,217	2,909	139	139	107
SOMERSET	19,028	13,129	196	229	209
SULLIVAN	2,046	897	19	30	23
SUSQUEHANNA	11,205	5,344	108	146	143
TIOGA	10,194	3,847	88	186	108
UNION	9,041	3,468	116	174	121
VENANGO	11,846	7,867	179	205	165
WARREN	9,973	5,565	234	132	74
WASHINGTON	36,908	42,934	396	611	2,535
WAYNE	11,762	5,526	114	144	77
WESTMORELAND	80,010	70,201	859	791	666
WYOMING	7,856	3,356	52	104	93
YORK	88,792	46,093	1,429	1,183	785
STATE TOTALS	2,481,962	2,154,908	28,382	45,775	24,089

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 1		
80825	DEM	BRADY, ROBERT A.	PO BOX 22471	PHILADELPHIA	19110-2471	PHILADELPHIA	77,788
80727	REP	HARRISON, WILLIAM M.	1832 MASTER ST	PHILADELPHIA	19121-4908	PHILADELPHIA	15,898
85025	LIB	FEATHERMAN, JOHN	130 SPRUCE ST #16-B	PHILADELPHIA	19106-0000	PHILADELPHIA	1,198
85006	SWC	COLE, NANCY	1226 E MOYAMENSING AVE #2	PHILADELPHIA	19147-0000	PHILADELPHIA	964
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 2		
80017	DEM	FATTAH, CHAKA	4104 WALNUT ST	PHILADELPHIA	19104-0000	PHILADELPHIA	102,763
81075	REP	MULLIGAN, ANNE MARIE	3417 INDIAN QUEEN LANE	PHILADEPHIA	19129-1520	PHILADELPHIA	16,001
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 3		
80375	DEM	BORSKI, ROBERT A.	PO BOX 26846	PHILADELPHIA	19134-0000	PHILADELPHIA	66,270
80303	REP	DOUGHERTY, CHARLES F.	1313 FRIENDSHIP ST	PHILADELPHIA	19111-0000	PHILADELPHIA	45,390
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 4		
80197	DEM	KLINK, RON	3410 LASHAN DR	MURRYSVILLE	15668-0000	WESTMORELAND	103,183
80600	REP	TURZAI, MIKE	801 OAK RD	BRADFORD WOODS	15015-0000	ALLEGHENY	58,485
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 5		
80330	REP	PETERSON, JOHN E.	PO BOX 295	PLEASANTVILLE	16341-0295	VENANGO	99,502
85005	GRN	BELITSKUS, WILLIAM M.	RD#1 BOX 172B	KANE	16735-0000	MCKEAN	17,734
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 6		
80372	DEM	HOLDEN, TIM	31 PEARL ST	SAINT CLAIR	17970-0000	SCHUYLKILL	85,374
80237	REP	MECKLEY, JOHN	PO BOX 251	MILTON	17847-0251	NORTHUMBERLAND	54,579

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
OFFICE - REPRESENTATIVE IN CONGRESS DISTRICT 7							
80864	REP	WELDON, CURT	49 WEATHERVANE RD	ASTON	19014-0000	DELAWARE	119,491
81242	DEM	D'URSO, MARTIN J.	39 RIDLEY AVE	ALDAN	19018-0000	DELAWARE	46,920
OFFICE - REPRESENTATIVE IN CONGRESS DISTRICT 8							
80850	REP	GREENWOOD, JIM	PO BOX 2358	DOYLESTOWN	18901-0000	BUCKS	93,697
80283	DEM	TUTHILL, BILL	28 RAMBLER LANE	LEVITTOWN	19055-1402	BUCKS	48,320
85045	CST	WOLFERTZ, SCOTT	1067 PARK AVE	WYCOMBE	18980-0000	BUCKS	3,917
85034	REF	BLAIR, JAMES R.	16 LINDA LN	HATBORO	19040-0000	MONTGOMERY	1,229
85002	NLP	BOYCE, CAROLYN	46 MAIN ST	FALLSINGTON	19054-0000	BUCKS	1,022
OFFICE - REPRESENTATIVE IN CONGRESS DISTRICT 9							
80243	R/D	SHUSTER, BUD	RD 3 BOX 234C	EVERETT	15537-0000	BEDFORD	125,409
OFFICE - REPRESENTATIVE IN CONGRESS DISTRICT 10							
80185	REP	SHERWOOD, DON	10 BRIDGEOVER	TUNKHANNOCK	18657-0000	WYOMING	84,275
81121	DEM	CASEY, PATRICK	929 SUNSET ST	SCRANTON	18509-0000	LACKAWANNA	83,760
85053	REF	MCLAUGHLIN, THOMAS J.	72 FERNWOOD AVE	BARTONSVILLE	18321-0000	MONROE	4,998
OFFICE - REPRESENTATIVE IN CONGRESS DISTRICT 11							
80115	DEM	KANJORSKI, PAUL E.	103 S HANOVER ST	NANTICOKE	18634-2296	LUZERNE	88,933
80991	REP	URBAN, STEPHEN A.	166 WILLOW ST	WILKES-BARRE	18702-1582	LUZERNE	44,123
OFFICE - REPRESENTATIVE IN CONGRESS DISTRICT 12							
80066	DEM	MURTHA, JOHN P.	109 COLGATE AVE	JOHNSTOWN	15905-0000	CAMBRIA	100,528

(CONTINUED)

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 157 of 280

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 12 ----------(CONTINUED)							
80373	REP	HOLLOWAY, TIMOTHY E.	HOLLOWAY'98 PO BOX 500	LIGONIER	15658-0500	WESTMORELAND	46,239
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 13 ----------							
80579	DEM	HOEFFEL, JOSEPH M.	1908 LYCOMING AVE	ABINGTON	19001-0000	MONTGOMERY	95,105
80505	REP	FOX, JON D.	312 GLEN LANE	ELKINS PARK	19027-0000	MONTGOMERY	85,915
85027	LIB	BURKE, THOMAS PATRICK	104 HAVERFORD RD	WYNNEWOOD	19096-0000	MONTGOMERY	3,470
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 14 ----------							
80811	DEM	COYNE, WILLIAM J.	307 HALKET ST	PITTSBURGH	15213-0000	ALLEGHENY	83,355
80540	REP	RAVOTTI, BILL	1100 LIBERTY AVE APT 206	PITTSBURGH	15222-0000	ALLEGHENY	52,745
85004	SWP	KOLIS, DOROTHY L.	1429 POPLAR ST APT 7	PITTSBURGH	15205-0000	ALLEGHENY	1,625
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 15 ----------							
80632	REP	TOOMEY, PAT	2336 FOX MEADOW DR	ALLENTOWN	18104-0000	LEHIGH	81,755
80802	DEM	AFFLERBACH, ROY C.	2821 READING RD	ALLENTOWN	18104-6129	LEHIGH	66,930
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 16 ----------							
80205	REP	PITTS, JOSEPH R.	PO BOX 775	UNIONVILLE	19375-0000	CHESTER	95,979
85061	DEM	YORCZYK, ROBERT S.	371 DEVON DR	EXTON	19341-0000	CHESTER	40,092
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 17 ----------							
80663	REP	GEKAS, GEORGE W.	732 S 25TH ST	HARRISBURG	17111-0000	DAUPHIN	114,931
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 18 ----------							
81094	DEM	DOYLE, MIKE	2227 HAMPTON ST	PITTSBURGH	15218-1833	ALLEGHENY	98,363

(CONTINUED)

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 18 ----------(CONTINUED)							
81245	REP	WALKER, DICK	1204 LINDENDALE DR	PITTSBURGH	15228-0000	ALLEGHENY	46,945
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 19 ----------							
80868	REP	GOODLING, BILL	RD 3 BOX 3026 A	SEVEN VALLEYS	17360-0000	YORK	96,284
81032	DEM	ROPP, LINDA G.	1824 MONROE ST	YORK	17404-0000	YORK	40,674
85016	LIB	SHOEMAKER, GARY M.	600 FARMBROOK LN	YORK	17402-0000	YORK	5,444
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 20 ----------							
80038	DEM	MASCARA, FRANK	PO BOX 1109	WASHINGTON	15301-1109	WASHINGTON	97,885
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 21 ----------							
81000	REP	ENGLISH, PHIL	PO BOX 1940	ERIE	16507-1940	ERIE	94,518
80534	DEM	KLEMENS, LARRY	38 PENN	GREENVILLE	16125-0000	MERCER	54,591

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 159 of 280

65 Congress

DEPARTMENT OF STATE 16:45 | OFFICIAL | GENERAL ELECTION NOVEMBER 07, 2000 RETURNS - PUBLIC OFFICE CANDIDATES | OFFICIAL | DATE 12/14/2000 PAGE NO. 6

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 1		
585	DEM	BRADY, ROBERT A	1305 KIMBERLY DR	PHILADELPHIA	19151-0000	PHILADELPHIA	149,621
1331	REP	KUSH, STEVEN N.	1134 WAVERLY ST (FRT)	PHILADELPHIA	19147-0000	PHILADELPHIA	19,920
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 2		
90	DEM	FATTAH, CHAKA	4104 WALNUT ST	PHILADELPHIA	19104-0000	PHILADELPHIA	180,021
5019	LIB	KRAWCHUK, KENNETH V.	117 WEST AVE	ELKINS PARK	19027-0000	MONTGOMERY	3,673
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 3		
1161	DEM	BORSKI, ROBERT A.	P O BOX 26846	PHILADELPHIA	19134-0000	PHILADELPHIA	130,528
366	REP	DOUGHERTY, CHARLES F.	1314 COTTMAN AVE	PHILADELPHIA	19111-0000	PHILADELPHIA	59,343
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 4		
556	REP	HART, MELISSA	PO BOX 435	WEXFORD	15090-0435	ALLEGHENY	145,390
1015	DEM	VAN HORNE, TERRY E.	PO BOX 444	NEW KENSINGTON	15068-0444	WESTMORELAND	100,995
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 5		
215	REP	PETERSON, JOHN E.	P O BOX 295	PLEASANTVILLE	16341-0295	VENANGO	147,570
5042	GRN	BELITSKUS, WILLIAM M.	BOX 172B RD1	KANE	16735-0000	MCKEAN	13,857
5015	LIB	MARTIN, THOMAS A.	298 SHULTZ HOLLOW	JULIAN	16844-0000	CENTRE	11,020
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 6		
133	DEM	HOLDEN, TIM	31 PEARL ST	SAINT CLAIR	17970-0000	SCHUYLKILL	140,084
1381	REP	KOPEL, THOMAS G.	631 MAIN ST	OLEY	19547-0000	BERKS	71,227
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 7		
289	REP	WELDON, CURT	PO BOX 1992	MEDIA	19063-0000	DELAWARE	172,569

(CONTINUED)

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 7 ----------(CONTINUED)							
1147	DEM	LENNON, PETER A.	7 HARMIL RD	BROOMALL	19008-0000	DELAWARE	93,687
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 8 ----------							
341	REP	GREENWOOD, JIM	PO BOX 1775	DOYLESTOWN	18901-0000	BUCKS	154,090
1052	DEM	STROUSE, RONALD L.	701 SPRING VALLEY RD	DOYLESTOWN	18901-0000	BUCKS	100,617
5033	REF	HOLMEN, PHILIP C.	1 PINE VALLEY RD	DOYLESTOWN	18901-0000	BUCKS	5,394
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 9 ----------							
681	R/D	SHUSTER, BUD	825 RITCHEY RD	EVERETT	15537-0000	BEDFORD	184,401
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 10 ----------							
539	REP	SHERWOOD, DON	41 SHERWOOD LANE	TUNKHANNOCK	18657-0000	WYOMING	124,830
1281	DEM	CASEY, PAT	29 SUNSET ST	SCRANTON	18509-0000	LACKAWANNA	112,580
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 11 ----------							
274	DEM	KANJORSKI, PAUL E.	103 SOUTH HANOVER ST	NANTICOKE	18634-2296	LUZERNE	131,948
910	REP	URBAN, STEPHEN A.	166 WILLOW ST	WILKES BARRE	18702-0000	LUZERNE	66,699
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 12 ----------							
56	DEM	MURTHA, JOHN P.	109 COLGATE AVE	JOHNSTOWN	15905-0000	CAMBRIA	145,538
1209	REP	CHOBY, BILL	1905 BATES DR	JOHNSTOWN	15905-1718	CAMBRIA	56,575
5053	REF	O'NEIL, JAMES N.	19 W CREEK RD	ROCHESTER MILLS	15717-0000	INDIANA	3,324
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 13 ----------							
658	DEM	HOEFFEL, JOSEPH M	24 WEST AIRY ST	NORRISTOWN	19401-0000	MONTGOMERY	146,026

(CONTINUED)

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 13 ----------(CONTINUED)							
120	REP	GREENLEAF, STEWART J.	PO BOX 669	BLUE BELL	19422-0000	MONTGOMERY	126,501
5011	LIB	CAVANAUGH, KEN	3120 W MT KIRK AVE	NORRISTOWN	19403-0000	MONTGOMERY	4,224
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 14 ----------							
1036	DEM	COYNE, WILLIAM J.	307 HALKET ST	PITTSBURGH	15213-0000	ALLEGHENY	147,533
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 15 ----------							
688	REP	TOOMEY, PAT	2336 FOX MEADOW DR	ALLENTOWN	18104-0000	LEHIGH	118,307
488	DEM	O'BRIEN, ED	PO BOX 447	BETHLEHEM	18013-0000	LEHIGH	103,864
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 16 ----------							
746	REP	PITTS, JOSEPH R.	P O BOX 775	UNIONVILLE	19375-0000	CHESTER	162,403
672	DEM	YORCZYK, BOB	PO BOX 823	EXTON	19341-0823	CHESTER	80,177
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 17 ----------							
510	REP	GEKAS, GEORGE W.	732 SOUTH 25TH ST	HARRISBURG	17111-0000	DAUPHIN	166,236
963	DEM	HERRMANN, LESLYE HESS	PO BOX 154	ENOLA	17025-0154	CUMBERLAND	66,190
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 18 ----------							
431	DEM	DOYLE, MIKE	2227 HAMPTON ST	PITTSBURGH	15218-0000	ALLEGHENY	156,131
765	REP	STEPHENS, CRAIG C.	101 MANOR VIEW RD APT 204	PITTSBURGH	15220-0000	ALLEGHENY	68,798
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 19 ----------							
265	REP	PLATTS, TODD	1911 E MARKET ST	YORK	17402-0000	YORK	168,722
707	DEM	SANDERS, JEFF	18380 PRESTON RD	NEW FREEDOM	17349-0000	YORK	61,538

(CONTINUED)

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 19 ----------(CONTINUED)							
5065	CST	PAOLETTA, MICHAEL L.	1771 S MEADOW DR	MECHANICSBURG	17055-0000	CUMBERLAND	2,234
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 20 ----------							
29	DEM	MASCARA, FRANK	PO BOX 1109	WASHINGTON	15301-1109	WASHINGTON	145,131
776	REP	DAVIS, RONALD J.	2112 BRADY	BETHEL PARK	15102-0000	ALLEGHENY	80,312
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 21 ----------							
664	REP	ENGLISH, PHIL	PO BOX 1940	ERIE	16507-0000	ERIE	135,164
683	DEM	FLITTER, MARC A.	PO BOX 1181	ERIE	16512-0000	ERIE	87,018

PENNSYLVANIA
DEPARTMENT OF STATE
15:10

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
ATTORNEY GENERAL

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	FISHER MIKE REPUBLICAN	EISENHOWER JIM DEMOCRATIC	CLYMER JAMES N. CONSTITUTION	HEICKLEN JULIAN P. LIBERTARIAN	LINZEY THOMAS ALAN GREEN
ADAMS	22,195	8,957	195	363	464
ALLEGHENY	280,918	247,363	3,937	3,868	6,399
ARMSTRONG	16,601	9,646	273	292	310
BEAVER	34,774	35,391	420	681	702
BEDFORD	13,860	4,820	104	138	182
BERKS	73,748	49,147	798	2,042	2,433
BLAIR	32,790	10,439	340	442	387
BRADFORD	15,385	6,129	175	276	380
BUCKS	132,370	107,710	2,038	2,671	3,883
BUTLER	46,743	21,014	433	657	766
CAMBRIA	32,069	25,733	619	507	592
CAMERON	1,339	713	51	19	21
CARBON	9,923	8,868	182	153	321
CENTRE	29,282	15,285	262	1,564	1,719
CHESTER	111,593	63,974	696	2,961	3,006
CLARION	10,034	4,838	164	160	193
CLEARFIELD	18,539	10,238	252	359	329
CLINTON	6,440	4,261	104	125	168
COLUMBIA	12,903	7,156	191	298	395
CRAWFORD	20,391	9,640	292	228	472
CUMBERLAND	61,174	22,246	442	917	1,083
DAUPHIN	62,373	32,398	531	927	1,119
DELAWARE	122,125	104,993	952	1,716	2,971
ELK	7,330	5,364	143	152	145
ERIE	60,460	40,348	775	779	1,290
FAYETTE	19,274	24,682	417	283	432
FOREST	1,398	736	24	15	35
FRANKLIN	32,667	12,981	266	429	776
FULTON	3,581	1,383	28	40	47
GREENE	5,942	7,248	129	134	213
HUNTINGDON	11,135	3,858	181	172	242
INDIANA	18,294	11,657	254	317	285
JEFFERSON	11,315	5,262	170	199	193
JUNIATA	6,011	2,229	43	67	57
LACKAWANNA	42,213	41,049	821	418	825
LANCASTER	122,596	41,315	1,714	981	1,990
LAWRENCE	19,011	18,072	217	344	446
LEBANON	30,265	11,608	259	316	432
LEHIGH	57,618	46,062	694	1,089	1,849
LUZERNE	55,797	45,092	1,195	668	1,441
LYCOMING	28,269	10,422	314	306	515
MCKEAN	9,120	4,329	222	125	201
MERCER	23,056	20,315	406	295	423
MIFFLIN	9,970	3,560	86	94	104
MONROE	24,421	17,078	341	395	850
MONTGOMERY	167,183	139,564	950	3,620	4,195
MONTOUR	4,166	1,930	37	59	78
NORTHAMPTON	48,663	44,285	790	864	1,590
NORTHUMBERLAND	18,804	10,356	233	279	532
PERRY	11,900	3,356	134	160	163
PHILADELPHIA	107,185	396,337	1,713	2,490	6,073
PIKE	9,467	6,174	121	110	331
POTTER	4,542	1,918	79	79	100
SCHUYLKILL	33,827	20,498	379	649	889
SNYDER	9,644	2,284	54	125	141
SOMERSET	20,895	10,843	173	213	249
SULLIVAN	1,956	876	23	30	49
SUSQUEHANNA	11,437	4,808	96	175	302
TIOGA	9,527	3,929	193	166	316
UNION	9,206	3,043	80	119	308
VENANGO	11,739	7,577	254	213	237
WARREN	9,163	5,522	336	146	237
WASHINGTON	42,903	37,779	510	707	923
WAYNE	11,700	4,805	94	130	342
WESTMORELAND	82,321	58,565	830	928	1,216
WYOMING	8,068	2,861	67	100	178
YORK	93,645	38,225	1,010	1,175	1,681
STATE TOTALS	2,495,253	1,991,144	30,306	41,519	61,216

PENNSYLVANIA
DEPARTMENT OF STATE
15:14

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
AUDITOR GENERAL

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	TRUE KATIE REPUBLICAN	CASEY, JR. BOB DEMOCRATIC	RHINE JOHN H. CONSTITUTION	MORRIS JESSICA A. LIBERTARIAN	GOEKE ANNE E. GREEN	BLAIR JAMES R. REFORM
ADAMS	17,320	14,301	129	327	420	169
ALLEGHENY	182,838	338,209	4,058	4,604	7,348	2,464
ARMSTRONG	11,750	14,181	180	287	267	380
BEAVER	23,669	48,779	412	751	731	451
BEDFORD	11,101	7,449	71	150	167	120
BERKS	54,321	69,761	508	1,995	2,268	562
BLAIR	24,427	18,594	301	441	433	338
BRADFORD	12,622	8,977	123	238	324	232
BUCKS	109,580	132,606	940	2,700	4,029	996
BUTLER	34,405	32,569	335	785	858	537
CAMBRIA	20,785	36,993	469	542	617	487
CAMERON	1,024	1,059	13	27	24	18
CARBON	7,635	11,352	269	171	289	99
CENTRE	22,379	22,079	271	728	2,205	302
CHESTER	88,768	85,898	483	3,105	3,627	1,051
CLARION	7,597	7,297	105	184	193	157
CLEARFIELD	13,660	15,180	245	325	317	264
CLINTON	4,674	6,000	124	120	157	74
COLUMBIA	8,980	11,101	138	299	416	200
CRAWFORD	14,961	15,022	180	279	433	177
CUMBERLAND	45,099	38,848	257	729	1,049	370
DAUPHIN	45,147	50,660	457	695	1,002	315
DELAWARE	98,332	131,423	728	1,709	3,020	588
ELK	5,002	7,658	79	151	154	155
ERIE	33,532	66,960	635	946	1,241	514
FAYETTE	13,398	30,943	365	374	369	306
FOREST	1,123	1,119	12	22	33	22
FRANKLIN	26,920	19,309	246	381	581	293
FULTON	2,973	2,004	25	43	34	28
GREENE	3,701	9,367	96	203	205	185
HUNTINGDON	9,188	5,875	65	118	232	167
INDIANA	13,368	16,395	149	364	337	222
JEFFERSON	8,704	7,888	121	209	176	150
JUNIATA	4,464	3,808	43	63	45	32
LACKAWANNA	21,530	66,157	1,263	361	589	208
LANCASTER	116,727	51,205	514	704	2,164	374
LAWRENCE	12,983	24,179	155	410	448	319
LEBANON	24,962	17,901	213	260	391	116
LEHIGH	43,508	61,479	380	1,067	1,713	440
LUZERNE	35,195	67,860	1,358	783	1,336	484
LYCOMING	22,007	16,996	314	339	427	184
MCKEAN	7,613	5,946	138	147	191	63
MERCER	17,977	25,901	360	310	390	193
MIFFLIN	8,298	5,461	60	69	99	33
MONROE	19,431	22,513	232	396	786	272
MONTGOMERY	132,915	174,895	578	3,598	4,528	769
MONTOUR	2,929	3,176	49	58	87	49
NORTHAMPTON	37,428	56,694	672	847	1,514	396
NORTHUMBERLAND	14,120	15,726	234	261	436	231
PERRY	9,229	6,134	74	143	164	89
PHILADELPHIA	76,496	433,509	1,425	2,963	6,547	1,006
PIKE	8,318	7,514	120	113	308	65
POTTER	3,851	2,605	48	82	109	55
SCHUYLKILL	23,999	30,554	337	607	830	514
SNYDER	7,566	4,374	70	143	176	108
SOMERSET	15,827	15,777	147	259	255	214
SULLIVAN	1,549	1,310	15	31	40	29
SUSQUEHANNA	8,698	7,560	84	182	270	91
TIOGA	8,212	5,462	75	132	271	133
UNION	7,153	4,934	85	111	395	108
VENANGO	9,444	9,823	165	216	196	176
WARREN	7,142	7,633	214	167	226	156
WASHINGTON	26,822	52,761	384	866	959	820
WAYNE	9,224	7,690	87	131	311	65
WESTMORELAND	58,764	82,070	708	1,045	1,207	734
WYOMING	5,852	5,064	47	116	173	94
YORK	73,718	61,024	734	985	1,505	463
STATE TOTALS	1,862,934	2,651,551	23,971	41,967	62,642	21,476

PENNSYLVANIA
DEPARTMENT OF STATE
15:14

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
STATE TREASURER

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	HAFER BARBARA REPUBLICAN	KNOLL CATHERINE DEMOCRATIC	MCDERMOTT BAKER JOHN P. CONSTITUTION	FAMULARO JOHN D. LIBERTARIAN	KNOX BARBARA S. GREEN	PATTERSON JOSEPH F. REFORM
ADAMS	20,207	11,006	356	222	607	199
ALLEGHENY	253,619	286,470	5,590	2,894	7,114	2,047
ARMSTRONG	14,420	11,821	281	141	326	249
BEAVER	31,186	41,592	520	422	911	488
BEDFORD	12,524	6,035	129	64	232	113
BERKS	71,208	52,811	918	1,603	2,329	611
BLAIR	27,731	15,348	378	268	501	260
BRADFORD	15,111	6,560	280	131	333	171
BUCKS	130,739	109,382	1,900	2,408	4,214	1,116
BUTLER	40,793	26,679	570	492	921	462
CAMBRIA	23,451	34,168	747	257	750	406
CAMERON	1,190	886	25	16	26	43
CARBON	9,392	9,681	319	119	285	109
CENTRE	25,815	18,751	363	526	2,151	372
CHESTER	107,852	66,098	1,319	2,555	3,865	842
CLARION	8,929	6,012	156	87	232	130
CLEARFIELD	15,270	13,684	263	138	418	270
CLINTON	6,028	4,917	128	53	169	92
COLUMBIA	11,832	8,625	237	128	405	152
CRAWFORD	17,165	13,491	247	148	496	164
CUMBERLAND	59,352	23,235	831	643	1,564	503
DAUPHIN	61,072	33,524	916	584	1,384	468
DELAWARE	118,969	108,118	1,469	1,549	3,337	676
ELK	5,573	7,175	156	48	148	175
ERIE	44,074	58,070	952	596	1,463	439
FAYETTE	18,067	27,054	472	189	479	230
FOREST	1,322	847	17	8	38	18
FRANKLIN	31,921	14,024	427	251	663	303
FULTON	3,379	1,602	32	27	61	25
GREENE	5,264	8,101	119	87	262	118
HUNTINGDON	9,938	4,877	115	62	422	116
INDIANA	16,012	14,025	247	182	421	156
JEFFERSON	9,931	6,692	180	118	211	177
JUNIATA	5,820	2,490	35	43	88	34
LACKAWANNA	32,123	52,204	1,362	407	785	452
LANCASTER	112,073	51,409	1,655	795	2,306	561
LAWRENCE	16,727	20,494	300	233	515	332
LEBANON	29,013	13,742	289	211	460	156
LEHIGH	56,452	48,510	757	821	1,734	432
LUZERNE	47,023	53,960	1,607	557	1,481	532
LYCOMING	25,717	13,036	819	147	502	190
MCKEAN	9,498	4,404	190	88	212	89
MERCER	21,773	21,922	524	213	494	230
MIFFLIN	9,540	4,260	76	51	125	38
MONROE	22,556	18,601	484	428	873	305
MONTGOMERY	163,791	142,583	1,560	3,210	4,635	731
MONTOUR	3,853	2,290	63	34	79	24
NORTHAMPTON	47,195	45,965	1,027	681	1,587	431
NORTHUMBERLAND	17,880	12,402	322	130	493	234
PERRY	11,262	3,930	141	98	235	129
PHILADELPHIA	108,311	399,062	4,011	2,453	6,859	1,168
PIKE	8,972	6,435	221	102	345	82
POTTER	4,499	1,979	69	57	123	87
SCHUYLKILL	31,922	23,085	508	287	866	421
SNYDER	8,677	3,339	101	61	204	100
SOMERSET	17,320	14,297	284	138	330	187
SULLIVAN	1,868	992	37	15	60	17
SUSQUEHANNA	10,144	6,082	137	105	310	101
TIOGA	9,470	3,912	191	146	314	183
UNION	8,360	3,829	87	63	374	95
VENANGO	10,943	8,439	199	119	283	156
WARREN	8,615	6,614	312	65	284	185
WASHINGTON	37,146	43,293	583	483	1,150	599
WAYNE	10,616	5,997	166	88	373	79
WESTMORELAND	73,310	71,749	1,135	619	1,342	690
WYOMING	7,015	3,941	111	55	177	66
YORK	88,602	44,863	1,071	848	2,069	460
STATE TOTALS	2,307,422	2,211,471	41,093	30,867	68,805	21,276

PENNSYLVANIA
DEPARTMENT OF STATE
10:19

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
MUNICIPAL ELECTION OF NOVEMBER 06, 2001
JUSTICE OF THE SUPREME COURT

COUNTY	EAKIN MIKE REPUBLICAN	FORD ELLIOTT KATE DEMOCRATIC
ADAMS	9,502	4,018
ALLEGHENY	91,533	132,405
ARMSTRONG	7,759	6,647
BEAVER	15,686	20,395
BEDFORD	6,721	3,140
BERKS	28,605	22,807
BLAIR	17,003	9,098
BRADFORD	7,506	3,437
BUCKS	55,071	43,612
BUTLER	16,034	10,894
CAMBRIA	14,571	17,220
CAMERON	862	642
CARBON	4,717	5,050
CENTRE	13,215	10,041
CHESTER	39,755	23,698
CLARION	5,653	4,114
CLEARFIELD	9,041	7,043
CLINTON	3,285	2,821
COLUMBIA	6,401	4,748
CRAWFORD	8,915	5,375
CUMBERLAND	29,755	10,485
DAUPHIN	25,832	14,039
DELAWARE	59,863	35,449
ELK	3,982	4,465
ERIE	32,454	30,866
FAYETTE	7,188	11,969
FOREST	912	725
FRANKLIN	11,623	5,134
FULTON	1,440	817
GREENE	2,261	4,660
HUNTINGDON	5,607	2,489
INDIANA	9,832	7,752
JEFFERSON	7,054	4,893
JUNIATA	3,591	2,147
LACKAWANNA	21,102	26,141
LANCASTER	47,141	16,003
LAWRENCE	10,569	13,376
LEBANON	12,987	4,938
LEHIGH	23,638	21,267
LUZERNE	24,619	24,078
LYCOMING	13,422	6,635
MCKEAN	5,203	2,473
MERCER	10,459	11,871
MIFFLIN	4,562	2,223
MONROE	9,284	7,137
MONTGOMERY	68,260	55,714
MONTOUR	2,323	1,493
NORTHAMPTON	20,842	22,055
NORTHUMBERLAND	11,806	7,533
PERRY	5,958	2,040
PHILADELPHIA	32,769	133,498
PIKE	4,698	2,415
POTTER	2,299	1,097
SCHUYLKILL	21,846	16,558
SNYDER	5,683	2,078
SOMERSET	11,086	7,234
SULLIVAN	975	702
SUSQUEHANNA	6,740	3,739
TIOGA	5,102	2,455
UNION	5,005	2,392
VENANGO	5,848	3,803
WARREN	4,183	2,577
WASHINGTON	15,253	23,961
WAYNE	5,111	2,125
WESTMORELAND	32,003	33,069
WYOMING	3,602	1,633
YORK	33,753	16,654
STATE TOTALS	1,051,360	954,062

PENNSYLVANIA
DEPARTMENT OF STATE
10:20

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
MUNICIPAL ELECTION OF NOVEMBER 06, 2001
JUDGE OF THE COMMONWEALTH COURT

COUNTY	COHN RENEE REPUBLICAN	SIMPSON ROBIN REPUBLICAN	LEAVITT MARY HANNAH REPUBLICAN	DODARO JAMES J. DEMOCRATIC	LANGAN JERRY DEMOCRATIC	ARONSON IRWIN W. DEMOCRATIC
ADAMS	8,153	8,237	8,102	3,767	3,751	3,133
ALLEGHENY	78,258	78,487	83,143	129,355	107,913	101,064
ARMSTRONG	7,316	6,301	6,137	6,327	5,004	4,335
BEAVER	13,904	12,273	12,899	21,660	17,658	15,290
BEDFORD	6,003	5,710	5,590	3,031	2,648	2,151
BERKS	25,642	28,202	27,121	18,254	19,396	18,000
BLAIR	15,659	13,769	14,267	8,454	7,158	5,760
BRADFORD	6,826	6,644	6,586	2,566	3,467	2,208
BUCKS	52,852	56,022	55,458	38,129	37,315	36,888
BUTLER	16,734	14,622	14,766	10,761	9,254	7,533
CAMBRIA	13,036	11,318	12,271	18,305	15,037	13,939
CAMERON	692	658	714	595	541	408
CARBON	4,261	4,089	4,172	4,734	4,919	4,128
CENTRE	13,673	11,356	11,718	8,214	7,680	6,928
CHESTER	39,815	40,252	39,260	19,449	18,456	17,702
CLARION	4,901	4,813	4,586	3,335	2,924	2,343
CLEARFIELD	7,762	7,038	7,305	6,722	5,905	5,072
CLINTON	2,738	2,731	2,866	2,363	2,568	2,113
COLUMBIA	5,555	5,191	5,269	3,902	4,464	3,202
CRAWFORD	7,407	7,520	7,753	4,863	4,576	3,981
CUMBERLAND	22,056	21,003	25,959	10,994	9,483	13,619
DAUPHIN	22,011	21,933	23,545	13,785	11,770	11,895
DELAWARE	57,868	59,164	58,832	30,806	30,171	29,866
ELK	3,317	2,978	3,278	4,129	3,523	2,819
ERIE	25,296	25,922	28,338	26,911	25,770	22,903
FAYETTE	5,545	5,525	5,584	11,318	9,756	8,852
FOREST	833	770	749	539	505	418
FRANKLIN	10,629	10,542	10,366	4,652	4,799	3,839
FULTON	1,361	1,316	1,273	645	661	568
GREENE	2,131	1,919	1,972	4,052	3,367	2,661
HUNTINGDON	4,784	4,530	4,371	2,165	2,002	1,741
INDIANA	8,141	7,892	7,800	8,248	6,513	5,297
JEFFERSON	6,416	6,026	5,851	4,175	3,447	2,930
JUNIATA	2,935	2,910	2,821	1,915	1,884	1,587
LACKAWANNA	14,200	13,559	15,042	24,628	33,670	20,720
LANCASTER	42,104	42,605	42,595	15,607	15,253	13,797
LAWRENCE	9,328	8,985	9,008	11,701	10,240	8,157
LEBANON	11,441	11,171	12,011	4,383	4,367	4,593
LEHIGH	25,075	22,599	21,354	18,281	17,921	16,236
LUZERNE	20,181	19,700	20,879	22,188	28,737	19,141
LYCOMING	11,246	11,298	11,551	5,694	6,532	4,874
MCKEAN	4,779	4,760	4,899	2,044	1,973	1,716
MERCER	11,465	10,313	10,222	12,406	9,039	8,810
MIFFLIN	3,864	3,944	4,071	2,167	1,912	1,713
MONROE	8,709	8,813	8,998	6,064	6,892	5,703
MONTGOMERY	69,697	70,947	71,405	45,964	44,529	46,449
MONTOUR	2,056	1,980	2,012	1,226	1,423	1,028
NORTHAMPTON	21,226	24,317	19,508	18,385	17,726	16,167
NORTHUMBERLAND	9,799	9,830	10,196	7,012	7,085	5,777
PERRY	4,973	4,657	4,674	2,027	1,753	1,468
PHILADELPHIA	30,077	30,793	31,415	112,407	110,256	114,397
PIKE	4,341	4,436	4,390	2,177	2,379	2,043
POTTER	2,126	2,065	2,043	832	922	727
SCHUYLKILL	19,819	18,477	18,827	14,207	16,715	12,398
SNYDER	4,689	4,650	4,633	2,019	1,962	1,425
SOMERSET	9,608	8,976	9,357	7,811	6,334	5,479
SULLIVAN	843	907	877	490	659	408
SUSQUEHANNA	6,042	5,871	5,781	2,849	3,719	2,289
TIOGA	4,901	4,732	4,573	1,684	1,922	1,538
UNION	4,840	4,700	4,627	2,340	2,306	1,860
VENANGO	5,782	5,421	5,456	3,488	3,024	2,473
WARREN	3,699	3,709	3,833	2,079	2,169	1,814
WASHINGTON	13,888	12,739	12,625	21,887	17,685	16,313
WAYNE	4,459	4,511	4,499	1,892	2,430	1,698
WESTMORELAND	26,206	26,500	25,827	34,283	29,260	26,289
WYOMING	3,115	3,018	3,000	1,297	1,846	1,057
YORK	29,833	30,298	30,835	15,264	14,984	14,006
STATE TOTALS	948,921	938,944	951,745	865,903	821,909	747,736

PENNSYLVANIA
DEPARTMENT OF STATE
10:19

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
MUNICIPAL ELECTION OF NOVEMBER 06, 2001
JUDGE OF THE SUPERIOR COURT

REPORT ELC506
DATE 12/19/2001
PAGE NO. 1

COUNTY	BOWES MARY JANE REPUBLICAN	KLEIN RICHARD B. REPUBLICAN	BENDER JOHN T. REPUBLICAN	WECHT DAVID DEMOCRATIC	KIRKLAND LYDIA Y. DEMOCRATIC	DOMITROVICH STEPHANIE DEMOCRATIC
ADAMS	8,592	8,865	7,509	3,317	3,895	3,443
ALLEGHENY	89,724	87,039	77,201	139,522	103,520	102,968
ARMSTRONG	7,373	7,059	5,264	7,169	5,024	4,703
BEAVER	13,646	14,253	10,764	21,384	15,751	19,786
BEDFORD	6,103	6,266	5,245	2,631	2,669	2,785
BERKS	26,352	28,443	26,193	16,984	20,746	19,654
BLAIR	15,653	16,199	13,145	7,035	7,058	8,295
BRADFORD	7,487	7,045	6,131	2,418	2,907	2,671
BUCKS	56,423	56,969	52,723	35,741	39,363	36,968
BUTLER	16,832	16,086	13,366	12,425	8,747	7,533
CAMBRIA	13,486	13,530	10,798	15,228	15,706	16,408
CAMERON	811	762	647	486	513	502
CARBON	4,418	4,437	3,868	4,358	4,624	4,719
CENTRE	13,187	12,825	11,023	7,463	8,472	8,568
CHESTER	43,015	40,216	36,734	16,877	20,786	18,713
CLARION	5,068	5,236	3,792	4,322	2,652	2,439
CLEARFIELD	8,133	8,051	6,763	5,895	5,646	6,481
CLINTON	3,079	2,989	2,358	2,230	2,515	2,448
COLUMBIA	6,208	5,969	4,616	3,552	4,100	4,059
CRAWFORD	7,923	8,000	6,966	4,139	4,351	6,188
CUMBERLAND	24,618	25,135	20,782	9,718	11,265	12,416
DAUPHIN	22,818	26,196	20,776	11,080	13,154	12,194
DELAWARE	60,866	60,128	57,637	28,848	32,279	29,981
ELK	3,889	3,777	2,676	3,397	3,307	3,442
ERIE	27,184	27,946	22,234	21,341	23,269	45,505
FAYETTE	5,800	6,544	5,112	12,517	9,456	9,190
FOREST	870	825	628	582	511	545
FRANKLIN	11,168	10,846	10,754	4,111	4,640	3,931
FULTON	1,386	1,389	1,237	658	680	606
GREENE	2,379	2,324	1,584	4,328	3,416	2,693
HUNTINGDON	4,844	5,025	3,811	1,759	1,999	2,303
INDIANA	8,609	8,813	6,989	7,692	7,293	5,442
JEFFERSON	6,375	6,516	5,208	4,385	3,362	3,737
JUNIATA	3,028	3,302	2,637	1,757	2,030	1,497
LACKAWANNA	17,658	17,162	14,506	21,795	23,567	25,038
LANCASTER	43,935	45,276	41,372	13,336	14,446	14,581
LAWRENCE	9,934	9,501	8,306	12,491	9,953	9,674
LEBANON	11,665	12,458	10,764	4,020	4,623	4,693
LEHIGH	22,998	23,607	20,460	17,676	18,265	18,581
LUZERNE	21,987	22,594	19,215	20,240	22,366	23,753
LYCOMING	12,492	12,286	11,197	4,982	5,752	5,506
MCKEAN	5,175	5,021	4,392	1,750	2,098	2,127
MERCER	12,475	9,333	10,680	10,716	8,036	11,052
MIFFLIN	4,145	4,281	3,731	1,797	2,049	1,900
MONROE	9,360	9,092	8,557	5,728	6,458	6,350
MONTGOMERY	73,169	73,052	66,621	43,148	49,076	45,399
MONTOUR	2,266	2,209	1,885	1,120	1,330	1,252
NORTHAMPTON	21,337	21,157	18,904	17,182	19,193	18,802
NORTHUMBERLAND	10,483	10,916	9,574	5,912	6,792	6,567
PERRY	5,154	5,553	4,317	1,591	1,999	1,501
PHILADELPHIA	33,321	35,022	27,179	108,480	130,888	110,135
PIKE	4,616	4,516	4,313	2,047	2,306	2,189
POTTER	2,271	2,148	1,820	806	950	814
SCHUYLKILL	21,612	19,857	17,553	12,814	14,759	15,227
SNYDER	5,091	5,339	4,375	1,586	1,800	1,574
SOMERSET	9,894	9,906	8,395	7,221	6,387	6,399
SULLIVAN	987	945	761	437	534	553
SUSQUEHANNA	6,617	6,237	5,462	2,613	2,997	3,065
TIOGA	5,129	4,815	4,170	1,617	2,106	1,771
UNION	5,074	5,164	4,431	1,943	2,371	2,204
VENANGO	5,891	5,632	4,599	3,924	3,012	3,221
WARREN	3,970	3,861	3,301	1,923	2,081	2,703
WASHINGTON	14,513	14,751	10,947	23,368	17,702	17,157
WAYNE	4,745	4,816	4,215	1,735	1,932	1,966
WESTMORELAND	27,065	30,804	26,230	36,254	27,100	26,454
WYOMING	3,419	3,344	2,807	1,210	1,342	1,400
YORK	30,456	32,283	28,747	14,010	15,448	14,956
STATE TOTALS	1,006,251	1,011,943	880,957	830,821	825,424	821,377

PENNSYLVANIA
DEPARTMENT OF STATE
15:53

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 03, 1998
GOVERNOR

REPORT ELC506
DATE 12/15/1998
PAGE NO. 1

COUNTY	RIDGE TOM REPUBLICAN	ITKIN IVAN DEMOCRATIC	LUKSIK PEG CONSTITUTIONAL	KRAWCHUK KEN V. LIBERTARIAN
ADAMS	14,810	3,682	1,360	208
ALLEGHENY	169,316	127,994	50,689	3,719
ARMSTRONG	8,641	4,900	4,098	99
BEAVER	24,993	19,879	7,669	477
BEDFORD	8,232	2,322	1,427	81
BERKS	49,716	21,336	6,926	1,553
BLAIR	19,025	4,410	4,518	216
BRADFORD	12,534	3,041	1,101	104
BUCKS	93,697	39,210	9,145	2,431
BUTLER	22,839	10,593	10,759	395
CAMBRIA	22,266	12,675	9,721	313
CAMERON	688	266	646	9
CARBON	7,503	5,246	716	183
CENTRE	20,175	7,295	3,100	397
CHESTER	68,572	21,337	9,786	1,714
CLARION	5,861	2,112	2,182	89
CLEARFIELD	11,437	5,598	3,215	135
CLINTON	5,348	2,656	487	96
COLUMBIA	8,720	4,175	1,401	99
CRAWFORD	13,875	4,786	3,065	195
CUMBERLAND	37,801	8,610	6,360	522
DAUPHIN	39,914	13,203	7,871	615
DELAWARE	97,746	42,283	12,368	1,976
ELK	4,520	2,500	2,073	51
ERIE	49,027	16,783	10,450	724
FAYETTE	13,215	12,863	3,699	342
FOREST	987	375	181	4
FRANKLIN	21,793	6,527	2,759	200
FULTON	2,210	885	230	11
GREENE	4,211	3,900	963	104
HUNTINGDON	6,253	1,936	1,320	74
INDIANA	11,733	6,910	4,334	152
JEFFERSON	6,493	2,473	2,131	82
JUNIATA	3,947	1,266	740	29
LACKAWANNA	35,039	25,297	5,208	615
LANCASTER	72,198	15,891	11,169	841
LAWRENCE	13,115	9,259	2,956	154
LEBANON	20,263	4,775	2,588	247
LEHIGH	50,526	22,472	2,890	910
LUZERNE	44,030	23,827	6,125	702
LYCOMING	20,511	6,058	2,102	280
MCKEAN	6,742	2,086	939	85
MERCER	15,958	10,349	3,704	227
MIFFLIN	6,914	2,010	723	89
MONROE	17,243	7,160	1,345	388
MONTGOMERY	129,376	62,734	14,959	3,567
MONTOUR	2,700	1,012	469	26
NORTHAMPTON	42,352	20,461	2,337	867
NORTHUMBERLAND	13,468	7,051	2,011	317
PERRY	7,023	1,487	1,604	89
PHILADELPHIA	107,731	183,066	13,072	3,401
PIKE	6,843	2,726	333	95
POTTER	3,121	963	449	21
SCHUYLKILL	27,992	12,108	3,920	313
SNYDER	5,565	1,405	919	67
SOMERSET	14,829	5,676	3,569	178
SULLIVAN	1,609	524	163	15
SUSQUEHANNA	9,330	2,830	736	101
TIOGA	7,000	2,071	798	54
UNION	5,395	1,700	757	58
VENANGO	9,643	3,595	1,991	87
WARREN	6,760	2,301	1,975	99
WASHINGTON	22,825	20,050	9,113	405
WAYNE	8,692	2,892	603	129
WESTMORELAND	44,331	32,375	22,025	804
WYOMING	6,965	1,682	616	81
YORK	62,657	16,825	6,103	880
STATE TOTALS	1,736,844	938,745	315,761	33,591

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

Cert. No. 2002-10b

OFFICE OF THE SECRETARY OF THE COMMONWEALTH

Harrisburg, **January 31, 2002**

PENNSYLVANIA, SS:

I, Kim Pizzingrilli, Secretary of the Commonwealth of Pennsylvania, DO HEREBY CERTIFY, That the attached is a true and accurate copy of the official election results for general election of November 3, 1998 for the offices of United States Senator, United States Representative in Congress, and Governor; for the general election of November 2, 1999 for the office of Judge of the Superior Court; for the general election of November 7, 2000 for the offices of President of the United States, United States Senator, United States Representative in Congress, Attorney General, Auditor General, and State Treasurer; and for the general election of November 6, 2001 Justice of the Supreme Court, Judge of the Commonwealth Court and Judge of the superior Court, as the same remains of record and on file in the Department of State's Bureau of Commissions, Elections, and Legislation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of my Office to be affixed, the day and year above written.

Kim Pizzingrilli

Secretary of the Commonwealth

PENNSYLVANIA
DEPARTMENT OF STATE
15:52

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 03, 1998
UNITED STATES SENATOR

REPORT ELC506
DATE 12/15/1998
PAGE NO. 1

COUNTY	SPECTER ARLEN REPUBLICAN	LLOYD BILL DEMOCRATIC	SNYDER DEAN CONSTITUTIONAL	IANNANTUONO JACK LIBERTARIAN
ADAMS	13,740	5,462	454	327
ALLEGHENY	199,654	125,944	8,718	5,602
ARMSTRONG	11,748	5,212	632	244
BEAVER	29,111	20,729	1,037	683
BEDFORD	8,406	3,216	291	83
BERKS	52,787	22,282	1,721	2,045
BLAIR	20,223	6,748	578	307
BRADFORD	12,112	3,932	397	162
BUCKS	91,809	42,976	3,105	3,194
BUTLER	29,798	12,504	1,427	756
CAMBRIA	22,335	21,720	665	348
CAMERON	987	517	64	16
CARBON	7,353	5,218	390	228
CENTRE	20,909	9,041	486	431
CHESTER	71,508	24,611	2,527	2,719
CLARION	6,983	2,666	538	133
CLEARFIELD	12,162	7,415	571	153
CLINTON	5,100	2,837	227	87
COLUMBIA	9,003	4,662	392	156
CRAWFORD	13,763	5,986	628	274
CUMBERLAND	37,643	13,276	1,039	804
DAUPHIN	41,397	17,209	1,539	734
DELAWARE	101,502	44,704	2,930	2,514
ELK	5,175	3,597	239	85
ERIE	43,175	25,616	2,227	1,131
FAYETTE	13,854	13,812	834	413
FOREST	1,052	442	37	14
FRANKLIN	21,704	8,210	718	285
FULTON	2,238	962	50	15
GREENE	4,742	3,991	157	112
HUNTINGDON	6,752	2,280	301	75
INDIANA	14,577	7,856	450	245
JEFFERSON	7,161	3,433	437	114
JUNIATA	4,034	1,720	108	45
LACKAWANNA	38,710	25,492	1,038	627
LANCASTER	69,422	21,108	4,479	1,137
LAWRENCE	14,000	11,167	535	278
LEBANON	19,539	6,089	695	312
LEHIGH	48,627	22,484	1,421	1,750
LUZERNE	44,513	24,205	1,428	920
LYCOMING	19,506	7,134	785	329
MCKEAN	6,332	2,505	228	92
MERCER	15,904	12,122	839	306
MIFFLIN	6,611	2,499	196	80
MONROE	15,393	7,967	513	517
MONTGOMERY	139,956	60,315	3,868	4,627
MONTOUR	2,808	1,223	125	45
NORTHAMPTON	39,679	21,808	1,115	1,273
NORTHUMBERLAND	13,529	7,534	759	294
PERRY	7,374	2,360	285	109
PHILADELPHIA	117,277	177,969	4,237	3,615
PIKE	6,310	2,982	197	128
POTTER	3,177	1,131	133	42
SCHUYLKILL	29,098	13,855	791	537
SNYDER	5,963	1,708	186	63
SOMERSET	7,986	16,203	202	95
SULLIVAN	1,583	651	35	20
SUSQUEHANNA	9,198	3,363	203	141
TIOGA	7,045	2,523	258	140
UNION	5,927	1,872	200	85
VENANGO	10,562	4,226	315	140
WARREN	6,784	2,935	507	111
WASHINGTON	29,289	20,535	1,152	751
WAYNE	8,469	3,105	247	139
WESTMORELAND	54,839	34,778	2,999	1,548
WYOMING	7,166	1,810	154	113
YORK	57,107	22,395	2,338	1,205
STATE TOTALS	1,814,180	1,028,839	68,377	46,103

PENNSYLVANIA
DEPARTMENT OF STATE
14:23

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
MUNICIPAL ELECTION OF NOVEMBER 02, 1999
JUDGE OF THE SUPERIOR COURT

REPORT ELC506
DATE 12/20/1999
PAGE NO. 1

COUNTY	LALLY-GREEN MAUREEN REPUBLICAN	KLEIN RICHARD B. REPUBLICAN	TODD DEBRA DEMOCRATIC	SCHILLER BERLE DEMOCRATIC
ADAMS	8,782	8,383	5,236	3,507
ALLEGHENY	135,379	94,724	177,827	126,543
ARMSTRONG	6,934	6,170	8,100	5,269
BEAVER	13,588	12,798	26,764	17,136
BEDFORD	6,797	6,686	4,011	2,758
BERKS	28,134	27,597	23,091	20,726
BLAIR	13,386	12,028	6,202	3,800
BRADFORD	8,481	7,247	4,131	2,908
BUCKS	53,765	52,536	34,558	32,659
BUTLER	18,029	13,841	14,583	9,941
CAMBRIA	14,379	12,527	17,755	13,213
CAMERON	899	862	673	468
CARBON	4,330	4,051	5,065	4,514
CENTRE	13,914	12,480	9,683	6,646
CHESTER	38,594	35,405	20,604	17,172
CLARION	4,833	4,573	4,288	2,617
CLEARFIELD	8,673	7,306	7,271	5,193
CLINTON	3,277	2,960	3,061	2,471
COLUMBIA	6,290	5,221	4,751	3,967
CRAWFORD	9,630	7,001	5,367	4,087
CUMBERLAND	19,939	20,219	9,760	7,393
DAUPHIN	23,023	24,973	13,128	10,919
DELAWARE	66,213	64,273	32,220	32,276
ELK	3,633	2,772	3,773	2,432
ERIE	24,558	22,070	18,324	18,760
FAYETTE	7,886	7,153	15,388	11,400
FOREST	815	624	583	404
FRANKLIN	10,494	10,274	4,842	3,339
FULTON	1,473	1,420	893	621
GREENE	2,465	2,028	4,334	3,795
HUNTINGDON	5,238	4,929	2,754	1,743
INDIANA	8,135	7,586	8,627	5,933
JEFFERSON	5,516	5,093	4,496	2,758
JUNIATA	3,093	3,165	2,189	1,472
LACKAWANNA	19,603	14,708	23,290	23,343
LANCASTER	40,187	38,005	14,351	13,626
LAWRENCE	9,281	7,409	13,859	8,021
LEBANON	11,946	12,705	5,119	4,164
LEHIGH	21,221	20,888	16,860	15,882
LUZERNE	25,256	19,461	22,927	23,667
LYCOMING	12,261	11,304	6,238	5,394
MCKEAN	4,697	4,495	2,383	1,553
MERCER	13,029	7,860	8,904	6,170
MIFFLIN	4,259	3,561	1,953	1,629
MONROE	9,435	8,528	6,306	5,995
MONTGOMERY	67,953	70,713	42,641	46,041
MONTOUR	1,989	1,811	1,319	1,097
NORTHAMPTON	15,296	15,622	16,406	15,251
NORTHUMBERLAND	9,964	9,428	8,112	7,333
PERRY	4,205	4,214	1,831	1,213
PHILADELPHIA	86,329	91,300	224,699	221,020
PIKE	4,494	4,298	2,906	2,689
POTTER	2,612	2,539	1,509	983
SCHUYLKILL	19,299	16,384	15,433	12,514
SNYDER	4,176	4,201	1,562	1,241
SOMERSET	10,512	9,853	8,854	6,048
SULLIVAN	1,108	979	721	596
SUSQUEHANNA	6,045	5,145	3,222	2,566
TIOGA	5,428	4,759	2,645	1,706
UNION	4,191	3,884	1,938	1,976
VENANGO	5,860	4,719	4,076	2,969
WARREN	5,169	4,682	3,061	2,449
WASHINGTON	16,327	13,397	27,154	20,246
WAYNE	5,332	4,710	2,446	2,147
WESTMORELAND	27,394	25,900	37,298	30,010
WYOMING	4,056	3,471	1,799	1,463
YORK	27,431	26,733	16,929	14,793
STATE TOTALS	1,086,920	988,641	1,053,083	894,635

PENNSYLVANIA
DEPARTMENT OF STATE
15:07

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
PRESIDENT OF THE UNITED STATES

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	BUSH GEORGE W. REPUBLICAN	GORE AL DEMOCRATIC	PHILLIPS HOWARD CONSTITUTION	BROWNE HARRY LIBERTARIAN	NADER RALPH GREEN	BUCHANAN PATRICK J. REFORM
ADAMS	20,848	11,682	27	72	696	108
ALLEGHENY	235,361	329,963	3,522	945	10,575	2,112
ARMSTRONG	15,508	11,127	31	30	485	242
BEAVER	32,491	38,925	104	153	1,450	470
BEDFORD	13,598	5,474	8	19	265	71
BERKS	71,273	59,150	125	682	3,494	439
BLAIR	28,376	15,774	76	74	693	147
BRADFORD	14,660	7,911	22	48	600	89
BUCKS	121,927	132,914	669	1,017	6,294	601
BUTLER	44,009	25,037	50	125	1,287	316
CAMBRIA	28,001	30,308	170	88	1,369	350
CAMERON	1,383	779	5	3	50	26
CARBON	9,717	10,668	187	41	574	90
CENTRE	26,172	21,409	39	148	1,623	147
CHESTER	100,080	82,047	103	716	4,302	314
CLARION	9,796	5,605	16	31	293	102
CLEARFIELD	18,019	11,718	26	43	570	233
CLINTON	6,064	5,521	46	13	307	43
COLUMBIA	12,095	8,975	21	49	663	91
CRAWFORD	18,858	13,250	155	74	854	130
CUMBERLAND	54,802	31,053	47	222	1,749	189
DAUPHIN	53,631	44,390	102	221	2,059	255
DELAWARE	105,836	134,861	702	743	5,348	587
ELK	7,347	5,754	18	17	352	90
ERIE	49,027	59,399	449	242	2,980	238
FAYETTE	20,013	28,152	225	58	798	286
FOREST	1,371	843	1	2	57	9
FRANKLIN	33,042	14,922	43	69	761	132
FULTON	3,753	1,425	1	9	77	20
GREENE	5,890	7,230	18	39	337	120
HUNTINGDON	10,408	5,073	12	21	340	103
INDIANA	16,799	13,667	17	46	711	161
JEFFERSON	11,473	5,566	29	47	339	120
JUNIATA	5,795	2,656	9	21	158	28
LACKAWANNA	35,096	57,471	1,341	75	2,134	264
LANCASTER	115,900	54,968	379	340	3,341	389
LAWRENCE	18,060	20,593	27	50	653	257
LEBANON	28,534	16,093	143	102	873	135
LEHIGH	55,492	56,667	214	322	3,278	307
LUZERNE	52,328	62,199	981	148	3,456	474
LYCOMING	27,137	14,663	217	62	965	139
MCKEAN	9,661	5,510	129	37	403	64
MERCER	23,132	23,817	348	70	1,073	285
MIFFLIN	9,400	4,835	49	25	264	41
MONROE	23,265	21,939	116	116	1,319	123
MONTGOMERY	145,623	177,990	200	1,231	6,816	562
MONTOUR	3,960	2,356	8	10	132	26
NORTHAMPTON	47,396	53,097	592	269	3,012	324
NORTHUMBERLAND	18,142	13,670	109	45	956	329
PERRY	11,184	4,459	15	39	309	65
PHILADELPHIA	100,959	449,182	1,032	979	8,206	822
PIKE	9,339	7,330	99	41	498	57
POTTER	4,858	2,037	7	18	146	24
SCHUYLKILL	29,841	26,215	40	92	1,713	399
SNYDER	8,963	3,536	10	15	271	46
SOMERSET	20,218	12,028	24	47	487	181
SULLIVAN	1,928	1,066	4	6	91	10
SUSQUEHANNA	10,226	6,481	12	32	459	61
TIOGA	9,635	4,617	24	40	404	52
UNION	8,523	4,209	17	20	373	33
VENANGO	11,642	8,196	55	42	467	121
WARREN	9,290	7,537	129	32	466	87
WASHINGTON	37,339	44,961	60	111	1,442	528
WAYNE	11,201	6,904	63	33	625	88
WESTMORELAND	80,858	71,792	323	227	2,601	908
WYOMING	6,922	4,363	6	26	344	32
YORK	87,652	51,958	580	418	3,305	331
STATE TOTALS	2,281,127	2,485,967	14,428	11,248	103,392	16,023

PENNSYLVANIA
DEPARTMENT OF STATE
15:09

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
UNITED STATES SENATOR

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	SANTORUM RICK REPUBLICAN	KLINK RON DEMOCRATIC	SEARER LESTER B. CONSTITUTION	FEATHERMAN JOHN J. LIBERTARIAN	DOMSKE ROBERT E. REFORM
ADAMS	21,621	10,177	225	432	291
ALLEGHENY	247,405	306,410	4,774	4,500	2,119
ARMSTRONG	15,388	11,380	207	247	276
BEAVER	33,609	41,419	309	416	336
BEDFORD	13,791	4,810	128	162	186
BERKS	78,297	48,998	599	2,172	603
BLAIR	30,343	12,863	432	532	485
BRADFORD	16,314	6,150	105	194	133
BUCKS	144,711	103,961	913	2,936	965
BUTLER	44,568	24,816	393	626	443
CAMBRIA	29,514	28,932	640	606	490
CAMERON	1,524	626	14	13	13
CARBON	10,598	8,878	204	161	88
CENTRE	30,002	16,706	306	1,019	416
CHESTER	117,092	63,259	462	3,417	889
CLARION	9,823	5,482	136	165	112
CLEARFIELD	18,582	10,415	301	363	379
CLINTON	6,710	4,333	99	113	73
COLUMBIA	13,405	7,337	154	294	220
CRAWFORD	20,280	11,000	215	241	186
CUMBERLAND	55,799	28,080	674	1,095	787
DAUPHIN	54,986	40,047	919	1,252	805
DELAWARE	128,768	105,712	791	1,952	563
ELK	7,586	5,316	127	154	116
ERIE	58,302	46,726	669	826	488
FAYETTE	19,342	27,502	432	250	204
FOREST	1,406	786	20	18	19
FRANKLIN	33,541	13,594	198	344	294
FULTON	3,761	1,311	16	45	23
GREENE	5,935	7,636	117	111	165
HUNTINGDON	11,185	3,910	155	192	218
INDIANA	17,651	12,761	144	420	167
JEFFERSON	11,370	5,361	161	223	168
JUNIATA	5,912	2,407	80	92	41
LACKAWANNA	40,520	47,363	1,081	390	239
LANCASTER	119,519	47,600	1,032	1,263	493
LAWRENCE	17,672	21,026	151	210	208
LEBANON	28,324	14,517	310	596	236
LEHIGH	63,025	45,148	355	1,257	376
LUZERNE	55,549	51,613	1,243	804	414
LYCOMING	28,773	11,034	302	327	232
MCKEAN	9,804	4,304	132	109	49
MERCER	23,157	22,191	355	254	146
MIFFLIN	9,768	4,021	145	105	52
MONROE	25,524	17,351	253	615	257
MONTGOMERY	174,512	140,507	645	4,222	742
MONTOUR	4,309	1,927	55	65	50
NORTHAMPTON	53,853	42,965	549	992	327
NORTHUMBERLAND	19,029	11,208	297	292	307
PERRY	11,118	4,124	157	190	192
PHILADELPHIA	121,433	398,756	1,731	3,611	1,094
PIKE	9,856	6,138	133	129	65
POTTER	5,043	1,694	28	95	36
SCHUYLKILL	34,175	21,184	380	592	707
SNYDER	9,217	2,909	139	139	107
SOMERSET	19,028	13,129	196	229	209
SULLIVAN	2,046	897	19	30	23
SUSQUEHANNA	11,205	5,344	108	146	143
TIOGA	10,194	3,847	88	186	108
UNION	9,041	3,468	116	174	121
VENANGO	11,846	7,867	179	205	165
WARREN	9,973	5,565	234	132	74
WASHINGTON	36,908	42,934	396	611	2,535
WAYNE	11,762	5,526	114	144	77
WESTMORELAND	80,010	70,201	859	791	666
WYOMING	7,856	3,356	52	104	93
YORK	88,792	46,093	1,429	1,183	785
STATE TOTALS	2,481,962	2,154,908	28,382	45,775	24,089

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 1		
80825	DEM	BRADY, ROBERT A.	PO BOX 22471	PHILADELPHIA	19110-2471	PHILADELPHIA	77,788
80727	REP	HARRISON, WILLIAM M.	1832 MASTER ST	PHILADELPHIA	19121-4908	PHILADELPHIA	15,898
85025	LIB	FEATHERMAN, JOHN	130 SPRUCE ST #16-B	PHILADELPHIA	19106-0000	PHILADELPHIA	1,198
85006	SWC	COLE, NANCY	1226 E MOYAMENSING AVE #2	PHILADELPHIA	19147-0000	PHILADELPHIA	964
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 2		
80017	DEM	FATTAH, CHAKA	4104 WALNUT ST	PHILADELPHIA	19104-0000	PHILADELPHIA	102,763
81075	REP	MULLIGAN, ANNE MARIE	3417 INDIAN QUEEN LANE	PHILADEPHIA	19129-1520	PHILADELPHIA	16,001
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 3		
80375	DEM	BORSKI, ROBERT A.	PO BOX 26846	PHILADELPHIA	19134-0000	PHILADELPHIA	66,270
80303	REP	DOUGHERTY, CHARLES F.	1313 FRIENDSHIP ST	PHILADELPHIA	19111-0000	PHILADELPHIA	45,390
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 4		
80197	DEM	KLINK, RON	3410 LASHAN DR	MURRYSVILLE	15668-0000	WESTMORELAND	103,183
80600	REP	TURZAI, MIKE	801 OAK RD	BRADFORD WOODS	15015-0000	ALLEGHENY	58,485
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 5		
80330	REP	PETERSON, JOHN E.	PO BOX 295	PLEASANTVILLE	16341-0295	VENANGO	99,502
85005	GRN	BELITSKUS, WILLIAM M.	RD#1 BOX 172B	KANE	16735-0000	MCKEAN	17,734
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 6		
80372	DEM	HOLDEN, TIM	31 PEARL ST	SAINT CLAIR	17970-0000	SCHUYLKILL	85,374
80237	REP	MECKLEY, JOHN	PO BOX 251	MILTON	17847-0251	NORTHUMBERLAND	54,579

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 176 of 290

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 7		
80864	REP	WELDON, CURT	49 WEATHERVANE RD	ASTON	19014-0000	DELAWARE	119,491
81242	DEM	D'URSO, MARTIN J.	39 RIDLEY AVE	ALDAN	19018-0000	DELAWARE	46,920
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 8		
80850	REP	GREENWOOD, JIM	PO BOX 2358	DOYLESTOWN	18901-0000	BUCKS	93,697
80283	DEM	TUTHILL, BILL	28 RAMBLER LANE	LEVITTOWN	19055-1402	BUCKS	48,320
85045	CST	WOLFERTZ, SCOTT	1067 PARK AVE	WYCOMBE	18980-0000	BUCKS	3,917
85034	REF	BLAIR, JAMES R.	16 LINDA LN	HATBORO	19040-0000	MONTGOMERY	1,229
85002	NLP	BOYCE, CAROLYN	46 MAIN ST	FALLSINGTON	19054-0000	BUCKS	1,022
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 9		
80243	R/D	SHUSTER, BUD	RD 3 BOX 234C	EVERETT	15537-0000	BEDFORD	125,409
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 10		
80185	REP	SHERWOOD, DON	10 BRIDGEOVER	TUNKHANNOCK	18657-0000	WYOMING	84,275
81121	DEM	CASEY, PATRICK	929 SUNSET ST	SCRANTON	18509-0000	LACKAWANNA	83,760
85053	REF	MCLAUGHLIN, THOMAS J.	72 FERNWOOD AVE	BARTONSVILLE	18321-0000	MONROE	4,998
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 11		
80115	DEM	KANJORSKI, PAUL E.	103 S HANOVER ST	NANTICOKE	18634-2296	LUZERNE	88,933
80991	REP	URBAN, STEPHEN A.	166 WILLOW ST	WILKES-BARRE	18702-1582	LUZERNE	44,123
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 12		
80066	DEM	MURTHA, JOHN P.	109 COLGATE AVE	JOHNSTOWN	15905-0000	CAMBRIA	100,528

(CONTINUED)

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 177 of 280

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 12 ----------(CONTINUED)							
80373	REP	HOLLOWAY, TIMOTHY E.	HOLLOWAY'98 PO BOX 500	LIGONIER	15658-0500	WESTMORELAND	46,239
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 13 ----------							
80579	DEM	HOEFFEL, JOSEPH M.	1908 LYCOMING AVE	ABINGTON	19001-0000	MONTGOMERY	95,105
80505	REP	FOX, JON D.	312 GLEN LANE	ELKINS PARK	19027-0000	MONTGOMERY	85,915
85027	LIB	BURKE, THOMAS PATRICK	104 HAVERFORD RD	WYNNEWOOD	19096-0000	MONTGOMERY	3,470
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 14 ----------							
80811	DEM	COYNE, WILLIAM J.	307 HALKET ST	PITTSBURGH	15213-0000	ALLEGHENY	83,355
80540	REP	RAVOTTI, BILL	1100 LIBERTY AVE APT 206	PITTSBURGH	15222-0000	ALLEGHENY	52,745
85004	SWP	KOLIS, DOROTHY L.	1429 POPLAR ST APT 7	PITTSBURGH	15205-0000	ALLEGHENY	1,625
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 15 ----------							
80632	REP	TOOMEY, PAT	2336 FOX MEADOW DR	ALLENTOWN	18104-0000	LEHIGH	81,755
80802	DEM	AFFLERBACH, ROY C.	2821 READING RD	ALLENTOWN	18104-6129	LEHIGH	66,930
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 16 ----------							
80205	REP	PITTS, JOSEPH R.	PO BOX 775	UNIONVILLE	19375-0000	CHESTER	95,979
85061	DEM	YORCZYK, ROBERT S.	371 DEVON DR	EXTON	19341-0000	CHESTER	40,092
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 17 ----------							
80663	REP	GEKAS, GEORGE W.	732 S 25TH ST	HARRISBURG	17111-0000	DAUPHIN	114,931
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 18 ----------							
81094	DEM	DOYLE, MIKE	2227 HAMPTON ST	PITTSBURGH	15218-1833	ALLEGHENY	98,363

(CONTINUED)

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 18 ----------(CONTINUED)							
81245	REP	WALKER, DICK	1204 LINDENDALE DR	PITTSBURGH	15228-0000	ALLEGHENY	46,945
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 19 ----------							
80868	REP	GOODLING, BILL	RD 3 BOX 3026 A	SEVEN VALLEYS	17360-0000	YORK	96,284
81032	DEM	ROPP, LINDA G.	1824 MONROE ST	YORK	17404-0000	YORK	40,674
85016	LIB	SHOEMAKER, GARY M.	600 FARMBROOK LN	YORK	17402-0000	YORK	5,444
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 20 ----------							
80038	DEM	MASCARA, FRANK	PO BOX 1109	WASHINGTON	15301-1109	WASHINGTON	97,885
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 21 ----------							
81000	REP	ENGLISH, PHIL	PO BOX 1940	ERIE	16507-1940	ERIE	94,518
80534	DEM	KLEMENS, LARRY	38 PENN	GREENVILLE	16125-0000	MERCER	54,591

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 1		
585	DEM	BRADY, ROBERT A	1305 KIMBERLY DR	PHILADELPHIA	19151-0000	PHILADELPHIA	149,621
1331	REP	KUSH, STEVEN N.	1134 WAVERLY ST (FRT)	PHILADELPHIA	19147-0000	PHILADELPHIA	19,920
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 2		
90	DEM	FATTAH, CHAKA	4104 WALNUT ST	PHILADELPHIA	19104-0000	PHILADELPHIA	180,021
5019	LIB	KRAWCHUK, KENNETH V.	117 WEST AVE	ELKINS PARK	19027-0000	MONTGOMERY	3,673
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 3		
1161	DEM	BORSKI, ROBERT A.	P O BOX 26846	PHILADELPHIA	19134-0000	PHILADELPHIA	130,528
366	REP	DOUGHERTY, CHARLES F.	1314 COTTMAN AVE	PHILADELPHIA	19111-0000	PHILADELPHIA	59,343
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 4		
556	REP	HART, MELISSA	PO BOX 435	WEXFORD	15090-0435	ALLEGHENY	145,390
1015	DEM	VAN HORNE, TERRY E.	PO BOX 444	NEW KENSINGTON	15068-0444	WESTMORELAND	100,995
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 5		
215	REP	PETERSON, JOHN E.	P O BOX 295	PLEASANTVILLE	16341-0295	VENANGO	147,570
5042	GRN	BELITSKUS, WILLIAM M.	BOX 172B RD1	KANE	16735-0000	MCKEAN	13,857
5015	LIB	MARTIN, THOMAS A.	298 SHULTZ HOLLOW	JULIAN	16844-0000	CENTRE	11,020
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 6		
133	DEM	HOLDEN, TIM	31 PEARL ST	SAINT CLAIR	17970-0000	SCHUYLKILL	140,084
1381	REP	KOPEL, THOMAS G.	631 MAIN ST	OLEY	19547-0000	BERKS	71,227
OFFICE - REPRESENTATIVE IN CONGRESS					DISTRICT 7		
289	REP	WELDON, CURT	PO BOX 1992	MEDIA	19063-0000	DELAWARE	172,569

(CONTINUED)

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 7 ----------(CONTINUED)							
1147	DEM	LENNON, PETER A.	7 HARMIL RD	BROOMALL	19008-0000	DELAWARE	93,687
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 8 ----------							
341	REP	GREENWOOD, JIM	PO BOX 1775	DOYLESTOWN	18901-0000	BUCKS	154,090
1052	DEM	STROUSE, RONALD L.	701 SPRING VALLEY RD	DOYLESTOWN	18901-0000	BUCKS	100,617
5033	REF	HOLMEN, PHILIP C.	1 PINE VALLEY RD	DOYLESTOWN	18901-0000	BUCKS	5,394
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 9 ----------							
681	R/D	SHUSTER, BUD	825 RITCHEY RD	EVERETT	15537-0000	BEDFORD	184,401
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 10 ----------							
539	REP	SHERWOOD, DON	41 SHERWOOD LANE	TUNKHANNOCK	18657-0000	WYOMING	124,830
1281	DEM	CASEY, PAT	29 SUNSET ST	SCRANTON	18509-0000	LACKAWANNA	112,580
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 11 ----------							
274	DEM	KANJORSKI, PAUL E.	103 SOUTH HANOVER ST	NANTICOKE	18634-2296	LUZERNE	131,948
910	REP	URBAN, STEPHEN A.	166 WILLOW ST	WILKES BARRE	18702-0000	LUZERNE	66,699
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 12 ----------							
56	DEM	MURTHA, JOHN P.	109 COLGATE AVE	JOHNSTOWN	15905-0000	CAMBRIA	145,538
1209	REP	CHOBY, BILL	1905 BATES DR	JOHNSTOWN	15905-1718	CAMBRIA	56,575
5053	REF	O'NEIL, JAMES N.	19 W CREEK RD	ROCHESTER MILLS	15717-0000	INDIANA	3,324
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 13 ----------							
658	DEM	HOEFFEL, JOSEPH M	24 WEST AIRY ST	NORRISTOWN	19401-0000	MONTGOMERY	146,026

(CONTINUED)

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 13 ----------(CONTINUED)							
120	REP	GREENLEAF, STEWART J.	PO BOX 669	BLUE BELL	19422-0000	MONTGOMERY	126,501
5011	LIB	CAVANAUGH, KEN	3120 W MT KIRK AVE	NORRISTOWN	19403-0000	MONTGOMERY	4,224
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 14 ----------							
1036	DEM	COYNE, WILLIAM J.	307 HALKET ST	PITTSBURGH	15213-0000	ALLEGHENY	147,533
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 15 ----------							
688	REP	TOOMEY, PAT	2336 FOX MEADOW DR	ALLENTOWN	18104-0000	LEHIGH	118,307
488	DEM	O'BRIEN, ED	PO BOX 447	BETHLEHEM	18013-0000	LEHIGH	103,864
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 16 ----------							
746	REP	PITTS, JOSEPH R.	P O BOX 775	UNIONVILLE	19375-0000	CHESTER	162,403
672	DEM	YORCZYK, BOB	PO BOX 823	EXTON	19341-0823	CHESTER	80,177
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 17 ----------							
510	REP	GEKAS, GEORGE W.	732 SOUTH 25TH ST	HARRISBURG	17111-0000	DAUPHIN	166,236
963	DEM	HERRMANN, LESLYE HESS	PO BOX 154	ENOLA	17025-0154	CUMBERLAND	66,190
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 18 ----------							
431	DEM	DOYLE, MIKE	2227 HAMPTON ST	PITTSBURGH	15218-0000	ALLEGHENY	156,131
765	REP	STEPHENS, CRAIG C.	101 MANOR VIEW RD APT 204	PITTSBURGH	15220-0000	ALLEGHENY	68,798
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 19 ----------							
265	REP	PLATTS, TODD	1911 E MARKET ST	YORK	17402-0000	YORK	168,722
707	DEM	SANDERS, JEFF	18380 PRESTON RD	NEW FREEDOM	17349-0000	YORK	61,538

(CONTINUED)

KEY	PARTY	NAME	MAILING ADDRESS	CITY	ZIP	COUNTY	VOTES
----(CONTINUED)------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 19 ----------(CONTINUED)							
5065	CST	PAOLETTA, MICHAEL L.	1771 S MEADOW DR	MECHANICSBURG	17055-0000	CUMBERLAND	2,234
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 20 ----------							
29	DEM	MASCARA, FRANK	PO BOX 1109	WASHINGTON	15301-1109	WASHINGTON	145,131
776	REP	DAVIS, RONALD J.	2112 BRADY	BETHEL PARK	15102-0000	ALLEGHENY	80,312
---------- OFFICE - REPRESENTATIVE IN CONGRESS ---------- DISTRICT 21 ----------							
664	REP	ENGLISH, PHIL	PO BOX 1940	ERIE	16507-0000	ERIE	135,164
683	DEM	FLITTER, MARC A.	PO BOX 1181	ERIE	16512-0000	ERIE	87,018

PENNSYLVANIA
DEPARTMENT OF STATE
15:10

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
ATTORNEY GENERAL

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	FISHER MIKE REPUBLICAN	EISENHOWER JIM DEMOCRATIC	CLYMER JAMES N. CONSTITUTION	HEICKLEN JULIAN P. LIBERTARIAN	LINZEY THOMAS ALAN GREEN
ADAMS	22,195	8,957	195	363	464
ALLEGHENY	280,918	247,363	3,937	3,868	6,399
ARMSTRONG	16,601	9,646	273	292	310
BEAVER	34,774	35,391	420	681	702
BEDFORD	13,860	4,820	104	138	182
BERKS	73,748	49,147	798	2,042	2,433
BLAIR	32,790	10,439	340	442	387
BRADFORD	15,385	6,129	175	276	380
BUCKS	132,370	107,710	2,038	2,671	3,883
BUTLER	46,743	21,014	433	657	766
CAMBRIA	32,069	25,733	619	507	592
CAMERON	1,339	713	51	19	21
CARBON	9,923	8,868	182	153	321
CENTRE	29,282	15,285	262	1,564	1,719
CHESTER	111,593	63,974	696	2,961	3,006
CLARION	10,034	4,838	164	160	193
CLEARFIELD	18,539	10,238	252	359	329
CLINTON	6,440	4,261	104	125	168
COLUMBIA	12,903	7,156	191	298	395
CRAWFORD	20,391	9,640	292	228	472
CUMBERLAND	61,174	22,246	442	917	1,083
DAUPHIN	62,373	32,398	531	927	1,119
DELAWARE	122,125	104,993	952	1,716	2,971
ELK	7,330	5,364	143	152	145
ERIE	60,460	40,348	775	779	1,290
FAYETTE	19,274	24,682	417	283	432
FOREST	1,398	736	24	15	35
FRANKLIN	32,667	12,981	266	429	776
FULTON	3,581	1,383	28	40	47
GREENE	5,942	7,248	129	134	213
HUNTINGDON	11,135	3,858	181	172	242
INDIANA	18,294	11,657	254	317	285
JEFFERSON	11,315	5,262	170	199	193
JUNIATA	6,011	2,229	43	67	57
LACKAWANNA	42,213	41,049	821	418	825
LANCASTER	122,596	41,315	1,714	981	1,990
LAWRENCE	19,011	18,072	217	344	446
LEBANON	30,265	11,608	259	316	432
LEHIGH	57,618	46,062	694	1,089	1,849
LUZERNE	55,797	45,092	1,195	668	1,441
LYCOMING	28,269	10,422	314	306	515
MCKEAN	9,120	4,329	222	125	201
MERCER	23,056	20,315	406	295	423
MIFFLIN	9,970	3,560	86	94	104
MONROE	24,421	17,078	341	395	850
MONTGOMERY	167,183	139,564	950	3,620	4,195
MONTOUR	4,166	1,930	37	59	78
NORTHAMPTON	48,663	44,285	790	864	1,590
NORTHUMBERLAND	18,804	10,356	233	279	532
PERRY	11,900	3,356	134	160	163
PHILADELPHIA	107,185	396,337	1,713	2,490	6,073
PIKE	9,467	6,174	121	110	331
POTTER	4,542	1,918	79	79	100
SCHUYLKILL	33,827	20,498	379	649	889
SNYDER	9,644	2,284	54	125	141
SOMERSET	20,895	10,843	173	213	249
SULLIVAN	1,956	876	23	30	49
SUSQUEHANNA	11,437	4,808	96	175	302
TIOGA	9,527	3,929	193	166	316
UNION	9,206	3,043	80	119	308
VENANGO	11,739	7,577	254	213	237
WARREN	9,163	5,522	336	146	237
WASHINGTON	42,903	37,779	510	707	923
WAYNE	11,700	4,805	94	130	342
WESTMORELAND	82,321	58,565	830	928	1,216
WYOMING	8,068	2,861	67	100	178
YORK	93,645	38,225	1,010	1,175	1,681
STATE TOTALS	2,495,253	1,991,144	30,306	41,519	61,216

PENNSYLVANIA
DEPARTMENT OF STATE
15:14

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
AUDITOR GENERAL

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	TRUE KATIE REPUBLICAN	CASEY, JR. BOB DEMOCRATIC	RHINE JOHN H. CONSTITUTION	MORRIS JESSICA A. LIBERTARIAN	GOEKE ANNE E. GREEN	BLAIR JAMES R. REFORM
ADAMS	17,320	14,301	129	327	420	169
ALLEGHENY	182,838	338,209	4,058	4,604	7,348	2,464
ARMSTRONG	11,750	14,181	180	287	267	380
BEAVER	23,669	48,779	412	751	731	451
BEDFORD	11,101	7,449	71	150	167	120
BERKS	54,321	69,761	508	1,995	2,268	562
BLAIR	24,427	18,594	301	441	433	338
BRADFORD	12,622	8,977	123	238	324	232
BUCKS	109,580	132,606	940	2,700	4,029	996
BUTLER	34,405	32,569	335	785	858	537
CAMBRIA	20,785	36,993	469	542	617	487
CAMERON	1,024	1,059	13	27	24	18
CARBON	7,635	11,352	269	171	289	99
CENTRE	22,379	22,079	271	728	2,205	302
CHESTER	88,768	85,898	483	3,105	3,627	1,051
CLARION	7,597	7,297	105	184	193	157
CLEARFIELD	13,660	15,180	245	325	317	264
CLINTON	4,674	6,000	124	120	157	74
COLUMBIA	8,980	11,101	138	299	416	200
CRAWFORD	14,961	15,022	180	279	433	177
CUMBERLAND	45,099	38,848	257	729	1,049	370
DAUPHIN	45,147	50,660	457	695	1,002	315
DELAWARE	98,332	131,423	728	1,709	3,020	588
ELK	5,002	7,658	79	151	154	155
ERIE	33,532	66,960	635	946	1,241	514
FAYETTE	13,398	30,943	365	374	369	306
FOREST	1,123	1,119	12	22	33	22
FRANKLIN	26,920	19,309	246	381	581	293
FULTON	2,973	2,004	25	43	34	28
GREENE	3,701	9,367	96	203	205	185
HUNTINGDON	9,188	5,875	65	118	232	167
INDIANA	13,368	16,395	149	364	337	222
JEFFERSON	8,704	7,888	121	209	176	150
JUNIATA	4,464	3,808	43	63	45	32
LACKAWANNA	21,530	66,157	1,263	361	589	208
LANCASTER	116,727	51,205	514	704	2,164	374
LAWRENCE	12,983	24,179	155	410	448	319
LEBANON	24,962	17,901	213	260	391	116
LEHIGH	43,508	61,479	380	1,067	1,713	440
LUZERNE	35,195	67,860	1,358	783	1,336	484
LYCOMING	22,007	16,996	314	339	427	184
MCKEAN	7,613	5,946	138	147	191	63
MERCER	17,977	25,901	360	310	390	193
MIFFLIN	8,298	5,461	60	69	99	33
MONROE	19,431	22,513	232	396	786	272
MONTGOMERY	132,915	174,895	578	3,598	4,528	769
MONTOUR	2,929	3,176	49	58	87	49
NORTHAMPTON	37,428	56,694	672	847	1,514	396
NORTHUMBERLAND	14,120	15,726	234	261	436	231
PERRY	9,229	6,134	74	143	164	89
PHILADELPHIA	76,496	433,509	1,425	2,963	6,547	1,006
PIKE	8,318	7,514	120	113	308	65
POTTER	3,851	2,605	48	82	109	55
SCHUYLKILL	23,999	30,554	337	607	830	514
SNYDER	7,566	4,374	70	143	176	108
SOMERSET	15,827	15,777	147	259	255	214
SULLIVAN	1,549	1,310	15	31	40	29
SUSQUEHANNA	8,698	7,560	84	182	270	91
TIOGA	8,212	5,462	75	132	271	133
UNION	7,153	4,934	85	111	395	108
VENANGO	9,444	9,823	165	216	196	176
WARREN	7,142	7,633	214	167	226	156
WASHINGTON	26,822	52,761	384	866	959	820
WAYNE	9,224	7,690	87	131	311	65
WESTMORELAND	58,764	82,070	708	1,045	1,207	734
WYOMING	5,852	5,064	47	116	173	94
YORK	73,718	61,024	734	985	1,505	463
STATE TOTALS	1,862,934	2,651,551	23,971	41,967	62,642	21,476

PENNSYLVANIA
DEPARTMENT OF STATE
15:14

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 07, 2000
STATE TREASURER

REPORT ELC506
DATE 12/13/2000
PAGE NO. 1

COUNTY	HAFER BARBARA REPUBLICAN	KNOLL CATHERINE DEMOCRATIC	MCDERMOTT BAKERJOHN P. CONSTITUTION	FAMULARO JOHN D. LIBERTARIAN	KNOX BARBARA S. GREEN	PATTERSON JOSEPH F. REFORM
ADAMS	20,207	11,006	356	222	607	199
ALLEGHENY	253,619	286,470	5,590	2,894	7,114	2,047
ARMSTRONG	14,420	11,821	281	141	326	249
BEAVER	31,186	41,592	520	422	911	488
BEDFORD	12,524	6,035	129	64	232	113
BERKS	71,208	52,811	918	1,603	2,329	611
BLAIR	27,731	15,348	378	268	501	260
BRADFORD	15,111	6,560	280	131	333	171
BUCKS	130,739	109,382	1,900	2,408	4,214	1,116
BUTLER	40,793	26,679	570	492	921	462
CAMBRIA	23,451	34,168	747	257	750	406
CAMERON	1,190	886	25	16	26	43
CARBON	9,392	9,681	319	119	285	109
CENTRE	25,815	18,751	363	526	2,151	372
CHESTER	107,852	66,098	1,319	2,555	3,865	842
CLARION	8,929	6,012	156	87	232	130
CLEARFIELD	15,270	13,684	263	138	418	270
CLINTON	6,028	4,917	128	53	169	92
COLUMBIA	11,832	8,625	237	128	405	152
CRAWFORD	17,165	13,491	247	148	496	164
CUMBERLAND	59,352	23,235	831	643	1,564	503
DAUPHIN	61,072	33,524	916	584	1,384	468
DELAWARE	118,969	108,118	1,469	1,549	3,337	676
ELK	5,573	7,175	156	48	148	175
ERIE	44,074	58,070	952	596	1,463	439
FAYETTE	18,067	27,054	472	189	479	230
FOREST	1,322	847	17	8	38	18
FRANKLIN	31,921	14,024	427	251	663	303
FULTON	3,379	1,602	32	27	61	25
GREENE	5,264	8,101	119	87	262	118
HUNTINGDON	9,938	4,877	115	62	422	116
INDIANA	16,012	14,025	247	182	421	156
JEFFERSON	9,931	6,692	180	118	211	177
JUNIATA	5,820	2,490	35	43	88	34
LACKAWANNA	32,123	52,204	1,362	407	785	452
LANCASTER	112,073	51,409	1,655	795	2,306	561
LAWRENCE	16,727	20,494	300	233	515	332
LEBANON	29,013	13,742	289	211	460	156
LEHIGH	56,452	48,510	757	821	1,734	432
LUZERNE	47,023	53,960	1,607	557	1,481	532
LYCOMING	25,717	13,036	819	147	502	190
MCKEAN	9,498	4,404	190	88	212	89
MERCER	21,773	21,922	524	213	494	230
MIFFLIN	9,540	4,260	76	51	125	38
MONROE	22,556	18,601	484	428	873	305
MONTGOMERY	163,791	142,583	1,560	3,210	4,635	731
MONTOUR	3,853	2,290	63	34	79	24
NORTHAMPTON	47,195	45,965	1,027	681	1,587	431
NORTHUMBERLAND	17,880	12,402	322	130	493	234
PERRY	11,262	3,930	141	98	235	129
PHILADELPHIA	108,311	399,062	4,011	2,453	6,859	1,168
PIKE	8,972	6,435	221	102	345	82
POTTER	4,499	1,979	69	57	123	87
SCHUYLKILL	31,922	23,085	508	287	866	421
SNYDER	8,677	3,339	101	61	204	100
SOMERSET	17,320	14,297	284	138	330	187
SULLIVAN	1,868	992	37	15	60	17
SUSQUEHANNA	10,144	6,082	137	105	310	101
TIOGA	9,470	3,912	191	146	314	183
UNION	8,360	3,829	87	63	374	95
VENANGO	10,943	8,439	199	119	283	156
WARREN	8,615	6,614	312	65	284	185
WASHINGTON	37,146	43,293	583	483	1,150	599
WAYNE	10,616	5,997	166	88	373	79
WESTMORELAND	73,310	71,749	1,135	619	1,342	690
WYOMING	7,015	3,941	111	55	177	66
YORK	88,602	44,863	1,071	848	2,069	460
STATE TOTALS	2,307,422	2,211,471	41,093	30,867	68,805	21,276

PENNSYLVANIA
DEPARTMENT OF STATE
10:19

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
MUNICIPAL ELECTION OF NOVEMBER 06, 2001
JUSTICE OF THE SUPREME COURT

REPORT ELC506
DATE 12/19/2001
PAGE NO. 1

COUNTY	EAKIN MIKE REPUBLICAN	FORD ELLIOTT KATE DEMOCRATIC
ADAMS	9,502	4,018
ALLEGHENY	91,533	132,405
ARMSTRONG	7,759	6,647
BEAVER	15,686	20,395
BEDFORD	6,721	3,140
BERKS	28,605	22,807
BLAIR	17,003	9,098
BRADFORD	7,506	3,437
BUCKS	55,071	43,612
BUTLER	16,034	10,894
CAMBRIA	14,571	17,220
CAMERON	862	642
CARBON	4,717	5,050
CENTRE	13,215	10,041
CHESTER	39,755	23,698
CLARION	5,653	4,114
CLEARFIELD	9,041	7,043
CLINTON	3,285	2,821
COLUMBIA	6,401	4,748
CRAWFORD	8,915	5,375
CUMBERLAND	29,755	10,485
DAUPHIN	25,832	14,039
DELAWARE	59,863	35,449
ELK	3,982	4,465
ERIE	32,454	30,866
FAYETTE	7,188	11,969
FOREST	912	725
FRANKLIN	11,623	5,134
FULTON	1,440	817
GREENE	2,261	4,660
HUNTINGDON	5,607	2,489
INDIANA	9,832	7,752
JEFFERSON	7,054	4,893
JUNIATA	3,591	2,147
LACKAWANNA	21,102	26,141
LANCASTER	47,141	16,003
LAWRENCE	10,569	13,376
LEBANON	12,987	4,938
LEHIGH	23,638	21,267
LUZERNE	24,619	24,078
LYCOMING	13,422	6,635
MCKEAN	5,203	2,473
MERCER	10,459	11,871
MIFFLIN	4,562	2,223
MONROE	9,284	7,137
MONTGOMERY	68,260	55,714
MONTOUR	2,323	1,493
NORTHAMPTON	20,842	22,055
NORTHUMBERLAND	11,806	7,533
PERRY	5,958	2,040
PHILADELPHIA	32,769	133,498
PIKE	4,698	2,415
POTTER	2,299	1,097
SCHUYLKILL	21,846	16,558
SNYDER	5,683	2,078
SOMERSET	11,086	7,234
SULLIVAN	975	702
SUSQUEHANNA	6,740	3,739
TIOGA	5,102	2,455
UNION	5,005	2,392
VENANGO	5,848	3,803
WARREN	4,183	2,577
WASHINGTON	15,253	23,961
WAYNE	5,111	2,125
WESTMORELAND	32,003	33,069
WYOMING	3,602	1,633
YORK	33,753	16,654
STATE TOTALS	1,051,360	954,062

PENNSYLVANIA
DEPARTMENT OF STATE
10:20

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
MUNICIPAL ELECTION OF NOVEMBER 06, 2001
JUDGE OF THE COMMONWEALTH COURT

COUNTY	COHN RENEE REPUBLICAN	SIMPSON ROBIN REPUBLICAN	LEAVITT MARY HANNAH REPUBLICAN	DODARO JAMES J. DEMOCRATIC	LANGAN JERRY DEMOCRATIC	ARONSON IRWIN W. DEMOCRATIC
ADAMS	8,153	8,237	8,102	3,767	3,751	3,133
ALLEGHENY	78,258	78,487	83,143	129,355	107,913	101,064
ARMSTRONG	7,316	6,301	6,137	6,327	5,004	4,335
BEAVER	13,904	12,273	12,899	21,660	17,658	15,290
BEDFORD	6,003	5,710	5,590	3,031	2,648	2,151
BERKS	25,642	28,202	27,121	18,254	19,396	18,000
BLAIR	15,659	13,769	14,267	8,454	7,158	5,760
BRADFORD	6,826	6,644	6,586	2,566	3,467	2,208
BUCKS	52,852	56,022	55,458	38,129	37,315	36,888
BUTLER	16,734	14,622	14,766	10,761	9,254	7,533
CAMBRIA	13,036	11,318	12,271	18,305	15,037	13,939
CAMERON	692	658	714	595	541	408
CARBON	4,261	4,089	4,172	4,734	4,919	4,128
CENTRE	13,673	11,356	11,718	8,214	7,680	6,928
CHESTER	39,815	40,252	39,260	19,449	18,456	17,702
CLARION	4,901	4,813	4,586	3,335	2,924	2,343
CLEARFIELD	7,762	7,038	7,305	6,722	5,905	5,072
CLINTON	2,738	2,731	2,866	2,363	2,568	2,113
COLUMBIA	5,555	5,191	5,269	3,902	4,464	3,202
CRAWFORD	7,407	7,520	7,753	4,863	4,576	3,981
CUMBERLAND	22,056	21,003	25,959	10,994	9,483	13,619
DAUPHIN	22,011	21,933	23,545	13,785	11,770	11,895
DELAWARE	57,868	59,164	58,832	30,806	30,171	29,866
ELK	3,317	2,978	3,278	4,129	3,523	2,819
ERIE	25,296	25,922	28,338	26,911	25,770	22,903
FAYETTE	5,545	5,525	5,584	11,318	9,756	8,852
FOREST	833	770	749	539	505	418
FRANKLIN	10,629	10,542	10,366	4,652	4,799	3,839
FULTON	1,361	1,316	1,273	645	661	568
GREENE	2,131	1,919	1,972	4,052	3,367	2,661
HUNTINGDON	4,784	4,530	4,371	2,165	2,002	1,741
INDIANA	8,141	7,892	7,800	8,248	6,513	5,297
JEFFERSON	6,416	6,026	5,851	4,175	3,447	2,930
JUNIATA	2,935	2,910	2,821	1,915	1,884	1,587
LACKAWANNA	14,200	13,559	15,042	24,628	33,670	20,720
LANCASTER	42,104	42,605	42,595	15,607	15,253	13,797
LAWRENCE	9,328	8,985	9,008	11,701	10,240	8,157
LEBANON	11,441	11,171	12,011	4,383	4,367	4,593
LEHIGH	25,075	22,599	21,354	18,281	17,921	16,236
LUZERNE	20,181	19,700	20,879	22,188	28,737	19,141
LYCOMING	11,246	11,298	11,551	5,694	6,532	4,874
MCKEAN	4,779	4,760	4,899	2,044	1,973	1,716
MERCER	11,465	10,313	10,222	12,406	9,039	8,810
MIFFLIN	3,864	3,944	4,071	2,167	1,912	1,713
MONROE	8,709	8,813	8,998	6,064	6,892	5,703
MONTGOMERY	69,697	70,947	71,405	45,964	44,529	46,449
MONTOUR	2,056	1,980	2,012	1,226	1,423	1,028
NORTHAMPTON	21,226	24,317	19,508	18,385	17,726	16,167
NORTHUMBERLAND	9,799	9,830	10,196	7,012	7,085	5,777
PERRY	4,973	4,657	4,674	2,027	1,753	1,468
PHILADELPHIA	30,077	30,793	31,415	112,407	110,256	114,397
PIKE	4,341	4,436	4,390	2,177	2,379	2,043
POTTER	2,126	2,065	2,043	832	922	727
SCHUYLKILL	19,819	18,477	18,827	14,207	16,715	12,398
SNYDER	4,689	4,650	4,633	2,019	1,962	1,425
SOMERSET	9,608	8,976	9,357	7,811	6,334	5,479
SULLIVAN	843	907	877	490	659	408
SUSQUEHANNA	6,042	5,871	5,781	2,849	3,719	2,289
TIOGA	4,901	4,732	4,573	1,684	1,922	1,538
UNION	4,840	4,700	4,627	2,340	2,306	1,860
VENANGO	5,782	5,421	5,456	3,488	3,024	2,473
WARREN	3,699	3,709	3,833	2,079	2,169	1,814
WASHINGTON	13,888	12,739	12,625	21,887	17,685	16,313
WAYNE	4,459	4,511	4,499	1,892	2,430	1,698
WESTMORELAND	26,206	26,500	25,827	34,283	29,260	26,289
WYOMING	3,115	3,018	3,000	1,297	1,846	1,057
YORK	29,833	30,298	30,835	15,264	14,984	14,006
STATE TOTALS	948,921	938,944	951,745	865,903	821,909	747,736

PENNSYLVANIA
DEPARTMENT OF STATE
10:19

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
MUNICIPAL ELECTION OF NOVEMBER 06, 2001
JUDGE OF THE SUPERIOR COURT

COUNTY	BOWES MARY JANE REPUBLICAN	KLEIN RICHARD B. REPUBLICAN	BENDER JOHN T. REPUBLICAN	WECHT DAVID DEMOCRATIC	KIRKLAND LYDIA Y. DEMOCRATIC	DOMITROVICH STEPHANIE DEMOCRATIC
ADAMS	8,592	8,865	7,509	3,317	3,895	3,443
ALLEGHENY	89,724	87,039	77,201	139,522	103,520	102,968
ARMSTRONG	7,373	7,059	5,264	7,169	5,024	4,703
BEAVER	13,646	14,253	10,764	21,384	15,751	19,786
BEDFORD	6,103	6,266	5,245	2,631	2,669	2,785
BERKS	26,352	28,443	26,193	16,984	20,746	19,654
BLAIR	15,653	16,199	13,145	7,035	7,058	8,295
BRADFORD	7,487	7,045	6,131	2,418	2,907	2,671
BUCKS	56,423	56,969	52,723	35,741	39,363	36,968
BUTLER	16,832	16,086	13,366	12,425	8,747	7,533
CAMBRIA	13,486	13,530	10,798	15,228	15,706	16,408
CAMERON	811	762	647	486	513	502
CARBON	4,418	4,437	3,868	4,358	4,624	4,719
CENTRE	13,187	12,825	11,023	7,463	8,472	8,568
CHESTER	43,015	40,216	36,734	16,877	20,786	18,713
CLARION	5,068	5,236	3,792	4,322	2,652	2,439
CLEARFIELD	8,133	8,051	6,763	5,895	5,646	6,481
CLINTON	3,079	2,989	2,358	2,230	2,515	2,448
COLUMBIA	6,208	5,969	4,616	3,552	4,100	4,059
CRAWFORD	7,923	8,000	6,966	4,139	4,351	6,188
CUMBERLAND	24,618	25,135	20,782	9,718	11,265	12,416
DAUPHIN	22,818	26,196	20,776	11,080	13,154	12,194
DELAWARE	60,866	60,128	57,637	28,848	32,279	29,981
ELK	3,889	3,777	2,676	3,397	3,307	3,442
ERIE	27,184	27,946	22,234	21,341	23,269	45,505
FAYETTE	5,800	6,544	5,112	12,517	9,456	9,190
FOREST	870	825	628	582	511	545
FRANKLIN	11,168	10,846	10,754	4,111	4,640	3,931
FULTON	1,386	1,389	1,237	658	680	606
GREENE	2,379	2,324	1,584	4,328	3,416	2,693
HUNTINGDON	4,844	5,025	3,811	1,759	1,999	2,303
INDIANA	8,609	8,813	6,989	7,692	7,293	5,442
JEFFERSON	6,375	6,516	5,208	4,385	3,362	3,737
JUNIATA	3,028	3,302	2,637	1,757	2,030	1,497
LACKAWANNA	17,658	17,162	14,506	21,795	23,567	25,038
LANCASTER	43,935	45,276	41,372	13,336	14,446	14,581
LAWRENCE	9,934	9,501	8,306	12,491	9,953	9,674
LEBANON	11,665	12,458	10,764	4,020	4,623	4,693
LEHIGH	22,998	23,607	20,460	17,676	18,265	18,581
LUZERNE	21,987	22,594	19,215	20,240	22,366	23,753
LYCOMING	12,492	12,286	11,197	4,982	5,752	5,506
MCKEAN	5,175	5,021	4,392	1,750	2,098	2,127
MERCER	12,475	9,333	10,680	10,716	8,036	11,052
MIFFLIN	4,145	4,281	3,731	1,797	2,049	1,900
MONROE	9,360	9,092	8,557	5,728	6,458	6,350
MONTGOMERY	73,169	73,052	66,621	43,148	49,076	45,399
MONTOUR	2,266	2,209	1,885	1,120	1,330	1,252
NORTHAMPTON	21,337	21,157	18,904	17,182	19,193	18,802
NORTHUMBERLAND	10,483	10,916	9,574	5,912	6,792	6,567
PERRY	5,154	5,553	4,317	1,591	1,999	1,501
PHILADELPHIA	33,321	35,022	27,179	108,480	130,888	110,135
PIKE	4,616	4,516	4,313	2,047	2,306	2,189
POTTER	2,271	2,148	1,820	806	950	814
SCHUYLKILL	21,612	19,857	17,553	12,814	14,759	15,227
SNYDER	5,091	5,339	4,375	1,586	1,800	1,574
SOMERSET	9,894	9,906	8,395	7,221	6,387	6,399
SULLIVAN	987	945	761	437	534	553
SUSQUEHANNA	6,617	6,237	5,462	2,613	2,997	3,065
TIOGA	5,129	4,815	4,170	1,617	2,106	1,771
UNION	5,074	5,164	4,431	1,943	2,371	2,204
VENANGO	5,891	5,632	4,599	3,924	3,012	3,221
WARREN	3,970	3,861	3,301	1,923	2,081	2,703
WASHINGTON	14,513	14,751	10,947	23,368	17,702	17,157
WAYNE	4,745	4,816	4,215	1,735	1,932	1,966
WESTMORELAND	27,065	30,804	26,230	36,254	27,100	26,454
WYOMING	3,419	3,344	2,807	1,210	1,342	1,400
YORK	30,456	32,283	28,747	14,010	15,448	14,956
STATE TOTALS	1,006,251	1,011,943	880,957	830,821	825,424	821,377

PENNSYLVANIA
DEPARTMENT OF STATE
15:53

BUREAU OF ELECTIONS
OFFICIAL ELECTIONS RESULTS
GENERAL ELECTION OF NOVEMBER 03, 1998
GOVERNOR

REPORT ELC506
DATE 12/15/1998
PAGE NO. 1

COUNTY	RIDGE TOM REPUBLICAN	ITKIN IVAN DEMOCRATIC	LUKSIK PEG CONSTITUTIONAL	KRAWCHUK KEN V. LIBERTARIAN
ADAMS	14,810	3,682	1,360	208
ALLEGHENY	169,316	127,994	50,689	3,719
ARMSTRONG	8,641	4,900	4,098	99
BEAVER	24,993	19,879	7,669	477
BEDFORD	8,232	2,322	1,427	81
BERKS	49,716	21,336	6,926	1,553
BLAIR	19,025	4,410	4,518	216
BRADFORD	12,534	3,041	1,101	104
BUCKS	93,697	39,210	9,145	2,431
BUTLER	22,839	10,593	10,759	395
CAMBRIA	22,266	12,675	9,721	313
CAMERON	688	266	646	9
CARBON	7,503	5,246	716	183
CENTRE	20,175	7,295	3,100	397
CHESTER	68,572	21,337	9,786	1,714
CLARION	5,861	2,112	2,182	89
CLEARFIELD	11,437	5,598	3,215	135
CLINTON	5,348	2,656	487	96
COLUMBIA	8,720	4,175	1,401	99
CRAWFORD	13,875	4,786	3,065	195
CUMBERLAND	37,801	8,610	6,360	522
DAUPHIN	39,914	13,203	7,871	615
DELAWARE	97,746	42,283	12,368	1,976
ELK	4,520	2,500	2,073	51
ERIE	49,027	16,783	10,450	724
FAYETTE	13,215	12,863	3,699	342
FOREST	987	375	181	4
FRANKLIN	21,793	6,527	2,759	200
FULTON	2,210	885	230	11
GREENE	4,211	3,900	963	104
HUNTINGDON	6,253	1,936	1,320	74
INDIANA	11,733	6,910	4,334	152
JEFFERSON	6,493	2,473	2,131	82
JUNIATA	3,947	1,266	740	29
LACKAWANNA	35,039	25,297	5,208	615
LANCASTER	72,198	15,891	11,169	841
LAWRENCE	13,115	9,259	2,956	154
LEBANON	20,263	4,775	2,588	247
LEHIGH	50,526	22,472	2,890	910
LUZERNE	44,030	23,827	6,125	702
LYCOMING	20,511	6,058	2,102	280
MCKEAN	6,742	2,086	939	85
MERCER	15,958	10,349	3,704	227
MIFFLIN	6,914	2,010	723	89
MONROE	17,243	7,160	1,345	388
MONTGOMERY	129,376	62,734	14,959	3,567
MONTOUR	2,700	1,012	469	26
NORTHAMPTON	42,352	20,461	2,337	867
NORTHUMBERLAND	13,468	7,051	2,011	317
PERRY	7,023	1,487	1,604	89
PHILADELPHIA	107,731	183,066	13,072	3,401
PIKE	6,843	2,726	333	95
POTTER	3,121	963	449	21
SCHUYLKILL	27,992	12,108	3,920	313
SNYDER	5,565	1,405	919	67
SOMERSET	14,829	5,676	3,569	178
SULLIVAN	1,609	524	163	15
SUSQUEHANNA	9,330	2,830	736	101
TIOGA	7,000	2,071	798	54
UNION	5,395	1,700	757	58
VENANGO	9,643	3,595	1,991	87
WARREN	6,760	2,301	1,975	99
WASHINGTON	22,825	20,050	9,113	405
WAYNE	8,692	2,892	603	129
WESTMORELAND	44,331	32,375	22,025	804
WYOMING	6,965	1,682	616	81
YORK	62,657	16,825	6,103	880
STATE TOTALS	1,736,844	938,745	315,761	33,591

MARK R. CORRIGAN
SECRETARY OF THE SENATE

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Senate of Pennsylvania

CERTIFICATION

I, MARK R. CORRIGAN, Secretary of the Senate of the Commonwealth of Pennsylvania, do hereby certify that to the best of my knowledge and belief, attached hereto is a true and correct copy of the Senate's Legislative Journal for the session held on Monday, December 10, 2001.

Given under my hand and the seal of the Senate of Pennsylvania this 1st day of February 2002.

SEAL OF THE SENATE OF PENNSYLVANIA

MARK R. CORRIGAN
Secretary of the Senate
Commonwealth of Pennsylvania

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, DECEMBER 10, 2001

SESSION OF 2001 185TH OF THE GENERAL ASSEMBLY No. 62

SENATE

MONDAY, December 10, 2001

The Senate met at 2 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

PRAYER

The Chaplain, Reverend ROBERT STEVENS, Jr., Of Zion Reformed United Church of Christ, Allentown, offered the following prayer:

Let us pray.

Almighty God, fountain of wisdom and light, whose will is good and gracious and whose law is truth and love, we are grateful for all the signs of Your blessings to us. We thank You for words of encouragement that lift our spirits when we are low, for colleagues who challenge us to think and work at our best, for fresh insights that come to mind when we are faced with difficult decisions, for friends who make our days easier with laughter and fun, and for the myriad benefits of science and the arts that enrich our lives every day.

We give You thanks that the holidays celebrated within our different traditions bring us such joy. O God, You alone know how much we Americans need to celebrate this year. Many people still are struggling with their grief, others are worried about terrorism, and some already are weary of the war against it. Though it seems to us that our world has changed in just a few week's time, yet we know this one thing has not changed. You are our refuge and our strength, a very present help to us all.

So, we pray for the people of our nation as well as this Commonwealth, that the faith and joy common to our different traditions will inspire and motivate us all to redouble our efforts to work together for the common good.

We thank You for the opportunity to serve the public good, to serve purposes larger than ourselves, and we pray that You empower us to persevere in good works when a difficult task seems interminable. We unite our minds and hearts to pray for all those who serve in elected office and for all those who serve on their staffs. Give them the courage, the wisdom, and foresight to provide for the needs of all our people. Direct the deliberations and decisions of this Senate, that a spirit of wisdom and charity, justice and truth continues to be practiced among us.

Bless our Commonwealth with honorable industry, with sound education, and with prosperity that extends its benefits to all of our citizens. Save us from violence, destructive conflict, and confusion. O God, we acknowledge our dependence upon You for wisdom and guidance, we acknowledge our dependence upon You for life and all its blessings, so we also acknowledge our obligation to serve You with integrity and to be good stewards of the powers entrusted to us.

Blessed are You, O Lord our God, giver of peace. Bring peace to us all. Amen.

The PRESIDENT. The Chair thanks Reverend Stevens, who is the guest today of Senator Dent.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 5, 2001.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE ARCHITECTS
LICENSURE BOARD

December 6, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kyle Kinsman, AIA, 82 South Main Street, Wilkes-Barre 18701, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dennis L. Astorino, Upper St. Clair, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE ARCHITECTS
LICENSURE BOARD

December 6, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dionysios G. Rassias, (Public Member), 3 Southview Path, Chadds Ford 19317, Delaware County, Ninth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Carolyn Welsh, Chadds Ford, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

December 6, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard G. Stauffer, 595 Netzley Drive, Denver 17517, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

December 6, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sharon L. Knoll, 955 Persimmon Court, Fairview 16415, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 421** and **907**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

December 6, 2001

HB 1758 and **1958** -- Committee on Transportation.
HB 2070 -- Committee on Judiciary.

December 7, 2001

HB 110 -- Committee on Local Government.
HB 481 -- Committee on Labor and Industry.
HB 529, 1483, 1995, 2048, 2063, 2136 and **2163** -- Committee on State Government.
HB 767 -- Committee on Consumer Protection and Professional Licensure.
HB 957, 2149, 2150, 2151, and **2153** -- Committee on Finance.
HB 1548, 1805, 1933, 1955, 1982, 2060 and **2088** -- Committee on Judiciary.
HB 1809 -- Committee on Agriculture and Rural Affairs.
HB 2013, 2164, 2165 and **2166** -- Committee on Transportation.
HB 2152 -- Committee on Banking and Insurance.

HOUSE RESOLUTIONS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolutions for concurrence, which were referred to the committees indicated:

December 7, 2001

HCR 53 -- Committee on Intergovernmental Affairs.
HCR 366 -- Committee on Communications and High Technology.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

December 6, 2001

Senators WOZNIAK, O'PAKE, MUSTO, KUKOVICH, D. WHITE, HUGHES, ORIE, LAVALLE, ERICKSON, BOSCOLA, COSTA and EARLL presented to the Chair **SB 1223**, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, further providing for the zone authorization and

duration of program.

Which was committed to the Committee on FINANCE, December 6, 2001.

Senators MUSTO, M. WHITE, HELFRICK, WAGNER, PUNT, ERICKSON, STOUT, ORIE, SCHWARTZ, LEMMOND, HOLL, BODACK, KUKOVICH, COSTA, MURPHY and BOSCOLA presented to the Chair **SB 1231**, entitled:

An Act amending the act of June 23, 1982 (P.L.597, No.170), known as the Wild Resource Conservation Act, further providing for limitation on General Fund money.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 6, 2001.

Senators BOSCOLA and COSTA presented to the Chair **SB 1232**, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for disqualification to hold other office and for vacancy in the office of Lieutenant Governor.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, December 6, 2001.

Senators M. WHITE, JUBELIRER, EARLL, CORMAN, GREENLEAF and D. WHITE presented to the Chair **SB 1233**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for common-law marriage.

Which was committed to the Committee on JUDICIARY, December 6, 2001.

Senators CORMAN, MOWERY, LEMMOND, MUSTO, MURPHY and BOSCOLA presented to the Chair **SB 1236**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "sale at retail" and "use" to exclude certain sales and uses related to telecommunications equipment and machinery; and defining "providing, delivering or rendering telecommunications service" and "Internet service."

Which was committed to the Committee on FINANCE, December 6, 2001.

Senators CORMAN, M. WHITE, THOMPSON, ARMSTRONG, SCHWARTZ, LEMMOND and MOWERY presented to the Chair **SB 1237**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for rules relating to sourcing for the imposition of sales and use tax on mobile telecommunications services.

Which was committed to the Committee on FINANCE, December 6, 2001.

Senators CORMAN, ARMSTRONG, LAVALLE, LEMMOND, MURPHY, MUSTO, THOMPSON, WAUGH, M. WHITE and SCARNATI presented to the Chair **SB 1238**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for certain crimes.

Which was committed to the Committee on FINANCE, December 6, 2001.

Senators PICCOLA, LEMMOND, CONTI, JUBELIRER, BRIGHTBILL, THOMPSON, WENGER, HELFRICK, RHOADES, TOMLINSON, GREENLEAF, GERLACH, M. WHITE, MURPHY, D. WHITE, MADIGAN, ERICKSON and HOLL presented to the Chair **SB 1240**, entitled:

An Act amending the act of June 30, 1995 (P.L.170, No.25), entitled "An act providing for voter registration, for registration commissions, for remedies and for absentee ballots; imposing penalties; making appropriations; and making repeals," further providing for the definitions of "district register," "general register," "qualified elector," "registrant," "registration records" and "Statewide Uniform Registry of Electors" or "SURE system," for departmental responsibilities, for commissions, for legislative intent, for establishment of SURE system, for qualifications to register, for in-person voter registration, for application with driver's license application, for application by mail, for time, for preparation and distribution of applications, for approval of registration applications, for general register, for district registers, for street lists, for public information lists, for retention of records, for removal notices, for transfer of registration, for court of common pleas, for registration, for votes, for official documents, for law enforcement assistance, for preventing registration, for approval of registration, for power of department, for removal of voters and for files; and providing for SURE system costs, for SURE registration number and for conversion of registration records.

Which was committed to the Committee on STATE GOVERNMENT, December 6, 2001.

Senators A. WILLIAMS, MELLOW, O'PAKE, WAGNER, MUSTO, KASUNIC, FUMO and STOUT presented to the Chair **SB 1241**, entitled:

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; and providing for the nomination and election of Congressmen.

Which was committed to the Committee on STATE GOVERNMENT, December 6, 2001.

Senator HELFRICK presented to the Chair **SB 1242**, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

Which was committed to the Committee on GAME AND FISHERIES, December 6, 2001.

Senators HELFRICK, KASUNIC, ROBBINS and MADIGAN presented to the Chair **SB 1243**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the allocation of revenues within the Game Fund.

Which was committed to the Committee on GAME AND FISHERIES, December 6, 2001.

Senators EARLL, KUKOVICH, MADIGAN, GREENLEAF, MURPHY, LAVALLE, COSTA, BOSCOLA, HUGHES, ORIE and THOMPSON presented to the Chair **SB 1244**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful contact or communication with minor.

Which was committed to the Committee on JUDICIARY, December 6, 2001.

December 10, 2001

Senators M. WHITE, GREENLEAF, BELL, COSTA, THOMPSON, LAVALLE, MOWERY, WAUGH and LEMMOND presented to the Chair **SB 1235**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "child"; and providing for hearings for sexual offenses.

Which was committed to the Committee on JUDICIARY, December 10, 2001.

Senators HOLL, WENGER, M. WHITE, ARMSTRONG, LEMMOND, THOMPSON, MURPHY, SCHWARTZ and MOWERY presented to the Chair **SB 1245**, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Historical and Museum Commission, for powers and duties of the commission and for publications and reproductions; and making a repeal.

Which was committed to the Committee on STATE GOVERNMENT, December 10, 2001.

Senators TARTAGLIONE, HUGHES, LOGAN, BODACK, BOSCOLA, LAVALLE, STACK, KITCHEN, WOZNIAK, STOUT, KASUNIC, COSTA, O'PAKE, MELLOW, A. WILLIAMS, FUMO, KUKOVICH, C. WILLIAMS and WAGNER presented to the Chair **SB 1246**, entitled:

An Act amending the act of June 30, 1995 (P.L.170, No.25), known as the Pennsylvania Voter Registration Act, providing for a registry board; and further providing for definitions, for departmental responsibilities, for commissions, for legislative intent, for SURE system, for residence of electors, for application with driver's license application, for preparation and distribution of applications, for approval of registration applications, for challenges, for general register, for direct registers, for street lists, for public information lists, for transfer of registration, for disability, for death of registrant, for checkup of registers, for failure to vote, for altering registration, for official documents, for approval of registration, for power of department, for removal of voters and for files.

Which was committed to the Committee on STATE GOVERNMENT, December 10, 2001.

Senators WAGNER, STOUT, LAVALLE, COSTA, O'PAKE, MUSTO, C. WILLIAMS, LOGAN and MELLOW presented to the Chair **SB 1247**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusion from the sales and use tax.

Which was committed to the Committee on FINANCE, December 10, 2001.

Senator CONTI presented to the Chair **SB 1248**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the Heritage Conservancy Inc., certain lands in the Borough of Doylestown, Bucks County.

Which was committed to the Committee on STATE GOVERNMENT, December 10, 2001.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Mr. H. Lee Noble as a Commonwealth Trustee of the University of Pittsburgh.

Mr. Charles G. Wilker as a member of the Board of the Insurance Fraud Prevention Authority.

REPORTS FROM COMMITTEES

Senator LEMMOND, from the Committee on State Government, reported the following bill:

SB 1240 (Pr. No. 1607) (Amended)

An Act amending the act of June 30, 1995 (P.L.170, No.25), entitled "An act providing for voter registration, for registration commissions, for remedies and for absentee ballots; imposing penalties; making appropriations; and making repeals," further providing for the definitions of "district register," "general register," "qualified elector," "registrant," "registration records" and "Statewide Uniform Registry of Electors" or "SURE system," for departmental responsibilities, for commissions, for legislative intent, for establishment of SURE system, for qualifications to register, for in-person voter registration, for application with driver's license application, for application by mail, for time, for preparation and distribution of applications, for approval of registration applications, for general register, for district registers, for street lists, for public information lists, for retention of records, for removal notices, for transfer of registration, for court of common pleas, for registration, for votes, for official documents, for law enforcement assistance, for preventing registration, for approval of registration, for power of department, for removal of voters and for files; and providing for SURE system costs, for SURE registration number and for conversion of registration records.

Senator THOMPSON, from the Committee on Appropriations, reported the following bills:

SB 533 (Pr. No. 1382) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protection from abuse; and providing for appointing guardians for care-dependent persons.

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 196 of 280

HB 3 (Pr. No. 1032) (Rereported)

An Act establishing a unified workforce investment system; restructuring certain administrative functions, procedures and entities; transferring workforce development functions of Commonwealth agencies; establishing the Pennsylvania Workforce Investment Board; and authorizing local workforce investment boards.

HB 209 (Pr. No. 1872) (Rereported)

An Act providing for a program to assist public and private institutions of higher education to install sprinkler systems in dormitories.

HB 453 (Pr. No. 3034) (Amended) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for eligibility for paralyzed veteran's pension.

HB 476 (Pr. No. 2189) (Rereported)

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for membership of an advisory committee.

HB 1402 (Pr. No. 3035) (Amended) (Rereported)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the definition of "public utility" and for telecommunications services provided to State correctional institutions; and providing for limousine service in counties of the second class.

HB 1830 (Pr. No. 3036) (Amended) (Rereported)

An Act amending the act of November 18, 1968 (P.L.1052, No.322), known as the Sewage Treatment Plant and Waterworks Operators' Certification Act, amending the title; further providing for definitions, for the State Board for Certification of Sewage Treatment Plant and Waterworks, for certification, for professional engineers, for special certificates, for reciprocity, for suspension and revocation, for administrative procedure and judicial review, for fees, for operation of plants, for penalties and enforcement, and for civil relief; establishing the Certification Program Advisory Committee; providing for continuing education and for interim program authorization; and making editorial changes.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request a legislative leave for Senator Madigan.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Madigan. Without objection, that leave will be granted.

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I request a temporary Capitol leave for Senator Schwartz.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Schwartz. Without objection, that leave will be granted.

LEAVE OF ABSENCE

Senator BRIGHTBILL asked and obtained a leave of absence for today's Session, for Senator BELL, for personal reasons.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator BRIGHTBILL offered the following resolution, which was read as follows:

In the Senate, December 10, 2001

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, January 1, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns on January 1, 2002, it reconvene on Tuesday, January 22, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, January 1, 2002, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns on January 1, 2002, it reconvene on Tuesday, January 22, 2002, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senator BRIGHTBILL and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MARY JO WHITE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman

from Venango, Senator M. J. White.

Senator M. J. WHITE. Mr. President, we are joined today by some young people who are junior riflemen, part of the National Champion Junior Six-person Team from Pennsylvania who received high scores at the National High-Powered Rifle Championship held at Camp Perry, Ohio. These young people range in age from 16 to 19.

I was told by one of the young men today that this is an NCAA recognized sport, and these young people are certainly proud representatives of the State of Pennsylvania. With us today are Senator Holl's constituent, Jeremy Branning, Adam Bester and his sister Jessica Bester, both members of the team from my district. Calvin Roberts and Scott Roberts, who are in Senator Gerlach's district, and Senator Kasunic wanted to introduce his guests, as he knows him personally.

I would ask then, at the conclusion of his introduction, that we welcome all of the young people to the Senate of Pennsylvania.

GUESTS OF SENATOR RICHARD A. KASUNIC PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, it is my honor and privilege to introduce a young man, David Petrun, whom I have had the pleasure of watching grow up. He certainly turned out to be a fine young man and a true example of what our American youth should be and are. He reigns from Bullskin Township in Fayette County and is also being honored as a member of the six-person group of Junior High-Powered Rifle Shooters that captured the national championship and one the coveted Minuteman Trophy.

He is here today with his parents, Dave and Jane Petrun, and his brother, Greg.

The PRESIDENT. Would the guests of Senator M. J. White and Senator Kasunic kindly rise so that we may welcome you properly to the Senate of Pennsylvania.

(Applause.)

GUEST OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, it gives me great pleasure today to introduce Zuzana Kleschtova', who is serving as a guest Page in the Senate today. She is a resident of Trnava, Slovakia, and is a senior at Comenius University, located in Bratislava.

Zuzana is currently an exchange student at Slippery Rock University, and she will return to Slovakia upon the completion of the school semester later this month. She is a member of the Internations Club at Slippery Rock University, the Youth Jesuit Choir in Bratislava, and her interests include playing the flute, reading books, and traveling.

Mr. President and fellow Members, please join me in welcoming my special guest to the Senate of Pennsylvania.

The PRESIDENT. Would the guest of Senator Robbins please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

GUESTS OF SENATOR JOSEPH B. SCARNATI PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

Senator SCARNATI. Mr. President, today I have two sets of guests here from my hometown of Brockway. The first set are two high school seniors who are here today for a communication project to interview a State Senator. They are two enthusiastic, bright young students, Nick Varishetti and Michelle Fremer.

My next set of visitors here today are very special to me. They are not only my business partners, but they are my parents. They are here to do a little Christmas shopping. So, I would certainly ask the Senate to give them a warm welcome.

The PRESIDENT. Would the guests of Senator Scarnati kindly rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

GUESTS OF SENATOR TERRY L. PUNT PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Punt.

Senator PUNT. Senator Musto and I have several guests with us today, marking a very, very special occasion. Several years ago when the last BRACC Commission did their work, Letterkenny Army Depot in Franklin County was realigned. In part of that realignment process, we had a chapel located at Letterkenny that was dispositioned away from the government property to be positioned elsewhere.

The chapel had a great uniqueness about it, in that during World War II, besides being an ammunition storage depot, Letterkenny also served as a camp for Italian prisoners of war. And these Italian POWs, who were detained at Letterkenny, built this chapel while they were confined at Letterkenny. Over the years the chapel was in use, and since the BRACC realignment, it had deteriorated. So the Chambersburg community, particularly the United Churches of Chambersburg, took it upon themselves to take over ownership of the chapel and agreed to operate it and maintain it.

Now, with us today are members of the Letterkenny Chapel Committee from the United Churches of Chambersburg, whom I would like to recognize. At the head of the group is the Reverend Dr. William Harter, the Reverend Ray Kaufman, Mrs. Janet Kiel, the Reverend Charles and Debbie McGuire, the Reverend Richard Randall, the Reverend Dr. Jeffrey Roth, and David Sciamanna, who is also the President of the Greater Chambersburg Chamber of Commerce, and also Samuel King is with us here. These individuals and their committee are responsible for operating the chapel, maintaining it, and leading the fund-driving effort.

Now, with having said that, I would like to call upon Senator Musto who has guests and a very important, special guest, part

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 198 of 280

of the delegation of UNICO visiting with us today.

GUESTS OF SENATOR RAPHAEL J. MUSTO PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Mr. President, it certainly is a great honor for me to introduce to the Senate today the Italian-American Veterans of Luzerne County Post I and the Wilkes-Barre Chapter of UNICO National, headed by its President, Dominick Ortalani. Incidentally, UNICO is celebrating its 50th anniversary this year. UNICO members are Americans of Italian descent who promote the Italian heritage and offer humanitarian aid when and wherever needed. And their motto is "Service Above Self." And UNICO is for Unity-Neighborliness-Integrity-Charity-Opportunity.

Currently they have joined hands with the United Churches of the Chambersburg area to lend financial aid to restore this great, historic Letterkenny Army Depot Chapel. This chapel was built by former Italian prisoners of war detained at the depot during World War II. Brigadier General Raymond Hare, the commanding officer, initiated the construction of this great project. Also with us today is one of the POWs instrumental in building the chapel, Dr. Alfred Tonolo, a retired Professor of Languages at Bloomsburg University.

Mr. President, I would appreciate the Senate's warm greeting for members of the Italian-American Veterans of Luzerne County Post I, and the Wilkes-Barre Chapter of UNICO National and recognize at this time Dr. Alfred Tonolo for a few remarks.

The PRESIDENT. Would the guests on the floor, who are the guests of Senator Musto and Senator Punt, kindly rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

The Chair invites Dr. Tonolo to address the Senate at this time.

Dr. TONOLO. Good afternoon. Honorable Senator, Lieutenant Governor Jubelirer, and Honorable Senators, from the bottom of my heart, I want to thank each one of you for permitting me to stand before you. You have to know that I was an ex-Italian officer captured in Africa during the Second World War by the Americans. I was brought to America in October 1943, and they sent me to Waynegarten, Missouri. Over there, they first permitted me to say this. The first morning I went for breakfast, the cook asked me, how do you want your eggs? I could not believe it. And believe me on this, why am I saying this? Because I am not used to taking things for granted. Unfortunately, or fortunately, many Americans are taking things for granted. We have to build America. America is the leading country in the world. You have to believe this.

I want to take this opportunity to thank Senator Musto for helping us to preserve the church that we POWs built in Letterkenny in 1945. Thank you, Senator, very, very much. And thank you, each one of you. The only thing I am asking you, please pray that America can continue to be the leading country in this world.

God bless America and all of you. Thank you very much.

(Applause.)

The PRESIDENT. The Chair thanks Dr. Tonolo. Senator Musto, thank you for bringing this distinguished group. They honor us all.

Thank you all very much for being here. We are very proud to have you here.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Mr. President, for the information of the Democrats, caucus will be held immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately in their respective caucus rooms, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL AMENDED

HB 212 (Pr. No. 1785) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the time periods of permits.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A4639:

Amend Title, page 1, line 2, by inserting after "Statutes,": providing for the possession of shed antlers; and

Amend Sec. 1, page 1, line 5, by striking out "Section" where it appears the second time and inserting: Sections 2307(d) and

Amend Sec. 1, page 1, line 6, by striking out "is" and inserting: are

Amend Sec. 1, page 1, by inserting between lines 6 and 7:

2307. Unlawful taking or possession of game or wildlife.

* * *

(d) Exceptions.–This section shall not apply to [authorized]:

(1) Authorized individuals who euthanize critically injured game or wildlife, which shall be permitted when it is reasonable to believe that the chance of survival of the injured game or wildlife is minimal or the injured game or wildlife poses a threat to human safety.

(2) Individuals who find and retain for their own use any deer or elk antler which is shed through natural causes. This paragraph shall not be construed to permit any individual possessing a shed

antler to sell, barter or trade or to offer to sell, barter or trade any shed antler.

* * *

Amend Bill, page 2, by inserting between lines 3 and 4:

Section 2. Any provision of 58 Pa. Code is abrogated insofar as that provision is contrary to the provisions of 34 Pa.C.S. § 2307(d)(2).

Amend Sec. 2, page 2, line 4, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator WAGNER, on behalf of Senator MELLOW, offered the following amendment No. A3979:

Amend Title, page 1, line 2, by removing the period after "permits" and inserting: , for permit fees, for records, for reports and for disabled person permits.

Amend Sec. 1, page 1, line 5, by striking out "Section 2903" and inserting: Sections 2903, 2904, 2906, 2907 and 2923(a)(1)

Amend Sec. 1, page 1, line 6, by striking out "is" and inserting: are

Amend Sec. 1, page 2, by inserting between lines 3 and 4:

§ 2904. Permit fees.

(a) Annual fees.—The annual fee for permits provided for in this chapter shall be as follows:

(1) Bird banding - $25.

(2) Collecting - $25.

(3) [Disabled person - $5 for the lifetime of the disabled person.]

(3.1) Temporary permit for disabled person - $5 for the license year.

(4) Dog training area - $50.

(5) Dog trials (three consecutive days):

(i) Field trials - $25 per day.

(ii) Raccoon trials - $25 per day.

(iii) Retriever trials - $25.

(6) Endangered or threatened species:

(i) Native - $300.

(ii) Non-native - free with necessary Federal permit.

(7) Falconry - $25 for each raptor held.

(8) Fox chasing - $150.

(9) Fur dealers:

(i) Resident - $100.

(ii) Nonresident - $300.

(10) Regulated hunting grounds:

(i) Commercial - $100 for first 100 acres and $25 for each additional 100 acres, or part thereof.

(ii) Noncommercial - $38 for first 100 acres and $8 for each additional 100 acres, or part thereof.

(11) Retriever training area - $50.

(12) Taxidermy - $100.

(13) Wildlife (exotic) dealer - $200.

(14) Wildlife menagerie - $100.

(15) Wildlife (exotic) possession - $50 per animal.

(16) Wildlife propagation - $25 for one species and $10 for each additional species.

(17) Commercial wildlife pest control - $50.

(b) Disabled permit fees.—The disabled permit fee for a disabled person shall be a one-time fee of $5, which is valid for the lifetime of the disabled person.

[(18)] (c) Other fees.—The commission shall set a reasonable fee for any permit required by this title which is not specifically set forth in this section.

§ 2906. Records.

Each permit holder shall keep accurate records of all transactions carried out under authority of the permit issued and any other information required by the director. The records for each year of a permit must be kept for a period of three years and shall be open to inspection by any officer of the commission during normal business hours and shall be the basis of any reports required by the commission.

§ 2907. Reports.

The director may require reports from any permit holder, except that no report may be required with respect to species of fox not indigenous to this Commonwealth. Annual reports shall be due within 30 days after expiration of the permit. For multiple-year permits, reports shall be submitted by July 30 of each year that the permit is in effect. The director may designate other times for reports if information is needed by the commission for its operations.

§ 2923. Disabled person permits.

(a) Use of vehicle as a blind.—

(1) Unless further restricted by commission regulation, a lifetime permit to hunt from a stationary vehicle may be issued to a person with permanent disabilities who qualified for a hunting license pursuant to Chapter 27 (relating to hunting and furtaking licenses) or who possesses a junior resident license under section 2705(2) (relating to classes of licenses) and who meets any of the following requirements:

(i) Has paraplegia and has permanent paralysis of both legs and lower parts of the body.

(ii) Has hemiplegia and has permanent paralysis of one leg and one arm on either side of the body.

(iii) Has both feet or one hand and one foot amputated.

(iv) Is permanently confined to a wheelchair or must use crutches or a walker as a means of support to pursue daily activities.

(v) Presents an affidavit and doctor's certificate stating the applicant is physically unable to walk 25 yards off the roadway.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 369 (Pr. No. 1567) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; and further providing for windshield obstructions and wipers.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson

Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Schwartz, and her temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 391 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SB 965 CALLED UP OUT OF ORDER

SB 965 (Pr. No. 1538) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 965 (Pr. No. 1538) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to the implementation of plans for redistricting the General Assembly.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL AMENDED

SB 413 (Pr. No. 1102) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for Drug Education and Demand Reduction Fund; and imposing assessments.

On the question,
Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A3012:

Amend Title, page 1, line 2, by striking out "Drug" and inserting: Substance Abuse

Amend Sec. 1 (Sec. 7508.1), page 2, line 12, by striking out "Drug" and inserting: Substance Abuse

Amend Sec. 1 (Sec. 7508.1), page 2, line 13, by striking out "Drug" and inserting: Substance Abuse

Amend Sec. 1 (Sec. 7508.1), page 2, line 17, by striking out "and awards"

Amend Sec. 1 (Sec. 7508.1), page 3, line 6, by striking out "One thousand five hundred dollars" and inserting: $750

Amend Sec. 1 (Sec. 7508.1), page 3, line 8, by striking out "Seven hundred fifty dollars" and inserting: $375

Amend Sec. 1 (Sec. 7508.1), page 3, line 14, by striking out "Three hundred dollars" and inserting: $150

Amend Sec. 1 (Sec. 7508.1), page 3, line 16, by striking out "Four hundred dollars" and inserting: $200

Amend Sec. 1 (Sec. 7508.1), page 5, line 3, by striking out "Awards" and inserting: Grants

Amend Sec. 1 (Sec. 7508.1), page 5, lines 5 and 6, by striking out "make awards to the following" and inserting: award grants to

Amend Sec. 1 (Sec. 7508.1), page 5, line 6, by removing the colon after "organizations" and inserting: for the following types of programs:

Amend Sec. 1 (Sec. 7508.1), page 5, lines 7 through 30; page 6, lines 1 through 30; page 7, lines 1 through 14, by striking out all of said lines on said pages and inserting:

(1) Programs to provide prevention, training, treatment and education services to reduce alcohol abuse and driving under the influence of alcohol, programs to reduce driving under the influence of alcohol and programs to support victims of driving under the influence of alcohol or controlled substance offenses, and programs to establish student-peer leadership programs to prevent underage drinking are eligible to receive no more than 25% of grant moneys awarded annually.

(2) Programs to provide prevention, training, treatment and education services to reduce drug abuse are eligible to receive no more than 20% of grant moneys awarded annually.

(3) Programs to educate about the dangers of substance abuse and increase the awareness of the benefits of a drug-free Pennsylvania through public service announcement campaigns targeted toward youth, caregivers of youth and employers are eligible to receive no more than 15% of grant moneys awarded annually.

(4) Programs to educate employers, unions and employees about the dangers of substance abuse in the workplace and provide comprehensive drug-free workplace programs and technical resources for businesses including, but not limited to, training for working parents to keep their children drug free are eligible to receive no more than 15% of grant moneys awarded annually.

(k) Other use of fund moneys.—An amount equivalent to 20% of the grant moneys available to be awarded annually shall be transferred annually to the Community Drug Abuse Prevention Grant Program within the Office of Attorney General.

(l) Administration.—The commission shall develop guidelines, procedures and all applications necessary to implement the grant program. The commission may expend no more than 5% of the total deposited in the fund during a fiscal year to administer the grant program.

Amend Sec. 1 (Sec. 7508.1), page 7, line 15, by striking out "(n)" and inserting: (m)

Amend Sec. 1 (Sec. 7508.1), page 7, line 20, by striking out "(o)" and inserting: (n)

Amend Sec. 1 (Sec. 7508.1), page 7, lines 23 and 24, by striking out all of said lines

Amend Sec. 1 (Sec. 7508.1), page 8, lines 3 and 4, by striking out "A private, Statewide, community-based, nonprofit or county" and inserting: An

Amend Sec. 1 (Sec. 7508.1), page 8, line 7, by striking out "drug" and inserting: substance abuse

Amend Sec. 1 (Sec. 7508.1), page 8, line 12, by striking out "Drug" and inserting: Substance Abuse

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 415 (Pr. No. 1534) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending the period of limitation in certain offenses when deoxyribonucleic acid (DNA) evidence establishes the identity of a defendant.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL AMENDED

HB 437 (Pr. No. 3000) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to the labeling, sale and distribution of fertilizer and of soil and plant amendments; providing for the powers and duties of the Department of Agriculture; establishing the Agronomic Regulatory Account; prescribing penalties; and making a repeal.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A4794:

Amend Sec. 1 (Sec. 6725), page 19, lines 15 through 20, by striking out "All funds appropriated to the department" in line 15 and all of lines 16 through 20

Amend Sec. 2, page 35, by inserting between lines 23 and 24:

(c) All funds made available to the department pursuant to the act of May 29, 1956 (1955 P.L.1795, No.598), known as the Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law, which remain unexpended, uncommitted and unencumbered as of the effective date of this act, shall be transferred to the Agronomic Regulatory Account.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 454 (Pr. No. 2967) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring the Department of Health to establish bloodborne pathogen standards for public employees.

Considered the third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 846 (Pr. No. 2587) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for certain immunizations in long-term care facilities.

Considered the third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

SB 1011 and **SB 1012** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1017 (Pr. No. 1545) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further defining "volunteer license"; further providing for volunteer status, for regulations and for exemptions; and providing for indemnity and defense for active practitioners and for optional liability coverage.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, I rise today to ask my colleagues to support Senate Bill No. 1017, a bill that provides important changes to the Volunteer Health Services Act. Earlier this year, we passed legislation allocating a significant portion of Pennsylvania's share of the tobacco settlement money to help clinics across the Commonwealth. The bill before us today provides an additional boost for Pennsylvania's clinics by easing the medical malpractice insurance requirements that now make it difficult for health care practitioners to volunteer their services in this vital health care area.

Under Senate Bill No. 1017, a physician with an active practice would not be required to hold additional medical malpractice coverage to provide volunteer services and would be covered by his or her existing coverage.

Another change in the bill removes a major stumbling block that keeps retired physicians from volunteering. Currently, State law requires that volunteering physicians either carry medical malpractice coverage or give up their professional license if they want to volunteer in a clinic. That, Mr. President, is simply absurd. These professionals face an unreasonable choice that

means clinics and families end up losing. Senate Bill No. 1017 eliminates that requirement and allows doctors to keep their communities by sharing their time and their expertise.

I want to note that this bill has the support of the Pennsylvania Medical Society, and I would also like to extend my gratitude to the Pennsylvania trial lawyers for their help in crafting this legislation for the bill. It is not often that the doctors and the trial lawyers agree on anything, so I suggest to my colleagues at this time that we do our part for Pennsylvania's clinics and families that rely on them by passing Senate Bill No. 1017.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I want to commend Senator Thompson. He has been working on this bill for some time, and it has been difficult trying to craft an appropriate balance. I think the fact that both the medical society and the trial lawyers have worked this out and have come to an accommodation is a strong statement to the work of him and his staff. I think Senate Bill No. 1017 will go a long way to providing more access to health care to people who deserve it the most, and I ask for unanimous support for this bill.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
H			
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 1074 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1093 (Pr. No. 1524) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 8, 1868 (P.L.73, No.37), entitled, "An act to authorize the recorder of deeds in the several counties of this Commonwealth to record the discharges of all honorably discharged officers and soldiers," further providing for the recording of final discharges and reports of separation and similar forms.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

SB 1106 and **SB 1177** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

SB 1200 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1204 (Pr. No. 1547) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 9, 1949 (P.L.908, No.250), entitled, as amended, "An act relating to public records of political

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 204 of 280

subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Pennsylvania Historical and Museum Commission to political subdivisions," further providing for methods for the copying of certain records.

Considered the third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

HB 1408 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 460, SB 462, SB 587 and SB 656 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS REREFERRED

SB 955 (Pr. No. 1584) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for vaccination against meningococcal disease for students at institutions of higher education and for duties of the Department of Health.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

SB 1001 (Pr. No. 1575) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for notice to employees of electronic monitoring by employers of network and information technology resources; and imposing civil penalties.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

SB 1075 (Pr. No. 1336) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating bail bond enforcement agents; requiring licensure and registration; and providing for penalties.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

SB 1115 (Pr. No. 1573) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing within the Department of Environmental Protection an accreditation program for environmental laboratories.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 1333 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 1806 (Pr. No. 2935) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for qualifications of jurors.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL ON SECOND CONSIDERATION

AND REREFERRED

HB 1944 (Pr. No. 2796) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, authorizing municipalities to deny issuing permits, variances, licenses or other approvals to persons who are delinquent in tax payments or are in violation of certain codes, statutes or regulations.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

UNFINISHED BUSINESS
DISCHARGE PETITION

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

December 10, 2001

A PETITION

To place before the Senate the nomination of Edward G. Smith, Esq., as Judge, Court of Common Pleas, Northumberland County.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Edward G. Smith, Esq., as Judge, Court of Common Pleas, Northumberland County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Jack Wagner
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

The PRESIDENT. The communication will be laid on the table.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Robert N. Ham by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Oscar Leroy Bancy by Senator Corman.

Congratulations of the Senate were extended to Joseph Grana by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Fred Jadick, Mt. Zion United Methodist Church of Carverton and to the Gate of Heaven Church of Dallas by Senator Lemmond.

Congratulations of the Senate were extended to John Kelly and to Paul Kramer by Senator Murphy.

Congratulations of the Senate were extended to the Reverend Dr. Robert Schuller and to Kailey Spade by Senator Orie.

Congratulations of the Senate were extended to John Moroney by Senator Tartaglione.

Congratulations of the Senate were extended to Bethany Decker by Senator Waugh.

Congratulations of the Senate were extended to Lewis H. Denlinger by Senator Wenger.

Congratulations of the Senate were extended to James O. Hawk and to Jessica Swanderski by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Sylvester Gjurich by Senator Wozniak.

BILL ON FIRST CONSIDERATION AND REREFERRED

Senator D. WHITE. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

SB 1240.

And said bill having been considered for the first time.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 370 and **SB 371**.

NOMINATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Warren E. Moser, (Public Member), 100 Hadfield Road, Downingtown 19335, Chester County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Pennsylvania Council on Aging, to serve until October 8, 2002, and until her successor is appointed and qualified, vice Audrey Reichblum, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Elisabeth Baker, (Public Member), P.O. Box 59, Mt. View Drive, Lehman 18627, Luzerne County, Twentieth Senatorial District, as a member of the State Board of Barber Examiners, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lois K. Herr, Manheim, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE CIVIL SERVICE COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 2001 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Civil Service Commission, to serve until April 9, 2006 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Norma J. Gotwalt, Camp Hill, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

CONTROLLER, LUZERNE COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Elisabeth Baker, P.O. Box 59, Mt. View Drive, Lehman 18627, Luzerne County, Twentieth Senatorial District, as Controller, in and for the County of Luzerne, to serve until the first Monday of January 2002, vice Thomas P. Pizano, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Jennifer L. Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lawrence R. Soma, V.M.D., Glen Mills, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Michelle M. Grove, 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until her successor is appointed and qualified, vice James J. Canova, East McKeesport, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Fritz Bittenbender (District 8), 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald N. Lacy, Reading, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HARRISBURG STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007 and until her successor is appointed and qualified, vice Blake Maria Yohe, York, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HARRISBURG STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Albert E. Myers, Harrisburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Fritz Bittenbender, 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 2005 or until his successor is appointed and qualified, vice Robert Johnson-Smith, Elkins Park, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Mark Navarro, (Public Member), 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael A. Cibik, Philadelphia, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE POLK CENTER
BOARD OF TRUSTEES

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Polk Center Board of Trustees, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Alvin G. Kessler, Oil City, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2002, and until her successor is appointed and qualified, vice Susan Genesi, Philipsburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

PROTHONOTARY, ALLEGHENY COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 30, 2001 for the appointment of Fritz Bittenbender, 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, as Prothonotary, in and for the county of Allegheny, to serve until the first Monday of January 2002, vice The Honorable Michael F. Coyne, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

PROTHONOTARY, CLERK OF COURTS, JEFFERSON COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as Prothonotary, Clerk of Courts, in and for the County of Jefferson, to serve until the first Monday of January 2002, vice Kae Ploucha, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

PROTHONOTARY, CLERK OF COURTS, MIFFLIN COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Fritz Bittenbender, 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, as Prothonotary, Clerk of Courts, in and for the County of Mifflin, to serve until the first of Monday of January 2002, vice Sue Ellen Saxton, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Michelle M. Grove (Public Member) 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Psychology, to serve until November 10, 2002 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony J. Fubio, Altoona, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination

dated August 20, 2001 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph F. Leeson, Jr., Esquire, Bethlehem, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

REGISTER OF WILLS, RECORDER OF DEEDS, CLERK OF ORPHANS' COURT, NORTHUMBERLAND COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 6, 2001 for the appointment of Fritz Bittenbender, 4400 Colonial Road, Dover 17315, York County, Twenty-Eighth Senatorial District, as Register of Wills, Recorder of Deeds, Clerk of Orphans' Court, in and for the County of Northumberland, to serve until the first Monday of January 2002, vice Frederick F. Reed, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Wha Lee, (Public Member), 2292 Albern Boulevard, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dennis P. McManus, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 12, 2001 for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Velma C. Noonan, Carnegie, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 2001 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Pattee J. Miller, Reading, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Annette Steele, 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Warren W. Lamm, Sinking Spring, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE SNYDER COUNTY BOARD OF ASSISTANCE

December 10, 2001

To the Honorable, the Senate

of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 25, 2001 for the appointment of Jaime Gibson, 10 B West Beale Avenue, Enola 17025, Cumberland County, Thirty-first Senatorial District, as a member of the Snyder County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Judy A. Jones, Selinsgrove, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE VENANGO COUNTY BOARD OF ASSISTANCE

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 12, 2001 for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Venango County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice Creeta Y. Owens, Oil City, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE WARREN COUNTY BOARD OF ASSISTANCE

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 12, 2001 for the appointment of Barbara Kauffman, 3182 Cornerstone Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Wanda C. Little, North Warren, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

Senator BRIGHTBILL. Mr. President, could we stand at ease.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

SENATE RESOLUTION ADOPTED

Senator C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 142**, entitled:

A Resolution condemning the Taliban's discrimination and violence against Afghan women; calling upon the President and the Congress of the United States to take whatever action is necessary to ensure that women and girls gain immediate access to health care and education; and urging negotiations to resume humanitarian assistance.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator C. Williams.

Senator C. WILLIAMS. Mr. President, I have some remarks to submit for the record.

The PRESIDENT. They will be so noted.

(The following prepared statement was made a part of the record at the request of the gentlewoman from Montgomery, Senator C. WILLIAMS:)

Mr. President, the following words are based on the experiences of a woman living under the Taliban in Afghanistan. The author, a woman named Neesha, describes her as part of the silenced, one who has given up on life.

"I remember when I still believed in hope. I remember when I thought they would come to save us from a life of chains.

"In my country, women have no rights. Girls are not allowed an education, and my little girl can't even spell her own name.

"We are murdered if we leave our homes unescorted. We are covered from head to toe in suffocating garbs and we are invisible to the world.

"We cannot attract attention or we will be slaughtered. We cannot participate in social events or sports. My children cannot fly kites – real or imaginary.

"My teenage boy believes that women are the lowest form of life on earth. That's what they taught him...that's all he's ever seen. He will beat his wife and treat her like a slave.

"I wrote this to tell the world who doesn't care about me...that I exist even if they look the other way."

Mr. President, today I rise and ask my Senate colleagues not to look the other way.

There is no way I can begin to catalogue the atrocities committed against women under the Taliban Regime. The human rights organization, Physicians for Human Rights, conducted a study of the effects of the Taliban's policies on women's health and human rights. The study found that eighty-one percent of women reported a decline in mental health. Forty-two percent met the criteria for post-traumatic stress disorder. Ninety-seven percent met the criteria for major depression, and eighty-six percent showed significant symptoms of anxiety.

The resolution I offer today condemns the Taliban's discrimination against women, and asks President Bush and Congress to publicly disapprove of these atrocities. The resolution further asks the U.S. government to take whatever steps necessary to end the violence against Afghani women and to urge the full restoration of their rights.

The resolution also urges the U.S. government and the United Nations' humanitarian organization to provide assistance to aid the new government of Afghanistan in the restoration of women's rights.

The oppression of women under Taliban rule has gone on for many years in Afghanistan, and many courageous people around the world have dedicated themselves to fighting that oppression. I introduced a resolution similar to this one in the House of Representatives in March. Unfortunately, it has taken the tragedy of September 11 to focus attention on this crisis.

As First Lady Laura Bush noted in her radio address last month, "The severe repression and brutality against women in Afghanistan is not a matter of legitimate religious practice. Muslims around the world

have condemned the brutal degradation of women and children by the Taliban Regime." Mrs. Bush asked the nation to fight to secure dignity and opportunity for all the women and children of Afghanistan, and I ask the same of the Pennsylvania Senate today.

Mr. President, the anguished words of the Afghani women with which I opened my remarks were taken from a poem entitled, "The Threshold of Silence." I ask my Senate colleagues to be the voice of Afghani women who are only now beginning to be heard.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS

November 8, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory Stella, 13 Crescent Road, Plains 18705, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert V. Vavro, Allegheny, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD

November 8, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julia A. Bucher, RR # 3 Box 1576, Milton, 17847, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD

November 8, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Diane M. Zilinskas, 302 Griffin Avenue, Pittsburgh 15210, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF CHIROPRACTIC

October 24, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael A. Phillips, D.C., 275 Stoney Lane, Northumberland 17857, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas R. Butler, D.C., Bellefonte, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

November 2, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank R. Gallo, 735 Wyndrise Drive, Blue Bell 19422, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Caroline A. Novak, Coatesville, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD

OF DENTISTRY

October 24, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan E. Calderbank, D.M.D., 4 Eastwood Drive, Greenville 16125, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period..

Mark S. Schweiker
Governor

BRIGADIER GENERAL, PENNSYLVANIA NATIONAL GUARD

October 22, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel Stanley J. Jaworski, 723 East Maple Street, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for appointment as Brigadier General, with assignment as Chief of Staff, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

Mark S. Schweiker
Governor

BRIGADIER GENERAL, PENNSYLVANIA NATIONAL GUARD

October 22, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel Ronald L. Shultz, P.O. Box 37, Cashtown 17310, Adams County, Thirty-third Senatorial District, for appointment as Brigadier General, with assignment as Chief of Staff, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

November 2, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, A. Sidney Brookes, Jr., (Public Member) 2 Concord Way, Chadds Ford 19317, Chester County, Ninth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Sara A. Sargent, Johnstown, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF NURSING

October 30, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Vincent A. Galko, (Public Member) 423 Walnut Street, Apt. 312, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ellen J. B. Toker, Allegheny, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

November 2, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marc Berson, O.D., M.B.A., 31 South 9th Street, Allentown 18102, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Benson Y. Olenick., O.D., Easton, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

July 19, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Hudic (Public Member), 4078 Rawleigh Street, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologist/*sic]*, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Margo P. Dinniman, Exton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE REAL ESTATE COMMISSION

November 14, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph J. McGettigan, 237 Long Lane, Second Floor, Upper Darby 19082, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

September 25, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gene G. Smith, 822 Kocher Drive, Grove City 16127, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

October 5, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Cessar (Public Member), 4251 Chamberton Court, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

October 29, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Bernard W. Carl, (Republican), 31 Heritage Hills Road, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified, vice Maureen Cook Coldren, Dunbar, resigned.

Mark S. Schweiker
Governor

On the question,
Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator ROBBINS and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, at this time I ask for a recess of the Senate. Dinner is being served at 7:30, and I believe the Democrats are going to caucus at this time.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I also ask for a Democratic caucus immediately following the recess.

The PRESIDENT. For the information of the Members, I did, indeed, order dinner for the Members tonight, recognizing it was going to be a late Session. My understanding is that dinner will be served for the Members in the Senate dining room, staff on E floor, and that will be here around 7:30.

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 214 of 280

Senator Wagner has asked the Members of the Democratic Caucus to report to the Minority Caucus Room to the rear of the Senate Chamber.

For those various purposes, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider House Bill No. 1405, and certain nominations.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 3 (Pr. No. 1032) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a unified workforce investment system; restructuring certain administrative functions, procedures and entities; transferring workforce development functions of Commonwealth agencies; establishing the Pennsylvania Workforce Investment Board; and authorizing local workforce investment boards.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 212 (Pr. No. 3043) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for the possession of shed antlers; and further providing for the time periods of permits, for permit fees, for records, for reports and for disabled person permits.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 437 (Pr. No. 3044) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to the labeling, sale and distribution of fertilizer and of soil and plant amendments; providing for the powers and duties of the Department of Agriculture; establishing the Agronomic Regulatory Account; prescribing penalties; and making a repeal.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

THIRD CONSIDERATION CALENDAR RESUMED

SB 1200 CALLED UP

SB 1200 (Pr. No. 1531) – Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 1200 (Pr. No. 1531) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring publication of notice of the establishment of Congressional districts following the Federal decennial census.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A4818:

Amend Title, page 1, line 1, by striking out "Requiring" and inserting: To apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring

Amend Title, page 1, line 2, by striking out "Congressional" and inserting: congressional

Amend Bill, page 1, by inserting between lines 5 and 6:

Section 1. Congressional districts.

For the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in the Congress of the United States, this Commonwealth shall be divided into 19 districts which shall have one Congressman each, as follows:

(1) The First District is composed of part of Delaware County consisting of the City of Chester and the Townships of Chester, Darby Wards 1 and 2, Ridley Ward 1 (Division 2) and Tinicum Wards 1, 2, 3 and 4 and the Boroughs of Colwyn, Darby, Eddystone and Yeadon; and part of Philadelphia County consisting of the City of Philadelphia Wards 1 (Divisions 15, 17, 18, 19 and 21), 2 (Divisions 1, 2, 12, 13, 14, 15, 16, 25, 26 and 27), 3, 4, 5 (Divisions 1, 2, 3, 4, 10, 15, 16, 17, 18, 19, 20, 21 and 23), 7, 10 (Divisions 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 20, 21, 22 and 27), 11, 13, 14, 16, 17, 18, 19, 20, 23, 25 (Divisions 13, 14, 15, 16 and 20), 26 (Divisions 1, 2, 3, 20, 23 and 24), 31 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17), 33, 34, 35 (Divisions 9 (all blocks except 8001 of tract 030500), 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31), 37, 39 (Divisions 2, 3, 4, 6, 7, 8, 12, 13, 14, 15, 16, 17, 20, 21, 24, 29, 33, 36, 39, 41 and 44), 40 (Divisions 1, 28, 30, 31, 35, 36, 37, 38, 40, 41, 42, 44, 45, 46, 48, 49 and 50), 42, 43, 45 (Division 18), 47 (Divisions 1, 2, 3, 4 and 5), 49, 52 (Division 20) (only blocks 5000 and 5005 of tract 011800), 53 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13 and 23), 54 (Divisions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22), 61 and 62 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25 and 26).

(2) The Second District is composed of part of Montgomery County consisting of the Township of Cheltenham; and part of Philadelphia County consisting of the City of Philadelphia Wards 1 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16 and 20), 2 (Divisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23 and 24), 5 (Divisions 5, 6, 7, 8, 9, 11, 12, 13, 14 and 22), 6, 8, 9, 10 (Divisions 6, 13, 16, 18, 19, 23, 24, 25, 26, 28 and 29), 12, 15, 21, 22, 24, 26 (Divisions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21 and 22), 27, 28, 29, 30, 32, 36, 38, 39 (Divisions 1, 5, 9, 10, 11, 18, 19, 22, 23, 25, 26, 27, 28, 30, 31, 32, 34, 35, 37, 38, 40, 42, 43, 45 and 46), 40 (Divisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 34, 39, 43, 47 and 51), 44, 46, 47 (Divisions 6, 7, 8, 9, 10, 11, 12, 13 and 14), 48, 50, 51, 52 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 20 (all blocks except 5000 and 5005 of tract 011800), 21, 22, 23, 24, 25, 26, 27 and 28), 59 and 60.

(3) The Third District is composed of part of Berks County consisting of the Townships of Amity, Brecknock, Caernarvon, Colebrookdale, Cumru Districts 2, 3 and 5, District, Douglass, Earl, Exeter Districts 2, 3 (all blocks except 2001, 2002, 2005, 2006, 2008 and 2009 of tract of 012002) and 6, Heidelberg, Hereford, Longswamp, Lower Heidelberg, Maxatawny, North Heidelberg, Oley, Pike, Robeson, Rockland, Ruscombmanor, South Heidelberg, Spring, Union and Washington and the Boroughs of Adamstown, Bally, Bechtelsville, Birdsboro, Boyertown, Kutztown, Lyons, Mohnton, New Morgan, Robesonia, Shillington, Sinking Spring, Topton, Wernersville, West Lawn, Womelsdorf, Wyomissing and Wyomissing Hills; part of Chester County consisting of the City of Coatesville and the Townships of Caln, Charlestown, East Bradford District North, East Brandywine, East Caln, East Coventry, East Fallowfield, East Goshen Precincts 1, 5, 6 and 8, East Nantmeal, East Pikeland, East Vincent, East Whiteland, Highland, Honey Brook, Londonderry, Lower Oxford District East, Newlin, North Coventry, Penn, Sadsbury, Schuylkill, South Coventry, Tredyffrin Districts Middle (Divisions 1 and 5) and West, Upper Oxford, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick, West Bradford, West Brandywine, West Caln, West Fallowfield, West Goshen District North (Division 3 (only blocks 1010, 1013, 1014, 1026 of tract 302704)), West Marlborough, West Nantmeal, West Pikeland, West Sadsbury, West Vincent, West Whiteland and Willistown District North (Divisions 1, 4, 5 and 6) and the Boroughs of Atglen, Downingtown, Elverson, Honey Brook, Malvern, Modena, Parkesburg, Phoenixville, South Coatesville and Spring City; part of Lebanon County consisting of the Townships of Jackson and Millcreek and the Boroughs of Myerstown and Richland; and part of Montgomery County consisting of the Townships of Douglass, East Norriton, Limerick Wards 2 (all blocks except 9037, 9038, 9039, 9040 and 9041 of tract 208601), 3 and 5, Lower Merion, New Hanover Ward 1, Perkiomen, Plymouth Districts 2 (Divisions 1 and 2), 3 and 4, Skippack, Upper Hanover District 2, Upper Pottsgrove, West Pottsgrove, Whitemarsh Districts East (Division 2), Middle (Divisions 1, 2, 3 and 4) and West, Whitpain Districts 2, 3, 4, 5, 6, 7, 8, 9 and 10 and Worcester and the Boroughs of Collegeville, Narberth, Norristown Districts 1 (Divisions 2 and 3), 2 (Divisions 2 and 3), 3 and 4, Pottstown District 3 (Division 2) (only blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2012, 2013, 2014, 2015, 2016, 2017, 3000, 3001 and 3002 of tract 209000) and Schwenksville.

(4) The Fourth District is composed of part of Allegheny County consisting of the Townships of Aleppo, East Deer Ward 1 (only blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1020, 1021 of tract 404000), Fawn, Frazer, Hampton, Harmar, Harrison, Indiana, Kilbuck, Leet, Marshall, McCandless, O'Hara Wards 1 (Division 1), 2, 3, 4 and 5, Ohio, Pine, Richland, Ross, Shaler, Springdale and West Deer and the Boroughs of Aspinwall, Bell Acres, Ben Avon, Ben Avon Heights, Brackenridge, Bradford Woods, Cheswick, Edgeworth, Etna Ward 3, Fox Chapel, Franklin

Park, Haysville, Leetsdale, Monroeville Ward 3 (Divisions 1, 2 and 3), Oakmont, Osborne, Plum, Sewickley, Sewickley Heights, Sewickley Hills, Springdale and West View; all of Beaver County; part of Butler County consisting of the Townships of Adams, Buffalo, Clinton, Cranberry, Jackson, Lancaster and Middlesex and the Boroughs of Harmony, Mars, Seven Fields, Valencia and Zelienople; all of Lawrence County; part of Mercer County consisting of the Cities of Farrell and Hermitage District Sw (Division 3) and the Township of Shenango and the Boroughs of West Middlesex and Wheatland; and part of Westmoreland County consisting of the Boroughs of Delmont, Export and Murrysville.

(5) The Fifth District is composed of part of Armstrong County consisting of the Township of Hovey (only block 1000 of tract of 980300); all of Cameron County; all of Centre County; part of Clarion County consisting of the Townships of Ashland, Beaver, Brady, Clarion, Elk, Farmington, Highland, Knox, Licking, Madison, Millcreek, Paint, Perry, Richland, Salem, Toby and Washington and the Boroughs of Callensburg, Clarion, East Brady, Foxburg, Knox, Rimersburg, Shippenville, St. Petersburg and Strattanville; part of Clearfield County consisting of the City of Dubois and the Townships of Bell, Bigler (all blocks except 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2120, 2121, 2122 and 2123 of tract 331600), Bloom, Boggs, Bradford, Brady, Cooper, Covington, Decatur, Ferguson, Girard, Goshen, Graham, Greenwood, Huston, Jordan, Karthaus, Knox, Lawrence, Morris, Penn, Pike, Pine, Sandy, Union and Woodward and the Boroughs of Brisbin, Chester Hill, Clearfield, Curwensville, Grampian, Houtzdale, Lumber City, Mahaffey, Newburg, Osceola Mills, Troutville and Wallaceton; all of Clinton County; part of Crawford County consisting of the City of Titusville and the Townships of Oil Creek and Rome and the Borough of Hydetown; all of Elk County; all of Forest County; all of Jefferson County; part of Juniata County consisting of the Townships of Delaware, Fayette, Fermanagh, Greenwood, Monroe, Susquehanna and Walker and the Boroughs of Mifflintown and Thompsontown; part of Lycoming County consisting of the Townships of Armstrong, Bastress, Brady, Clinton, Limestone, Nippenose, Piatt, Porter, Susquehanna and Washington and the Boroughs of Duboistown, Jersey Shore, Montgomery and South Williamsport; all of McKean County; part of Mifflin County consisting of the Townships of Armagh, Brown, Decatur and Derry and the Boroughs of Burnham and Lewistown; part of Perry County consisting of the Townships of Greenwood, Liverpool, Oliver and Tuscarora and the Boroughs of Liverpool, Millerstown and Newport; all of Potter County; all of Tioga County; part of Venango County consisting of the Cities of Franklin and Oil City and the Townships of Allegheny, Canal, Cherrytree, Cornplanter, Cranberry, Frenchcreek, Jackson, Mineral, Oakland, Oil Creek, Pinegrove, Plum, President, Sandycreek and Victory and the Boroughs of Cooperstown, Pleasantville, Polk, Rouseville, Sugarcreek and Utica; and part of Warren County consisting of the City of Warren and the Townships of Cherry Grove, Conewango, Deerfield, Eldred, Limestone, Mead, Pleasant, Sheffield, Southwest, Triumph and Watson and the Boroughs of Clarendon and Tidioute.

(6) The Sixth District is composed of part of Berks County consisting of the City of Reading and the Townships of Albany, Alsace, Bern, Bethel, Centre, Cumru Districts 1, 4 and 6, Exeter Districts 1, 3 (only blocks 2001, 2002, 2005, 2006, 2008 and 2009 of tract 012002), 4, 5 and 7, Greenwich, Jefferson, Lower Alsace, Maidencreek, Marion, Muhlenberg, Ontelaunee, Penn, Perry, Richmond, Tilden, Tulpehocken, Upper Bern, Upper Tulpehocken and Windsor and the Boroughs of Bernville, Centerport, Fleetwood, Hamburg, Kenhorst, Laureldale, Leesport, Lenhartsville, Mount Penn, Shoemakersville, St. Lawrence, Strausstown and West Reading; all of Carbon County; part of Lackawanna County consisting of the City of Scranton Wards 4, 5, 6, 9 (Division 4), 10, 11, 12, 14, 15, 17, 18, 19, 20, 21 (Divisions 1, 2, 4 and 5), 22, 23 (Division 4) and 24 and the Boroughs of Dunmore, Moosic and Taylor; part of Luzerne County consisting of the Cities of Hazleton, Nanticoke, Pittston and Wilkes-Barre and the Townships of Butler, Dorrance, Hanover Wards 2, 3, 5 (Division 3) and 6, Hazle Districts 1 - Jeddo, 2 - Milnesville, 5 - Jeanesville, 6 - Pardeesville, 7 - Stockton, 8 - Lattimer, 9 - Cranberry (only blocks 1017, 1018, 1023 and 1024 of tract 217001), 10 and 11 - Harleigh, Jenkins, Newport, Pittston, Plains, Slocum and Wilkes-Barre and the Boroughs of Ashley, Avoca, Dupont, Duryea, Hughestown, Jeddo, Laflin, Laurel Run, Sugar Notch, Warrior Run, West Hazleton Wards 1, 2 (Division 2) and 3 and Yatesville; and all of Schuylkill County.

(7) The Seventh District is composed of part of Chester County consisting of the Townships of East Goshen Precincts 2, 3, 4, 7 and 9, Easttown, Thornbury, Tredyffrin Districts East and Middle (Divisions 2, 3, 4, 6 and 7), Westtown and Willistown Districts North (Divisions 2 and 3) and South; part of Delaware County consisting of the Townships of Aston, Bethel, Chadds Ford, Concord, Darby Wards 3, 4 and 5, Edgmont, Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newtown, Radnor, Ridley Wards 1 (Divisions 1 and 3), 2, 3, 4, 5, 6, 7, 8 and 9, Springfield, Thornbury, Tinicum Ward 5, Upper Chichester, Upper Darby and Upper Providence and the Boroughs of Aldan, Brookhaven, Chester Heights, Clifton Heights, Collingdale, East Lansdowne, Folcroft, Glenolden, Lansdowne, Marcus Hook, Media, Millbourne, Morton, Norwood, Parkside, Prospect Park, Ridley Park, Rose Valley, Rutledge, Sharon Hill, Swarthmore, Trainer and Upland; and part of Montgomery County consisting of the Townships of Limerick Wards 1, 2 (only blocks 9036, 9037, 9038, 9039, 9040 and 9041 of tract 208601) and 4, Lower Providence, Plymouth Districts 1 and 2 (Division 3), Upper Merion, Upper Providence and West Norriton and the Boroughs of Bridgeport, Conshohocken, Norristown Districts 1 (Division 1) and 2 (Division 1), Royersford, Trappe and West Conshohocken.

(8) The Eighth District is composed of all of Bucks County; part of Montgomery County consisting of the Townships of Hatfield Districts 220 1, 2, 3 and 4 and Towamencin District 1 (Division 3 (all blocks except 9001, 9002, 9003, 9004 and 9006 of tract 206904)) and the Borough of Hatfield; and part of Philadelphia County consisting of the City of Philadelphia Wards 58 (Divisions 2, 4, 6, 7, 12, 21, 22, 29, 39 and 41) and 66 (Divisions 6, 8, 9, 11, 15, 17, 20, 24, 29, 30, 33, 34, 35, 36, 39, 41, 42, 43 and 45).

(9) The Ninth District is composed of part of Armstrong County consisting of the Townships of Bethel, Burrell, Cadogan, Gilpin Districts 1 and 3, Kiskiminetas, Manor, Parks, Plumcreek and South Bend and the Boroughs of Apollo, Elderton, Ford City, Ford Cliff, Kittanning, Leechburg, Manorville and North Apollo; all of Bedford County; all of Blair County; part of Cambria County consisting of the Township of Reade District North; part of Clearfield County consisting of the Townships of Beccaria, Bigler (only blocks 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2120, 2121, 2122 and 2123 of tract 331600), Burnside, Chest and Gulich and the Boroughs of Burnside, Coalport, Glen Hope, Irvona, New Washington, Ramey and Westover; part of Cumberland County consisting of the Townships of East Pennsboro and Hampden Precincts 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 and the Boroughs of Shiremanstown (all blocks except 3010, 3011, 3012, 3014, 3015, 3016, 3017 and 3018 of tract 011200) and Wormleysburg Precinct 2; part of Fayette County consisting of the City of Connellsville Wards 4 and 5 and the Townships of Connellsville, Dunbar District 1, Georges Districts 1 and 2, Henry Clay, North Union District 3, South Union District 3, Springfield, Springhill District 1, Stewart and Wharton and the Boroughs of Fairchance, Markleysburg, Ohiopyle, Smithfield and South Connellsville; all of Franklin County; all of Fulton County; all of Huntingdon County; part of Indiana County consisting of the Townships of Armstrong, Banks, Brush Valley, Buffington, Canoe, Cherryhill, Conemaugh, East Mahoning, Grant, Green, Montgomery, North Mahoning, Pine, Rayne, South Mahoning, Washington, West Mahoning, White District 1 and Young and the Boroughs of Cherry Tree, Clymer, Creekside, Ernest, Glen Campbell, Marion Center, Plumville, Saltsburg, Shelocta and Smicksburg; part of Juniata County consisting of the Townships

of Beale, Lack, Milford, Spruce Hill, Turbett and Tuscarora and the Boroughs of Mifflin and Port Royal; part of Mifflin County consisting of the Townships of Bratton, Granville, Menno, Oliver, Union and Wayne and the Boroughs of Juniata Terrace, Kistler, McVeytown and Newton Hamilton; part of Perry County consisting of the Townships of Carroll, Centre, Howe (all blocks except 3000, 3001, 3002, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3049 and 3050 (of tract 030200), Jackson, Juniata, Miller, Northeast Madison, Penn, Rye, Saville, Southwest Madison, Spring, Toboyne, Tyrone and Wheatfield and the Boroughs of Blain, Bloomfield, Duncannon, Landisburg and Marysville; and part of Somerset County consisting of the Townships of Addison, Allegheny, Black, Brothersvalley, Conemaugh Districts 1, 3 and 5, Elk Lick, Fairhope, Greenville, Larimer, Lower Turkeyfoot, Milford, Northampton, Ogle, Paint, Quemahoning, Shade, Somerset, Southampton, Stonycreek, Summit and Upper Turkeyfoot and the Boroughs of Addison, Benson, Berlin, Callimont, Casselman, Central City, Confluence, Garrett, Hooversville, Indian Lake, Meyersdale, New Baltimore, New Centerville, Rockwood, Salisbury, Shanksville, Somerset, Stoystown, Ursina and Wellersburg.

(10) The Tenth District is composed of all of Bradford County; part of Lackawanna County consisting of the Cities of Carbondale and Scranton Wards 1, 2, 3, 7, 9 (Divisions 1, 2 and 3), 13, 16, 21 (Division 3) and 23 (Divisions 1, 2, 3 and 5) and the Townships of Abington, Benton, Carbondale, Clifton, Covington, Elmhurst, Fell, Glenburn, Greenfield, Jefferson, La Plume, Madison, Newton, North Abington, Ransom, Roaring Brook, Scott, South Abington, Spring Brook, Thornhurst and West Abington and the Boroughs of Archbald, Blakely, Clarks Green, Clarks Summit, Dalton, Dickson City, Jermyn, Jessup, Mayfield, Moscow, Old Forge, Olyphant, Throop and Vandling; part of Luzerne County consisting of the Townships of Bear Creek, Buck, Dallas, Dennison, Exeter, Fairview, Foster, Franklin, Kingston, Lehman, Rice and Wright and the Boroughs of Bear Creek Village, Dallas, Exeter, Forty Fort, Freeland, Nuangola, Penn Lake Park, Swoyersville Wards 1 (Division 1) and 2 (Division 2), West Pittston, West Wyoming, White Haven and Wyoming; part of Lycoming County consisting of the City of Williamsport and the Townships of Anthony, Brown, Cascade, Cogan House, Cummings, Eldred, Fairfield, Franklin, Gamble, Hepburn, Jackson, Jordan, Lewis, Loyalsock, Lycoming, McHenry, McIntyre, McNett, Mifflin, Mill Creek, Moreland, Muncy, Muncy Creek, Old Lycoming, Penn, Pine, Plunketts Creek, Shrewsbury, Upper Fairfield, Watson, Wolf and Woodward and the Boroughs of Hughesville, Montoursville, Muncy, Picture Rocks and Salladasburg; part of Monroe County consisting of the Townships of Barrett, Chestnuthill Districts 1 and 2 (only blocks 1121, 2020, 2022, 2027, 2028, 2029 and 2999 of tract 301201), Coolbaugh, Eldred, Middle Smithfield, Paradise, Pocono, Polk, Price, Smithfield, Stroud, Tobyhanna and Tunkhannock and the Boroughs of Delaware Water Gap, East Stroudsburg, Mount Pocono and Stroudsburg; all of Pike County; all of Sullivan County; all of Susquehanna County; all of Wayne County; and all of Wyoming County.

(11) The Eleventh District is composed of part of Armstrong County consisting of the Townships of Boggs, Bradys Bend, Cowanshannock, East Franklin, Hovey (all blocks except 1000 of tract 980300), Kittanning, Madison, Mahoning, Perry, Pine, Rayburn, Redbank, South Buffalo District Western, Sugarcreek, Valley, Washington, Wayne and West Franklin and the Boroughs of Applewold, Atwood, Dayton, Parker City, Rural Valley, South Bethlehem, West Kittanning and Worthington; part of Butler County consisting of the City of Butler and the Townships of Allegheny, Brady, Butler, Center, Cherry, Clay, Clearfield, Concord, Connoquenessing, Donegal, Fairview, Forward, Franklin, Jefferson, Marion, Mercer, Muddy Creek, Oakland, Parker, Penn, Slippery Rock, Summit, Venango, Washington, Winfield and Worth and the Boroughs of Bruin, Callery, Cherry Valley, Chicora, Connoquenessing, East Butler, Eau Claire, Evans City, Fairview, Harrisville, Karns City, Petrolia, Portersville, Prospect, Saxonburg, Slippery Rock, West Liberty and West Sunbury; part of Clarion County consisting of the Townships of Limestone, Monroe, Piney, Porter and Redbank and the Boroughs of Hawthorn, New Bethlehem and Sligo; part of Crawford County consisting of the City of Meadville and the Townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Sparta, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango and Woodcock and the Boroughs of Blooming Valley, Cambridge Springs, Centerville, Cochranton, Conneaut Lake, Conneautville, Linesville, Saegertown, Spartansburg, Springboro, Townville, Venango and Woodcock; all of Erie County; part of Mercer County consisting of the Cities of Hermitage Districts Ne, Nw, Se and Sw (Divisions 1 and 2) and Sharon and the Townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findley, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek and Worth and the Boroughs of Clark, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sharpsville, Sheakleyville and Stoneboro; part of Venango County consisting of the Townships of Clinton, Irwin, Richland, Rockland and Scrubgrass and the Boroughs of Barkeyville, Clintonville and Emlenton; and part of Warren County consisting of the Townships of Brokenstraw, Columbus, Elk, Farmington, Freehold, Glade, Pine Grove, Pittsfield, Spring Creek and Sugar Grove and the Boroughs of Bear Lake, Sugar Grove and Youngsville.

(12) The Twelfth District is composed of part of Allegheny County consisting of the Township of East Deer Wards 1 (all blocks except 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1020 and 1021 of tract 404000) and 2 and the Borough of Tarentum; part of Armstrong County consisting of the Townships of Gilpin District 2, North Buffalo and South Buffalo District Eastern and the Borough of Freeport; part of Cambria County consisting of the City of Johnstown and the Townships of Adams, Allegheny, Barr, Blacklick, Cambria, Chest, Clearfield, Conemaugh, Cresson, Croyle, Dean, East Carroll, East Taylor, Elder, Gallitzin, Jackson, Lower Yoder, Middle Taylor, Munster, Portage, Reade District South, Richland, Stonycreek, Summerhill, Susquehanna, Upper Yoder, Washington, West Carroll, West Taylor and White and the Boroughs of Ashville, Brownstown, Carrolltown, Cassandra, Chest Springs, Cresson, Daisytown, Dale, East Conemaugh, Ebensburg, Ehrenfeld, Ferndale, Franklin, Gallitzin, Geistown, Hastings, Lilly, Lorain, Loretto, Nanty Glo, Northern Cambria, Patton, Portage, Sankertown, Scalp Level, South Fork, Southmont, Summerhill, Tunnelhill (Cambria County portion), Vintondale, Westmont and Wilmore; part of Fayette County consisting of the Cities of Connellsville Wards 1, 2, 3 and 6 and Uniontown and the Townships of Brownsville, Bullskin, Dunbar Districts 2, 3 and 4, Franklin, Georges Districts 3 and 4, German, Jefferson, Lower Tyrone, Luzerne, Menallen, Nicholson, North Union Districts 1, 2, 4 and 5, Perry, Redstone, Saltlick, South Union Districts 1 and 2, Springhill District 2, Upper Tyrone and Washington and the Boroughs of Belle Vernon, Brownsville, Dawson, Dunbar, Everson, Fayette City, Masontown, Newell, Perryopolis, Point Marion and Vanderbilt; all of Greene County; part of Indiana County consisting of the Townships of Black Lick, Burrell, Center, East Wheatfield, West Wheatfield and White Districts 2, 3, 4 and 6 and the Boroughs of Armagh, Blairsville, Homer City and Indiana; part of Somerset County consisting of the Townships of Conemaugh Districts 2 and 4, Jefferson, Jenner, Lincoln and Middlecreek and the Boroughs of Boswell, Jennerstown, Paint, Seven Springs and Windber; part of Washington County consisting of the Cities of Monongahela and Washington and the Townships of Canton, Carroll, Chartiers Districts 3, 5 and 7, East Bethlehem, Fallowfield, North

Bethlehem, North Strabane District 2, Somerset, South Strabane Districts 2, 4 and 5, Union, West Bethlehem and West Pike Run and the Boroughs of Allenport, Beallsville, Bentleyville, California, Centerville, Charleroi, Coal Center, Cokeburg, Deemston, Donora, Dunlevy, East Washington District 2, Elco, Ellsworth, Finleyville, Long Branch, Marianna, New Eagle, North Charleroi, Roscoe, Speers, Stockdale, Twilight and West Brownsville; and part of Westmoreland County consisting of the Cities of Arnold, Latrobe, Lower Burrell, Monessen and New Kensington and the Townships of Allegheny, Bell, Derry, East Huntingdon Districts Bessemer and Strohms, Hempfield Districts Bovard, Hannastown (all blocks except 2003, 2004, 2009 and 2999 of tract 803800) and Luxor, Loyalhanna, Mount Pleasant Districts Bridgeport, Duncan, Heccla, Laurel Run, Mammoth, Ridgeview, Spring Garden, United and Westmoreland, Rostraver, Salem Districts Hugus, Mechlings and Slickville, Sewickley Districts East Herminie, Lowber and Sewickley, South Huntingdon Districts Jacobs Creek, Mineral, Port Royal, Wayne, Wyano and Yukon, St. Clair, Unity Districts Crabtree, Dorothy and Lloydsville, Upper Burrell and Washington and the Boroughs of Avonmore, Bolivar, Derry, East Vandergrift, Hyde Park, Mount Pleasant, New Alexandria, New Florence, North Belle Vernon, Oklahoma, Scottdale, Seward, Smithton, Vandergrift, West Leechburg and West Newton.

(13) The Thirteenth District is composed of part of Montgomery County consisting of the Townships of Abington, Hatfield District 5, Horsham, Lower Frederick, Lower Gwynedd, Lower Moreland, Lower Pottsgrove, Lower Salford, Montgomery, New Hanover Districts 2 and 3, Springfield, Towamencin Districts 1 (Divisions 1, 2 and 3 (only blocks 9001, 9002, 9003, 9004 and 9006 of tract 206904)), 2 and 3, Upper Dublin, Upper Frederick, Upper Gwynedd, Upper Moreland, Upper Salford, Whitemarsh Districts East (Division 1) and Middle (Division 5) and Whitpain Districts 1 and 11 and the Boroughs of Ambler, Bryn Athyn, Hatboro, Jenkintown, Lansdale, North Wales, Pottstown Districts 1, 2, 3 (Divisions 1 and 2 (all blocks except 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2012, 2013, 2014, 2015, 2016, 2017, 3000, 3001 and 3002 of tract 209000)), 4, 5, 6 and 7 and Rockledge; and part of Philadelphia County consisting of the City of Philadelphia Wards 25 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 19, 21, 22, 23 and 24), 31 (Divisions 18 and 19), 35 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9 (only block 8001 of 030500) and 32), 41, 45 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24 and 25), 53 (Divisions 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22), 54 (Divisions 8 and 18), 55, 56, 57, 58 (Divisions 1, 3, 5, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 43 and 44), 62 (Divisions 17 and 19), 63, 64, 65 and 66 (Divisions 1, 2, 3, 4, 5, 7, 10, 12, 13, 14, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 31, 32, 37, 38, 40, 44 and 46).

(14) The Fourteenth District is composed of part of Allegheny County consisting of the Cities of Clairton, Duquesne, McKeesport and Pittsburgh and the Townships of Elizabeth Ward 9, Kennedy, Neville, North Versailles Wards 1, 2, 3 (Division 2), 4, 5, 6 and 7, O'Hara Ward 1 (Division 2), Penn Hills Wards 1, 2, 3 (Division 5), 4 (Division 2), 6 (Divisions 1, 3, 4 and 6), 7 (Divisions 1, 2, 3, 4, 6 and 7), 8 (Divisions 2 and 5) and 9 (Division 5), Reserve, Robinson Districts 3 and 5 and Stowe and the Boroughs of Avalon, Baldwin Districts 1, 2, 3, 4, 5, 9, 11, 12, 13, 15, 16 and 18, Bellevue, Blawnox, Braddock, Braddock Hills, Brentwood Districts 2, 3, 4, 5, 6 and 7 (only blocks 2003, 2004, 2005, and 2010 of tract 478100), Castle Shannon, Chalfant, Coraopolis, Crafton Wards 1, 2 and 3 (Division 1), Dravosburg, East McKeesport, East Pittsburgh, Edgewood, Emsworth, Etna Wards 1 and 2, Forest Hills, Glassport, Glenfield, Homestead, Ingram, Liberty, Lincoln, McKees Rocks, Millvale, Monroeville Ward 1 (Division 1), Mount Oliver, Munhall, North Braddock, Pitcairn Districts 2 and 3, Port Vue, Rankin, Sharpsburg, Swissvale, Turtle Creek, Verona, Versailles, Wall, West Homestead, West Mifflin, Whitaker, Wilkinsburg and Wilmerding.

(15) The Fifteenth District is composed of all of Lehigh County; part of Monroe County consisting of the Townships of Chestnuthill Districts 2 (all blocks except 1121, 2020, 2022, 2027, 2028, 2029 and 2999 of tract 301201), 3 and 4, Hamilton, Jackson and Ross; part of Montgomery County consisting of the Townships of Franconia, Marlborough, Salford and Upper Hanover Districts 1 and 3 and the Boroughs of East Greenville, Green Lane, Pennsburg, Red Hill, Souderton and Telford (Montgomery County portion); and all of Northampton County.

(16) The Sixteenth District is composed of part of Chester County consisting of the Townships of Birmingham, East Bradford District South, East Marlborough, East Nottingham, Elk, Franklin, Kennett, London Britain, London Grove, Lower Oxford District West, New Garden, New London, Pennsbury, Pocopson, West Goshen Districts Middle, North (Divisions 1, 2, 3 (all blocks except 1010, 1013, 1014 and 1026 of tract 302704) and 4) and South and West Nottingham and the Boroughs of Avondale, Kennett Square, Oxford, West Chester and West Grove; all of Lancaster County; and part of Lebanon County consisting of the City of Lebanon and the Townships of Heidelberg, North Cornwall, South Annville, South Lebanon, South Londonderry, West Cornwall and West Lebanon and the Boroughs of Cornwall and Mount Gretna.

(17) The Seventeenth District is composed of all of Columbia County; all of Dauphin County; part of Lebanon County consisting of the Townships of Annville, Bethel, Cold Spring, East Hanover, North Annville, North Lebanon, North Londonderry, Swatara and Union and the Boroughs of Cleona, Jonestown and Palmyra; part of Luzerne County consisting of the Townships of Black Creek, Conyngham, Fairmount, Hanover Wards 1, 4, 5 (Divisions 1 and 2) and 7, Hazle Districts 3 - West Hazleton, 4 - Beaverbrook and 9 - Cranberry (all blocks except 1017, 1018, 1023, and 1024 of tract 217001)), Hollenback, Hunlock, Huntington, Jackson, Lake, Nescopeck, Plymouth, Ross, Salem, Sugarloaf and Union and the Boroughs of Conyngham, Courtdale, Edwardsville, Harveys Lake, Kingston, Larksville, Luzerne, Nescopeck, New Columbus, Plymouth, Pringle, Shickshinny, Swoyersville Wards 1 (Division 2), 2 (Division 1) and 3 and West Hazleton Ward 2 (Division 1); all of Montour County; all of Northumberland County; part of Perry County consisting of the Townships of Buffalo, Howe (only blocks 3000, 3001, 3002, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3049 and 3050 of tract 030200) and Watts and the Borough of New Buffalo; all of Snyder County; and all of Union County.

(18) The Eighteenth District is composed of part of Allegheny County consisting of the Townships of Baldwin, Collier, Crescent, Elizabeth Wards 1, 2, 3, 4, 5, 6, 7 and 8, Findlay, Forward, Moon, Mount Lebanon, North Fayette, North Versailles Ward 3 (Divisions 1, Penn Hills Wards 3 (Divisions 1, 2, 3, 4 and 6), 4 (Divisions 1, 3, 4 and 5), 5, 6 (Divisions 2 and 5), 7 (Division 5), 8 (Divisions 1, 3, 4 and 6) and 9 (Divisions 1, 2, 3 and 4), Robinson Districts 1, 2, 4, 6, 7, 8 and 9, Scott, South Fayette, South Park, South Versailles, Upper St. Clair and Wilkins and the Boroughs of Baldwin Districts 6, 7, 8, 10, 14 and 17, Bethel Park, Brentwood Districts 1, 7 (all blocks except 2003, 2004, 2005, and 2010 of tract 478100), 8, 9 and 10, Bridgeville, Carnegie, Churchill, Crafton Ward 3 (Division 2), Dormont, Elizabeth, Green Tree, Heidelberg, Jefferson Hills, McDonald (Allegheny County portion), Monroeville Wards 1 (Divisions 2, 3 and 4), 2, 3 (Division 4), 4, 5, 6 and 7, Oakdale, Pennsbury Village, Pitcairn District 1, Pleasant Hills, Rosslyn Farms, Thornburg, Trafford (Allegheny County portion), West Elizabeth, White Oak and Whitehall; part of Washington County consisting of the Townships of Amwell, Blaine, Buffalo, Cecil, Chartiers Districts 1, 2, 4 and 6, Cross Creek, Donegal, East Finley, Hanover, Hopewell, Independence, Jefferson, Morris, Mount Pleasant, North Franklin, North Strabane Districts 1, 3, 4, 5 and 6, Nottingham, Peters, Robinson, Smith, South Franklin, South Strabane Districts 1 and 3 and West Finley and the Boroughs of Burgettstown, Canonsburg, Claysville, East Washington District 1, Green Hills, Houston, McDonald, Midway, West Alexander and

West Middletown; and part of Westmoreland County consisting of the Cities of Greensburg and Jeannette and the Townships of Cook, Donegal, East Huntingdon Districts Ruffsdale, Stoners and Whites, Fairfield, Hempfield Districts Alwine, Carbon, East Adamsburg, Eastview, Fort Allen, Foxhill, Gayville, Grapeville, Hannastown (only blocks 2003, 2004, 2009 and 2999 of tract 803800), Haydenville, High Park, Lincoln Heights, Lincoln Heights West, Maplewood, Middletown, New Stanton, North Carbon, Sibel, Todd, University, Valley, Weavers Old Stand, Wegley, Wendel Herm, West Hempfield and West Point, Ligonier, Mount Pleasant District Pleasant Valley, North Huntingdon, Penn, Salem Districts Five Points, New Salem, Steeles and Trees Mills, Sewickley Districts Rillton, West Herminie and Whyel, South Huntingdon Districts Hixon and South Huntingdon and Unity Districts Baggaley, Beatty, Dennison, Gravel Hill, Kuhns, Marguerite, Mutual, Pleasant Unity, Roble and Whitney and the Boroughs of Adamsburg, Arona, Donegal, Hunker, Irwin, Laurel Mountain, Ligonier, Madison, Manor, New Stanton, North Irwin, Penn, South Greensburg, Southwest Greensburg, Sutersville, Trafford (Westmoreland County portion), Youngstown and Youngwood.

(19) The Nineteenth District is composed of all of Adams County; part of Cumberland County consisting of the Townships of Cooke, Dickinson, Hampden Precincts 1 and 2, Hopewell, Lower Allen, Lower Frankford, Lower Mifflin, Middlesex, Monroe, North Middleton, North Newton, Penn, Shippensburg, Silver Spring, South Middleton, South Newton, Southampton, Upper Allen, Upper Frankford, Upper Mifflin and West Pennsboro and the Boroughs of Camp Hill, Carlisle, Lemoyne, Mechanicsburg, Mount Holly Springs, New Cumberland, Newburg, Newville, Shippensburg (Cumberland County portion), Shiremanstown (only blocks 3010, 3011, 3012, 3014, 3015, 3016, 3017 and 3018 of tract 011200) and Wormleysburg Precinct 1; and all of York County.

Section 2. First election.

(a) General rule.–The first election under this act shall be held at the primary election in the year 2002.

(b) Current officeholders.–The members of Congress now in office shall continue in the office until the expiration of their respective terms.

(c) Vacancies.–Vacancies now existing or happening after the passage of this act and before the commencement of the terms of the members elected at the election of 2002 shall be filled for the unexpired terms from the districts formerly prescribed by law.

Section 3. Missed political subdivision.

In the event any political subdivision or part thereof should be omitted in the description of the congressional districts, the political subdivision or part thereof shall be included as a part of the congressional district which completely surrounds it. Should any omitted political subdivision or part thereof be not completely surrounded by one congressional district, it shall become a part of that congressional district to which it is contiguous, or if there are two or more such contiguous districts, it shall become a part of that congressional district contiguous thereto which has the least population.

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting: 4

Amend Sec. 1, page 1, line 7, by striking out "a statute" and inserting: this act

Amend Sec. 1, page 1, line 8, by striking out "Congressional" and inserting: congressional

Amend Sec. 1, page 1, line 11, by striking out "Congressional" and inserting: congressional

Amend Sec. 1, page 1, line 11, by striking out "by the statute"

Amend Sec. 6, page 1, line 14, by striking out "2" and inserting: 5

Amend Sec. 2, page 1, line 16, by inserting after "all": congressional

Amend Sec. 2, page 1, line 16, by striking out "by the statute"

Amend Sec. 2, page 1, line 16, by inserting after "the" where it appears the second time: congressional

Amend Sec. 2, page 1, line 18, by inserting after "the" where it appears the second time: congressional

Amend Sec. 2, page 2, line 3, by striking out "Congressional and inserting: congressional

Amend Bill, page 2, by inserting between lines 3 and 4:

Section 6. Repeals and abrogation.

(a) Statutes.–All acts and parts of acts are repealed insofar as they are inconsistent with this act.

(b) Existing plan.–The existing State Congressional Redistricting Plan is abrogated.

Amend Sec. 3, page 2, line 4, by striking out "3" and inserting: 7

Amend Sec. 3, page 2, line 5, by striking out all of said line and inserting:

This act shall take effect as follows:

(1) Section 6(b) shall take effect November 6, 2002.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, amendment A4818 is a congressional redistricting plan for the Commonwealth of Pennsylvania.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, would the gentleman stand for brief interrogation?

Senator BRIGHTBILL. Mr. President, I will.

Senator MELLOW. Before that, Mr. President, I think this is an issue of such great importance that we should probably have as much order as possible in the Chamber.

The PRESIDENT. I ask that the Members kindly take all sidebar conversations off the floor.

Senator MELLOW. Mr. President, I just wondered, for the information of the Members on this side of the aisle, since it was after the hour of 5 o'clock this evening before we really had an opportunity to look at a map and to go through congressional reapportionment, and now we are being asked to vote on that same map that I am sure took many months to put together, in a period of just about 5 hours, if Senator Brightbill, the Majority Leader of the Senate, or the maker of the amendment or someone else would explain to us exactly what is encompassed or embodied in the amendment for congressional reapportionment.

Senator BRIGHTBILL. Mr. President, the amendment itself basically describes what will be 19 congressional districts in the Commonwealth of Pennsylvania. There is a deviation of about 11 or 12 persons per district, so there is virtually no district-by-district deviation, and I would suggest and make a part of this record that a color map has been distributed to all the Members. On the lower right-hand corner there is a notation on there, plan 515. That, by the way, is an arbitrary number, and the color map displays the Commonwealth and I think more accurately displays amendment A4818 than this speaker could through verbal articulation, other than perhaps actually reading the amendment, which I think if I did that would run great risk of putting the Membership to sleep. But all I can suggest is in terms of a picture is worth a thousand words, and I suggest that the Members look at the congressional redistricting map that

redistricting map that they have before them.

Senator MELLOW. Mr. President, could the gentleman explain to us or share with us if there is the creation of any new seats in the map that he has suggested, or proposed through amendment, or if there are any current seats where an incumbent member of the congressional delegation will be placed in the same district as another incumbent member of a congressional district, could he share with us any of that information in the maps that have been presented?

Senator BRIGHTBILL. Mr. President, I could.

The PRESIDENT. He says he can.

Senator MELLOW. Mr. President, well, let me then further ask him, will he?

The PRESIDENT. Will you?

Senator BRIGHTBILL. Mr. President, I will be happy to do that. If you reference the map, or the amendment itself, we could start with District 18, and District 18 is located in the southwest corner of this State. It is composed of portions of several counties, and at this time, to the best of my knowledge, there is not an incumbent Congressman living in that district.

In terms of districts that are depicted on this redistricting plan that would perhaps contain two residences of incumbent Congressmen, I would note first off that a person does not actually have to reside in a district to run in that district, as I understand the law. But if we start with District 12, my understanding is that Congressman Mascara and Congressman Murtha both reside in what has been designated District 12. If we go to District 6, my understanding is that Congressman Kanjorski and Congressman Holden both reside in District 6. If we go to District 13, my understanding is that Congressman Borski and Congressman Hoeffel both reside in District 13. And if we go to District 14, my understanding is that Congressman Coyne and Congressman Doyle both reside in that district.

Senator MELLOW. Mr. President, can the gentleman then share with us what new districts have been created and what those new district numbers are?

Senator BRIGHTBILL. Mr. President, I think I indicated that would be District 18.

Senator MELLOW. Mr. President, is there only one new district created in this map?

Senator BRIGHTBILL. Mr. President, my staff has advised me that I missed one. Not insignificant, of course, District 3 is also a new district.

Senator MELLOW. All right, Mr. President, just so we understand, for the purpose of discussion, based on what Senator Brightbill has indicated to us, there are four current districts, eight current Congressmen who represent four current districts have been pitted against one another. From what I understand the gentleman is saying is that Congressman Doyle, if I marked it correctly, is in the same district as Congressman Coyne, two Democrats; that Congressman Murtha, the dean of the delegation, has been put in the same congressional district as Congressman Mascara; that Congressman Kanjorski has been put in the same congressional district as Congressman Holden; and that Congressman Borski has been put in the same congressional district as Congressman Hoeffel. And that, furthermore, two new districts have been created, the 3rd Congressional District and the 18th Congressional District. Is that correct?

Senator BRIGHTBILL. Mr. President, except to say that District 3 was a district that pretty much was eliminated 10 years ago in redistricting, so one could consider that a restoration of a prior existing district from a decade ago.

Senator MELLOW. Mr. President, I thank the gentleman, but just for final clarification before I would like to be recognized to speak on the plan is that the new districts that would be created are District 18 in western Pennsylvania -- excuse me, Mr. President, District 14 in western Pennsylvania. No, I was right the first time, District 18 in western Pennsylvania--

Senator BRIGHTBILL. You are always right, Senator Mellow.

Senator MELLOW. --and District 3 in southeastern Pennsylvania.

The PRESIDENT. I think he has agreed with that.

Senator MELLOW. Mr. President, he told me I was always right before I expressed what my concern was.

Senator BRIGHTBILL. Mr. President, if I appeared flip, I apologize to Senator Mellow.

Senator MELLOW. It is too early for apologies. Thank you, Senator.

Mr. President, may I be recognized on the plan?

The PRESIDENT. You have the floor, Senator.

Senator MELLOW. Mr. President, it has been rather difficult for Members on this side of the aisle, because of the lack of information that has been shared with us until late this afternoon, to try to be able to draw some conclusion as to the amendment that has been offered by Senator Brightbill. But, Mr. President, I can only make some observations as to the way we have been able to go through the amendment and discuss it with our Caucus.

Mr. President, it does appear, to us at least, that to begin with, in western Pennsylvania, the congressional district that is currently being held by both Congressman Doyle and Congressman Coyne, the 14th District and the 18 District, respectively, have been combined into one district. That district, Mr. President, it appears will be known as the 14th District and will encompass all of the city of Pittsburgh and some of the surrounding communities in Allegheny County. With the creation of the 14th District, Mr. President, where there are two incumbents currently located in that district, there has now also been the creation of a new congressional district where there is no incumbent in that district, and that would be known as the 18th Congressional District. And it would appear, at least from being able to analyze what has happened in the 18th Congressional District, is that perhaps that district, which would be a new district, would be an area where a Member of this body, or at least a Member of the General Assembly, may in fact want to aspire for a new office, a new congressional district, because it does appear that at least one Member, Senator Tim Murphy, does live in that congressional district.

Mr. President, it also appears, from our observation, that the 11th Congressional District, which currently is the district that is held by Congressman Kanjorski, has now been moved out to

the northwestern part of the Commonwealth, and that has been encompassed now into the district which was the 21st District held by Congressman English, and that district, with the exception of changing the name, has added some constituents to what seems to be, for the most part, held in whole. It also appears, Mr. President, that a former Member of this body, Senator Peterson, who is now Congressman Peterson, who represents what now will be the 5th Congressional District and was the 5th Congressional District will stay about the same. Now, that district has been represented by Congressman Peterson, who was a Republican Member of this Chamber.

Then, Mr. President, it appears that one of the very important changes in this congressional map takes place, and that is the combining of the 12th District, the current 12th Congressional District, and the current 20th Congressional District, one being held by Congressman John Murtha and the other one being held by Congressman Mascara, are being combined, which means that there will be two Democrats who will be combined into a new district that will be established as the 12th Congressional District. Keep in mind, Mr. President, one of those Democrats is the dean of the Pennsylvania delegation and has a tremendous amount of seniority within the Congress of the United States. So, to this point, Mr. President, the 14th and the 18th Congressional Districts, both held currently by Democrats, have been combined and one seat has been eliminated by forming a new seat in the 18th District and the formulation of the 14th Congressional District, where Congressman Doyle lives.

Now, Mr. President, we go down further, after the combination of the Murtha-Mascara district, and we now come into the 9th Congressional District and that 9th District really maintains the same number and the same status thereabout, and that is held by a Republican, Congressman Shuster, who was elected this past year in a special election, and then we have the 19th Congressional District, which currently will be the same district under this plan that is being held by Congressman Platts. That district does not change appreciably.

There is a change, from the best we can see in this short period of time, in the 16th Congressional District. That congressional district has been held by Congressman Pitts. It will be the same congressional district, but the boundaries will change, Mr. President. It will come from being a district that Congressman Pitts has coming out of Chester, to a district that basically has moved to Lancaster, which I understand now is the home of Congressman Pitts, and that he has relocated his home from when he first ran for Congress, which I guess means currently that he does not live in the congressional district that he currently represents, but with the changing of this map the seat will be moved so that it will include the home in which the Congressman lives today.

Then, Mr. President, we have the 17th Congressional District, and that is a district held by Congressman Gekas. Now, Congressman Gekas, a Republican, also at one time was a Member of this Pennsylvania State Senate, and the district that he represents currently, the 17th District, is in central Pennsylvania. But based on the map that has been submitted to us, Congressman Gekas' district will go from Dauphin County and Snyder County all the way up to suburban Wilkes-Barre into Luzerne County, a rather large district for Congressman Gekas to represent, because he would significantly travel to the east in Pennsylvania.

Then, Mr. President, we have the 10th Congressional District where I live. Now, the 10th Congressional District currently covers much of the rural territory of Pennsylvania, and agriculture being the number one industry in this great State of ours, it is probably a good thing. And it also would cover all of Lackawanna County, including the city of Scranton, Mr. President. Under this plan, the congressional district that I come from that is currently being represented by Congressman Don Sherwood would no longer represent a major portion of the city of Scranton, and it also would eliminate from that district in Lackawanna County the communities of Dunmore, Taylor, and the borough of Moosic. Quite disturbing, when you consider that all I have read in the newspapers in the last week and a half is that Congressman Sherwood was very strong in the indication, although he did not talk to me personally, that he wanted to maintain his representation of Lackawanna County in his congressional district and conveyed that here in Harrisburg and felt that that would be the district he would represent.

Mr. President, in addition to the other districts that have been consolidated, the 14th and the 18th with two Democrats, the 12th and the 20th with Congressman Murtha and Congressman Mascara, we now have the 6th Congressional District. The 6th Congressional District, Mr. President, is a district that would be actually a new district. It will consolidate the current districts that are held by Congressman Kanjorski, which is currently the 11th Congressional District, and Congressman Tim Holden out of Schuylkill County, the 6th Congressional District.

Mr. President, what this does is wreaks havoc on the people of a certain part of the Commonwealth, because in the consolidation of those two districts into one congressional district, it takes in four cities of the third class, and it takes in part of the city of Scranton, a second class-A city. So this congressional district, Mr. President, will go from the southern part of Berks County right up into Lackawanna County to include the city of Scranton. It would take the city of Reading, the city of Wilkes-Barre, the city of Scranton, the city of Hazleton, and the city of Pottsville, Mr. President, four third-class cities and one city that is a second class-A. It would also place three members of the Congress representing Luzerne County. They would include the current Congressman Gekas, the survivor of whoever would take the 6th District, either Kanjorski or Holden, and, of course, the 10th Congressional Congressman, Congressman Sherwood.

Mr. President, the 15th Congressional District is being held today by Congressman Toomey, and that district really does not change much except it adds another part of Monroe County into that district. Now that district, Mr. President, also is being held by Republican Congressman Toomey, and it seems to have preserved the integrity of the district which he currently has, except to add additional people.

Mr. President, the 8th Congressional District is a district that is held currently by another former Member of this body, and that would be Congressman Jim Greenwood, who was Senator Jim Greenwood. And this plan, again, preserves the integrity of

that district for Congressman Greenwood much the way it is today. However, Mr. President, there is a new district that is created, which was mentioned by Senator Brightbill, and that is the 3rd Congressional District. Mr. President, the 3rd Congressional District is a district that was done away with, as was stated, 10 years ago, for whatever the reasons were, by the court. It is kind of amazing that there is also in that new district a Member of this body who is a current Member of the State Senate, who is a very distinguished individual, Senator Gerlach, who resides within that district. And I would just have to wonder if this plan passes, if perhaps some of the individuals that we have mentioned here before on the floor of this Senate may not in fact have districts that have been created so that they could run in those districts.

Mr. President, the most disturbing part of this plan for me and for other Members of our Caucus is what has taken place in the new district of the 13th Congressional District. The 13th Congressional District combines two more Democrats. Now, that would make four congressional districts that have been combined, totaling eight Democratic members of the Congress, some of which have a tremendous amount of seniority, into four congressional districts. Now, Mr. President, the new 13th Congressional District would combine Congressman Hoeffel and Congressman Borski. The disturbing part of the combination of this district, in addition to the fact that this would be the fourth congressional district that would combine only Democrats, is that Montgomery County, with some 750,000-plus people, will not have their own Congressman to exclusively represent Montgomery County. Montgomery County, based on this plan, would have six Congressmen representing those 750,000 people, instead of doing the appropriate thing and having only one Congressman representing those people. Mr. President, the congressional districts that would be represented within that 13th Congressional District, those Congress people who would represent in those districts, would include Congressman Toomey, Congressman Greenwood, Congressman Hoeffel, a new Congressman in the 3rd Congressional District, Congressman Weldon, and Congressman Fattah. It is extremely possible that with the influence of the city of Philadelphia on that district, that Montgomery County would, in fact, not have a resident of that county representing a majority part of Montgomery County, and I find that, Mr. President, to be reprehensible.

Mr. President, the 7th Congressional District is represented currently by Congressman Weldon, a Republican, and his district in this plan would not change.

Mr. President, there are three more districts, and people are going to have to bear with me because this is very important dialogue that must take place, because it is going to draft and design the congressional delegation in Pennsylvania for the next 10 years, and we cannot have 10 minutes of debate and 10 minutes of discussion on what is going to happen in the next 10 years in Pennsylvania.

Mr. President, the 2nd Congressional District, which is currently represented by a former Member of this body, a Democrat by the name of former Senator Chaka Fattah, Congressman Fattah, basically stays intact. It gives us a plan that we can see of about 56 percent of the district would be represented by African-Americans. About 51 percent of that particular district, Mr. President, would be African-Americans above the age of 18 that could have an impact on the vote in that district. I do not know if there is any question about the voting rights, but it is certainly something that has to be taken into consideration. Also part of that district would have 2.3 percent of those individuals in that district over the age of 18 of voting age who are Latino.

The 1st Congressional District, also in Philadelphia, would be represented by the same individual who represents them today, and that would be Congressman Brady. It would also be the 1st Congressional District, 49 percent of that district, Mr. President, would be represented by African-Americans who are of voting age, 18 years of age or older, and 13.4 percent of that district, Mr. President, would be represented by Latinos who are of voting age. Mr. President, once again, whether that impacts at all the voting rights of the people of Pennsylvania and the people of those congressional districts and of the African-American and Latino-American people of Pennsylvania is not to be determined by me but to be determined probably by some court.

And then, Mr. President, you have another seat, the 4th Congressional District, which is currently being represented by Congressman, former Senator, Melissa Hart, who served in this body as a Republican Member of the Senate and a Republican member of Congress, Mr. President, and that district has, to a certain extent, been changed, but there is no incumbent placed in that district to fight with another incumbent.

Mr. President, what we find to be so unfortunate about the plan is, first of all, there was no dialogue and there was no input on the part of the Democratic Members of the Senate with regard to the district in which they are represented in this map.

Secondly, Mr. President, there are two new seats that have been created, congressional districts, Mr. President, that have been created in this map. The 3rd Congressional District, which was stated before, and the 18th Congressional District. And, Mr. President, it only seems to be coincidental that there are Members of this body who reside in both of those seats, and I am not stating for fact that they will be a candidate for those congressional districts, but I think there is an excellent chance that if this plan becomes law, at least two Members of this body will become candidates for the newly-created congressional districts.

Mr. President, what is most offensive, in addition to the combination of what has taken place in Montgomery County and in the 6th Congressional District and putting Congressman Murtha against Congressman Mascara, is why four districts impacting eight Democratic members of the congressional delegation are being put together so that those individuals must run against one another at the expense of someone else. Mr. President, on a quick blush of what has happened, it appears to us that in the plan that has been submitted by the Republicans here on the floor of this Senate this evening, there are nine solid iron-clad Republican districts that have been carved out of this plan. The way we look at it, Mr. President would be the 3rd

District, the 5th District, the 7th, 8th, 9th, 10th, 16th, 17th, and the 19th Districts, Mr. President, would be almost impossible for a Democrat to win the seat because the way the numbers are stacked, those would be districts that probably would not be competitive. It appears that there are four districts for the Democrats, Mr. President, that probably would not be competitive, and those districts would be the 1st and the 2nd in Philadelphia, the 12th and the 14th. And it appears, Mr. President, there will be six districts that would be competitive. But of those six districts, Mr. President, three of them today have incumbent Republican members of Congress who probably would run for reelection and I think would have a good chance of being reelected.

The combination of these individuals is at great risk. It is at great risk to the people of the Commonwealth of Pennsylvania, not to the politicians who are here this evening making their speeches or who will make their speeches, and not to the politicians who drafted these maps to the certain point of gerrymandering to benefit one political party over another, to put the people of Pennsylvania potentially at great deficit and at great harm's way in dealing with what is happening in our nation's capital. If you will, Mr. President, I would like to cite just a couple.

First of all, Congressman Borski, who is going to be put in the position of having to run against Congressman Hoeffel, if they both want to stay as members of Congress, he is the ranking member on the Transportation Committee in Congress. There is probably nothing more important in Pennsylvania than the condition of our highways and the condition of our roads and the condition of our bridges. It was only a few years ago, Mr. President, that then Governor Tom Ridge pushed through this body an increase in the gasoline tax and an increase in automobile registration to pay for construction of new roads, which I guess the majority of the Members of this body, on a bipartisan basis, felt was necessary and passed. Mr. President, it combines Congressman Murtha with Congressman Mascara. Now Congressman Murtha serves on the Appropriations Committee and the Military Affairs Committee. He has been a member of Congress since 1974 with a tremendous amount of seniority and widely respected nationwide as an individual who knows how to get the job done and best represents his constituency in the Congress of the United States. In fact, he is so well thought of in the Congress and in this Senate that when public hearings were held last week, at least one Member of this Senate testified on his behalf, and at least one person who serves as a member of the Republican National Committee testified on his behalf and said what a great fellow he was and what an outstanding job he does in Congress, and we concur with that, Mr. President. And if for some reason he would lose his congressional seat, we would lose a seat on the Appropriations Committee in Pennsylvania, and we would lose a seat on the Military Affairs Committee in Pennsylvania, and knowing what is taking place in this great country of ours today with the fight on terrorism, the battle that is happening in Afghanistan, what does that mean to the people of Pennsylvania and how they are represented?

What does it mean if we lose Congressman Borski in the Congress of the United States with his position on the Transportation Committee with regard to the highway network in Pennsylvania? Congressman Kanjorski, elected to the Congress in 1984, is on the Government Reform and Oversight Committee, something that is very, very important, and the Banking and Finance Committee. Once again, if we lose the seniority of these three individuals, there is no way that a person just elected to the Congress of the United States is going to have this kind of seniority to be able sit on these particular committees.

And, Mr. President, farming and agriculture is the number one industry in Pennsylvania. The only member of the Pennsylvania delegation on the Agriculture Committee is Congressman Holden. The plan that has been submitted for us to consider tonight at 11 o'clock in the evening would put Congressman Holden against Congressman Kanjorski, which means if they run against one another, we are either going to lose the Agriculture Committee, because Congressman Holden is the only member of the Pennsylvania delegation on the Agriculture Committee, or we are going to lose the Banking and Finance Committee, or we are going to lose the Government Reform and Oversight Committee with this particular proposal.

Mr. President, it is very unfortunate that other than the State of Michigan, who before tonight had the dubious distinction of combining six congressional districts into three, their plan combined six members of the Congress in the State of Michigan who are all Democrats into three congressional districts. We now in Pennsylvania have the dubious distinction of one-upping the State of Michigan, because if this plan is adopted here this evening, Mr. President, what it does is puts four congressional districts or eight members of Congress against one another. So we will have the shameless responsibility of passing Michigan as the State that has put more incumbent members of Congress running against one another than any other State in the United States.

Mr. President, nowhere beyond our wildest imagination did we believe that this type of massacre would take place tonight on the people of Pennsylvania. Mr. President, the shameless work that is being done here this evening at the expense of political ambition cannot happen without many of us talking about it and letting the people of Pennsylvania know just exactly what is happening. Does it try to destroy the two-party system in Pennsylvania as it appears today within our congressional delegation? I do not think there is any question about that. But I guess maybe the only people who really care are the politicians who are interested in check and balance. Does it undermine all that is respectable by eliminating some very important members of Congress with a tremendous amount of seniority? I do not think there is any question about that. Are we put in a position, Mr. President, where today, as we currently talk, there are 21 members of the Congress, there are 11 Republicans and 10 Democrats, and because of a shifting of population and not on a loss in Pennsylvania we must go from 21 members of Congress down to 19 members of Congress, do we have any control over that?

We do not, Mr. President, but we do have control over establishing those who represent the people of Pennsylvania in

Congress and do it in as much of a bipartisan way and nonpartisan way as possible. This plan, Mr. President, almost guarantees that the congressional delegation will be made up of 13 Republicans and 6 Democrats. It completely ignores the fact that in Pennsylvania, the Republican Party in Pennsylvania, based on registration, is the minority party. There are approximately 450,000 more people who are registered to vote Democratic in Pennsylvania than there are registered to vote Republican, yet this does not take any of that into consideration, and it creates two new congressional seats for individuals who have political ambitions that they would like to serve in the Congress of the United States.

Mr. President, it is very difficult this evening to be able to stand here and defend something that is indefensible. The plan shatters Montgomery County. It places six members of Congress representing a county of 750,000 people. It is impractical and it is foolish, but if the Majority party has its way tonight, it is going to happen. Mr. President, in western Pennsylvania it is laughable and it is ludicrous, because it has one district newly created, the 18th District, that goes from the Ohio border all the way to Ligonier, Mr. President. It is a large area which must be covered, and there is no reason why a district of that size, Mr. President, must be represented in the Pennsylvania congressional delegation. It destroys the integrity of the city that I represent, and that is the city of Scranton, because it takes the city of Scranton and puts a major part of the city of Scranton in a district other than the district it has today and it splits the city of Scranton. Mr. President, it intentionally skews the Democratic vote in Lackawanna County and in the city of Scranton. And if you look at the map and if you take the map of that particular district, which, if people can see the map, I will show it to you even better on here, but I do not know if it can be seen, the yellow part of the map is Lackawanna County that would be represented by the 6th Congressional District, Mr. President. Let me do it this way so we have it the right way. The yellow part of the map is represented by the new 6th Congressional District. The white part of the map is the part of the map that would be currently represented by Congressman Sherwood, the current member of Congress representing Lackawanna County and the city of Scranton. And it goes so far that there are two churches that split the congressional district. And if you go to church and you are happy with one Congressman, you can sit on one side of the church and be in one congressional district, and if you are upset with that Congressman, you can sit on the other side of the church and be in another congressional district. It is absolutely amazing what is taking place with that particular map.

Mr. President, we are very upset about the lack of opportunity to present what we think would be important issues into this particular map. Mr. President, we feel that millions and millions of voters in Pennsylvania, based on this map, will be disenfranchised. And I do not think there has ever been a clear indication to the people of Pennsylvania that when you have one party control in the General Assembly, when you have one party control in the Senate, when you have one party control in the House of Representatives, and you have the same party controlling the Chief Executive Office, that absolute power will corrupt absolutely. And I only hope and pray that of the 29 Republican Members in this body, that you will realize that this is a map that is not in the best interest of all the people of Pennsylvania. It may be in the best interests of those who want to run in two new seats; it may be in the best interest of the Republican Party in Pennsylvania. This is not in the best interest of the people of northeastern Pennsylvania, it is not in the best interest of the people of western Pennsylvania where we are going to put Congressman Murtha against Congressman Mascara, it is not in the best interest of the people of southeastern Pennsylvania, and for those of you who represent Montgomery County, because you are giving in to dividing your county of 750,000 people to be represented not by one full member of Congress, which they easily can have, but by six members of Congress.

Mr. President, this is nothing more than a political document, and I would urge, on a bipartisan basis, let us deny the passage of this amendment tonight, let us get back to work tomorrow in a bipartisan way, let us try to work together to give the people of Pennsylvania what they deserve for the next 10 years by properly coming up with a reapportionment plan for the congressional delegation of Pennsylvania.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I would just like to correct the record. Would Senator Thompson stand for interrogation?

The PRESIDENT. It appears he will.

Senator BRIGHTBILL. Mr. President, the gentleman currently represents what area of the State?

Senator THOMPSON. Mr. President, Chester County.

Senator BRIGHTBILL. Mr. President, and prior to serving in the Pennsylvania Senate, what elected position did the gentleman hold in Chester County?

Senator THOMPSON. Mr, President, county commissioner.

Senator BRIGHTBILL. Mr. President, is the gentleman familiar with the county and its municipalities?

Senator THOMPSON. Mr. President, I think so.

Senator BRIGHTBILL. Mr. President, does the gentleman know Congressman Pitts?

Senator THOMPSON. Yes, Mr. President.

Senator BRIGHTBILL. Mr. President, has the gentleman been to his home?

Senator THOMPSON. Yes, Mr. President.

Senator BRIGHTBILL. Mr. President, does the gentleman know who built his home?

Senator THOMPSON. Mr. President, he did it himself.

Senator BRIGHTBILL. Mr. President, does the gentleman know what municipality his home is in?

Senator THOMPSON. Mr. President, East Marlborough Township.

Senator BRIGHTBILL. Mr. President, does the gentleman know what congressional district his home is currently in?

Senator THOMPSON. Mr. President, the district that he now represents.

Senator BRIGHTBILL. Mr. President, has the gentleman

examined the congressional redistricting map and amendment A4818 which is before the Senate at this time?

Senator THOMPSON. Mr. President, he is still in that same district.

Senator BRIGHTBILL. Mr. President, has the gentleman examined them?

Senator THOMPSON. Yes, Mr. President.

Senator BRIGHTBILL. Mr. President, as a result of that examination, has the gentleman been able to conclude whether or not Congressman Pitts is located within the 16th Congressional District as proposed tonight?

Senator THOMPSON. He is, Mr. President.

Senator BRIGHTBILL. Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, a couple of comments. The 6th Congressional District as proposed also includes Nanticoke and Pittston, which means that it is seven cities. In the area drawn for the 13th Congressional District there is a larger population in Montgomery County than in Philadelphia County, and therefore Montgomery County would control that district.

In terms of the discussion on the minority influence, I agree with the gentleman that ultimately a court will determine whether or not we have hit that legal target. I would suggest, however, that what has occurred in Pennsylvania is what is commonly referred to by people who do this a lot as involuntary retrogression, and what that means is that the congressional districts have grown faster than the minority population, and we believe that amendment A4818, nevertheless, hits the target of providing appropriate representation.

The gentleman made reference to dialogue. Myself, I know that the President pro tempore, I know that many Members of this Caucus, I know that many members of the staff, have had dialogues with every Congressman. Not all of us with every one, but I cannot think of a Congressman who has not somehow or other, if not directly, indirectly through another party, had some kind of dialogue as to what they were interested in during this process.

I would note that Congressional District 3, as proposed, reflects the population surge in the southeastern and central Pennsylvania portions of our State, and the 18th Congressional District reflects changes in voting patterns that are occurring in the southwestern portion of our State.

Mr. President, we believe that the gentleman's concern for Representative Borski is well-taken, and we believe that as presently proposed, the 13th District could well be won by Representative Borski, and we believe that the gentleman's concern for Representative Murtha is also well-taken, and we believe that he would prevail in the 12th District. This district is made even more Democratic than the current district served by Representative Murtha.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I will be brief. Only 3 days ago we commemorated the 60th anniversary of the sneak attack on Pearl Harbor. Tonight, we are faced with a sneak Monday night massacre that sacrifices Democrats and the people of Pennsylvania on the altar of political greed. What we are being asked to do, and what we are very likely going to do if the Republican Members do not stand up to their leadership, is going to be blatantly partisan and very unfair. Whatever happened to all that happy talk about the need for bipartisan cooperation in this legislature? Once again, the Majority is asking us to vote in the middle of the night, 11:10 p.m., on a plan that has never seen the light of day, nor ever been discussed with any Democratic Senator. The Republican leadership is prepared to again use the brute force of their Majority to shove a contrived and convoluted plan down the throats of an unsuspecting public. This time they are marching to the orders of a national party that talks about State's rights but is eager to turn Pennsylvania inside out, upside down, and every which way they can, just to gain a stronger hold on Congress.

No one who looks at this plan can have any doubts. It has only one goal, to put as many Republican Members in Congress as possible, probably 13 or 14 Republicans, and only 6 or 5 Democrats from Pennsylvania. While almost 500,000 more Pennsylvanians regard themselves as Democrats than Republicans, and despite the fact that many years of very important seniority and experience will go into the garbage can when eight Democratic Congressmen are jammed into four districts, we are asked to vote on a plan that so disfigures the interests of Pennsylvanians of the Commonwealth and of its communities that the term "gerrymander" would be a compliment to this monstrosity.

In Congress, seniority means power. Under this plan, Pennsylvanians will sacrifice their clout in Congress for partisan political advantage of a national political party that cares very little for the needs of older industrial States like Pennsylvania. The 2000 census has dictated that Pennsylvania must lose two seats, and now the Washington, D.C., Republican bosses have dictated that we will suffer even more in political clout. For example, as has been mentioned, Congressman Murtha not only serves on the powerful House Appropriations Committee, but is the ranking Democrat on the Defense Subcommittee. Congressman Kanjorski serves on the House Banking and Finance Services Committee. Congressman Borski is the ranking member of the Transportation and Infrastructure Committee. And, by the way, in response to the gentleman's last comments, if Congressman Borski wins that seat, that leaves Montgomery County without any Congressman. Congressman Holden is the only Pennsylvania member of Congress on the Agriculture Committee, our number one industry.

The only problem under this plan, is that these men are Democrats. And speaking of our Congressman, Tim Holden, the Senate Democratic plan, which we will be offering shortly, preserves the 6th Congressional District intact, essentially the way it has been for the last 40 years. The Republican plan splits Berks County, one of the largest and fastest growing counties in the State, in two, weakening Berks County's influence in the halls of Congress and making the needs of Reading compete for

Federal funding with the cities of Scranton, Wilkes-Barre, and Hazleton. Instead of considering communities of interest and fair representation of people, this plan puts the accumulation of partisan political power ahead of Pennsylvania's interests. As I said, a true Monday night massacre.

This proposal well may pass, Mr. President, but it will be to the shame of the General Assembly and to the detriment of Pennsylvania and its residents. When more and more people refuse to vote because they think their voices do not count, they will be right. Their cynicism about the political process will be reinforced by your actions tonight.

THE PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, Lieutenant Governor, Senator, and my friend, a few hours ago I was speaking to the Chair and he looked me in the eye and said he did not understand why Congressman Murtha could be so upset about his district. After all, it is going to be 66 percent Democratic. Mr. President, if this was happening in the Chair's congressional district, he would be jumping up and down like Rumpelstiltskin. This district takes a congressional district with an epicenter in Cambria County and moves it in two directions, west, a little sliver into Westmoreland and Indiana, and into Westmoreland again and into Armstrong, and then south, a little sliver through Somerset, a little piece through Fayette, a little thicker in Fayette, into Greene, and into Washington County. There is an old saying, you dance with the girl that brung you, and if you look at this congressional district, it is going to be extremely difficult to represent any one of those particular areas.

The two previous speakers talked about the statewide ramifications. We have eight Democrats vying for four seats. We have no Republicans vying against each one. The French have a term called "noblesse oblige." It was used back in the medieval ages. It meant that the nobles had a responsibility for those underneath them. They were to take care of them. In a sense, the Republican Party, who has control of the Senate, the House, and the administration should be evenhanded and not heavy-handed. This entire structure has been set up to try to make this State extremely lopsided at the expense of its constituency. If the 12th Congressional District moves in the direction that the Republican Party would like it, there are going to be a lot of red-headed stepsisters and stepdaughters in this situation. You cannot represent eight counties by having small pieces of them.

For the folks at home, you cannot see this map very well, but any reasonable human being would say that this is wrong. What we are attempting to do is strike a balance to get the numbers, and I understand how it all operates. But this is ludicrous, and it is outrageous to try to make an attempt to crunch the numbers and couch it behind, but look how well we are making it Democratic. Every other district you try to keep everything condensed, the Senate districts, the House districts. If you look at the map very closely, many of the municipalities are split between different congressional districts, and I am sure that the courts of Pennsylvania will not accept such a proposal. I understand it is easier to vote the party line on issues like this, but for once I would appreciate perhaps if Members of the other side of the aisle, many who have communicated to their leadership that they would like to see differences, some have even put it on paper and have gone public about it, that we take this map and redo it. It is tough to get to West Virginia through Cambria, Somerset, Fayette, and Greene, a distance of over 100 miles. You are not doing anybody a favor in west central Pennsylvania. If you look at the political dynamics of our State, two urban centers by sheer population have tremendous political clout. West central Pennsylvania has been able to develop a rapport in Washington because of seniority and because of the ability to send Congressmen back by those areas over and over and over again. By using this map, west central Pennsylvania is going to lose a powerful influence, maybe not immediately, but eventually, and that is not going to serve the rural population of that area well.

I am asking tonight that you deny your vote as a party line, get out from underneath your mother's skirt and vote your conscience. You know what is right, you know what is wrong; you know that this is hardball politics and an even hand would be a lot more fair. I know there is a lot of journey left on this, I do not know what the final analysis would be, but I do believe that we need to go back to the drawing board and try to resurrect a more evenhanded plan for the good of not just the Republicans, not just the Democrats, but for the people that all of us serve, and that is the people of this Commonwealth.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, will the Majority Leader submit to brief interrogation.

Senator BRIGHTBILL. Kindly, yes. Happily.

The PRESIDENT. He will.

Senator RHOADES. Mr. President, first, I am not going to ask him if he can draw me a congressional seat, I am not after that.

Senator BRIGHTBILL. Mr. President, the leader is aware of that.

Senator RHOADES. Mr. President, the second point, when I look at these seats, I am satisfied that Schuylkill is whole and that Carbon is whole. I am upset, though, with the way the 6th Congressional District is put together. I am not happy with the configuration of the numbers. The process we are at in terms of amending this bill, is this going to be the final vote that we will have on this bill, or is this part of the process where it will go to the House, be amended there, and then return to us for another vote?

Senator BRIGHTBILL. Mr. President, my belief is that there are two options that can occur here. The House can pass this as is, in which case it would go to the Governor, and if he signed it, this would become the law. The other alternative is that the House would amend this, in which case it would then come back to us for a vote. It is difficult for me to make a judgment based upon my 19 years of experience in the General Assembly, and I would say that it is just as likely that this will come back to us as it is and it would go to the Governor. It is a different political dynamic in the House of Representatives, and because of that,

there is a substantial possibility that this could in fact be amended, in which case it would come back here.

Senator RHOADES. Mr. President, then I have to understand that we may get a second bite at the apple.

Senator BRIGHTBILL. Mr. President, judging from past experiences, we may get a couple of apples.

Senator RHOADES. Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President. I rise this evening to oppose the Republican amendment to the congressional redistricting plan for the Commonwealth of Pennsylvania. Now, I will not stand before this body and say I fully understand the impact on all 67 counties, but I think I can speak for the counties of southwestern Pennsylvania which I represent, Washington and Greene Counties.

Things have changed over the years. I remember in 1971, the first redistricting plan that some of us in this Chamber participated in. As a freshman House Member, I remember getting a letter from then Congressman Dr. Morgan, who was the dean of the Pennsylvania delegation, a senior Democrat, and his Republican counterpart, a one-page letter on the redistricting plan. Two people signed it, and that was the plan we adopted. There was a fairness in trying to get a congressional plan in 1971 that met the needs, the concerns of the Commonwealth of Pennsylvania. Now we are into a plan now before us that is really unfair to many of the areas of this Commonwealth that have been outlined this evening.

What we are seeing happening in the Republicans' desire to create the 18th District in Allegheny County, Allegheny's population is 1.2 million, and we need 647,000 in a congressional district as a result of the year 2000 census, that would mean Allegheny County should be entitled to two members of Congress, but the Republicans are trying to grab three seats, and the seat they are creating in the 18th District feeds off Washington County and Westmoreland County to get the necessary population to give Allegheny County three members of Congress, and that is unfair to the other counties of southwestern Pennsylvania. We have, over the years, since the dawn of the last century, Washington, Greene, and Fayette Counties have been part of the same congressional district, where they have communities of interest in that region. The people, the demographics, the economics, and the employment patterns, these people need to be represented, not by this plan that is presented before us this evening.

A previous speaker outlined going from Cambria County, Johnstown, clear down through Indiana and Westmoreland Counties and clear into Fayette County and down into Washington and Greene Counties to get the necessary people, and this is unfair. Washington County has been butchered, cut in half, 101,000 in the 12th District and in the 18th District, 101,000. So they weakened and separated Washington County, which is not in the best interest of Washington County, and isolating the people in those districts is grossly unfair. I think what we need to do is come up with a new plan, a fair plan that would represent the needs of the Commonwealth of Pennsylvania, not being put on an altar and sacrificing the representation of the people of this Commonwealth, whether it be Democrats or Republicans, to unfairly structure a system that is unfair to their future needs.

I remember in 1974, the previous speakers have talked about Jack Murtha. He was a State House Member in 1974, after the Watergate resignation of President Nixon, he ran for Congress in 1974 and has been serving in Congress with distinction over these years. The other Congressman who will be put in that district, Frank Mascara, has served since 1994 as a member of Congress with distinction from Washington County and is currently one of the senior people on the Transportation Committee in the House. His district is going to be cut in half and put in a district with Jack Murtha, which would weaken southwestern Pennsylvania.

So I urge the Members to wake up and see the light, what is really happening here this evening, how we are being discriminated against. We have tried to have input into this plan and we have been denied that. I think we need to reject the amendment this evening and come up with a fair plan to redistrict the congressional districts of Pennsylvania. So I urge the Members to oppose the amendments before this body.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Constance Williams.

Senator C. WILLIAMS. Mr. President, as there is absolutely nothing good to say about the Republican reapportionment plan before us tonight, I begin by expressing my gratitude that at least there is nothing really bad to say with regard to that portion of my constituency who is in Delaware County. At least they have been spared a sense of loss and confusion. That cannot be said with regard to most of the citizens I represent, and I rise tonight to express my outrage over the disrespect shown to Montgomery County and to the Republicans and Democrats who live there. Senate Republicans want to divide it in order to conquer it. It is bad enough that a county of three-quarters of a million people should be splintered into six shards, but to do so in order to wield raw political power is reprehensible.

Now to ensure that Montgomery County's interests are represented in Congress, it will take six times the effort, six times the hours, six times the money, and no one, not one of the six representatives, will have anything resembling a mandate to put the needs of Montgomery County first.

Mr. President, Montgomery County has been represented by one member of Congress since the first Congress in 1789. The first Speaker of the United States House of Representatives was from Montgomery County, Frederick Muhlenberg. For more than two centuries, the people of Montgomery County have spoken with one strong, proud voice, but Senate Republicans have chosen to turn a deaf ear to that voice. They have chosen to silence the voice by ripping our communities apart. They have not listened to the thousands of voices, both Republicans and Democrats, who have spoken loud and clear. It is a disgrace.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I also rise this evening to speak in regard to Senate Bill No. 1200. As the Chair and everyone in this Chamber knows, this legislation is reapportionment, and our discussion and our vote in regard to this legislation is vital, absolutely vital to the future of Pennsylvania. Mr. President, we all know in this Chamber what I am going to say, but maybe the listening audience does not.

Every 10 years, we vote on congressional reapportionment. So in a 10-year period, we only get one vote, one single vote, and in that 10 years, Mr. President, we vote on ten budgets, we vote on hundreds of educational pieces of legislation, hundreds of pieces of transportation legislation, various economic development pieces of legislation, literally thousands, tens of thousands of bills possibly in 10 years. But when it comes to congressional reapportionment, we only have one vote in 10 years. The next vote will be in the year 2011. The reason why I make that point, Mr. President, is that when we make this vote, we better make sure it is the right vote.

The public, many times, is not aware about what reapportionment means, and quite frankly, again, all of us in this room know that every 10 years the census information requires us to do reapportionment. That is done in local government with legislative bodies by those legislative bodies. In city councils, if you have nine city council members, you will redraw the districts for nine city council members. At the State level, there are five people appointed by the leaders on both sides of the aisle in the Senate and the House, and then an independent person, and we have just gone through that process. There are 203 House seats, there will continue to be 203 House seats. In the Senate, there are 50 seats, there will continue to be 50 seats. But it is far different, Mr. President, with the congressional reapportionment.

First off, many people in the public do not understand that the power is given to us in the States to do congressional reapportionment, to redraw the boundaries for the people that we send to Washington. That is given to us as State legislators, that power. And, Mr. President, when it comes to reapportionment, there is none that is more important than the reapportionment or the redrawing of the lines for the congressional seats. Why is that, Mr. President? Again, it is only one vote in 10 years, but more importantly, we know how important it is to have a good delegation of people in Washington to be able to send back dollars to Pennsylvania and to do many other things for this Commonwealth. Over a 10-year period of time, it means literally billions of dollars to this Commonwealth. So it is very important that we have good people in Washington, that we create the boundaries to make sure that the good people who are serving continue to serve, and we create opportunities for other Pennsylvanians to go to Washington and represent us.

Mr. President, I could not help thinking, in looking at the map which I just saw a couple of hours ago, if 10 years ago or even today the Democrats had control of this process and we jeopardized the congressional seat of Congressman Bud Shuster, they would hang us on Front Street in Harrisburg, because Congressman Shuster did so much for Pennsylvania. And everyone in this room knows that. We made sure 10 years ago we did not eliminate Congressman Shuster. But, Mr. President, tonight, we are jeopardizing some very important people in Washington who may not be with us in the future if this plan passes.

And just another piece of background information. Presently, we have 21 congressional districts in Pennsylvania, 21. Based on the new census information, we lose two. So under the plan in front of us tonight, there will be 19 congressional districts. What happened to the other two? Well, they did not vanish, they went to other States, States in the south and States in the western part of this country that have gained population. Because we lose two, Mr. President, it is even more important that we do this plan right, because now we have two less votes in Washington compared to the last 10 years. And, because we have two less votes, someone else has two more votes, another State. So Pennsylvania is less powerful. All the more reason to make sure that we retain the power that we have with the people who are elected and are now serving us in Washington. We cannot afford, Mr. President, to lose one more congressional member from Pennsylvania, again, because other States are gaining and we are losing.

Mr. President, the way I view this plan, Senate Bill No. 1200 in front of us tonight, not only have we lost two members through reapportionment and the census information that is mandated by law because we lost population, we will lose three additional members of Congress presently serving. So in total, Mr. President, out of 21 serving members, we will lose 5. Therefore, under this plan, Pennsylvania will be far less important in Washington if this plan passes tonight.

Mr. President, in viewing this plan in front of us and seeing the map compared to the congressional districts drawn 10 years ago, this plan is an embarrassment, and I repeat, an embarrassment to the people of Pennsylvania. The bottom line is it hurts the people of Pennsylvania, this plan, if it passes tonight. Mr. President, we all know it makes Pennsylvania less competitive in comparison to not ourselves, not the Republican Party versus the Democratic Party, it makes Pennsylvania less competitive in comparison to other States in this country. And I thought that is what this was all about, to make this State more powerful, in comparison to Michigan and California and Iowa. The way I look at this plan, Mr. President, it makes us less competitive. Our congressional delegation will be less effective in Washington in the future if this plan passes tonight. Why is that? Because as other Senators have indicated, we are combining districts of existing congressional people who are now serving us in Washington.

And I will just briefly mention them again. We are combining Congressman John Murtha and Congressman Frank Mascara, two serving Congressmen in Washington, both Democrats. John Murtha was elected in 1974, he has served for 27 years, very proudly, one of the finest Congressmen in the United States of America. We have chosen to combine Congressman Murtha with Congressman Mascara, who was elected in 1994. Two Democrats, put them both together, let them run against each, you lose one.

Other seats. Congressman Bill Coyne is retiring and his seat has been combined with Congressman Doyle's seat. Again, two

Democratic seats are combined to form one seat. Based on both of those situations, we lost two Democrats. In addition, and I do not understand the eastern part of the State as well as the western, but in the eastern part of the State we combined Democratic Congressman Kanjorski, elected in 1984, incidentally, with Democratic Congressman Holden, elected in 1992. Two Democrats against each other, one loses, one is gone.

One other seat. Democratic Congressman Borski, elected in 1982, 19 years' tenure in service in the Congress, versus Congressman Hoeffel, I believe elected 1996. Both Democrats run against each other, one loses, one is gone. At least three existing, serving congressional people we will lose in Washington. When you look at the tenure involved in all these people, we will absolutely, positively, without a doubt lose significant tenure in the Congress of the United States of America representing Pennsylvania. Absolutely, positively. There is no doubt, no one can question what I just said. Everyone knows that.

Why would we do that to ourselves? Why would we stab ourselves in the gut as a State if we want to compete against other States in this country? That is precisely what we are doing, when in fact we are creating open seats so that new people can run for Congress and be elected and be rookies in Washington. Well, I want to know the rookie congressional newly-elected person who can replace John Murtha. I want to know who that person is. I want to know the new person who can replace Congressman Frank Mascara or Congressman Kanjorski or Congressman Holden or Congressman Borski or Congressman Hoeffel, but especially Congressman Murtha. It is especially troubling to me to stand here tonight and to have a bill in front of us, when Congressman Murtha, who was elected in 1974, and all of us know how important tenure is, tenure determines committee chairs, determines what bills are looked at, what dollars go in the budget, where those dollars go, and what States they come back to. If we ever had an influential Congressman, it is certainly John Murtha. And this plan puts John Murtha up against another Congressman, another very respectable Congressman, and the two will run against each other, and one will lose. Maybe Congressman Murtha will lose. Again, I create the comparison. What if we as Democrats did the same thing to Congressman Bud Shuster when he was in the House of Representatives and chaired the Committee on Transportation? Pennsylvania would have lost, literally, billions of dollars in terms of money coming back to this Commonwealth. The same thing is going to happen if we lose Congressman Murtha. And if you do not believe me, go to Johnstown, Senator Wozniak's district, and see what Congressman Murtha has done for Cambria County. Come to Pittsburgh, and I will show you what he has done in Oakland in terms of the super computing center. But we are going to cast a vote tonight to risk the future of Pennsylvania by losing perhaps the most influential Congressman not just in Pennsylvania but in the entire United States of America, when it comes to bringing home dollars related to defense contracts. That is what we are going to jeopardize. I cannot believe that we are going to approve Senate Bill No. 1200. I am certainly not going to vote for it. I know the people on this side of the aisle are not going to vote for it, and we are going to jeopardize losing a person who has that much influence in the Congress of the United States of America.

Mr. President, this is a bad deal for Pennsylvania. That is the bottom line. That is the only bottom line. When we begin to risk tenure, influence, status in Washington, we have to look in the mirror and say, what are we doing to ourselves? And we know we are seriously harming our ability to be effective as a State, not just within a State, but a State competing against the other 49 States in this country, and a State that has influential people in regard to international influence in this world. That is what we are jeopardizing, people with tenure of 10 years, 20 years, 30 years in Washington who understand the process. And we are in essence saying, okay, Alabama, you are going to have more influence than we are, or California or Texas. Well, they have enough going for them anyway, because they are gaining population. We are losing population, and now we are going to get rid of our own people? I cannot believe it.

This bill is not in the best interest of Pennsylvania. It is that simple, Mr. President, and we all know that. It is not just about politics, because this is more than politics. This is about power as a State and power to the people. As a matter of fact, our Constitution indicates in Article I, Section 2, of the Pennsylvania Constitution: "All power is inherent in the people..." Simple statement. "All power is inherent in the people..." Mr. President, we are taking power away from the people if we pass Senate Bill No. 1200.

Mr. President, this legislation is contrary to the purpose of this government. If we want to make Pennsylvania stronger, we have to make sure that the Congress and the congressional people that we send there are stronger. We cannot take away their ability to be effective, we cannot take them away, and that is precisely what amendment A4818 is suggesting we do. Mr. President, I suggest we go back to the drawing board and come back with a better piece of legislation that does not eliminate tenured congressional representatives, that does not stab ourselves in the gut, and something that is in the best interest of Pennsylvania. Let us either push aside amendment A4818 or vote it down.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I just want to comment briefly on what I perceive to be a kind of fiction that is being promoted, and I need to clarify the record here. The impression that I think people who would listen to this debate would have is that when you represent an area, your representation stops where your district stops. As a result of that, if I represent, for example as I do western Berks County and have never represented the city of Reading, that I would have no interest and no concern about the city of Reading. And I know in my case personally, and I believe in terms of dealing with not only State House Members but Congressmen and people in this Chamber, is exactly not true. And I can cite specific examples.

For example, in Reading there was a movement afoot to build a convention center in the city of Reading. It was not in my

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 230 of 280

district. Some of the people who were involved in this resided in my district, and I know that the Governor was a Democratic Governor, and because Senator O'Pake was there representing Berks County, there was a substantial sum of money in the form of a grant of some kind that went to this convention center. And at the same time, they needed a law to implement this, and when it came to getting this law done, and I am not sure if we were in the Majority or the Minority, but for whatever reason, in this Chamber I took the leadership role to get that law done. Senator O'Pake was very supportive, but the nits and grits and nuts and bolts were done by me. And the interesting thing is that seated to the rear of this Chamber is Pete Decoursey, who works now for the Harrisburg paper, and Pete at that time worked for the Reading paper, and I remember him sitting in my office at least stating that he was amazed that, unlike in Congress, Members actually make decisions regarding how we are going to handle amendments and that sort of thing, because I think Pete used to work for a Congressman.

But I was going to bat for the city of Reading, not because it was in my district, but because it was important to a county that I had a substantial piece of. Senator O'Pake, who referred to this, kind of amusingly, as a sneak attack, ala Pearl Harbor, Senator O'Pake knows that within the last couple of weeks he and I were at a museum and we were there because that museum, not the museum itself, but a neighbor, The Children's Home, got a substantial grant, and Senator O'Pake knows that I played a very significant role in getting that grant, as I believe he did, as did the administration, as did some House Members, and we were there as a team. Now, that is not in the 48th Senatorial District, but that is in Berks County, and I was there trying to help and trying to do my best, because a portion of my district is in Berks County. And one can go to example after example, and the other side of that same coin is that I can look back over the last 18, 19 years, and I can remember a time when I put up a vote that had nothing to do with my district, but was perceived to be negative as to Berks County, and the newspaper felt quite comfortable criticizing me for that vote, even though it was not in my district and did not impact at all on my district, but they believed that it impacted negatively on Berks County.

Now, what does that mean as a practical matter? Well, for example, on this map, Lebanon County has three Congressmen, and we can go to, under the current map, Congressman Gekas, who does a terrific job, and we feel particularly comfortable with him when it comes to Indiantown Gap. He has that area, and it was one of those things that I personally thought was a priority and wanted to see. We have a VA hospital, and that is now in a district that is going to be represented by Congressman Pitts. Congressman Pitts has a background in the military, has a real interest in those things. And I think, Joe, who I believe is a veteran, would be the perfect person to be representing our veterans' hospital. And the person, whoever that is going to be, who represents the 3rd, is going to have the eastern part of the county, and what that means is that if Lebanon County needs something from Washington, D.C., which believe me does not happen very often, but if it does, there are three Congressmen they can go to. Now, my recollection and my experience takes me back to a time, I am guessing this is more than 10 years ago, maybe 15, and we needed something from Washington, and we had one Congressman and we went to that Congressmen, and we went to that Congressman, and we went to that Congressman, and we went to that Congressman. And eventually, because we had one Congressman and were kind of trapped in with this one Congressman, this Congressman decided he was going to promote it, and it became controversial in Washington, and it is a long story. But the point is, we now will be in a position where the county administrator or one of the county commissioners can call up three people in Congress, three staff guys, and say, hey, we need some help.

Well, you know what is interesting? Look at this map, and look at Congressman Murtha's district. In that district, what could be more complimentary of Congressman Murtha than the fact that, lo and behold, it does go into Allegheny County. Not a lot, but what does that mean? That means that Allegheny County, the executive, James Roddey, can pick up the phone and say, hey, Murtha, you have a big piece of my county, and you have to go to bat for us, and so can most of southwestern Pennsylvania. And, frankly, what we are doing, and, you know, the law has cut us back two Congressmen, and we are doing the best we can to spread the talent, and I think that is important. I used to kid during the last reapportionment that the only goal I had was to bring Bud Shuster into Lebanon County, and that was because Bud, of course, was very influential in terms of getting highways. My good friend, Senator Jubelirer, blocked that. He had a good thing going and he did not want to change that. I said we could bring him right down the turnpike and bring him right into Lebanon County, because we have some highway projects. As it turned out, Congressman Gekas did a good job anyway, and we really did not need him, but the point is this, these Congressmen, unless they are very unusual and very narrow individuals, their representation does not start and stop with their districts, and they are going to represent areas of this State that their districts go into.

I believe this is an excellent map. I think it reflects the changing demographics, as I mentioned before, and I think that it is a good map. I mean, in the 6th Congressional District, it pits two people. I personally would like to see Congressman Holden win that district. I have many people in Berks County who would like to see Congressman Holden particularly representing Reading. The area of Reading has a proposed project. That project includes a bridge that crosses a river. Guess what we did? The Reading side of the bridge is in one congressional district, and the Wyomissing side of that bridge is in the other congressional district. So, now instead of having one Congressman down there, we are going to have two.

And let me just say this about mixed representation. I have many, many constituents in Reading who have mixed representation, and they say, gee, you know, it is great having you there, Chip, even though we have a Republican Governor, and so forth and so on. And, you know, if we end up with a Democratic Governor, you and Senator O'Pake can go to bat, Senator O'Pake can go and talk to the Governor, you can deal with the House and the Senate, if they happen to be Republican, and we have a one -two punch that is going to get the job done. Actually, it is a one -two-three punch.

Senator O'Pake, I am glad to see you smiling. I am glad to see you applauding. But you know what I am saying is that I have been a good soldier for Berks County, and the mere fact that most of this stuff that we talked about, and a lot of things like the Sovereign Center, not in my district, it is in Reading. Is what is good for Reading good for Berks County? Yes, it is. Is Chip Brightbill on board? Yes, he is. And it is the same with every one of these districts, Mr. President. So, let us get on, let us vote, and let us see where people are.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I will try to be brief. The hour is, of course, quite late. The previous speakers have made a variety of points, and certainly the most recent comments about the fact that all of us work very hard to represent our districts and try to do a good job to represent all of their interests I think is a point well-taken. Regardless of how we draw the map, and no matter how bad it is, how badly drawn it is, how inappropriately drawn it is, whoever gets elected I believe will try very hard to represent the interests of their constituents and do the best job they possibly can.

But this map, Mr. President, makes it harder, and there is no reason for us not to try to do a better job to present a map to the people of Pennsylvania that will do what is really intended here, which is not, as I previously heard, to make sure that every district has as many different representatives as possible. I do not think there is anything in the law or anything even in the case law that would suggest that that should be the top priority, to make sure that every county has as many Congress people representing it as possible. It is interesting and that may be what dictated the map here, but in fact what is supposed to happen when you do redistricting every 10 years is to represent the people of this country and to make sure that they have as close as possible one person, one vote. That the deviation is as small as possible. I believe that did happen.

But this is about representation. It is about responding to changes in demographics, to respond to changes as people move around in this country, it is to respond to growth in some areas over others, and in the process to make sure, as best as possible, that people as individuals and their communities are represented and well-represented, and this map apparently does not do that. You have heard many of the speakers already talk about that, and I will talk just very specifically about Montgomery County, which is the third largest county in the State, that has almost 900,000 people in it, and I know I have, as a representative of Montgomery County, been presented with 13,000 signatures on a petition from people from Montgomery County that said we know we are at some risk here, we know that we are a large county, we know that for political purposes we could be divided up. Do the best you can to keep us as whole as possible. And I want to say that both Republicans and Democrats asked for that to happen. There have been numerous articles in the paper. Everyone has said, look, once the election happens, we will go about this and have a fair fight, but give us a chance to really be kept together as much as possible. And that most certainly did not happen. There will be 6 Congress people out of 19 representing Montgomery County. It is a lot of Congress people. And while you might want to say, well, that makes six Congress people caring about Montgomery County, it also means that there will not be someone who specifically says that I represent Montgomery County and I will attend to these issues. And it is what the people, it is what the voters have asked for.

So I believe that this plan is actually disrespectful of knowing those 13,000 signatures, and all of us know how hard it is to get 13,000 signatures on a petition. But the leadership here, the Republican leadership, decided that the interests of the people in Montgomery County, their voices, should be ignored. They rejected, and I believe were disrespectful of the people of Montgomery County in rejecting their requests for the county to be kept as whole as possible. Instead, for purely partisan political purposes, they decided to draw the map very differently. And while it might create some new opportunities, it certainly creates some new challenges, and it creates change for the people of Montgomery County as it does when you look at the statewide map for many, many people.

The real bottom line has to be, will this be the best way to have drawn the map to assure representative government? That is what this has to be about. It has to be about representing the concerns of the people and giving the people representatives in Washington who will speak on their behalf and represent their concerns, whether it is geographically, demographically, around particular issues and concerns, but it is responding to population changes in a way that seems to be far less concerned about the interests of the people and getting their concerns represented than about drawing lines that allow for political opportunity for one party over another. That is not what this process is supposed to be about. And if we actually had the opportunity, as was suggested by a previous speaker, to allow for that mix in the drawing of this map, that would have allowed us to be able to represent our constituents and speak up for them, to assure that they can be represented well in Washington, I believe this map would have looked a lot different and would have been far more representative of the people of the Commonwealth of Pennsylvania. And while I agree that the elected Congress people, once elected, will try to do the best they possibly can, we should have given them and we should still give them a better chance at doing that for the people they will represent in their congressional districts. So while it was not easy to reduce the congressional delegation of Pennsylvania from 21 to 19, we could have and should have done a better job. I say we reject this map and set about drawing a better map that will better represent not only the people of Montgomery County, but the people of the entire Commonwealth who have asked for their congressional representation to, in fact, reflect them and their geographic area and their demographic profiles, and this map does not do that.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I rise to voice my opposition to this redistricting plan that is before us. It is unfortunate that we are here tonight at this late hour considering this plan that does nothing, absolutely nothing, for

the people of Pennsylvania. No, Mr. President, this plan does not have the interests of Pennsylvanians in mind. Instead, it has the interests of ensuring a Republican Majority for years to come. And the representation of the hard-working Pennsylvanians, particularly those in rural areas, falls to the wayside by the enactment of this legislation. This plan combines the districts of eight Democratic incumbents into four. Miraculously, Mr. President, not one single Republican, not one single Republican incumbent, loses their district in this plan.

It is very important, I feel, and I think all of us as a body should feel, it is important to recognize the needs of urban and suburban constituents and to know that they differ from those living in rural areas and small towns. The needs of the rural and small town constituents of Washington, Greene, Somerset, and Fayette Counties differ from the needs of the mainly urban and suburban areas of Allegheny County. Mr. President, the current 20th District is represented by Frank Mascara, the 12th District is represented by Jack Murtha. These districts are currently comprised of distinct communities of interest. The residents of Greene County do not share similar economic, cultural, and demographic factors with Cambria County. The residents of Washington County do not share employment profiles and educational attainment as those of Somerset County.

We need to be responsible tonight. We need to keep these districts intact, particularly Washington and Greene Counties, which have historically shared human services. Likewise, Cambria and Somerset Counties have done the same. Washington, Greene, and Fayette Counties are all included in the same PennDOT engineering district. Intermediate Unit 1 is also comprised of these three counties. Mr. President, it is clear that these communities should continue to stay in separate congressional districts. Congressman Mascara currently serves as the second ranking member from Pennsylvania on the House Transportation Committee. At stake, Mr. President, are the seats at the table for upcoming transportation funding, which will take place in the year 2003. The future of many projects lie in the balance, projects such as the Mon-Fayette Expressway and MAGLEV, which are at critical stages and in dire need of Federal funding. It is important to have a seat at the table in order to ensure that these worthy projects receive Federal funding. Mr. President, Pennsylvania will undoubtedly lose millions of dollars if we do not have representation on this very important Transportation Committee.

Likewise, the 12th Congressional District is currently represented by Jack Murtha. Mr. President, I do not need to go into any speeches about Jack Murtha. It has already been said here tonight about his power and his influence and his ability to get things done, a man that is known not only as the dean of the delegation here to us as Pennsylvanians, known nationwide, but also is a household name in many of the foreign countries that he has been asked and called upon by the President and by Congress to visit and to work out deals and to make things happen.

Also, his ability to bring jobs back to the 12th District. He has single-handedly brought many jobs back to the 12th District and put people back to work again, making a viable living wage. The 12th Congressional District needs him, and the 20th needs Frank Mascara. Congressman Murtha is on the powerful Appropriations Committee, and we all know, we all know what it is like and why it is important to have somebody on that Appropriations Committee. Each and every one of us in this room, every 2 years, is trying to get a seat on that committee right here in this Chamber. Mr. President, how can we as responsible public officials endorse a plan that weakens Pennsylvania's clout in Washington, and how can the Republican Majority endorse a plan that ignores the needs of Pennsylvania's residents for political gain? This plan does nothing but ensure Republican incumbents and Republican supremacy. It does nothing but disenfranchise thousands and thousands of Pennsylvanians, all for political gain.

Mr. President I urge my colleagues on the other side of the aisle to do what is right for Pennsylvania and oppose this plan. Please, in the best interests of the Commonwealth of Pennsylvania, let us reject this plan tonight, start over tomorrow morning, let us have dialogue between both Democrats and Republicans who will come up with a plan that is in the best interests of all Pennsylvanians.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I rise in support of the Brightbill amendment to Senate Bill No. 1200 and to correct the record in a small manner with respect to some of the statements of one of the prior speakers.

The lady from Philadelphia who represents a portion of Montgomery County, I believe, indicated on the record that Montgomery County was a county of a population of about 900,000 people. I believe a more accurate figure would be that the census of the year 2000 reflected a population for Montgomery County of about 750,000. The remarks of the lady also indicated that there was the likelihood that Montgomery County would be without a Congressman after next year's election. In all actuality, the map that is before us now in this amendment is very similar to the map that was drawn 10 years ago after the 1990 census. Ten years ago, Montgomery County was, and presently as we speak, represented by five Congressmen, one of which the 13th District was substantially within Montgomery County, and the Congressman, of course, resides in Montgomery County. Only a minor change has been made under this plan as proposed by Senator Brightbill, whereas instead of five Congressmen, Montgomery County will have parts of six congressional districts, but once again, the substantial district within the county will be the 13th District, and in fact, the majority of the 13th District will be within Montgomery County. So the likelihood is that Montgomery County will have an excellent opportunity to elect a member of Congress from the 13th District, not unlike what is presently in force and effect under the present congressional reapportionment plan in law today.

Mr. President, I urge that this plan be adopted and that the Senate pass this proposal on to the House of Representatives for its concurrence.

LEGISLATIVE LEAVES

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 233 of 280

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Fumo and Senator Anthony Williams.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Fumo and Senator Anthony Williams. Without objection, those leaves are granted.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator BRIGHTBILL and were as follows, viz:

YEA-27

Armstrong	Gerlach	Mowery	Scarnati
Brightbill	Greenleaf	Murphy	Thompson
Conti	Helfrick	Orie	Tomlinson
Corman	Holl	Piccola	Waugh
Dent	Jubelirer	Punt	Wenger
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	

NAY-22

Bodack	Kitchen	O'Pake	White, Donald
Boscola	Kukovich	Schwartz	Williams, Anthony H.
Costa	LaValle	Stack	Williams, Constance
Fumo	Logan	Stout	Wozniak
Hughes	Mellow	Tartaglione	
Kasunic	Musto	Wagner	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator O'PAKE offered the following amendment No. A4552:

Amend Title, page 1, line 1, by striking out "Requiring" and inserting: To apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring

Amend Title, page 1, line 2, by striking out "Congressional" and inserting: congressional

Amend Bill, page 1, by inserting between lines 5 and 6:

Section 1. Congressional districts.

For the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in the Congress of the United States, this Commonwealth shall be divided into 19 districts which shall have one Congressman each, as follows:

(1) The First District is composed of part of Delaware County consisting of the Township of Darby Wards 1 and 2 and the Borough of Colwyn; and part of Philadelphia County consisting of the City of Philadelphia Wards 1, 2, 5, 10 (Divisions 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 22, 26 and 27), 11, 12, 13, 14, 16, 17, 18, 20, 23 (Divisions 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23), 25, 26, 30, 31 (Divisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19), 32, 33 (Divisions 3, 4, 5, 6, 7, 8, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24), 36, 37, 39, 40, 43 (Divisions 1, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24 and 25), 45, 47, 48, 49 (Divisions 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22 and 23), 51, 55, 59, 62 and 64.

(2) The Second District is composed of part of Delaware County consisting of the Township of Upper Darby Districts 4 (Divisions 5, 6, 7, 8, 10 and 11), 5 (Division 2), 6 and 7 (Divisions 1, 2, 3, 4, 5, 7, 8, 9 and 11) and the Boroughs of Darby, East Lansdowne, Millbourne and Yeadon; and part of Philadelphia County consisting of the City of Philadelphia Wards 3, 4, 6, 7, 8, 10 (Divisions 1, 2, 3, 4, 11, 12, 13, 14, 15, 23, 24, 25, 28 and 29), 15, 19, 21, 22, 23 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13), 24, 27, 28, 29, 31 (Division 2), 33 (Divisions 1, 2, 9, 11 and 12), 34, 35, 38, 42, 43 (Divisions 2, 3, 4, 5, 6, 7, 8, 11, 12, 17, 18, 19 and 20), 44, 46, 49 (Divisions 7, 8, 9, 18, 20, 24 and 25), 50, 52, 53 (Divisions 5, 7, 9 and 23), 60 and 61.

(3) The Third District is composed of all of Beaver County; part of Fayette County consisting of the City of Uniontown and the Townships of Brownsville, Bullskin, Franklin, German, Jefferson, Lower Tyrone, Luzerne, Menallen, Nicholson, Perry, Redstone, Saltlick, South Union, Springhill, Upper Tyrone and Washington and the Boroughs of Belle Vernon, Brownsville, Dawson, Everson, Fayette City, Masontown, Newell, Perryopolis and Point Marion; all of Greene County; all of Washington County; and part of Westmoreland County consisting of the Cities of Greensburg, Jeannette and Monessen and the Townships of Hempfield, North Huntingdon Wards 1 (Divisions 1 and 3), 2 (Division 3) and 3, Rostraver, Sewickley and South Huntingdon and the Boroughs of Adamsburg, Arona, Hunker, Madison, Manor, New Stanton, North Belle Vernon, Penn, Smithton, South Greensburg, Southwest Greensburg, Sutersville, West Newton and Youngwood.

(4) The Fourth District is composed of part of Butler County consisting of the Townships of Brady, Cherry, Clay, Concord, Connoquenessing, Forward, Franklin, Jackson, Jefferson, Lancaster, Marion, Mercer, Muddy Creek, Penn, Slippery Rock, Washington and Worth and the Boroughs of Connoquenessing, Evans City, Harmony, Harrisville, Portersville, Prospect, Saxonburg, Slippery Rock, West Liberty, West Sunbury and Zelienople; all of Crawford County; all of Erie County; all of Lawrence County; and all of Mercer County.

(5) The Fifth District is composed of part of Armstrong County consisting of the Townships of Boggs, Bradys Bend, Cowanshannock, East Franklin, Hovey, Madison, Mahoning, Perry, Pine, Plumcreek, Rayburn, Redbank, Sugarcreek, Valley, Washington, Wayne and West Franklin and the Boroughs of Applewold, Atwood, Dayton, Elderton, Kittanning, Parker City, Rural Valley, South Bethlehem, West Kittanning and Worthington; part of Butler County consisting of the City of Butler and the Townships of Adams, Allegheny, Buffalo, Butler, Center, Clearfield, Clinton, Cranberry, Donegal, Fairview, Middlesex, Oakland, Parker, Summit, Venango and Winfield and the Boroughs of Bruin, Callery, Cherry Valley, Chicora, East Butler, Eau Claire, Fairview, Karns City, Mars, Petrolia, Seven Fields and Valencia; all of Cameron County; part of Centre County consisting of the Townships of Benner, Boggs, Burnside, College, Curtin, Ferguson, Haines, Halfmoon, Harris, Howard, Huston, Liberty, Marion, Miles, Patton, Rush, Snow Shoe, Spring, Taylor, Union, Walker and Worth and the Boroughs of Bellefonte, Howard, Milesburg, Millheim, Philipsburg, Port Matilda, Snow Shoe, South Philipsburg, State College and Unionville; all of Clarion County; all of Clearfield County; part of Clinton County consisting of the Townships of Beech Creek, Lamar, Porter and West Keating and the Borough of Beech Creek; all of Elk County; all of Forest County; all of Jefferson County; all of McKean County; all of Venango County; and all of Warren County.

(6) The Sixth District is composed of all of Berks County; part of Carbon County consisting of the Townships of East Penn, Lower Towamensing, Mahoning and Towamensing and the Boroughs of Bowmanstown, Lansford, Palmerton, Parryville, Summit Hill and Weissport; part of Montgomery County consisting of the Townships of Upper Pottsgrove and West Pottsgrove and the Borough of Pottstown Districts 1 (Division 1), 3, 4 and 5; part of Northumberland County consisting of the Cities of Shamokin and Sunbury and the Townships of Coal, East

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 234 of 280

Cameron, East Chillisquaque, Jackson, Jordan, Little Mahanoy, Lower Augusta, Lower Mahanoy, Mount Carmel, Point, Ralpho, Rockefeller, Rush, Shamokin, Upper Augusta, Upper Mahanoy, Washington, West Cameron and Zerbe and the Boroughs of Herndon, Kulpmont, Marion Heights, Mount Carmel, Northumberland, Riverside and Snydertown; and all of Schuylkill County.

(7) The Seventh District is composed of part of Bucks County consisting of the Townships of Buckingham Districts Lower (Division 1), Middle and Upper, Doylestown, Hilltown, New Britain, Northampton Districts 1, 4, 8, 12 and 13, Warrington, Warwick, West Rockhill and Wrightstown and the Boroughs of Chalfont, Doylestown, Dublin, Ivyland, New Britain, Perkasie District 3, Sellersville, Silverdale and Telford (Bucks County portion); part of Chester County consisting of the Townships of East Coventry, East Pikeland, East Vincent, Easttown, North Coventry, Schuylkill, South Coventry and Tredyffrin and the Boroughs of Phoenixville and Spring City; part of Delaware County consisting of the Townships of Darby Wards 3, 4 and 5, Edgmont, Haverford, Marple, Newtown, Radnor, Ridley Wards 2 (Divisions 1 and 3), 4 (Division 2), 5 (Division 1) and 8 (Division 1), Springfield, Thornbury, Tinicum, Upper Darby Districts 1, 2, 3, 4 (Divisions 1, 2, 3, 4 and 9), 5 (Divisions 1, 3, 4, 5, 6, 7, 8 and 9) and 7 (Divisions 6 and 10) and Upper Providence and the Boroughs of Aldan, Clifton Heights, Collingdale, Folcroft, Glenolden, Lansdowne, Morton, Norwood, Prospect Park, Rutledge, Sharon Hill and Swarthmore; and part of Montgomery County consisting of the Townships of Douglass, Franconia, Limerick, Lower Frederick, Lower Pottsgrove, Lower Salford Districts 1, 2, 3, 4 and 5, Marlborough, New Hanover, Perkiomen, Salford, Upper Frederick, Upper Hanover and Upper Salford and the Boroughs of East Greenville, Green Lane, Pennsburg, Pottstown Districts 1 (Division 2), 2, 6 and 7, Red Hill, Schwenksville, Souderton and Telford (Montgomery County portion).

(8) The Eighth District is composed of part of Bucks County consisting of the Townships of Bensalem, Bridgeton, Bristol, Buckingham District Lower (Division 2), Falls, Lower Makefield, Lower Southampton, Middletown, Newtown, Northampton Districts 2, 3, 5, 6, 7, 9, 10, 11, 14, 15, 16 and 17, Plumstead District 1, Solebury, Tinicum, Upper Makefield, Upper Southampton and Warminster and the Boroughs of Bristol, Hulmeville, Langhorne, Langhorne Manor, Morrisville, New Hope, Newtown, Penndel, Tullytown and Yardley; and part of Philadelphia County consisting of the City of Philadelphia Wards 41, 53 (Divisions 1, 2, 3, 4, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22), 54, 56, 57, 58, 65 and 66.

(9) The Ninth District is composed of all of Bedford County; all of Blair County; part of Centre County consisting of the Townships of Gregg, Penn and Potter and the Borough of Centre Hall; part of Cumberland County consisting of the Townships of Cooke, Dickinson, Hampden Precincts 1 and 6, Hopewell, Lower Frankford, Lower Mifflin, Middlesex, Monroe, North Middleton, North Newton, Penn, Shippensburg, Silver Spring, South Middleton, South Newton, Southampton, Upper Frankford, Upper Mifflin and West Pennsboro and the Boroughs of Carlisle, Mechanicsburg, Mount Holly Springs, Newburg, Newville and Shippensburg (Cumberland County portion); all of Franklin County; all of Fulton County; all of Huntingdon County; all of Juniata County; all of Mifflin County; all of Perry County; and all of Snyder County.

(10) The Tenth District is composed of all of Bradford County; part of Clinton County consisting of the City of Lock Haven and the Townships of Allison, Bald Eagle, Castanea, Chapman, Colebrook, Crawford, Dunnstable, East Keating, Gallagher, Greene, Grugan, Leidy, Logan, Noyes, Pine Creek, Wayne and Woodward and the Boroughs of Avis, Flemington, Loganton, Mill Hall, Renovo and South Renovo; all of Lycoming County; all of Monroe County; part of Northumberland County consisting of the Townships of Delaware, Lewis, Turbot and West Chillisquaque and the Boroughs of McEwensville, Milton, Turbotville and Watsontown; all of Pike County; all of Potter County; all of Sullivan County; all of Susquehanna County; all of Tioga County; all of Union County; all of Wayne County; and all of Wyoming County.

(11) The Eleventh District is composed of part of Carbon County consisting of the Townships of Banks, Franklin, Kidder, Lausanne, Lehigh, Packer and Penn Forest and the Boroughs of Beaver Meadows, East Side, Jim Thorpe, Lehighton, Nesquehoning and Weatherly; all of Columbia County; all of Lackawanna County; all of Luzerne County; and all of Montour County.

(12) The Twelfth District is composed of part of Armstrong County consisting of the Townships of Bethel, Burrell, Cadogan, Gilpin, Kiskiminetas, Kittanning, Manor, North Buffalo, Parks, South Bend and South Buffalo and the Boroughs of Apollo, Ford City, Ford Cliff, Freeport, Leechburg, Manorville and North Apollo; all of Cambria County; part of Fayette County consisting of the City of Connellsville and the Townships of Connellsville, Dunbar, Georges, Henry Clay, North Union, Springfield, Stewart and Wharton and the Boroughs of Dunbar, Fairchance, Markleysburg, Ohiopyle, Smithfield, South Connellsville and Vanderbilt; all of Indiana County; all of Somerset County; and part of Westmoreland County consisting of the Cities of Latrobe, Lower Burrell and New Kensington Wards 2, 3, 4 (Division 5), 5, 6 and 7 and the Townships of Allegheny, Bell, Cook, Derry, Donegal, East Huntingdon, Fairfield, Ligonier, Loyalhanna, Mount Pleasant, North Huntingdon Wards 1 (Divisions 2 and 4), 2 (Divisions 1 and 2), 4, 5, 6 and 7, Penn, Salem, St. Clair, Unity, Upper Burrell and Washington and the Boroughs of Avonmore, Bolivar, Delmont, Derry, Donegal, East Vandergrift, Export, Hyde Park, Irwin, Laurel Mountain, Ligonier, Mount Pleasant, Murrysville, New Alexandria, New Florence, North Irwin, Oklahoma, Scottdale, Seward, Trafford (Westmoreland County portion), Vandergrift, West Leechburg and Youngstown.

(13) The Thirteenth District is composed of part of Montgomery County consisting of the Townships of Abington, Cheltenham, East Norriton, Hatfield, Horsham, Lower Gwynedd, Lower Merion, Lower Moreland, Lower Providence, Lower Salford District 6, Montgomery, Plymouth, Skippack, Springfield, Towamencin, Upper Dublin, Upper Gwynedd, Upper Merion, Upper Moreland, Upper Providence, West Norriton, Whitemarsh, Whitpain and Worcester and the Boroughs of Ambler, Bridgeport, Bryn Athyn, Collegeville, Conshohocken, Hatboro, Hatfield, Jenkintown, Lansdale, Narberth, Norristown, North Wales, Rockledge, Royersford, Trappe and West Conshohocken; and part of Philadelphia County consisting of the City of Philadelphia Wards 9 and 63.

(14) The Fourteenth District is composed of part of Allegheny County consisting of the Townships of Aleppo, Baldwin, Collier, Crescent, East Deer, Fawn, Findlay, Frazer, Hampton, Harmar, Harrison, Indiana, Kennedy, Kilbuck, Leet, Marshall, McCandless, Moon, Mount Lebanon, Neville, North Fayette, O'Hara, Ohio, Pine, Reserve, Richland, Robinson, Ross, Scott, Shaler, South Fayette, South Park, Springdale, Stowe, Upper St. Clair and West Deer and the Boroughs of Aspinwall, Avalon, Baldwin, Bell Acres, Bellevue, Ben Avon, Ben Avon Heights, Bethel Park, Blawnox, Brackenridge, Bradford Woods, Brentwood, Bridgeville, Carnegie, Castle Shannon, Cheswick, Coraopolis, Crafton, Dormont, Edgeworth, Emsworth, Etna, Fox Chapel, Franklin Park, Glenfield, Green Tree, Haysville, Heidelberg, Ingram, Leetsdale, McDonald (Allegheny County portion), McKees Rocks, Millvale, Oakdale, Oakmont, Osborne, Pennsbury Village, Pleasant Hills Districts 1, 3, 4, 6, 7 and 9, Plum, Rosslyn Farms, Sewickley, Sewickley Heights, Sewickley Hills, Sharpsburg, Springdale, Tarentum, Thornburg, Verona, West View and Whitehall; and part of Westmoreland County consisting of the Cities of Arnold and New Kensington Ward 4 (Divisions 1, 2, 3 and 4).

(15) The Fifteenth District is composed of part of Bucks County consisting of the Townships of Bedminster, Durham, East Rockhill, Haycock, Milford, Nockamixon, Plumstead Districts 2,

3 and 4, Richland and Springfield and the Boroughs of Perkasie Districts 1 and 2, Quakertown, Richlandtown, Riegelsville and Trumbauersville; all of Lehigh County; and all of Northampton County.

(16) The Sixteenth District is composed of part of Chester County consisting of the City of Coatesville and the Townships of Birmingham, Caln, Charlestown, East Bradford, East Brandywine, East Caln, East Fallowfield, East Goshen, East Marlborough, East Nantmeal, East Nottingham, East Whiteland, Elk, Franklin, Highland, Honey Brook, Kennett, London Britain, London Grove, Londonderry, Lower Oxford, New Garden, New London, Newlin, Penn, Pennsbury, Pocopson, Sadsbury, Thornbury, Upper Oxford, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick, West Bradford, West Brandywine, West Caln, West Fallowfield, West Goshen, West Marlborough, West Nantmeal, West Nottingham, West Pikeland, West Sadsbury, West Vincent, West Whiteland, Westtown and Willistown and the Boroughs of Atglen, Avondale, Downingtown, Elverson, Honey Brook, Kennett Square, Malvern, Modena, Oxford, Parkesburg, South Coatesville, West Chester and West Grove; part of Delaware County consisting of the City of Chester and the Townships of Aston, Bethel, Chadds Ford, Chester, Concord, Lower Chichester, Middletown, Nether Providence, Ridley Wards 1, 2 (Division 2), 3, 4 (Division 1), 5 (Division 2), 6, 7, 8 (Division 2) and 9 and Upper Chichester and the Boroughs of Brookhaven, Chester Heights, Eddystone, Marcus Hook, Media, Parkside, Ridley Park, Rose Valley, Trainer and Upland; and part of Lancaster County consisting of the Townships of Bart, Caernarvon, Colerain, Conestoga, Drumore, Earl, East Drumore, East Earl, East Lampeter District 3, Eden, Fulton, Leacock, Little Britain, Manor, Martic, Paradise, Pequea, Providence, Sadsbury, Salisbury, Strasburg and West Lampeter District Lampeter and the Boroughs of Christiana, New Holland, Quarryville, Strasburg and Terre Hill.

(17) The Seventeenth District is composed of part of Cumberland County consisting of the Townships of East Pennsboro, Hampden Precincts 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12, Lower Allen and Upper Allen and the Boroughs of Camp Hill, Lemoyne, New Cumberland, Shiremanstown and Wormleysburg; all of Dauphin County; part of Lancaster County consisting of the Townships of Brecknock, Clay, Conoy, East Cocalico, East Donegal, Elizabeth, Ephrata, Manheim Districts 1, 2, 13, 14 and 16, Mount Joy, Penn, Rapho, Upper Leacock, Warwick, West Cocalico, West Donegal and West Earl and the Boroughs of Adamstown (Lancaster County portion), Akron, Denver, Elizabethtown, Ephrata, Lititz, Manheim, Marietta and Mount Joy; and all of Lebanon County.

(18) The Eighteenth District is composed of part of Allegheny County consisting of the Cities of Clairton, Duquesne, McKeesport and Pittsburgh and the Townships of Elizabeth, Forward, North Versailles, Penn Hills, South Versailles and Wilkins and the Boroughs of Braddock, Braddock Hills, Chalfant, Churchill, Dravosburg, East McKeesport, East Pittsburgh, Edgewood, Elizabeth, Forest Hills, Glassport, Homestead, Jefferson Hills, Liberty, Lincoln, Monroeville, Mount Oliver, Munhall, North Braddock, Pitcairn, Pleasant Hills Districts 2, 5, 8 and 10, Port Vue, Rankin, Swissvale, Trafford (Allegheny County portion), Turtle Creek, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, Whitaker, White Oak, Wilkinsburg and Wilmerding.

(19) The Nineteenth District is composed of all of Adams County; part of Lancaster County consisting of the City of Lancaster and the Townships of East Hempfield, East Lampeter Districts 1 and 2, Lancaster, Manheim Districts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 17, 18 and 19, West Hempfield and West Lampeter Districts Lakes, Locust, Lyndon, Millport and Willow St. and the Boroughs of Columbia, East Petersburg, Millersville and Mountville; and all of York County.

Section 2. First election.

(a) General rule.—The first election under this act shall be held at the primary election in the year 2002.

(b) Current officeholders.—The members of Congress now in office shall continue in the office until the expiration of their respective terms.

(c) Vacancies.—Vacancies now existing or happening after the passage of this act and before the commencement of the terms of the members elected at the election of 2002 shall be filled for the unexpired terms from the districts formerly prescribed by law.

Section 3. Missed political subdivision.

In the event any political subdivision or part thereof should be omitted in the description of the congressional districts, the political subdivision or part thereof shall be included as a part of the congressional district which completely surrounds it. Should any omitted political subdivision or part thereof be not completely surrounded by one congressional district, it shall become a part of that congressional district to which it is contiguous, or if there are two or more such contiguous districts, it shall become a part of that congressional district contiguous thereto which has the least population.

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting: 4

Amend Sec. 1, page 1, line 7, by striking out "a statute" and inserting: this act

Amend Sec. 1, page 1, line 8, by striking out "Congressional" and inserting: congressional

Amend Sec. 1, page 1, line 11, by striking out "Congressional" and inserting: congressional

Amend Sec. 1, page 1, line 11, by striking out "by the statute"

Amend Sec. 6, page 1, line 14, by striking out "2" and inserting: 5

Amend Sec. 2, page 1, line 16, by inserting after "all": congressional

Amend Sec. 2, page 1, line 16, by striking out "by the statute"

Amend Sec. 2, page 1, line 16, by inserting after "the" where it appears the second time: congressional

Amend Sec. 2, page 1, line 18, by inserting after "the" where it appears the second time: congressional

Amend Sec. 2, page 2, line 3, by striking out "Congressional and inserting: congressional

Amend Bill, page 2, by inserting between lines 3 and 4:

Section 6. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Amend Sec. 3, page 2, line 4, by striking out "3" and inserting: 7

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, this is the Senate Democratic proposed reapportionment plan. As you can see from this beautiful map, our plan is compact, contiguous, represents communities of interest, minimal displacement, and minimal deviation.

Now, I could go over all 19 districts, but basically what we do, since Pennsylvania is going to lose two congressional seats, we have configured a plan that says that one of the losses will be as a result of two Democrats running against one another, therefore only one will win, and the other loss will be a Republican running against a Democrat in a plan that basically favors the Republican. So, the suffering, if you will, of Pennsylvania losing two seats will be equally shared by the two political parties.

The Senate Democratic plan provides for a minimal disruption of representation. There will be very little moving of population from one district to the other. It gives every non-retiring incumbent a district, except for the combination of the

Borski-Greenwood district in northeast Philadelphia and lower Berks County. The Senate Democratic plan gives each suburban Philadelphia Congressman a district, where the largest segment of that district is their home county, such as Congressman Hoeffel, who will continue to be able to represent Montgomery County as Montgomery County's only Congressman.

The Senate Democratic plan keeps two minority-majority seats within the Philadelphia area. The Senate Democratic plan, in this amendment, provides for the 6th District to stay intact, essentially the way it has been for the last 40 years, Berks and Schuylkill County. It keeps the 11th District essentially intact, combining Luzerne and Lackawanna Counties, and it also keeps essentially intact Congressman Murtha's district in southwestern Pennsylvania.

I can, as I said, go over each of the districts, if you would like. The 1st and 2nd Districts would be minority-majority African-American districts in Philadelphia now represented by Congressman Brady and Congressman Fattah. The 3rd District, which is the old 20th, would be carved for Congressman Mascara, with a major addition of Beaver County and some losses of Westmoreland and some of Allegheny. The 4th District, the old 21st District, which would be Congressman English's district, adding a little bit of Lawrence County. The 5th District would be the Peterson district, an almost entirely rural district, that adds some territory from Clearfield, Armstrong, and Butler Counties. The 6th District, as I said, would the Berks-Schuylkill district that Congressman Holden now represents. The 7th District is basically Congressman Weldon's district based in Delaware County, with portions of Chester, Montgomery, and Bucks. The 8th District is the Greenwood combination seat, with 61 percent of the district being in Bucks and the other 30 percent in northeast Philadelphia. The 9th would be the Shuster district, basically the same as it now, with the addition of some territory in Cumberland and the loss of some territory in Clearfield. The 10th District would be basically the Sherwood district, a rural-based district, but would include all of Monroe County. The 11th District would be the Kanjorski district, placing the entire Wyoming Valley into one district with a combination of Luzerne and Lackawanna Counties. The 12th District, the Murtha district, would lose some territory in Armstrong and gain some territory in Westmoreland. The 13th District, which is the Montgomery County seat, will continue to have the seat now occupied by Congressman Hoeffel, and two wards from the city of Philadelphia would be added, in the 9th and the 63rd. The 14th District would be the Melissa Hart district, basically the old District 20 combined with the Allegheny County portion of the old 4th District, along with North Hills, and would lose some territory in Beaver, Butler, Lawrence, and Westmoreland. The only incumbent Congressman who lives in that district is Congressman Hart. The 15th District would be essentially the Lehigh Valley seat now held by Congressman Toomey, with portions of Upper Bucks County added to the Lehigh-Northampton County district. The 16th District, which would be the Pitts district, the seat based in Chester County, with portions of Delaware County added with some portions of Lancaster County. The 17th District, which would be the Gekas district, is the same district, basically with the loss of Perry County, minimal displacement. The 18th District, Congressman Doyle, unites the city of Pittsburgh with a Mon Valley portion and the East Hill portions of Allegheny County. And, finally, the 19th District here in central Pennsylvania, which Congressman Platts now represents, loses territory in Cumberland County and adds territory in Lancaster County.

As you can see, it is truly a bipartisan approach which preserves every present Congressman, except pits two in the southwest and two in the southeast, and the four of them would vie for two seats and probably would split one-and-one. We respectfully submit this and ask for its approval.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Would the gentleman from Berks stand for interrogation?

Senator O'PAKE. Mr. President, I will.

Senator BRIGHTBILL. Mr. President, is the gentleman aware of the deviation that exists with the map that he presented?

Senator O'PAKE. Mr. President, I am told that the maximum deviation is 146. That is total, of course.

Senator BRIGHTBILL. Mr. President, when the gentleman says total, that is usually expressed in deviation above and a deviation below. What would be that be?

Senator O'PAKE. Mr. President, I am told that the absolute range would be from 87 below to 59 above.

Senator BRIGHTBILL. Mr. President, now would the gentleman indicate in District 1 of his amendment what the total African-American population would be?

Senator O'PAKE. Mr. President, 49.25 percent.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate what the District 1 African-American voting age population would be?

Senator O'PAKE. Mr. President, 45.57 percent. Of course, the Hispanic is 6.79 percent, and the over-18 voting age population Hispanic is 5.64 percent.

Senator BRIGHTBILL. Mr. President, would it be fair to say then that District 1, which is currently a minority-majority, African-American district, becomes a minority-majority district under your plan?

Senator O'PAKE. Mr. President, it does because of the addition of the African-American and Hispanic.

Senator BRIGHTBILL. Mr. President, what is the African-American population in District 2?

Senator O'PAKE. Mr. President, total or over 18?

Senator BRIGHTBILL. Mr. President, total.

Senator O'PAKE. Mr. President, the total is 52.88 percent.

Senator BRIGHTBILL. Mr. President, what is the voting age population?

Senator O'PAKE. Mr. President, 49.77 percent, but there again, the Hispanic is 11.30 percent, and over 18 is 9.47 percent, making it a minority-majority district.

Senator BRIGHTBILL. Mr. President, both districts are currently

both majority African-American districts, is that correct, 1 and 2?

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 237 of 280

Senator O'PAKE. Mr. President, that is correct.

Senator BRIGHTBILL. Mr. President, so that neither District 1 nor District 2 would continue as a majority African-American district under your plan?

Senator O'PAKE. Mr. President, it would continue as a minority-majority district when you combine the African-American and the Hispanic population.

Senator BRIGHTBILL. Mr. President, that is correct, but would the gentleman indicate that neither district is a majority African-American district under his proposal?

Senator O'PAKE. Mr. President, I think what the court looks at is how the minorities, African-American and Hispanic, vote. And the voting pattern in Philadelphia in those two districts is that they vote similarly and therefore can combine the African-American and the Hispanic population, creating a valid minority-majority district in both of those two districts.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate if that is a question of fact and not a rule of law?

Senator O'PAKE. Mr. President, well, it is what the court has been looking at when it has made determinations on appeals.

Senator BRIGHTBILL. Mr. President, now, Senator Mellow, in discussing the plan that we have proposed, indicated opinions as to who would win what district. This combination of Representative Borski and and Representative Greenwood into the 8th District, would it be fair to say that that district, as constructed in your plan, would easily be won by Representative Borski?

Senator O'PAKE. No, Mr. President, not at all. According to our figures, 61 percent of the district would be in Bucks County, and only 39 percent would be in the city of Philadelphia. That clearly would favor Congressman Greenwood.

Senator BRIGHTBILL. Mr. President, what is the registration, Republican and Democrat, for District 8?

Senator O'PAKE. Mr. President, according to our staff, the registered Democratic vote would be 48.4 percent, and Republican 41 percent, with 10.6 percent other.

Senator BRIGHTBILL. Mr. President, so that would be 48 to 41, Democrat over Republican, and that would indicate that under normal and standard analysis that the Democrat would win that election?

Senator O'PAKE. Mr. President, those figures are just voter registrations. I think what is far more relevant is the voting patterns.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate what the voting pattern is, reflecting the election he is referencing?

Senator O'PAKE. Mr. President, again, I am told that the voting patterns favor the Republicans 48.13 percent to 45.33 percent Democrat.

Senator BRIGHTBILL. Mr. President, what legislation is the gentleman referencing?

Senator O'PAKE. Mr. President, my staff says we would be happy to share with that. I think it is a combination of recent elections, including presidential and some other important races.

Senator BRIGHTBILL. Mr. President, so that would be Mark McKillop's secret formula, would that be fair to say?

Senator O'PAKE. Mr. President, no, that is not fair.

Senator BRIGHTBILL. Mr. President, I thank the gentleman, and I have no other questions.

Senator O'PAKE. Mr. President, the gentleman is welcome.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator O'PAKE and were as follows, viz:

YEA-22

Bodack	Kitchen	O'Pake	White, Donald
Boscola	Kukovich	Schwartz	Williams, Anthony H.
Costa	LaValle	Stack	Williams, Constance
Fumo	Logan	Stout	Wozniak
Hughes	Mellow	Tartaglione	
Kasunic	Musto	Wagner	

NAY-27

Armstrong	Gerlach	Mowery	Scarnati
Brightbill	Greenleaf	Murphy	Thompson
Conti	Helfrick	Orie	Tomlinson
Corman	Holl	Piccola	Waugh
Dent	Jubelirer	Punt	Wenger
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1200 (Pr. No. 1612) -- The Senate proceeded to consideration of the bill, entitled:

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-27

Armstrong	Gerlach	Mowery	Scarnati

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 238 of 280

Brightbill	Greenleaf	Murphy	Thompson
Conti	Helfrick	Orie	Tomlinson
Corman	Holl	Piccola	Waugh
Dent	Jubelirer	Punt	Wenger
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	

NAY-22

Bodack	Kitchen	O'Pake	White, Donald
Boscola	Kukovich	Schwartz	Williams, Anthony H.
Costa	LaValle	Stack	Williams, Constance
Fumo	Logan	Stout	Wozniak
Hughes	Mellow	Tartaglione	
Kasunic	Musto	Wagner	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, at this time I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations immediately in the Rules room to the rear of the Senate Chamber. For that purpose, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

REPORT FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported the following bill:

HB 1405 (Pr. No. 3045) (Amended) (Rereported)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for classification of counties, for expenses of elected county officers attending the annual meetings of their associations, for other meeting expenses paid by the counties, for reports and for preparation and filing of proposed budget; and making editorial changes.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

November 14, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Vincent Iacono, 2030 South Queen Street, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard Sciorillo, Philadelphia, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

November 8, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Melissa K. Kratz, RN, MSN, AOCN, 1345 Nace Road, Pennsburg 18073, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Karen Robinson, Allegheny, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF CHEYNEY UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 21, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert L. Traynham, II, 713 Yeadon Avenue, Yeadon 19050, Delaware County, Eighth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified, vice Marc D. Kramer, Downingtown, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

November 14, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew J. Behnke, M.D., 3415 Ridgewood Drive, Hermitage 16148, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lauren P. Argenio, D.O., West Pittston, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE HEALTH POLICY BOARD

November 8, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul H. Boehringer, M.B.A., 1017 Gypsy Hill Road, Lower Gwynedd 19002, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Thomas McLoughlin, Erie, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE HEALTH POLICY BOARD

November 8, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph G. Mraz, 121 Silver Drive, Elizabethtown 17022, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Charles W. Pruitt, Jr., deceased.

Mark S. Schweiker
Governor

COMMONWEALTH TRUSTEE OF LINCOLN UNIVERSITY OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

October 9, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Craig Lincoln Tucker, 304 East Marshall Street, Apartment #812, West Chester, 19380, Chester County, Nineteenth Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University of Pennsylvania of the Commonwealth System of Higher Education, to serve until August 31, 2003, and until his successor is appointed and qualified, vice William A. Robinson, Harrisburg, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

October 5, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Melanie A. Wennick, 6507 Chambersburg Road, Fayetteville 17222, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, by unanimous consent, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Pennsylvania Council on Aging, to serve until October 8, 2002, and until her successor is appointed and qualified, vice Audrey Reichblum, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Elisabeth Baker, (Public Member), P.O. Box 59, Mt. View Drive, Lehman 18627, Luzerne County, Twentieth Senatorial District, as a member of the State Board of Barber Examiners, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lois K. Herr, Manheim, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE CIVIL SERVICE COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 2001 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Civil Service Commission, to serve until April 9, 2006 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Norma J. Gotwalt, Camp Hill, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

CONTROLLER, LUZERNE COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Elisabeth Baker, P.O. Box 59, Mt. View Drive, Lehman 18627, Luzerne County, Twentieth Senatorial District, as Controller, in and for the County of Luzerne, to serve until the first Monday of January 2002, vice Thomas P. Pizano, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Jennifer L. Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lawrence R. Soma, V.M.D., Glen Mills, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Michelle M. Grove, 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until her successor is appointed and qualified, vice James J. Canova, East McKeesport, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Fritz Bittenbender (District 8), 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald N. Lacy, Reading, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007 and until her successor is appointed and qualified, vice Blake Maria Yohe, York, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HARRISBURG STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Albert E. Myers, Harrisburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Fritz Bittenbender, 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 2005 or until his successor is appointed and qualified, vice Robert Johnson-Smith, Elkins Park, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Mark Navarro, (Public Member), 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael A. Cibik, Philadelphia, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE POLK CENTER
BOARD OF TRUSTEES

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Polk Center Board of Trustees, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Alvin G. Kessler, Oil City, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2002, and until her successor is appointed and qualified, vice Susan Genesi, Philipsburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

PROTHONOTARY, ALLEGHENY COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 242 of 280

Governor of the Commonwealth, I do hereby recall my nomination dated July 30, 2001 for the appointment of Fritz Bittenbender, 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, as Prothonotary, in and for the county of Allegheny, to serve until the first Monday of January 2002, vice The Honorable Michael F. Coyne, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

PROTHONOTARY, CLERK OF COURTS, JEFFERSON COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as Prothonotary, Clerk of Courts, in and for the County of Jefferson, to serve until the first Monday of January 2002, vice Kae Ploucha, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

PROTHONOTARY, CLERK OF COURTS, MIFFLIN COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Fritz Bittenbender, 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, as Prothonotary, Clerk of Courts, in and for the County of Mifflin, to serve until the first of Monday of January 2002, vice Sue Ellen Saxton, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Michelle M. Grove (Public Member) 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Psychology, to serve until November 10, 2002 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony J. Fubio, Altoona, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph F. Leeson, Jr., Esquire, Bethlehem, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

REGISTER OF WILLS, RECORDER OF DEEDS, CLERK OF ORPHANS' COURT, NORTHUMBERLAND COUNTY

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 6, 2001 for the appointment of Fritz Bittenbender, 4400 Colonial Road, Dover 17315, York County, Twenty-Eighth Senatorial District, as Register of Wills, Recorder of Deeds, Clerk of Orphans' Court, in and for the County of Northumberland, to serve until the first Monday of January 2002, vice Frederick F. Reed, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 243 of 280

Governor of the Commonwealth, I do hereby recall my nomination dated August 20, 2001 for the appointment of Wha Lee, (Public Member), 2292 Albern Boulevard, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dennis P. McManus, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 12, 2001 for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Velma C. Noonan, Carnegie, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 2001 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Pattee J. Miller, Reading, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 29, 2001 for the appointment of Annette Steele, 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Warren W. Lamm, Sinking Spring, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE SNYDER COUNTY BOARD OF ASSISTANCE

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 25, 2001for the appointment of Jaime Gibson, 10 B West Beale Avenue, Enola 17025, Cumberland County, Thirty-first Senatorial District, as a member of the Snyder County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Judy A. Jones, Selinsgrove, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE VENANGO COUNTY BOARD OF ASSISTANCE

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 12, 2001 for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Venango County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice Creeta Y. Owens, Oil City, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE WARREN COUNTY BOARD OF ASSISTANCE

December 10, 2001

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as

Case 1:01-cv-02439-SHR Document 44 Filed 02/08/02 Page 244 of 280

Governor of the Commonwealth, I do hereby recall my nomination dated September 12, 2001 for the appointment of Barbara Kauffman, 3182 Cornerstone Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Wanda C. Little, North Warren, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

A voice vote having been taken, the question was determined in the affirmative.

The PRESIDENT. The nominations will be returned to the Governor.

SECOND CONSIDERATION CONTINUED

BILL REREPORTED FROM COMMITTEE ON SECOND CONSIDERATION

Senator BRIGHTBILL. Mr. President, I call up House Bill No. 1405, Printer's No. 3045, which was previously reported from committee, and move that the Senate agree to the bill on second consideration.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative.

Ordered to be printed on the Calendar for third consideration.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, DECEMBER 11, 2001

9:00 A.M.	EDUCATION (public hearing on cyber charter schools)	Room 8E-A East Wing
9:00 A.M.	FINANCE (to consider Senate Bills No. 315 and 1223; and House Bills No. 1360 and 1363)	Majority Caucus Rm.
10:00 A.M.	LAW AND JUSTICE (to consider Senate Resolution No. 59)	Room 8E-B East Wing
10:45 A.M.	APPROPRIATIONS (to consider Senate Bills No. 955, 1007 and 1240 and House Bills No. 3, 27 and 1944)	Rules Cmte. Conf. Rm.
11:00 A.M.	JUDICIARY (to consider Senate Bills No. 1048 and 1244; and House Bills No. 227 and 344)	Room 8E-B East Wing
11:15 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 216, 607, 696, 837 and 907; House Bill No. 1633; and certain executive nominations)	Rules Cmte. Conf. Rm.

WEDNESDAY, DECEMBER 12, 2001

10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 457, 1225 and 1249; and House Bill No. 1758)	Room 461 Main Capitol

ADJOURNMENT

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Tuesday, December 11, 2001, at 11:30 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Standard Time.

4

IN THE SUPREME COURT OF PENNSYLVANIA

JOANN ERFER and JEFFREY B. ALBERT, Petitioners,	)	
v.	)	No. 14 MM 2002
THE COMMONWEALTH OF PENNSYLVANIA; MARK S. SCHWEIKER, in his official capacity as Governor of Pennsylvania; KIM PIZZINGRILLI, in her official capacity as Secretary of the Commonwealth of Pennsylvania; RICHARD FILLING, in his official capacity as Commissioner of the Bureau of Commissions, Elections, and Legislation of the Pennsylvania Department of State; ROBERT C. JUBELIRER, in his official capacity as Lieutenant Governor of Pennsylvania and President of the Pennsylvania Senate; MATTHEW J. RYAN, in his official capacity as Speaker of the Pennsylvania House of Representatives, Respondents.	)	

MOTION TO ASSUME JURISDICTION OVER AND EXPEDITE CONSIDERATION OF FEDERAL CONSTITUTIONAL CLAIMS OF PARTISAN GERRYMANDERING

Plaintiffs, by their counsel, respectfully submit this Motion to Assume Jurisdiction Over and Expedite Consideration of Federal Constitutional Claims of Partisan Gerrymandering. In support of this request, Plaintiffs aver as follows:

BACKGROUND

1. On January 25, 2002, Petitioners submitted an application for extraordinary relief in the above-captioned matter. *See* Application for Relief Pursuant to Section 726 of the Judicial Code and for an Expedited Hearing Schedule.

2. In that application, Petitioners asked this Court to assume plenary jurisdiction in this case in order to ensure that Petitioners' constitutional challenges to Pennsylvania's current congressional districting map ("Act 1") would be resolved prior to the start of the 2002 election process on February 19, 2002 -- the opening date for the circulation and filing of nomination petitions for the 2002 elections.

3. Petitioners did not ask this Court to undertake expedited review of their federal constitutional claims, instead limiting their request to their Pennsylvania constitutional law challenges to Act 1. Petitioners did so because the three-judge federal district court hearing the federal constitutional challenges to Act 1 brought by a different set of plaintiffs, *see Vieth v. Commonwealth*, No. 1: CV 01-2439 (M.D. Pa.), had set an expedited schedule for resolution of those claims (including a trial then set for February 11-12, 2002).

4. This Court granted Petitioners' application for extraordinary relief on January 29, 2002, and remanded this matter to Commonwealth Court for expedited review of Petitioners' state constitutional claims. On the same day, Commonwealth Court scheduled a evidentiary hearing for February 1, 2002.

5. That hearing was conducted as scheduled.

6. Petitioners called six witnesses who consistently supported Petitioners' basic claim that the Act 1 map would allow the Republicans to gain at least 13, and probably as many as 14, of Pennsylvania's 19 congressional seats even if, as typically occurs, they receive only half or less of the statewide votes for congressional candidates.

7. Respondents introduced evidence of the voter registration rates, broken down by party, in the newly created districts but offered no other evidence or testimony. Their counsel stated, "We don't think they [Petitioners] made their case." 2/1/02 Tr. at 207-08.

8. At the outset of the February 1 hearing, the legislative Respondents objected to the admission of *any* evidence by Petitioners, based on a pre-hearing memorandum in which they argued that: (1) there are no applicable state constitutional constraints on partisan

gerrymandering, or (2) any such constraints are coextensive with those imposed by the United States Constitution. *See* Pre-Hearing Memorandum of Respondents Lieutenant Governor Jubelirer and Speaker Ryan on State Constitutional Issues (filed Jan. 31, 2002) (See Exhibit A hereto).

9. Judge Pellegrini overruled the objection on the basis that those arguments should be addressed to this Court.

10. In essence, therefore, the hearing went forward on the assumption that this Court might find partisan gerrymandering cognizable under the state constitution and therefore need a factual record and findings on which to rely. The hearing was an opportunity for both sides to introduce the evidence they considered potentially relevant to such a claim.

11. Meanwhile, the federal defendants filed a Motion to Reconsider the Order setting the expedited hearing date in that case. After being informed of the expedited schedule set in this case, the federal court in *Vieth* moved the evidentiary hearing previously scheduled for February 11 back to March 11, 2002.

12. As a result, the federal constitutional challenges to Act 1 will no longer be addressed in the *Vieth* case in federal court in advance of the start of the 2002 election process.

13. In light of these changed circumstances, Petitioners are now asking this Court to enlarge its previous grant of expedited review to encompass Petitioners' federal constitutional claims of partisan gerrymandering as well as their state constitutional claims. As this Application explains, determination of the constitutionality of Pennsylvania's congressional districts is an extraordinarily time-sensitive matter that requires resolution prior to the start of the 2002 election process. This Court's consideration of Petitioners' federal constitutional claims would serve the vital purpose of ensuring that the 2002 election process does not proceed in a manner that violates the constitutional rights of a majority of Pennsylvania's voters.

14. Furthermore, consideration of Petitioners' federal constitutional claims would cause no prejudice to Defendants. The evidence that they would raise to rebut allegations

of partisan gerrymandering based on state and federal law is indistinguishable. Moreover, at the February 1 hearing in Commonwealth Court, Respondents had ample opportunity and incentive to develop a record relevant both to Petitioners' state constitutional claims and to their federal claims of partisan gerrymandering. Indeed, as noted, they had just filed a brief arguing in the alternative that the state and federal constitutional constraints on partisan gerrymandering in congressional district maps are identical.

15. In any event, if there were any real concern about enlarging the scope of the issues before this Court at this stage, it would be a simple matter for this Court to direct the Commonwealth Court to allow Respondents an opportunity to introduce any additional evidence they believe is necessary to address the Petitioners' federal claims.

THIS COURT SHOULD CONSIDER PLAINTIFFS' FEDERAL GERRYMANDERING CLAIMS NOW IN ORDER TO ENSURE THAT THEY WILL BE ADDRESSED BEFORE THE 2002 ELECTION PROCESS BEGINS

16. As this Court implicitly acknowledged in its Order of January 29, 2002, this litigation concerns a matter of extraordinary time sensitivity. Petitioners have alleged that Act 1 is grossly biased, based solely on one political party's desire to maximize its advantage in the upcoming elections, and that, as such, it violates rights secured by the United States and Pennsylvania Constitutions.

17. Expert testimony presented at the Commonwealth Court hearing demonstrated that under the congressional districts established by Act 1, even if Republican congressional candidates in Pennsylvania receive on an aggregate statewide basis less than 50% of the votes cast next November in the congressional races, they are likely to win *at least* 13 of 19 congressional seats – *i.e.*, twice as many (and, if Republicans win 14 seats, close to three times as many) seats as the Democrats.

18. The irregular shapes and borders of the Act 1 map -- creating, *inter alia*, the "Greenwood Gash" in Bucks and Montgomery Counties (the new 8th District); the "supine sea serpent" in Greene, Washington, Fayette, and Westmoreland Counties (the new 12th

District); and a portion of a district in Montgomery County (the new 7th District) that is literally encircled by another district (the new 6th District) -- testify to the mapmakers' politically driven aspirations that result in the anomaly that Republican congressional candidates, despite winning less than half of the statewide vote, could win two thirds or three quarters of the congressional seats.

19. If implemented as passed, Pennsylvania's congressional districting plan will have a severe impact on the rights of Petitioners and all other supporters of the Democratic Party as soon as February 19, 2002, when the election process for Pennsylvania's congressional delegation officially begins.

20. If their challenges to Act 1 are not resolved before the current election cycle, Petitioners, along with all Democratic voters in the Commonwealth of Pennsylvania, will be denied any effective remedy for the violation of their constitutional rights. After the election process begins, the damage cannot easily be undone. Act 1 is likely to result in the unseating of long-term incumbents whom Petitioners and other Democrats have supported, and who would likely have a fair opportunity for reelection under a constitutional districting plan. As a result, a later redrawing of the district lines likely would not eliminate the long-term effects of the initial unconstitutional districting plan. Plaintiffs and other members of the Democratic Party will lose their representatives in Congress, an injury that they will have to suffer for a minimum of a two-year congressional term and, given the importance of seniority in the committee structure of the House of Representatives, will likely suffer for much longer.

21. The federal court's decision to defer consideration of the federal constitutional challenges to Act 1, based in large measure on the expedited hearing schedule set in this Court, means that Petitioners could be denied effective review of their federal constitutional claims unless this Court takes action. Accordingly, this Court should review Petitioners' federal constitutional claims of partisan gerrymandering on the same expedited schedule it has set for review of Petitioners' state constitutional claims, in order to ensure that

judicial review of the constitutionality of Pennsylvania's districting plan is both prompt and effective.

DEFENDANTS HAVE HAD AN ADEQUATE OPPORTUNITY TO DEVELOP THE RECORD

22. Moreover, this Court's consideration of Petitioners' federal constitutional claims, in addition to its consideration of the state constitutional claims, will cause Respondents no prejudice. Respondents themselves have just taken the position that "to the extent there are any cognizable state constitutional claims, they would be decided using the same analysis applied to the federal claims, making the federal and state claims, for all intents and purposes, identical." Pre-Hearing Memorandum of Respondents Lieutenant Governor Jubelirer and Speaker Ryan on State Constitutional Issues at 1. *See also id.* at 3 ("[T]he state constitutional claims raised in the instant Petition have no independent viability but, at most, merge with the federal claims.") ; *id.*. at 5 (Petitioners' claims, "if cognizable under the Pennsylvania Constitution, would be identical to the analysis of [the] claims . . . under the United States Constitution").

23. It follows that Respondents had every reason to make a record on February 1 that would adequately address both the state and federal constitutional claims. To be sure, Respondents also made a novel argument in the same pre-hearing memorandum that state constitutional claims are categorically excluded in cases challenging legislatively enacted congressional redistricting plans. They argued that Article I of the U.S. Constitution delegates that function to the state *legislatures*, and that the legislature's actions therefore are regulated only by the U.S. Constitution. *See id.*. at 2-3 (citing *Bush v. Palm Beach County Canvassing Bd.*., 531 U.S. 70 (2000), and *Bush v. Gore*, 531 U.S. 98 (2000)). But that argument, whatever its merits, does not suggest that Respondents can make a plausible claim of prejudice if the federal claims are added to this Court's grant of expedited review now.

24. To the contrary, because Respondents themselves repeatedly acknowledged that the Pennsylvania Constitution might properly be applied to the extent it

overlaps with federal constitutional constraints, they had every reason to make a factual record that would apply to both. Moreover, given that Respondents are now arguing that there are *no* state constitutional limitations applicable to congressional districts drawn by the General Assembly, it is all the more imperative that the Court ensure that the concededly applicable federal claims will be addressed with expedition.

25. In any event, even if the Court were convinced that there was some potential for unfairness caused by an enlargement of the scope of the expedited claims after the February 1 hearing was completed, it would be a simple matter to direct the Commonwealth Court to allow Respondents to supplement the evidentiary record in any way they saw fit. Given the federal court's decision to move back its hearing on the federal claims by a month, considerations of judicial efficiency and fairness argue strongly in favor of making every effort to assure that all potentially applicable constitutional issues are addressed by this Court now.

CONCLUSION

For the foregoing reasons, Petitioners' Motion to Assume Jurisdiction Over and Expedite Consideration of Federal Constitutional Claims of Partisan Gerrymandering should be granted.

REED SMITH LLP

By

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Counsel for Petitioners

Dated: February 5, 2002

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IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT
and
THE COMMONWEALTH COURT OF PENNSYLVANIA

JOANN ERFER AND JEFFREY B. ALBERT, Petitioners,	:	
v.	:	Supreme Ct. No. 14 M.M. 2002 Cmwlth Ct. No. 10 M.D. 2002
THE COMMONWEALTH OF PENNSYLVANIA, et al., Respondents.	:	

PRE-HEARING MEMORANDUM OF RESPONDENTS LIEUTENANT GOVERNOR JUBELIRER AND SPEAKER RYAN ON STATE CONSTITUTIONAL ISSUES

BACKGROUND

By order dated January 29, 2002 the Pennsylvania Supreme Court took plenary jurisdiction of the above-captioned matter and remanded it to Commonwealth Court, directing Commonwealth Court "to limit its consideration of the matter to the state constitutional law claim raised by Petitioners their Petition for Review ... ." *See* January 29, 2002 order of the Pennsylvania Supreme Court at Dkt. No. 14 MM 2002. Subsequent to the Supreme Court's order, Commonwealth Court set a hearing "on Petitioners' state constitutional claims" for Friday, February 1, 2002. As this memorandum explains, there is no need for a hearing because a duly-enacted congressional redistricting plan may not be held unconstitutional on state constitutional grounds. Moreover, to the extent there are any cognizable state constitutional claims, they would be decided using the same analysis applied to the federal claims, making the federal and state claims, for all intents and purposes, identical.

ARGUMENT

I. IT WOULD BE UNCONSTITUTIONAL FOR THE STATE CONSTITUTION TO IMPOSE STRICTER REQUIREMENTS ON A CONGRESSIONAL REDISTRICTING PLAN THAN IMPOSED BY FEDERAL LAW

The United States Supreme Court held, in *Bush v. Palm Beach County Canvassing Board*, 531 U.S. 70 (2000), that the decision of the Supreme Court of Florida changing the manner in which the state's electors are to be selected under state law violated the exclusive power of the state legislature under U.S. CONST. art. II, §1, cl. 2. That provision is an exclusive grant of authority to the state legislatures: "Each State shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors ... ." U.S. CONST. art. II, §1, cl. 2. As the Court explained:

> [I]n the case of a law enacted by a state legislature applicable not only to elections to state officers, but also to the elections of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, §1, cl. 2, of the United States Constitution.

531 U.S. at 75. *See also U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 805 (1995) (the federal constitution provides a role for the states in the federal electoral process only in select clauses "which are express delegations of power to the States to act with respect to federal elections").

In the subsequent case of *Bush v. Gore*, 531 U.S. 98, 103 (2000), the Court granted *certiorari* on the following questions: whether the Florida Supreme Court established new standards for resolving Presidential election contests, thereby violating Art. II, §1, cl. 2 of the United States Constitution ... and whether the use of standardless manual recounts violates the Equal Protection and Due Process Clauses." The *per curiam* opinion invalidated the state court decision on the grounds that it required a remedy which violated equal protection.

Chief Justice Rehnquist, joined in his concurring opinion by Justices Scalia and Thomas, explained why the federal principles governed:

> Of course, in ordinary cases, the distribution of powers among the branches of a State's government raises no questions of federal constitutional law, subject to the requirement that the government be republican in character. See U.S. Const., Art.

> IV, § 4. But there are a few exceptional cases in which the Constitution imposes a duty or confers a power on a particular branch of a State's government. This is one of them. Article II, § 1, cl. 2, provides that "each State shall appoint, in such Manner as the *Legislature* thereof may direct," electors for President and Vice President. . . . In McPherson v. Blacker, we explained that Art. II, § 1, cl. 2, 'conveys the broadest power of determination' and 'leaves it to the legislature exclusively to define the method' of appointment. A significant departure from the legislative scheme for appointing Presidential electors presents a federal constitutional question.

531 U.S. at 112-114 (internal citations omitted, emphasis original).

In a provision parallel to that applied in the *Bush* cases, the United States Constitution grants authority to state legislatures to establish the time, place and manner for electing members of Congress. U.S. CONST. art. I, §4, cl.1 ("The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof"). Pennsylvania's Act 1 was enacted pursuant to authority derived directly from this federal constitutional provision. Accordingly, as the *Bush* cases show, federal constitutional principles govern review of legislation enacted under the authority of U.S. CONST. art. I, §4 cl.1. Neither the state constitution nor the state judiciary can impose standards more stringent than, or at variance with, federal law, nor can the state courts interpret state law or the state constitution in a manner frustrating the federal delegation. Actions of the state legislature pursuant to U.S. CONST. art. I, §4 cl.1. are subject to federal constitutional requirements. It is for this reason that the "state constitutional claims" raised in the instant Petition have no independent viability but, at most, merge with the federal claims.

This result is entirely consistent with the United States Supreme Court's earlier decision in *Growe v. Emison*, 507 U.S. 25 (1993). As recognized in *Growe*, congressional redistricting implicates strong state political interests. But, under U.S. CONST. art. I, § 4 cl.1, the shape of those interests is delegated to the state legislature. The state judiciary cannot interpret the state constitution to limit the scope of the federal delegation.

II. THERE ARE NO PENNSYLVANIA CONSTITUTIONAL REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

The Pennsylvania Constitution does not (nor could it, as explained above) place any direct requirements or restrictions on the General Assembly's power to provide for the time,

manner and place of electing Pennsylvania's representatives to the United States Congress. In fact, Pennsylvania does not even recognize partisan gerrymander, the primary focus of Petitioners' factual allegations. *See* Petition ¶¶26-30, 32-42.

In *Newbold v. Osser*, 425 Pa. 478, 489, 230 A.2d 54, 60 (1967), the Pennsylvania Supreme Court, in addressing a claim that a redistricting plan adopted by the City Council of Philadelphia was an unconstitutional partisan gerrymander under the Pennsylvania Constitution, concluded:

> [T]here is no basis [in] our first *Butcher* opinion [415 Pa. 438, 203 A.2d 556 (1964)], nor is there any other basis in Pennsylvania's present Constitution or laws for the proposition that gerrymandering per se, as distinct from departure from explicit constitutional or statutory requirements of compactness or contiguity, may constitute the sole basis upon which a legislative plan of apportionment may be judicially invalidated.

While Pennsylvania courts have addressed partisan gerrymander claims, they have done so in connection with challenges based on the equal protection guarantee of the United States Constitution. *See e.g., In re 1991 Pennsylvania Legislative Reapportionment Commission*, 530 Pa. 335, 609 A.2d 132 (1992) (applying factors identified by the plurality in *Davis v. Bandemer*, 478 U.S. 109 (1986), to conclude that no appellant had established a prima facie case of political gerrymandering).

The situation is the same for Petitioners' claim that Act 1 violates the principle of one-person, one-vote because there is a 19-person difference between the population of the largest and smallest districts under Act 1, using the "ideal" population of 646,371. *See* Petition ¶¶23, 31. The Pennsylvania Constitution addresses equality of population only with respect to legislative districts. *See* PA. CONST. art. II, §16. When it was forced to put a congressional redistricting plan in place in 1992, after the General Assembly deadlocked, the Supreme Court applied federal case law in deciding compliance with the "one person, one vote" standard. *See Mellow v. Mitchell*, 530 Pa. 44, 607 A.2d 204 (1992). The Supreme Court, in *Mellow,* even identified the standard for congressional redistricting as originating with the decision of the United States Supreme Court in *Wesberry v. Sanders*, 376 U.S. 1 (1964). *Id.* at 207.

Moreover, to the extent that Petitioners argue that these claims are cognizable under the equal protection guarantee of the Pennsylvania Constitution (PA. CONST. art. I, §§1, 20), Pennsylvania courts analyze the equal protection provisions of the Pennsylvania Constitution "under the same standards used by the United States Supreme Court when reviewing equal protection claims under the Fourteenth Amendment to the United States Constitution." *Love v. Borough of Stroudsburg*, 528 Pa. 320, 325-26, 597 A2d 1137, 1139 (1991). Accordingly, the analysis of Petitioners' claims of partisan gerrymandering and violation of the one-person, one-vote principle, if cognizable under the Pennsylvania Constitution, would be identical to the analysis of its claims of partisan gerrymandering and violation of the one-person, one-vote principle under the United States Constitution.

CONCLUSION

For the reasons set forth above, Lieutenant Governor Jubelirer and Speaker Ryan respectfully submit there are no separate and identifiable state constitutional claims to be decided and there is no need for an evidentiary hearing.

January 31, 2002

John P. Krill, Jr.
Pa. ID No. 16287
Linda J. Shorey
Pa. ID No. 47477
Julia M. Glencer
Pa. ID No. 80530
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Counsel for Respondents Lieutenant Governor Jubelirer and Speaker Ryan

CERTIFICATE OF SERVICE

I certify that on January 31, 2002, I caused a copy of the foregoing Pre-hearing Memorandum of Respondents Lieutenant Governor Jubelirer and Speaker Ryan on State Constitutional Issues to be served on the following in the manner indicated:

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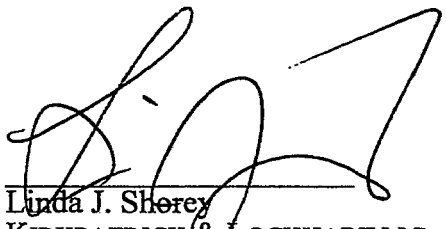

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5

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

JOANN ERFER AND JEFFREY B. ALBERT, Petitioners,	:	
v.	:	No. 14 M.M. 2002
THE COMMONWEALTH OF PENNSYLVANIA; MARK S. SCHWEIKER, in his official capacity as Governor of Pennsylvania; KIM PIZZINGRILLI, in her official capacity as Secretary of the Commonwealth of Pennsylvania; RICHARD FILLING, in his official capacity as Commissioner of the Bureau of ROBERT C. JUBELIRER, in his official capacity as Lieutenant Governor of Pennsylvania and President of the Pennsylvania Senate; MATTHEW J. RYAN, in his official capacity as Speaker of the Pennsylvania House of Representatives, Respondents.	:	

RESPONSE OF LIEUTENANT GOVERNOR JUBELIRER AND SPEAKER RYAN TO PETITIONERS' MOTION TO ASSUME JURISDICTION OVER AND EXPEDITE CONSIDERATION OF FEDERAL CONSTITUTIONAL CLAIMS OF PARTISAN GERRYMANDERING

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Received in Supreme Court

FEB - 5 2002

Middle

INTRODUCTION

On January 25, 2002, Petitioners asked this Court to take plenary jurisdiction over their *state* constitutional claims pending in the Commonwealth Court. Petitioners did not then ask the Court to take jurisdiction over their federal claims. On January 29, 2002, this Court granted Petitioners' motion, assumed jurisdiction solely over Petitioners' state constitutional claims and directed Commonwealth Court to submit findings and conclusions on those issues by noon on Friday, February 8, 2002. On February 1, 2001, Commonwealth Court held a hearing and, at 9AM on February 5, 2002, the parties submitted proposed findings of fact & conclusions of law to Commonwealth Court, which must soon submit its findings and conclusions to this Court.

The instant motion, filed on February 5, is consistent with the forum-shopping game Petitioners' counsel have played since this case was brought. Petitioners' counsel, who are also plaintiffs' counsel in *Veith v. Commonwealth*, M.D. Pa. No. 1:CV-01-2439, are now asking this Court to hear their federal "partisan gerrymandering" claim on an expedited basis. Their reason is transparent: the three-judge federal court has recently allowed Respondents a small amount of time for limited discovery, has postponed the hearing it originally set for February 11 and will hear the federal issues on March 11. Because the federal court schedule is now inconsistent with their goal of preventing the congressional election process from starting under Pennsylvania's duly enacted redistricting law, they ask this Court for aid that they did not deign to seek earlier.

The Court should not give them aid that they spurned earlier, especially when their request is still highly selective as to the issues they want this Court to see. The Court should note that the instant motion is crafted to leave Petitioners' counsel with still another "ace in the hole" in the event that this Court takes jurisdiction of their gerrymandering claim but rules against them on its merits. By asking this Court to expand its jurisdiction to include *only* their federal claim for partisan gerrymandering, they leave their remaining federal claims for resolution by the federal three-judge court in *Veith* or by the Commonwealth Court (where identical claims are pending) or, even, for a third petition to this Court.

The strange "partisan gerrymandering" claim that Petitioners now seek to put before this Court is beyond the pale of issues as to which the judiciary can grant relief. Act 1 of 2002 is a duly enacted statute that divides Pennsylvania into the 19 congressional districts to which it is entitled under the census. The following chart, derived from Respondents' Exhibit 1, to which Petitioners' counsel stipulated in Commonwealth Court, shows the number and percentage of Republicans, Democrats and other registered voters within each of the 19 districts under Act 1:

Congressional District	Republican Registration	Democrat Registration	Other
1	19.69%	**73.96%**	6.35%
2	13.65%	**78.65%**	7.70%
3	44.05%	46.89%	9.06%
4	38.55%	**51.74%**	9.71%
5	**50.88%**	38.86%	10.26%
6	49.87%	35.92%	14.21%
7	**62.03%**	26.55%	11.43%
8	48.75%	37.50%	13.75%
9	**52.90%**	38.28%	8.83%
10	**52.06%**	38.86%	9.08%
11	34.92%	**55.96%**	9.12%
12	27.30%	**65.74%**	6.96%
13	47.79%	42.88%	9.33%
14	17.31%	**74.04%**	8.65%
15	41.98%	44.43%	13.59%
16	**57.52%**	28.47%	14.01%
17	**52.87%**	36.87%	10.27%
18	37.05%	**53.55%**	9.40%
19	**54.11%**	33.04%	12.85%

Under Act 1, registered Republican voters are a majority in only seven (7) districts. Registered Democrats are a majority in another seven (7) districts. In the remaining five districts, Republicans have a plurality in three and Democrats in two. Petitioners themselves believe that at least five (5) Democrat incumbents are in "safe" seats (Reps. Murtha, Doyle, Kanjorski, Fattah and Brady). One incumbent Republican, Rep. Hart, in the 4th District under Act 1, will face an

electorate the majority of whom are Democrats. The districts of Reps. Fattah and Brady (Districts 2 and 1 in Philadelphia) are preserved as minority majority/influence districts.[1]

There is no constitutional requirement that redistricting, when performed by a state legislature, must treat the two major parties proportionately.[2] Nevertheless, Act 1 creates remarkable balance in the number of districts where each major party has a majority of registered voters, while helping many incumbents of both parties (a valid objective under federal law) and avoiding concerns about diluting minority voting rights (also a valid and important objective).

The gravamen of Petitioners' federal claim, therefore, is necessarily novel: they claim that, because too many Democrats too often vote Republican, too many of the districts established by Act 1 "lean" Republican. Even their expert witness in Commonwealth Court (using objectionable "black box" methodology and unknown and unsubstantiated data) could not guarantee election outcomes, but merely opined that it was "likely" that Republicans would gain seats in Pennsylvania's congressional delegation. This is a political, not a judicial, concern.

Petitioners' claim is analogous to asking the referees at last Sunday's Superbowl to redraw the playing field more favorably to the Patriots, because the Las Vegas oddsmakers were consistently and heavily favoring the Rams. The Patriots, of course, defied the odds and won, with superior teamwork. Election handicapping is less reliable than sports bookmaking. The opinions of paid partisan pundits and experts-for-hire cannot overturn a statute and be substituted for the judgment of the General Assembly. The law would have to be upheld even if all the experts were absolutely certain, in their own minds, of the outcome of the elections. The law

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[1] Petitioners have not raised an issue of minority voting rights under the federal Voting Rights Act, but any attempt to deviate from Act 1's delineation of Districts 1 and 2 might raise such an issue.

[2] N.B. that, in 1992, when this Court had to adopt a plan, because the legislature was deadlocked, this Court scrupulously sought to create a balanced congressional redistricting plan, to avoid the appearance of partisanship in a situation in which it was forced, reluctantly and of necessity, to perform a legislative function. It does not follow that a state legislature, when not deadlocked, must imitate the judiciary. Rather, the legislatures of the states have discretion limited only by federal constitutional law when performing the redistricting function delegated directly to them under article 1, section 4 of the United States Constitution.

must be upheld *a fortiori* when their conclusions are feebly framed as "likely" outcomes. To subscribe to Petitioners' position to the contrary would lead to the conclusion that the judiciary may as well cancel elections and adjudicate the outcomes based on the opinions of experts, pundits and politicians and the length of a chancellor's foot.

The motion fails to disclose to the Court the fundamental failures of Petitioners' counsel to meet their burden of proof in Commonwealth Court last Friday. Besides the fizzle of their "gerrymandering" evidence, as summarized above, they failed to advance even a scintilla of evidence on the most basic of state constitutional issues: the identity and standing of Petitioners themselves. Petitioners did not appear to testify and no stipulations or admissions were made by Respondents regarding them. Their voting status and their very existence is hypothetical. Because the instant motion mischaracterizes the proceedings and evidence in Commonwealth Court on other points, a paragraph-by-paragraph response to the motion follows below.

Respondents Lieutenant Governor Jubelirer and Speaker Ryan ("Presiding Officers") request this Court either (1) to assume jurisdiction over *all* of the Petitioners' federal claims and to dismiss them all with prejudice on the existing record or (2) to deny the present motion.

RESPONSE TO NUMBERED PARAGRAPHS OF MOTION

1. Admitted. By way of further response, Petitioners' earlier application asking this Court to assume jurisdiction of their state constitutional claims was a function of Petitioners' disappointment with the schedule established by Commonwealth Court on Presiding Officers' preliminary objections to their Petition.

2. Admitted in part , denied in part. Petitioners specifically asked this Court to assume jurisdiction *only* over the state constitutional claims in their Petition. Although a duly-enacted statute entitled to a presumption of validity is presently in place, allowing the 2002 election process to begin, Petitioners have repeatedly sought to stampede both the state and federal courts into resolving their challenges to Act 1. No authority exists for the proposition that challenges to an enacted redistricting plan (as opposed to the situation where no plan exists) must be resolved prior to the start of the election process. In fact, there is precedent for one or

even more elections to be held under a redistricting plan enacted under state law, where such plan has been challenged and even, eventually, found invalid. For example, in *Davis v. Bandemer*, 478 U.S. 109 (1986), two elections were held under a plan invalidated by a three-judge court – the first prior to trial and the second after trial but before the three-judge court's decision invalidating the plan. Although the trial court declared the plan invalid (a decision ultimately reversed by the United States Supreme Court), it also held that elections held under the plan were valid. The Supreme Court, at one point, even granted stay of the trial court's order invalidating the plan, thus allowing an election to go forward under the plan which had been declared invalid. *See Davis v. Bandemer*, 474 U.S. 991 (1985).

3. Admitted as to first sentence, denied as to remainder. Petitioners' assertion explains why they now, belatedly, seek to have this Court assume jurisdiction of their federal claims. The federal court in *Vieth* had set an expedited schedule for resolution of the *Vieth* Plaintiffs' claims, including a hearing set for February 11-12, 2002. On the basis of Presiding Officers' motion for reconsideration (copy attached at Tab 1),[3] the three-judge panel granted reconsideration and replaced the scheduling order (which Petitioners found favorable), with a new scheduling order as follows:

February 6, 2002	Deadline for Plaintiffs to provide Defendants with list of expert witnesses and supporting statistics
February 13, 2002	Deadline for Defendants to provide Plaintiffs with list of expert witnesses and supporting statistics
February 19, 2002	Deadline for completion of depositions

[3] Presiding Officers have attached to this Response the following pleadings and orders relevant to the proceeding in the Commonwealth Court and before the three-judge court in *Veith* since Petitioners' last request to this Court in order to facilitate this Court's understanding of the present posture of the parallel cases: Tab 1 (Presiding Officers' Motion for Reconsideration and supporting memorandum of law); Tab 2 (three-judge court's scheduling order); Tab 3 (Presiding Officers' brief in support of motion to dismiss the federal amended complaint); Tabs 4 & 5 (Petitioners' application to reschedule the hearing before Commonwealth Court, and Presiding Officers' opposition thereto); Tab 6 (Presiding Officers' pre-hearing memorandum); Tabs 7 & 8 (Presiding Officers' proposed findings & conclusions of law and supporting brief).

February 22, 2002	Deadline for filing all motions in *limine* with supporting briefs and/or requests for *Daubert* hearings as to expert witnesses
March 11-12, 2002	Evidentiary hearing[4]

Order (Jan. 30, 2002) (Tab 2). Petitioners, displeased with the three-judge panel's new scheduling order in *Veith*, now return to this Court, seeking to have it leap-frog over the federal court, while holding back some of their federal claims to provide themselves a vehicle to return.

Petitioners' present motion is limited to the federal gerrymandering claim so that they may preserve the remaining federal constitutional claims (i.e., one-person, one-vote, privileges and immunities and freedom of speech & association) for resolution in federal court, to which they will rush back seeking judgment if this Court rejects their state constitutional gerrymandering challenges. The present motion fits perfectly into the pattern of disrespect thus far displayed by Petitioners for the judicial authority of both this Court and the three-judge panel.

4. Admitted. By way of further answer, Petitioners fail to disclose that they sought to delay the hearing in Commonwealth Court, despite having persistently sought expedited consideration of their claims in both the state and federal courts. On January 30, 2002, Petitioners filed an application seeking to move the hearing from February 1, 2002 to February 4, 2002. Commonwealth Court promptly denied it. Their instant plea for expedition is belied by Petitioners' own actions.

5. Admitted that the hearing was conducted as scheduled on February 1, 2002 (Pellegrini, J.). Petitioners failed to carry their heavy burden of proof to show that Act 1 is unconstitutional. *See In re Ross Township Election District Reapportionment*, 489 A.2d 297 (Pa. Cmwlth. 1985), *aff'd* 514 Pa. 41, 522 A.2d 553 (1987) (complaints seeking to invalidate a redistricting plan must show that it *clearly, palpably* and *plainly* violates the Constitution).

6. Admitted that Petitioners called six witnesses at the hearing; denied that the Petitioners witnesses supported any of Petitioners' claims. On the contrary, Petitioners'

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[4] This schedule may be obviated if the three-judge court grants Presiding Officers' motion to abstain or motion to dismiss, both of which are presently pending.

witnesses contradicted Petitioners' allegations on numerous points. Their expert testimony showed, at most, merely that some districts "leaned" Republican and were "likely" to result in Republican candidates winning. The opinion testimony, moreover, weak as it was, was not based in known methodology and used data that were not authenticated under rules of evidence.

7. Admitted. Petitioners failed to make a case at the hearing.

8. Admitted.

9. Denied as stated. The presiding judge did not "overrule the objection" made on the basis of Presiding Officers' Pre-Hearing Memorandum. He reserved judgment on the issue, preferring to allow this Court to address it, and allowed a standing objection to the relevancy of any evidence introduced in support of the state constitutional claims which, as Presiding Officers had suggested, may not be before the Court.

10. Denied. The hearing proceeded on the assumption that any evidence introduced by Petitioners may ultimately be deemed irrelevant to any issue before the Court. *See* Tab 6 (Presiding Officers' pre-hearing memo on state constitutional issues). The hearing was an opportunity for Petitioners, who bear the burden in this constitutional challenge, to prove *their* claims. Respondents have no obligation under Pennsylvania, or federal law, to prove the constitutionality of duly-enacted legislation. It is presumed constitutional. *See Commonwealth ex rel. Schnader v. Liveright*, 308 Pa. 35, 55-56, 161 A. 697, 702-03 (1932) (When the validity of a statute is challenged, "[e]very presumption should be indulged in its favor and one who claims an act is unconstitutional must prove his case beyond doubt."); *Schlib v. Kuebel*, 404 U.S. 359, 364 (1971) (affording Indiana statute presumption of validity in equal protection challenge because "[l]egislatures are presumed to have acted constitutionally").

11. Denied. The federal court's scheduling order was issued the day before the hearing, on January 30, 2002; it was not issued in the "[m]eanwhile." Commonwealth Court's scheduling order came to the attention of counsel for both sides during a conference call with the three-judge court on Presiding Officers' motion for reconsideration, which cited prejudice to the defense. As the three-judge court granted Presiding Officers' motion for reconsideration, which

did not (and could not have) relied on Commonwealth Court's scheduling order, no assumption can be made that the three-judge court l acted on the basis of that information.

12. Denied. The federal constitutional challenges may likely be addressed by the three-judge panel in the near future, should it grant Presiding Officers' motion to dismiss. *See also* Response to ¶2.

13. Admitted that Petitioners have returned to ask this Court to enlarge its previous grant of jurisdiction to consider their federal claims. Having failed to successfully stampede the three-judge court (upon reflection) to rush to judgment, Petitioners now seek to convince this Court of the urgency of their federal gerrymandering claim. As noted, however, the election process must proceed under Act 1. Petitioners' allegation of unconstitutionality is just that – an allegation. Unlike in 1992, this Court need not intervene to ensue that the "election process does not proceed in a manner that violates [ ] constitutional rights." Democrats, moreover, are not a "majority" of the voters in Pennsylvania; they are a plurality.

14. Denied. Consideration of Petitioners' federal claims may indeed prejudice Presiding Officers who participated in the hearing with the understanding that only state constitutional claims were under consideration.

15. Denied. Characterizing this Court's ability to instruct the Commonwealth Court as "a simple matter" demonstrates disrespect for the functioning of the Commonwealth's judicial system. By bifurcating, and now trifurcating, their claims in order to preserve their ability to run back and forth between the state and federal courts, Petitioners pay no heed to considerations of judicial economy and efficiency.

16. Denied. This Court's order stands on its own. Petitioners have alleged numerous constitutional challenges to Act 1. As noted above, there is no "extraordinary time sensitivity" involved.

17. Denied. The expert testimony introduced by Petitioners at the hearing (although incompetent and unfounded) demonstrated nothing more than conjecture, i.e., a "likelihood" that

Republican candidates might win 13 or 14 of the 19 congressional districts, which is an insufficient basis to invalidate a redistricting statute.

18. Denied. Act 1 stands on its own. The districts drawn suggest nothing about the motives of the mapmakers. Under established law of this Commonwealth, moreover, judicial inquiry into the motives of the General Assembly in enacting Act 1 is improper.

19. Denied. Petitioners presented no evidence at the hearing as to the *existence* of the named Petitioners, never mind any "impact" to their rights. The named Petitioners are hypothetical; it is the interests of the national Democrat Party that Petitioners' counsel are attempting to vindicate through an advisory state court judgment in this case.

20. Denied. Petitioners' assertions reveal the fatal flaw in the existing record. Petitioners witnesses, at most, opined as to "likelihoods." Speculation as to the effect of Act 1 in the upcoming election process and the following decade is, however, a woefully inadequate basis to invalidate a statute on a claim of partisan gerrymandering. Moreover, "all Democratic voters" will not be denied rights if the election process goes forward, because Democratic voters are not a cohesive group , but engage in widespread cross-over voting for Republicans. Petitioners are making allegations about the imminence of the election process that really reflect the interest of Democrat Party candidates, rather than voters. All citizens of Pennsylvania have a strong interest in the election process moving forward under Act 1 of 2002.

21. Denied. The three-judge court is acting expeditiously in an attempt to allow the parties sufficient opportunity to develop their respective positions. Assuming jurisdiction solely of the federal gerrymandering claim will preserve Petitioners' ability to run back to federal court with their remaining claims, thereby allowing them multiple bites at the apple. If "effective review" of their constitutional challenges is truly what Petitioners seek, deliberate consideration is better than a hasty judgment generated under illusory time constraints. If, on the other, hand Petitioners are really straw plaintiffs for the Democrat Party or certain Democrat candidates, they lack standing.

22. Petitioners correctly cite Presiding Officers' Pre-hearing Memorandum but fail to comprehend its import. Presiding Officers contend that this Court, under recent precedent of the United States Supreme Court, may not interpret the Pennsylvania Constitution as imposing a more stringent standard on congressional redistricting than the United States Constitution. *See* Tab 6. Respondents will be prejudiced if this Court expands its jurisdiction and rules against them on the record previously made, having limited their participation in the hearing to the state constitutional claims at issue in accordance with this Court's order.

23. *See* Response to ¶22. What Petitioners characterize as a "novel" argument is central to the resolution of Petitioners' state constitutional claims. Prejudice would result from ruling against Respondents on issues that were not scheduled for hearing. However, given Petitioners' allegations in this motion, Petitioners would *not* be prejudiced, if this Court grants their motion and rules *against* them on all issues.

24. *See* Responses to ¶22 and ¶23.

25. Denied. Again, Petitioners' suggestion that it would be a "simple matter" for the Court to instruct Commonwealth Court to oversee supplementation of the record demonstrates extreme disregard for the judicial function and considerations of economy and efficiency.

CONCLUSION

Should this Court decide to expand its jurisdiction, Presiding Officers request that the Court consider and resolve *all* of Petitioners federal claims on the existing record along the following schedule:

The parties may file (a) objections to the proposed findings of fact & conclusions of law submitted by Commonwealth Court on the state constitutional claims and (b) proposed findings of fact & conclusions of law on the federal constitutional claims; and (c) a comprehensive brief in support thereof no later than 11 a.m. Monday, February 25, 2002.

Oral argument before this Court scheduled during the week of March 4, 2002.

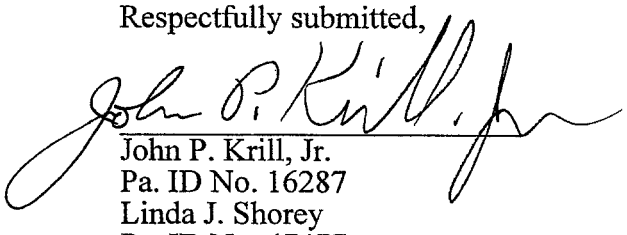
The Court should then dismiss, with prejudice, all nine claims asserted in this action for failure to prove their own standing or to prove that Act 1 violates either the Pennsylvania or the United States Constitution. Assuming jurisdiction of the entire Petition would halt Petitioners' race back and forth across the street, from the Commonwealth's Capitol Complex to the Federal Building at the corner of Third and Market.

Alternatively, Presiding Officers urge the Court not to expand its jurisdiction to include Petitioners' federal gerrymandering claim. Petitioners are blatantly engaged in forum shopping, running back and forth between this Court and the three-judge court in *Veith*, attempting to stampede one or the other into a rush to judgment on the validity of Act 1. As a duly-enacted statute, Act 1 is entitled to a presumption of validity and provides a basis for the election process to begin. Both Commonwealth Court originally and now the three-judge panel have properly rejected Petitioners' exaggerated pleas of urgency. This Court should do the same.

Two proposed orders corresponding to these alternatives are attached.

February 5, 2002

Respectfully submitted,



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Commissions, Elections, & Legislation

Department of State

Unofficial Voter Registration Data, November, 2001

Other Voter Registration Data

REP = Republican **DEM** = Democratic **GRN** = Green

COUNTY	REP	DEM	GRN	OTHER PARTIES	ALL PARTIES
ADAMS	27,613	16,166	22	2,756	46,557
ALLEGHENY	264,708	574,368	389	88,413	927,878
ARMSTRONG	19,208	20,490	6	3,655	43,359
BEAVER	33,374	72,022	4	9,925	115,325
BEDFORD	20,171	12,261	1	2,424	34,857
BERKS	92,135	96,686	101	27,930	216,852
BLAIR	41,275	25,301	48	7,470	74,094
BRADFORD	22,753	10,521	12	3,899	37,185
BUCKS	195,984	151,375	191	58,836	406,386
BUTLER	51,088	41,347	8	11,111	103,554
CAMBRIA	27,515	54,529	20	5,400	87,464
CAMERON	1,791	1,549	0	253	3,593
CARBON	13,949	16,917	9	3,360	34,235
CENTRE	40,190	33,344	149	15,121	88,804
CHESTER	157,181	79,583	83	45,822	282,669
CLARION	11,734	9,487	13	432	21,666
CLEARFIELD	20,985	20,871	7	3,798	45,661

6

CLINTON	9,774	9,100	13	1,834	20,721
COLUMBIA	16,079	16,731	10	4,205	37,025
CRAWFORD	28,273	20,947	14	4,243	53,477
CUMBERLAND	73,362	37,057	83	15,745	126,247
DAUPHIN	75,344	52,904	59	16,154	144,461
DELAWARE	218,630	106,069	120	35,357	360,176
ELK	7,358	10,490	6	1,783	19,637
ERIE	68,016	91,565	31	15,822	175,434
FAYETTE	18,911	60,852	7	4,981	84,751
FOREST	1,670	1,158	5	155	2,988
FRANKLIN	41,454	22,018	30	7,898	71,400
FULTON	4,356	3,232	1	496	8,085
GREENE	5,871	16,893	4	1,268	24,036
HUNTINGDON	15,625	9,094	10	2,487	27,216
INDIANA	21,060	21,802	30	4,930	47,822
JEFFERSON	13,892	10,786	3	1,973	26,654
JUNIATA	6,998	4,634	3	918	12,553
LACKAWANNA	45,060	93,655	61	8,394	147,170
LANCASTER	167,015	68,976	139	36,468	272,598
LAWRENCE	19,768	31,350	0	4,011	55,129
LEBANON	39,885	19,328	30	7,468	66,711
LEHIGH	81,750	86,367	81	26,139	194,337
LUZERNE*	71,061	113,296	152	13,304	197,813
LYCOMING	35,043	23,666	33	6,177	64,919
MCKEAN	15,897	8,023	10	2,549	26,479
MERCER	30,502	36,434	26	7,137	74,099
MIFFLIN	13,707	9,178	7	1,975	24,867
MONROE	33,885	32,535	37	14,190	80,647
MONTGOMERY	259,553	170,468	186	65,882	496,089
MONTOUR	5,232	4,026	2	1,117	10,377
NORTHAMPTON	64,511	80,583	121	24,326	169,541
NORTHUMBERLAND	23,364	23,461	14	3,615	50,454
PERRY	15,707	6,728	7	2,524	24,966
PHILADELPHIA	190,924	752,169	511	67,545	1,011,149

PIKE	15,944	10,513	16	5,452	31,925
POTTER	7,149	3,684	3	869	11,705
SCHUYLKILL	46,597	34,979	12	6,897	88,485
SNYDER	12,924	4,544	12	1,698	19,178
SOMERSET	24,594	22,037	6	3,155	49,792
SULLIVAN	2,529	1,665	0	322	4,516
SUSQUEHANNA	15,394	8,419	7	2,309	26,129
TIOGA	16,677	7,333	13	2,046	26,069
UNION	11,398	5,123	30	2,299	18,850
VENANGO	17,391	12,402	6	3,007	32,806
WARREN	14,438	10,575	14	2,990	28,017
WASHINGTON	41,925	86,045	28	11,779	139,777
WAYNE	16,523	7,759	25	3,171	27,478
WESTMORELAND	76,911	139,029	45	20,806	236,791
WYOMING	11,065	5,764	3	1,693	18,525
YORK	120,521	81,476	137	31,197	233,331
PENNSYLVANIA	**3,233,171**	**3,733,739**	**3,266**	**803,365**	**7,773,541**

*unofficial

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7

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

JOANN ERFER and JEFFREY B. ALBERT,	:	14 MM 2002
	:	
Petitioners	:	Application for Relief Pursuant to Section 726 of the Judicial Code and for an Expedited Hearing Schedule.
	:	
v.	:	
	:	
THE COMMONWEALTH OF PENNSYLVANIA; MARK S. SCHWEIKER, in his official capacity as Governor of Pennsylvania; KIM PIZZINGRILLI, in her official capacity as Secretary of the Commonwealth of Pennsylvania; RICHARD FILLING, in his official capacity as Commissioner of the Bureau of Commissions, Elections, and Legislation of the Pennsylvania Department of State; ROBERT C. JUBELIRER, in his official capacity as Lieutenant Governor of Pennsylvania and President of the Pennsylvania Senate; MATTHEW J. RYAN, in his official capacity as Speaker of the Pennsylvania house of Representatives,	:	
	:	
Respondents	:	

ORDER

PER CURIAM:

AND NOW, this 7th day of February, 2002, Petitioners' Motion to Assume Jurisdiction Over and Expedite Consideration of Federal Constitutional Claims due to the federal district

court's alteration of its hearing schedule in Vieth v. Commonwealth of Pennsylvania, Civil No. 1: CV-01-2439 is **DENIED**.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA\

JOANN ERFER AND JEFFREY B. ALBERT, Petitioners,	:	
v.	:	No. 10 M.D. 2002
THE COMMONWEALTH OF PENNSYLVANIA; MARK S. SCHWEIKER, et al., Respondents.	:	

NOTICE TO PLEAD

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Jenner & Block, LLC
Suite 1200 South
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You are hereby notified to file a written response to the attached Third-Party Petition for Review in the Nature of a Complaint for Declaratory Relief within thirty (30) days from service hereof or a judgment may be entered against you.

J. BART DeLONE
Senior Deputy Attorney General
I.D. No. 42540

Counsel for Commonwealth
& Executive Officers

Office of Attorney General
Appellate Litigation Section
15th Fl. Strawberry Square
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DATED: January 31, 2001

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

JOANN ERFER AND JEFFREY B. ALBERT, Petitioners,	:	
v.	:	No. 10 M.D. 2002
THE COMMONWEALTH OF PENNSYLVANIA; MARK S. SCHWEIKER, et al., Respondents.	:	

THIRD-PARTY PETITION FOR REVIEW
IN THE NATURE OF A COMPLAINT FOR DECLARATORY RELIEF

Respondents Commonwealth of Pennsylvania and Executive Department officers Governor Schweiker, Secretary Pizzingrilli and Commissioner Filling ("Commonwealth & Executive Officers") bring this Third-Party Petition for Review in the Nature of a Complaint for Declaratory Relief and in support state:

PARTIES

1. Petitioners Joann Erfer and Jeffrey B. Albert ("Erfer Petitioners") have filed a Petition for Review in the Nature of a Complaint for Declaratory and Injunctive Relief ("Petition for Review") against multiple parties responsible for redrawing and conducting elections in congressional districts in Pennsylvania, including the Commonwealth & Executive Officers. A copy of the Petition for Review is attached as Exhibit A.

2. In the Petition for Review, Erfer Petitioners seek a declaratory judgment that SB 1200 (signed into law as Act No. 2002-1 by Governor Schweiker on January 7, 2002 ("Act 1")), violates their rights under provisions of the United States and Pennsylvania Constitutions. *See* Exhibit A.

3. Richard Vieth, Norma Jean Vieth and Susan Furey ("Veith Plaintiffs") have filed an action in the United States District Court for the Middle District of Pennsylvania (No. 3:CV-01-2439) ("federal court action").

4. The federal court action is identical to the Petition for Review filed by the Erfer Petitioners with respect to the federal claims, with the exception that it is brought by the Veith Plaintiffs, i.e., it is brought against the identical parties, it alleges identical facts, it seeks identical relief, and the same Washington DC law firm is lead counsel in both actions. A copy of the Amended Complaint filed in the federal court action is attached as Exhibit B.

5. The Commonwealth & Executive Officers, third-party petitioners here, join the Veith Plaintiffs as third-party respondents pursuant to Pa.R.C.P. 2252(a)(4), made applicable to the present action by Pa.R.A.P. 106.

6. If this Court rejects the constitutional challenges to Act 1 raised by the Erfer Petitioners, declaratory judgment in favor of the Commonwealth and the Executive Officers, as third-party petitioners, against the Vieth Plaintiffs is appropriate.

7. Third-party respondent Richard Veith is a registered Democrat who resides at 632 Laurel Lane, Lancaster, Pennsylvania 17601. Under Act 1, Richard Veith resides in District 16.

8. Third-party respondent Norma Jean Veith is a registered Democrat who resides at 632 Laurel Lane, Lancaster, Pennsylvania 17601. Under Act 1, Norma Jean Veith resides in District 16.

9. Third-party respondent Susan Furey is a registered Democrat who resides at 507 Bryn Mawr Avenue, Bala Cynwyd, Pennsylvania 19004. Under Act 1, Susan Furey resides in District 6.

FILE NO.945 01/31 '02 16:10 ID:PH.HIT.GEN-TORHCOLEN- FAX:717706091G PAGE 4/ 34

JURISDICTION AND VENUE

10. This Court has exclusive jurisdiction over this action pursuant to 42 Pa. C.S. §761.

THE 1992 CONGRESSIONAL PLAN, THE 2000 CENSUS AND ACT 1

11. In 1992, the Pennsylvania Supreme Court established a congressional redistricting plan with 21 congressional districts. That plan was used for congressional elections held from 1992 through 2001.

12. Shifts in population revealed by the 2000 Census caused the number of Congressional seats apportioned to Pennsylvania to be reduced from 21 to 19.

13. The General Assembly, on January 3, 2002, passed SB 1200, which reapportioned the congressional districts to reflect the reduction in congressional seats. SB 1200 passed in the Pennsylvania House of Representatives because 42 members of the Democrat Caucus voted in favor of it (the final vote in the House was 132-59).

14. SB 1200 was signed into law on January 7, 2002 by Governor Schweiker as Act No. 2002-1 ("Act 1").

15. In support of the constitutionality of Act 1, the Answer with New Matter of the Commonwealth & Executive Officers, dated January 31, 2002, is incorporated herein as if set forth in its entirety.

WHEREFORE, Respondents, Third-Party Petitioners herein, pray this Court to:

A. Join the Veiths Plaintiffs as third-party respondents to the present action;

B. Enter a declaratory judgment that Act 1 is constitutional.

C. Grant the Commonwealth and Executive Officers, third-party petitioners herein, any other relief that this Court finds appropriate and equitable.

FILE NO:945 01/31 02 16:11 ID:PH:HTT:GEN-TORHCOUENT FAX:7177060916 PAGE 5/ 34

Respectfully submitted,

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DATED: January 31, 2002

FILE No.943 01/31 '02 16:11 ID:PA.ATTY.GEN-TOBACCO_ENF. FAX:7177050916 PAGE 6/ 34

CERTIFICATE OF SERVICE

I certify that on February 8, 2002, I caused a copy of the foregoing Appendix of Presiding Officers in Support of their Replies to be served on the following in the manner indicated:

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