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

RICHARD VIETH, et al,

Plaintiffs,

v.

THE COMMONWEALTH OF
PENNSYLVANIA, et al.,

Defendants. :

No. 1:CV-01-2439
(Judge Rambo)

MEMORANDUM OF LAW SUPPORTING RENEWED MOTION FOR
STAY, PENDING APPEAL, OF ORDER GRANTING DECLARATORY
JUDGMENT AND INJUNCTION AND FOR EXPEDITED
CONSIDERATION

On April 18, 2002, Defendants Lieutenant Governor Jubelirer and Speaker Ryan ("Presiding Officers") filed a renewed motion for a stay, pending appeal, of this Court's April 8, 2002 order declaring Act 1 unconstitutional and enjoining its implementation. This memorandum is filed in support of the renewed motion. Because of the imminence of the Pennsylvania primary election, Presiding Officers request expedited consideration of this renewed motion.

STATEMENT OF FACTS

Presiding Officers incorporate the Statement of Facts that was in their motion for stay, filed April 11, 2002, which they supplement and update as follows.

A. Judicial and Legislative Proceedings

On April 12, 2002, this Court denied the Presiding Officers' motion for stay, stating:

[T]he panel unanimously agreed that both parties demonstrated, at the hearing in this matter, that they could produce a new map within a short period of time. Once such a map is enacted, the court will immediately hold a hearing to decide whether it complies with the applicable constitutional standard.

On April 16, 2002, Presiding Officers filed an Application for a Stay of this Court's April 8, 2002 order addressed to the Honorable Justice David H. Souter of the Supreme Court. Copy attached at Tab A. On April 17, 2002, Executive Officers filed a similar application. Copy attached at Tab B.

On April 17, 2002, the General Assembly of Pennsylvania passed HB 2545, PN 3726, which contained a revised congressional redistricting plan.¹ On April 18, 2002, Governor Schweiker signed SB 2545, PN 3726 into law as Act No. 2002-34 ("Act 34"). A copy of HB 2545, PN 3726 is attached at Tab C.

Act 34 repeals Act 1 and substitutes a new congressional redistricting plan for the Commonwealth. The effective date of the repealer and of the new plan will be one of two dates, depending on circumstances, as will be explained below. However, at the latest, the repeal of Act 1 will become effective on November 6, 2002. *See* Act 34, §1503(2).

¹ The House vote on concurrence was 121-72, with 25 of the 98 members of the Democrat caucus voting for the plan. The Senate vote on final passage was 29-21, on party lines.

Of the 19 districts created by Act 34, fourteen have a population of 646,371 and five have a population of 646,372. Because the odd number of people in Pennsylvania under the 2000 census cannot be more evenly divided, Act 34 is a "zero" deviation congressional redistricting plan.² In addition, the population of no voting precinct is split.

The district boundaries of the revised plan largely track the boundaries of the Act 1 plan, with some differences. Over 70,000 individuals were moved to a new district. Accordingly, before the new districts in Act 34 can be used in the upcoming election, the nominating process for the congressional primary election would have to be reopened to provide an opportunity for additional individuals to circulate nominating petitions for congressional candidacy, for objections to such petitions to be resolved in state court and for the other elements of the process.

B. Options for 2002 Election Process under Act 34

Act 34 recognizes that it is impossible to implement a new redistricting plan in time for the May 21 primary election. Accordingly Act 34 instructs the Secretary of the Commonwealth to make a determination by noon on Thursday, April 25, 2002, "as to whether an injunction prohibiting the Commonwealth from conducting the 2002 election for representatives in Congress in accordance with the redistricting plan contained in Act 1 of 2002 remains in effect." Act 34, §501(1).

If an injunction against the prior plan is *not* in effect, then the Secretary will publish notice of that determination. *See* Act 34, §501(2). In this circumstance, the primary and general elections for 2002 will proceed under Act 1. However, this would be the first and last use of the plan under Act 1, which would be

² The validity of Act 34 is not before the Court, on this motion or otherwise. Act 34 is effective under its own terms. Unless Act 34 is challenged by plaintiffs, there is no case or controversy before the Court as to its validity or effectiveness.

repealed effective November 6, 2002. *See* Act 34, §1501(2). Members of Congress elected under Act 1 would, of course, serve out their terms, but the following election cycles would occur under the plan contained in §301 of Act 34.

If an injunction against the prior plan *is* in effect on April 25, then the new plan under Act 34 will take effect, and Act 1 will be repealed, as soon as the Secretary's determination is published in the PENNSYLVANIA BULLETIN. *See* Act 34, §501(3) and §1503(1). In this circumstance, it is expected that the General Assembly will immediately consider legislation delaying the primary elections, both state and congressional, in order to avoid the expense to the counties, estimated at this time at \$15 million, of having to conduct a second later primary election for Congress. One bill, SB 1234, PN 1901, proposes the date of July 16 for the primary election. The date will have to be determined by a final enactment of the General Assembly.

C. The Renewed Motion for Stay

Delaying the primary elections is undesirable and harmful to the public interest, yet unavoidable in the absence of a stay. Delay would cause disruption to candidates, campaigns and county election officials. It is also likely that delaying the primary election will result in lower voter turnout. *See e.g.*, "Primary delay seen as further hurting turnout," PHILADELPHIA INQUIRER, April 18, 2002 (attached at Tab D). Lower turnout is expected to occur if state and congressional primaries are jointly delayed. Lower turnout would also be expected if they were to be separated and only the congressional primary is delayed. Furthermore, if one or both primaries are delayed, counties are likely to find it more difficult to recruit and to train enough election workers, because of late spring and summer vacations.

Because of the harm caused by delay of the primaries, and the now certain knowledge that Act 1 will not be used in future election cycles, this Court should

grant a stay of its injunction against the implementation of Act 1, which was part of its April 8 order, to allow the 2002 elections to proceed under Act 1. The similarity of the districts under Act 1 and Act 34 and the curtailment of the use of the plan under Act 1 after this cycle, together with the very small deviation under Act 1, support the conclusion that there would be no harm to Plaintiffs that would counterbalance the public interest in obtaining a stay.

ARGUMENT

On a motion for a stay, the Court must weigh: (1) the likelihood of the stay applicant to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether the issuance of a stay will substantially injure the other party interested in the proceeding; and (4) whether the public interest favors a stay. *See Republic of the Philippines v. Westinghouse Electric Corp.*, 949 F.2d 653 (3d Cir. 1991) (stay by Court of Appeals under Fed.R.App.P. 8(a)); *Harris v. Pernsley*, 654 F. Supp. 1057 (E.D. Pa. 1987) (stay by District Court under Fed.R.Civ.P. 62).

Presiding Officers will not repeat the argument made in their memorandum in support of their initial stay request and incorporate that argument as if set forth herein. The enactment of a revised plan, however, changes the balance and adds to the equities favoring a stay.

The interest of the public weighs more heavily in favor of a stay of the order in light of the enactment of a revised plan that, while "zeroing" the population deviation, tracks the boundaries of the districts created by Act 1. While the movement of over 70,000 people to new districts would require the reopening of the nominating process under ballot access principles if Act 34 is put in place, the actual boundary changes from Act 1 are insignificant.

The primary elections election process so far advanced that proceeding under Act 34 will require postponement of the primary election for these offices. Holding a second primary would come at great cost to the implementing arms of state and county government. A stay would allow the elections to proceed on schedule, minimize voter (and candidate) confusion and permit the Commonwealth and its counties to avoid additional expenditures of up to \$15 million, in a year where budget deficits are not only projected but a reality.

As previously explained, there is precedent for allowing elections to go forward under redistricting plans that have been invalidated by the courts. In *Whitcomb v. Chavis*, 396 U.S. 1055 (1970), the Supreme Court stayed an order of a three-judge court which had enjoined the defendants from conducting elections under an invalidated state reapportionment plan. *See also Chavis v. Whitcomb*, 307 F. Supp. 1362 (S.D. Ind. 1969); *Chisom*, 853 F.2d at 1189-90 (discussing *Chavis*). Similarly, 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 Supreme Court), the court also ruled that elections held under it were valid. The Supreme Court had also granted a stay of the three-judge court's order declaring the plan unconstitutional. *See* 474 U.S. 991 (1985). Finally, in *Karcher v. Daggert*, Justice Brennan stayed the order of the three-judge court which enjoined the state defendants from conducting elections under the invalidated state reapportionment statute. *See* 455 U.S. 1303 (1982). Allowing elections to go forward is a recognition of the significant public interest in a smooth rendition of the state's election process. *See also Watkins v. Mabus*, 771 F. Supp. 789, 802 (S.D. Miss. 1991), *aff'd in part and vacating challenge as moot*, 502 U.S. 954 (1991) (invalidating state reapportionment plan but allowing elections to go

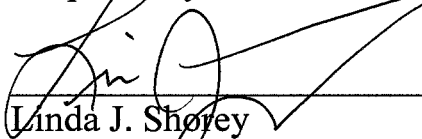
forward because "with imminent elections and lack of advisable options, it is constitutionally permissible to utilize the 1982 plan in fashioning interim relief"); *Martin v. Venables*, 401 F. Supp. 611 (D. Conn. 1975) (invalidating councilmanic apportionment plan but refusing to disrupt scheduled elections).

CONCLUSION

For all of the reasons given above, this Court should grant Presiding Officers' motion for a stay pending appeal to the Supreme Court, and allow the Commonwealth's election procedure to continue on schedule.

April 18, 2002

Respectfully submitted,



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No. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2001

Robert C. Jubelirer and Matthew J. Ryan, Petitioners

v.

Richard Vieth, et al.

*APPLICATION FOR STAY OF THE ORDER OF THE THREE-JUDGE COURT
FOR THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA*

To the Honorable David H. Souter, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Third Circuit:

I. INTRODUCTION

Petitioners, Robert C. Jubelirer, Lieutenant Governor and President *Pro Tempore* of the Senate of the Commonwealth of Pennsylvania and Matthew J. Ryan, Speaker of the House of Representatives of the Commonwealth of Pennsylvania ("Presiding Officers") respectfully move for a stay of the order of a three-judge court entered April 8, 2002, pending final action by this Court on their appeal filed, pursuant to 28 U.S.C. §1253, on April 11, 2002. A copy of the Notice of Appeal is attached as Appendix A.

The appeal seeks review of the order of the three-judge court in Civil No. 1:CV-01-2439 (Nygaard, C.J., Rambo & Yohn, D.J.), which declared Act No. 2002-1 ("Act 1"), a Pennsylvania statute redistricting the state's congressional seats, violative of U.S. CONST. art. I, §2 (under the principle of one-person, one-vote) and enjoined its implementation. Copies of the April 8, 2002, order, the *per curiam* majority opinion and the dissenting opinion are attached as Appendices B, C and D.

Presiding Officers have exhausted all possibilities of securing a stay of the order from the three-judge court. A copy of the April 12, 2002 order of the three-judge court denying Presiding Officers' motion for a stay is attached as Appendix E.¹

The injunction has thrown the election process in Pennsylvania into chaos. The primary election is set for May 21. Unless this Court grants a stay, the injunction of the three-judge court will delay Pennsylvania's primary election for its nineteen congressional seats. The tasks of preparing ballots, voting machines and election workers for the primary at 9,427 voting precincts in 67 counties are sufficiently complicated that an immediate stay is warranted to avoid further disruption that would be prejudicial to the orderly conduct of the election and that, before very long, would preclude holding the election as scheduled even if a stay were granted. Because the injunction has not only disrupted the election process but also caused confusion and uncertainty among candidates, campaign organizations and the public, an immediate stay is warranted.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

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. Pennsylvania lost 2 seats in Congress (going from 21 to 19) as a result of reapportionment after the 2000 Census. The loss of 2 seats and the population growth in Pennsylvania made it necessary in 2002 to increase the size of congressional districts by approximately 100,000 individuals. Pennsylvania also experienced population shifts over the past decade (i.e., decreased population in the urban centers, yet growth in the suburban Philadelphia area, in the counties of the Poconos region and in south-central Pennsylvania). These factors meant that large changes in congressional districts would be required for Pennsylvania to comply with the one-person, one-vote principle in 2002.

¹ The other remaining defendants – the Governor, the Secretary of the Commonwealth and the Commissioner of Elections ("Executive Officers") have also appealed to this Court from the three-judge court's April 8, 2002 order and joined the Presiding Officers' motion to the three-judge court for a stay of the injunction prohibiting the use of Act 1 for the 2002 congressional primary election.

Act 1 became law on January 7, 2002. Under Act 1 the largest congressional district is 9 persons over the ideal and the smallest district is 10 persons under the ideal, based on 2000 census data. The overall swing in population between districts is therefore 19 persons, which is a deviation from the ideal of 0.003%.

On January 11, 2002, Plaintiffs Richard & Norma Jean Vieth and Susan Furey filed an Amended Complaint² for Declaratory and Injunctive Relief in the United States District Court for the Middle District of Pennsylvania against the Commonwealth of Pennsylvania, Presiding Officers and Executive Officers. Plaintiffs alleged that Act 1, *inter alia*, denied or abridged their right to vote for their Representative to the United States Congress, in violation of U.S. CONST. art. I, §§2 and 4 and amend XIV, §2.³ The three-judge court was convened pursuant to 28 U.S.C. §2284 to hear the case. On March 11-12, 2002, the court heard evidence from the parties.

Mr. and Mrs. Vieth live in the 16th Congressional District, which has a population that is 3 persons less than the ideal. Their votes, accordingly, will not suffer even theoretical dilution. Ms. Furey lives in the 6th Congressional District, which has a population that is no more than 4 persons above the ideal.

Act 1 achieved miniscule deviations in population, while simultaneously addressing important secondary objectives. The City of Philadelphia retains two majority-minority districts (the 1st and 2nd), an important objective that was recognized by a three-judge court in 1992 as justifying much larger population deviation in Pennsylvania's districts. *Nerch v. Mitchell*, 3:CV-92-0095 (issued Aug. 13, 1992) (Stapleton, C.J., Rambo & Pollak, D.J.) (attached as Appendix F). A district in Western Pennsylvania (the 12th) was fashioned to protect the dean of Pennsylvania's congressional delegation, who is a senior Democrat on the House Appropriations

² The initial complaint, filed December 27, 2001, challenged the 1992 congressional districting plan in light of the 2000 census.

³ Plaintiffs also alleged that Act 1 denied them equal protection of the laws, constituted an abridgment of the privileges and immunities of citizenship, denied or abridged their right to free association as guaranteed to them by amend I, and constituted a violation of 42 U.S.C. §1983. On February 22, 2002, the three-judge court dismissed all substantive claims except the one-person, one-vote claim. The court also dismissed the Commonwealth as a defendant on all counts.

Committee. A district (the 6th) in which no incumbent resided was created in the suburbs of Philadelphia, to reflect the shift in population that had occurred in that region. The final plan also strove to minimize the number of voting precincts that were divided between districts, splitting only 6 out of 9,427. Precinct splits needed to be minimized because of the extra burdens they impose on the county boards of elections in administering the Commonwealth's election process.

The official Legislative Journal of the Pennsylvania General Assembly shows that Act 1 was the result of two months of effort and was only finally enacted through bi-partisan support and compromise. In December 2001, the Pennsylvania Senate, which has a Republican majority, rejected a Democrat proposal that had a deviation of 146. Instead, the Senate passed a bill that had a population deviation of 24. However, the Pennsylvania House, which also has a Republican majority, refused to pass the Senate measure, amending it significantly while bringing the deviation down to 19 persons. The Senate declined to concur in the House amendments, which led to a Conference Committee. The report of the Conference Committee was accepted by both chambers. The legislative debates in the Journal dwell heavily on partisan and regional issues. Republicans and Democrats alike felt that the final plan gave a substantial advantage to Republican candidates. Nevertheless, the bill that became Act 1 finally passed the House only because it had the support of 42 out of 98 members of the Democrat caucus. A number of members of the House Republican caucus voted against it. The Governor signed the measure.⁴

⁴ Act 1 embodied a number of compromises between the House and Senate. With respect to incumbents, it paired a Republican (Congressman Gekas) and Democrat (Congressman Holden) incumbent in the new 17th district. It paired two Democrat incumbents (Congressmen Doyle and Coyne) in the new 14th district, which is not a true pairing since Congressman Coyne announced in August 2001, prior the General Assembly's consideration of congressional redistricting legislation, that he would retire at the end of the term. It paired two Democrat incumbents (Congressmen Borski and Hoeffel) in the new 13th district, however, after Act 1's enactment, Congressman Borski announced his retirement, leaving Congressman Hoeffel as the only incumbent in the new 13th district. Incumbent Democrat Congressmen Mascara and Murtha were not paired by Act 1. Congressman Mascara, however, who was the only incumbent in the new 18th district, nevertheless chose to oppose Congressman Murtha in the new 12th district.

The Conference Committee achieved the compromise that enabled the bill to pass, but, as the political conferees were outlining the boundaries of districts, a team of cartographers worked to minimize population deviations while keeping precinct splits to a minimum. Precinct splits create additional costs and work for county officials where they occur (in acquiring and using voting machines, customizing ballots, training precinct officials, registering voters and counting ballots) and increase the potential for voter and candidate confusion. To reduce the number of precinct splits, the cartographers first moved as many whole precincts as could be located in the time available and, through that process, managed to achieve the ideal population in three districts (the 5th, 8th and 11th). Since a total population deviation of over one thousand persons remained, the cartographers next evaluated splitting precincts on the boundaries of the districts. They made adjustments in population by trading census blocks between congressional districts and, through that process, managed to attain a total population deviation of 19 with slight deviations in 16 of the 19 districts, while splitting only 6 voting precincts.

At the hearing on March 11-12, the three-judge court, despite having earlier dismissed plaintiffs' partisan gerrymandering claim, allowed plaintiffs to present, over objection, a great deal of evidence on the partisan political impact of Act 1. The court also received from plaintiffs a hypothetical plan, provided to them by the staff of the House Democratic leader, that had never been introduced in the House and that diverged greatly from the district boundaries of Act 1, but that had no deviation in district populations and no split precincts.

A member of the cartography team that worked on the Conference Committee report gave the court at the hearing a hypothetical map that modified Act 1 to eliminate population deviation, while adhering as closely as possible to the boundaries of the enacted plan. The result of the modification was to increase precinct splits from 6 to 26.

The three-judge court did not receive any evidence about the impact of injunctive relief on this year's primary election.

On April 8, 2002, the three-judge court entered an order declaring Act 1 unconstitutional and enjoining its implementation by Defendants. The order also directed the Pennsylvania

General Assembly to "within three weeks of the date of this order, prepare, enact and submit for review and final approval by this Court, a congressional redistricting plan in conformity with this opinion." Appendix B. A *per curiam* opinion accompanied the order, together with a dissenting opinion by Judge Yohn. Appendices C and D.

The majority opinion held that the plaintiffs had met their burden of showing that the differences in district-to-district population could have been reduced or eliminated altogether by a good-faith effort to draw districts of equal population, citing *Karcher v. Daggett*, 462 U.S. 725 (1983). Appendix C, p. 4. The majority found that the alternative map presented by plaintiffs met this burden. The majority did not address the defendants' argument that plaintiffs cannot meet their burden by merely producing an abstract map that divides a state into districts of equal size, because it would reduce the first prong of the *Karcher* test to an exercise in long division.

In applying the second prong of the *Karcher* test, the majority found no justification for the population deviation in Act 1, because the plaintiffs' map showed that "it is possible to draw a congressional district map with zero deviation and no precinct splits." Appendix C, p. 8. By using the plaintiffs' map for this additional purpose, the majority conflated the first and second prongs of the *Karcher* test. As argued below, in applying the second prong of the *Karcher* test, the majority should not have compared Act 1 to a universe of possibilities, but should have examined the justifications in the context of the enacted plan. The majority opinion also gives no weight to the preservation of majority-minority districts, to the customized, safe Democrat seat created for the state's senior congressman and to the policy decision to create a "new" seat in an area of great population growth.

The dissent found that the population deviation in Act 1 was justified. The dissent noted that the swing of nineteen people was so minor that it "would require a justification at the lower end of the 'justification' scale." Appendix D, p.2 n.1. In considering specific justification, the dissent focused on Act 1, not on an abstract alternative map. The dissent held that the minimizing of splits in voting precincts was a reasonable justification. Addressing an obvious concern of the majority, the dissent also noted that there was "no proof that the population

deviation of nineteen persons bore any relationship to the alleged partisanship of Act 1."

Appendix D, p.5.

On April 11, 2002, Presiding Officers and Executive Officers filed notices of appeal to this Court and Presiding Officers, joined by Executive Officers, moved for a stay of the three-judge court's order pending appeal. The reasons for a stay included a number of serious adverse impacts of the injunction that are already disrupting Pennsylvania's elections.

This is a year in which Pennsylvania will hold primary and general elections for its congressional delegation. Primary and general elections for governor, for all 203 seats in the state House of Representatives and for one-half of the state Senate are on the same schedule. Pennsylvania law sets a number of important dates for the election process this year. March 12, the day the hearing before the three-judge court concluded, was also the deadline for candidates to file nominating petitions. March 19 was the deadline for objections to nomination petitions to be filed in the Commonwealth Court of Pennsylvania. March 27 was the last day for candidates who had filed nominating petitions to withdraw before the primary. April 1 was also the day by which the 67 county boards of elections are mandated to begin sending absentee ballots to military personnel stationed, and other certain qualified electors residing, outside the Commonwealth. All of these dates preceded the three-judge court's order. As the schedule above would indicate, ballots are likely to have already been printed or sent out to absentee voters in some quantity. County boards of election are likely to need a month or more just to print new ballots.

April 22 will be the last day for voters to register for the primary election. May 14 will be the last day for civilian voters to apply for an absentee ballot for the primary election. May 17 will be the last day for the 67 County Boards of Elections to receive absentee ballots for the primary election. The primary elections are scheduled for May 21, 2002.

There are candidates in the primary for all 19 of Pennsylvania's congressional districts, as established by Act 1. Candidates made decisions on running, and registered voters in the

districts established by Act 1 signed nominating petitions for these candidates, based on the current boundaries of those districts.

It is already too late to conduct the orderly process, described above, under an alternative plan for congressional redistricting and to have it completed by the primary election, even if a new redistricting plan were in place today. Attempting to rush the process would create time pressures, as well as a concomitant danger of errors and oversights, that would be prejudicial to voters, candidates and the public interest as a whole. Uncertainty and confusion about district lines would create a great danger of invalid nominating petitions, as well as possible invalidation of already filed and accepted candidacies. Voters as well as candidates have an interest in clear, accurate ballots; those ballots should not be produced in haste, to avoid errors.

Moreover, postponing the congressional primary election could require altering the post-primary election schedule, to avoid overlapping and interfering with the process leading up to the general election, depending on the date of the postponement. August 1 will be the last day for independent and minor party candidates to file nomination papers. August 8 will be the last day for such candidates to withdraw. August 12 will be the last day for the withdrawal of candidates nominated in the primary election. October 7 will be the last day to register to vote in the general election. By October 29, applications for civilian absentee ballots must be submitted and the completed absentee ballots must be received by November 1. The general election will occur on November 5, 2002.

Whether or not the congressional primary occurs as scheduled, the primary election for state offices is unaffected by the Court's order and is still scheduled to occur on May 21. If a congressional election eventually takes place at a later date than the state-office election, the effect would be to double the expense and labor for the Commonwealth, its counties and local election officials in 9,427 precincts. Preliminary estimates, as of the date of this application, of the cost to counties for holding a second primary are in the range of \$15 million. In Philadelphia County alone, the cost just for paying election workers for a second primary is estimated at a

million dollars. Postponing all elections would avoid the duplicative effort, but would by definition disrupt the state-office elections.⁵ These dilemmas can only be obviated by a stay.

The injunctive relief of the three-judge court was issued in the absence of any evidence on the record regarding the equities that must be balanced under *Reynolds v. Sims*, 377 U.S. 533 (1963), before injunctive relief interfering with an impending election can be entered. The hearing in this matter focused on the merits of the one-person, one-vote challenge. The record contains no testimony on the impact of the injunction on the current election cycle in Pennsylvania. After the hearing on the merits of the issue, the three-judge court did not convene a remedial hearing to inquire into the impact of an injunction on the election process. The three-judge court's action thus flies in the face of *Sims* and decisional law applying it, making the injunction reversible error, as well as one that should be stayed.

For the General Assembly of Pennsylvania to enact a new plan, have it reviewed by the three-judge court, and implemented in time for the upcoming elections, as contemplated by the three-judge court's order, is impossible. If any change is made in the boundaries of districts, the nominating process (involving the circulation of petitions) must be reopened, then followed by the process of review of objections to nominating petitions, after which absentee ballots must be printed and sent out, while voting machines are prepared for use within the state.

The unrealistic timeline created by the injunction burdens the General Assembly and the implementing arms of the state government, which will face a significant increase in election costs. It also promises to hopelessly confuse the voters. A stay of the three-judge court's order would allow the elections to proceed on schedule pending final resolution of this legal challenge to Act 1 by this Court.

⁵ The General Assembly is struggling with this dilemma right now. On Monday, April 15, 2002, the House and Senate each passed a revised congressional redistricting bill. The Senate version postpones all primaries, both state and federal, until July 16, 2002, unless this Court stays the injunction against Act 1 by noon on April 26, 2002. If the injunction is not lifted, the Senate version also provides a new schedule for the congressional nominating process leading up to the primary on July 16, 2002.

In denying the stay, the three-judge court showed no concern for these problems. The court's order did not address the standards for a stay, nor the harms that are occurring. Instead, the order merely notes that "both parties demonstrated, at the hearing in this matter, that they could produce a new map within a short period of time. Once such a map is enacted, the court will immediately hold a hearing to decide whether it complies with the applicable constitutional standard." Appendix E. The court's order treats the election process as a simple matter of producing a map and getting the court's *imprimatur*.

But there is much more that is required. The election process, outlined above, has procedures and safeguards that must be followed on a reasonable schedule. Even getting a new plan enacted is not as simple as the three-judge court appears to think. Article III of the Pennsylvania Constitution imposes procedures on the state legislature that control the pace of the process: A bill must be considered by a committee before it goes to the floor of either house and must be considered on three separate days in each house. *See* PA. CONST. art. III, §§2, 4. After both houses agree on a version, the bill must be presented to the Governor for signature. Upon receiving the three-judge court's April 8, 2002 order, the General Assembly promptly began the process of enacting a revised congressional reapportionment plan. Of course, enactment is not guaranteed within three weeks, as the court ordered, and cannot be guaranteed at all.

Meanwhile, the election process has come to a virtual standstill. Duly-filed candidates for all positions that will appear on the primary ballot and election officials in all of Pennsylvania's 67 counties are hesitant to continue to expend funds in preparation for a May 21, 2002 primary, if the primary will be delayed. Qualified electors do not know who will be on the ballot. Qualified electors who will be absent from their municipality on May 21st do not know whether they should apply for an absentee ballot or if they should use the absentee ballot they may have received.

A stay would halt this chaos. The scheduled primary election would proceed in an orderly fashion and the Commonwealth and its 67 counties would avoid disruption and unnecessary expense. For the reasons discussed below, the miniscule total deviation of 19

individuals, even if unconstitutional, does not tip the equities such as to require a disruption of the Commonwealth's orderly election process, especially where the candidate-nomination process is closed and the election is only a few weeks away.

III. STANDARDS FOR GRANTING A STAY

Under Supreme Court Rule 23.1, a stay may be granted by a single Justice of the United States Supreme Court. To obtain a stay, an applicant must show the following:

First, it must be established that there is a 'reasonable probability' that four Justices will consider the issue sufficiently meritorious to grant certiorari or to note probable jurisdiction. Second, the applicant must persuade [the Circuit Justice] that there is a fair prospect that a majority of the Court will conclude that the decision below was erroneous. While related to the first inquiry, this question may involve somewhat different considerations, especially in cases presented on direct appeal. Third, there must be a demonstration that irreparable harm is likely to result from the denial of a stay. And fourth, in a close case it may be appropriate to 'balance the equities' – to explore the relative harms to applicant and respondent, as well as the interests of the public at large.

Rostker v. Goldberg, 448 U.S. 1306, 1308 (1980) (Brennan, J., in chambers) (internal citations omitted); *see also Graves v. Barnes*, 405 U.S. 1201, 1203 (1972) (Powell, J., in chambers) ("Of equal importance in cases presented on direct appeal - where we lack the discretionary power to refuse to decide the merits – is the related question whether five Justices are likely to conclude that the case was erroneously decided below").

IV. APPLICATION

A. Jurisdiction

Jurisdiction to review the opinion and order of the three-judge court below is provided by 28 U.S.C. §1253, which states:

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

The three-judge court below was convened pursuant to 28 U.S.C. 2284(a), which provides that "[a] district court of three judges shall be convened ... when an action is filed challenging the constitutionality of the apportionment of congressional districts [.]" The order on appeal

declared Act 1 unconstitutional and permanently enjoined its implementation. Accordingly, because the appeal fits squarely within the parameters of Section 1253, the Court should entertain it on the merits.

B. "Fair Prospect" Of Error

The three-judge court erred both on the scope and scheduling of the injunction and on the merits of the one-person, one-vote challenge. As the order is in conflict with precedent of this Court and important principles of federalism, there is a fair prospect of reversal.

1. Injunction

In *Reynolds v. Sims*, 377 U.S. 533, 585 (1963), this Court cautioned that:

under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief ... even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of the state election laws, and should act and rely upon general equitable principles.

In light of *Sims*, this Court has authorized district courts to order or to permit elections to be held pursuant to redistricting plans that have been ruled unconstitutional. See e.g., *Upham v. Seamon*, 456 U.S. 37, 44, *rehearing denied* 456 U.S. 938 (1982) ("It is true that we have authorized District Courts to order or to permit elections to be held pursuant to apportionment plans that do not in all respects measure up to the legal requirements, even constitutional requirements ... [n]ecessity has been the motivating factor in these situations.").

In *Whitcomb v. Chavis*, 396 U.S. 1055 (1970), this Court granted a stay of an order of a three-judge court declaring a redistricting plan unconstitutional. The effect of the stay was to permit the impending elections to occur under the invalid plan. 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 this Court), elections held under it were deemed valid. This Court had also granted a stay of the

order declaring the plan unconstitutional. See *Davis v. Bandemer*, 474 U.S. 991 (1985) (decision on stay). Finally, in *Karcher v. Daggett*, Justice Brennan stayed the order of the three-judge court which enjoined the state defendants from conducting elections under the invalidated state reapportionment statute. See 455 U.S. 1303 (1982) (Brennan, J., in chambers). Allowing elections to go forward is a recognition of the significant public interest in a smooth rendition of the state's election process.

In addition to the failure of the three-judge court to consider the equities of the situation in light of the state election schedule, it also lacked the authority to order the General Assembly to enact law or to submit a statute to it for its review and approval. The Commonwealth was dismissed as a defendant. The General Assembly, a branch of the Commonwealth, is not a party to this case. Moreover, principles of federalism preclude the three-judge court from issuing direct commands to the state legislature and from arrogating a power of approval of legislative enactments. If the General Assembly enacts a new plan into law, and if it is signed by the Governor, the new plan will be valid and effective, and entitled to a presumption of constitutionality, without prior review by the federal court. As this Court stressed in *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978):

The Court has repeatedly held that redistricting and reapportioning legislative bodies is a legislative task which the federal courts should make every effort not to pre-empt. *Connor v. Finch*, 431 U.S. 407, 414-415 (1977); *Chapman v. Meier*, 420 U.S. 1, 27 (1975); *Gaffney v. Cummings*, 412 U.S. 735, 749 (1973); *Burns v. Richardson*, 384 U.S. 73, 84-85 (1966). 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 constitutional requirements by adopting a substitute measure rather than for the federal court to devise and order into effect its own plan. The new legislative plan, if forthcoming, will then be the governing law unless it, too, is challenged and found to violate the Constitution. '[A] State's freedom of choice to devise substitutes for an apportionment plan found unconstitutional, either as a whole or in part, should not be restricted beyond the clear commands of the Equal Protection Clause.' *Id.*, at 85.

If the three-judge court's order had merely retained jurisdiction, it would not be objectionable. Courts usually retain jurisdiction in redistricting cases, so that, if the legislature does not act in a reasonable time, the court itself may undertake the task of redistricting. But, if the General

Assembly enacts a new plan, and if it is not challenged, there is nothing for the court to do. It violates principles of federalism and of case-or-controversy jurisdiction to require the General Assembly to submit an enacted congressional redistricting statute to the federal court for review and final approval.

2. Merits

The three-judge court invalidated a congressional redistricting plan with a deviation of 19 persons – statistically, a 0.003% deviation. This Court has never ruled on a statistical deviation that is essentially indistinguishable from zero. Even in *Karcher v. Daggett*, 462 U.S. 725 (1983), wherein this Court set forth the governing standards for claimed violations of the one-person, one-vote principle, the deviation was 3,674 persons or 0.6984%. The appeal presents the Court with the opportunity to address whether a state must justify a population deviation of 0.003% and to clarify the *Karcher* standard as it coexists with the Court's long-standing recognition that congressional redistricting is inherently a political process. See *White v. Wieser*, 412 U.S. 783 (1973).

Even if this Court were disinclined to modify the *Karcher* standard, it must be recognized that the decision below essentially does so. Under *Karcher*, minor population deviations can be justified on a minimal showing. See 462 U.S. at 741. The three-judge court's acceptance of an abstract plan and rejection of proffered justifications ensures that no plan will pass constitutional muster unless absolute "zero" deviation is attained. The *Karcher* standard, while strict, does not require every congressional redistricting plan to achieve a deviation of zero. A reversal on this basis alone is warranted to clarify the appropriate standard for a one-person, one-vote challenge.

The three-judge court concluded that plaintiffs below met their burden under the first prong of *Karcher*, which requires courts to 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." 462 U.S. at 730. They reached this conclusion on the basis of an abstract, hypothetical plan adduced by plaintiffs that itself was not a "good-faith effort," because there is no evidence that it either had the opportunity of being considered by the state legislature or that it

would have had a chance of serious consideration if it were put before it. Modern computer technology can be used to create a multitude of plans with zero deviation. Any such plan, in the abstract, is nothing more than an exercise in aggregating population units. Accepting an abstract plan as meeting the first prong of *Karcher*, as the three-judge court did below, reduces a plaintiff's burden to a simple exercise in transferring the results of long division onto a map.

A review of *Karcher* and subsequent lower court decisions interpreting it reveal that a challenger must demonstrate either that a plan that was before the legislature had a lower population deviation than the enacted plan or that the proffered zero-deviation plan is itself a good-faith, feasible proposal with a realistic chance of enactment – i.e., that it tracks the constitutionally permissible political goals of the legislature as much as possible while curing the deviation. Applying *Karcher* in this way will promote legislative attention to constitutional goals while discouraging the extra-legislative creation of abstract plans for use as a wedge to open the courtroom door to litigation by political opponents. It will also assure that, if a case arises in which private plaintiffs genuinely care about population deviation rather than partisan politics, they will be able to obtain a remedy that meets their stated interests, without dragging the courts into political debate.

In *Karcher*, this Court noted that "several other plans introduced in the 200th Legislature had smaller maximum deviations than the [enacted] Feldman Plan." 462 U.S. at 738. In response to an objection that "the alternative plans considered by the District Court [i.e., the other plans before the Legislature] were not comparable to the Feldman Plan because their political characters differed profoundly," this Court responded:

We have never denied that apportionment is a political process, or that state legislatures could pursue legitimate secondary objectives as long as those objectives were consistent with a good-faith effort to achieve population equality at the same time. Nevertheless, the claim that political considerations require population differences among congressional districts belongs more properly to the second level of judicial inquiry in these cases, ... in which the State bears the burden of justifying the differences with particularity.

In any event, it was unnecessary for the District Court to rest its finding on the existence of alternative plans with radically different political effects. As in *Kirkpatrick*, 'resort to the simple device of transferring entire political

subdivisions of known population between contiguous districts would have produced districts much closer to numerical equality.' 394 U.S. [] at 532. Starting with the Feldman Plan itself and the census data available to the legislature at the time it was enacted, ... one can reduce the maximum population deviation of the plan merely by shifting a handful of municipalities from one district to another.... Thus the District Court did not err in finding that the plaintiffs had met their burden of showing that the Feldman Plan did not come as nearly as practicable to population equality.

Id. at 739-740

In *Anne Arundel County Republican Central Committee v. State Advisory Bd. of Election Laws*, 781 F. Supp. 394 (D. Md. 1991), *aff'd*, 504 U.S. 938 (1992), the three-judge court (which ultimately found the deviation justified and upheld the constitutionality of the plan) summarily concluded that because there was a plan before the legislature "with a smaller numerical deviation from absolute equality [maximum deviation of 10 people], plaintiffs have proved that [the enacted plan's] deviations did not result from an unavoidable good faith effort to achieve population equality." *Id.* at 396. *See also Stone v. Hechler*, 782 F. Supp. 1116, 1126 (W.D. W.Va. 1992) ("Under *Karcher*, plaintiffs satisfy their burden under the first prong if they demonstrate that the population deviations among the congressional districts under West Va. Code §1-2-3 [the duly-enacted plan] could have been reduced or eliminated *by the adoption of a different plan that was before the Legislature when it enacted West Va. Code §1-2-3*. Because seventeen other plans with a lower overall variance were before the Legislature during its regular and special session, the Court concludes that Stone has satisfied his burden") (emphasis added).

The three-judge court also erred in concluding that defendants had failed to meet their burden to justify the 19 person deviation under the second prong of *Karcher*. That burden varies, as explained in *Karcher*:

The showing required to justify population deviations is flexible depending on the size of the deviations, the importance of the State's interests, the consistency with which the plan as a whole reflects those interests, and the availability of alternatives that might substantially vindicate those interests yet approximate population equality more closely.

462 U.S. at 741.

As this Court has stressed, the congressional redistricting process is an inherently political process. *See e.g., White v. Wieser*, 412 U.S. 783 (1973). When a court is faced with a challenge to a duly-enacted congressional redistricting statute, and the possibility of remedial action, it "must defer to the legislative judgment the plan[] reflect[s]." *Upham v. Seamon*, 456 U.S. 37, 41 (1982), *rehearing denied*, 456 U.S. 938 (1982) (reversing a court-ordered plan that failed to give proper deference). In the context of the instant case, where the maximum population deviation of 19 people is miniscule, the policies embodied in the location and shape of the districts in Act 1 were entitled to significant deference, but received none.

Presiding Officers offered numerous justifications for the deviation. Of particular importance was the desire to limit voter precinct splits. Both sides agreed that splitting precincts creates additional costs and work for county election officials in acquiring and using voting machines, customizing ballots, training officials, registering voters and counting ballots. Split precincts also contribute to voter and candidate confusion. The evidence supported a finding that the General Assembly sought to minimize the number of voter precinct splits in order to facilitate the smooth administration of elections.

Presiding Officers offered other justifications, of the same type that this Court implicitly approved in affirming the decision in *Anne Arundel County*. Included among these were maintaining majority-minority districts for two seats in the City of Philadelphia, protecting the dean of the Pennsylvania congressional delegation (Congressman Murtha), and creating an open seat in acknowledgement of the population growth in the southeastern part of the state. These justifications are not unlike those the panel majority accepted in *Anne Arundel County*, even in the presence of partisan bias:

In this case, this Court defers to Maryland's legislature. The evidence, as the dissent states, shows that the General Assembly, inter alia, aimed to give Congressman Hoyer, a congressman with high ranking and importance in the federal House of Representatives, a 'safe seat,' to provide the majority black population in an area of Prince George's and Montgomery counties with a chance to choose a representative without requiring that person to run against a strong incumbent such as Congressman Hoyer, and to provide certain opportunities for Congresswoman Bently and Congressman Cardin. ... The reelection of incumbents as such was not listed specifically by Justice Brennan in *Karcher* as

an example of an affirmative legislative justification sufficient to meet Karcher's second prong, though recognized in *White v. Weiser*. Neither is the establishment of a majority black district listed specifically in Karcher, but 'preserving the strength of racial minority groups' is discussed. These aims, however, are clearly within Karcher's ambit. While Justice Brennan there concluded that the District Court's finding of a lack of causal connection between racial voting aims and the redistricting plan at issue was not 'clearly erroneous,' the sense of Karcher strongly suggests that if, as here, such a causal connection does exist, such aims can constitute an appropriate Karcher second-prong basis.

We also note that the 'neutral criteria' redistricting called for by the dissent would in no way ensure maintenance of the territorial integrity of Anne Arundel County, which is what brought on this suit in the first place. Rather, adoption of the dissent's position would potentially subject every congressional district in the United States to novel constitutional scrutiny. Furthermore, to mandate that a legislature reapportion with regard merely to 'neutral criteria' (except for the dictates of the Voting Act and the Fifteenth Amendment) is to give the legislature, in practice, no guidance at all. Indeed, it virtually guarantees that a federal court, in a sort of judicial receivership, will ultimately conduct redistricting – a process the Supreme Court has consistently recognized as political.

Id. at 398-99 (internal citations omitted). Instead of confining its justification analysis to the enacted plan, as the court did in *Anne Arundel County*, the three-judge court here treated the abstract plan offered by the plaintiffs as its polestar and either rejected as pretext or ignored any proffered justification for the enacted plan. The result of the approach taken by the three-judge court is that the second prong of the *Karcher* test also becomes practically meaningless and even the slightest population deviation cannot be justified, once the court sees a hypothetical zero-deviation plan.

C. Irreparable Harm If Stay Is Denied

As officials of Commonwealth government, the defendants are impacted in their duties by the injunction entered by the three-judge court. They may also speak to the harm to the public interest if that order is not stayed. As outlined above, due to the timing and scope of the three-judge court's order, defendants' and the public's interest in a smooth execution of Pennsylvania's election process is jeopardized.

In *Karcher*, Justice Brennan concluded that the applicants (including the Speaker of the New Jersey Assembly and President of the New Jersey Senate) "would plainly suffer irreparable harm were the stay not granted. Under the District Court order the legislature must adopt an alternative redistricting plan before March 22 next or face the prospect that the District Court

will implement its own redistricting plan." 455 U.S. at 1306-07. The situation is identical here. *See also New Motor Vehicle Board v. Orrin W. Fox Co.*, 434 U.S. 1345, 1351 (1977) (Rehnquist, J., in Chambers) ("any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury").

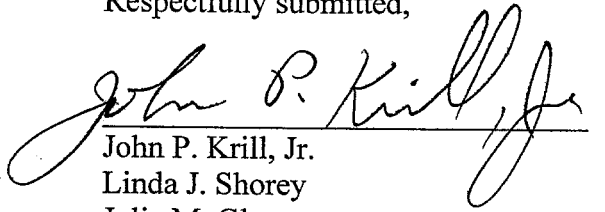
D. Balancing Of The Equities Favors A Stay

A balancing of the equities reveals that the harm to defendants and to the people of Pennsylvania substantially outweighs the potential for harm to the plaintiffs. The very small deviation of 19 persons overall, and the surplusage of only 4 persons in the 6th District where plaintiff Furey resides, do not realistically impede the plaintiffs' ability to have their vote count in the upcoming elections. The Vieth plaintiffs, do not even reside in a district that is overpopulated so as to violate the one-person, one-vote principle. Again, as Justice Brennan highlighted when granting a stay in *Karcher*, "[w]ith respect to the balance of the equities, this Court has repeatedly emphasized that legislative apportionment plans created by the legislature are to be preferred to judicially constructed plans." 455 U.S. at 1306-07. *See also Walters v. National Association of Radiation Survivors*, 468 U.S. 1323, 1324 (1984) (Rehnquist, J., in chambers) ("The presumption of constitutionality which attaches to every act [of a legislature] is not merely a factor to be considered in evaluating success on the merits, but an equity to be considered in favor of applicants in balancing hardships").

V. CONCLUSION

For the foregoing reasons, Petitioners request that an order be entered staying enforcement of the order of the three-judge court pending the completion of appeal proceedings before this Court.

Respectfully submitted,



John P. Krill, Jr.
Linda J. Shorey
Julia M. Glencer

April 16, 2002

B

No. A-

IN THE SUPREME COURT OF THE UNITED STATES
October Term, 2001

MARK S. SCHWEIKER, Governor of the Commonwealth of Pennsylvania;
C. MICHAEL WEAVER, Secretary of the Commonwealth of Pennsylvania;
and RICHARD FILLING, Commissioner of the Bureau of Elections,

Applicants

v.

RICHARD VIETH, NORMA JEAN VIETH and SUSAN FUREY

APPLICATION FOR STAY OF INJUNCTION PENDING
APPEAL

TO THE HONORABLE DAVID H. SOUTER, ASSOCIATE JUSTICE OF THE UNITED STATES
SUPREME COURT, AS CIRCUIT JUSTICE FOR THE THIRD CIRCUIT:

The above applicants, by their attorneys, hereby request a stay of the order dated April 8, 2002, entered by the United States District Court for the Middle District of Pennsylvania in civil action no. 1:cv-01-2439.

INTRODUCTION

This case arises out of the congressional redistricting plan adopted by the Pennsylvania legislature in the wake of the 2000 decennial census. Under that plan, none of the Commonwealth's new congressional districts has a population which is more than ten *persons* above or below the ideal district population, and the plan's overall deviation from absolute equality — that is, the difference between the most and least populous districts — is nineteen persons, or 0.0003%. A divided three-judge district court nevertheless held that this plan violates the Constitution's one person, one vote

guarantee, and issued a remedial order which will prevent Pennsylvania from holding its primary election as scheduled on May 21. That order should be stayed pending the disposition of the defendants' appeal to this Court.

JURISDICTION

This application arises out of an appeal from an injunction issued by a three-judge district court convened pursuant to 28 U.S.C. § 2284, and over which the Court has jurisdiction pursuant to 28 U.S.C. § 1253.

STATEMENT OF THE CASE

The applicants, who are appellants in this Court and defendants in the District Court, are the Governor of Pennsylvania, Mark S. Schweiker; C. Michael Weaver, the Secretary of the Commonwealth; and Richard Filling, the Commissioner of Pennsylvania's Bureau of Elections. The appellees, plaintiffs in the District Court, are Susan Furey, who under the new redistricting plan lives in a congressional district whose population exceeds the ideal by four persons; and Richard and Norma Jean Vieth, whose new congressional district is three persons *less* than the ideal.

The appellees brought this action to challenge the constitutionality of Pennsylvania's Act 1 of 2002, which redistricted the Commonwealth in light of the results of the 2000 census. They raised two principal claims in the District Court: first, that the districts drawn by Act 1 represented an impermissible partisan gerrymander, in violation of the principle recognized in *Davis v. Bandemer*, 478 U.S. 109 (1986); and second, that Act 1's districts were not of precisely equal population, and therefore violated the Constitution's guarantee of one person, one vote.

The District Court granted the appellants' motion to dismiss the partisan gerrymandering claim, holding that the claim did not meet *Bandemer's* threshold requirement of a discriminatory effect. The District Court then held an evidentiary hearing on the one person, one vote claim.

As the District Court pointed out, Act 1 creates nineteen congressional districts. Given Pennsylvania's total population as reported by the census, the ideal population of each district is therefore 646,371. No district is more than ten persons above or below this number, and the overall deviation, from the most to the least populous district, is nineteen persons. In achieving this result, Act 1 splits six voting precincts. *See* Dist. Ct. op. at 3-4.

The appellants explained, and it was not disputed, that evening out Act 1's population deviations, while remaining within the Act's general contours, would require splitting not six, but twenty-six voting precincts. The District Court recognized that

splitting precincts creates additional costs and work for county election officials in acquiring voting machines, in customizing ballots, in training precincts officials, in registering voters and in counting ballots. Moreover, we recognize that split precincts increase the potential for voter disorientation and candidate confusion. Therefore, to the extent that such justification is genuine, we acknowledge that *the desire to avoid splitting precincts is a legitimate state interest which could justify a nineteen person deviation.*

Dist. Ct. op. at 8 (emphasis added). *Accord* Dist. Ct. op. at 15 (Yohn, J., dissenting).

By a divided vote, however, the district court rejected this justification on the novel ground that the legislature's *motive* was not "genuine." The District Court pointed out that it was possible for the legislature to have drawn a congressional district map — although not one following the general contours of Act 1, *see* Dissenting op. at 4 (Yohn, J., dissenting) — "with zero population deviation amongst districts without splitting any precincts." Dist. Ct. op. at 10. Since the legislature had nevertheless been willing to split six precincts to enact Act 1, its professed desire not to split

twenty additional precincts was, the majority reasoned, a “mere pretext” that lacked “sincerity.” The two judges of the majority thus concluded that Act 1 violated the one person, one vote guarantee. By an order dated April 8, 2002, they enjoined the use of Pennsylvania’s plan, and directed the legislature, by April 29, to submit a new plan for the district court’s review and approval.¹

The applicants appealed to this Court, and asked the District Court to stay its order, but the District Court refused.

In the meantime, Pennsylvania’s primary election, which includes state as well as congressional elections, is scheduled for May 21; and preparations for that election are far advanced. For example, nominating petitions have been circulated and filed, and objections to those petitions lodged; judicial review of those objections is nearly completed. Absentee ballots to some military personnel have already been sent; other absentee ballots, which should have been sent out by now, are on hold because of the uncertainty created by the District Court’s order. The District Court’s order, unless it is stayed, will require Pennsylvania either to reschedule the primary election, or to schedule an additional, special primary election for the congressional races only. Pennsylvania thus faces not only the loss of its legislatively enacted redistricting plan, but voter and candidate confusion, lower voter turnout, considerable expense, and the disruption of its electoral process.

The applicants therefore now request that this Court stay the District Court’s order of April 8, 2002.

¹As of this writing, the Pennsylvania legislature is considering, but has not yet enacted, legislation in response to the District Court’s decision. The state Senate has passed a bill which adopts a new redistricting plan, and postpones the primary election until July 16, unless the District Court’s order is stayed.

THE DISTRICT COURT'S ORDER SHOULD BE STAYED.

The factors that must be satisfied for a circuit justice to grant an application for stay are familiar. There must be a reasonable probability that the Court will grant certiorari; and a fair prospect that the applicant will ultimately prevail on the merits. There must also be "a likelihood of irreparable injury that, assuming the correctness of applicants position, will result were a stay not issued. . . ." *Planned Parenthood of Southeastern Pennsylvania, v. Casey*, 510 U.S. 1309, 1310 (1994) (Souter, J., in chambers). Finally, in a close case, it may be appropriate to balance the equities and explore the relative harms to applicant and respondent as well as to the interest to the public at large. *Rostker v. Goldberg*, 448 U.S. 1306, 1308 (1980) (Brennan, J., in chambers). Each of these elements is present here.

1. There Is a Fair Prospect That The Applicants Will Prevail on the Merits.

The issue in this case is whether Act 1 satisfies the one person, one vote requirement of the United States Constitution. All three judges of the District Court agreed that the resolution of this issue is governed by two-part test adopted by the Court in *Karcher v. Daggett*, 462 U.S. 725 (1983). Under *Karcher*, the party challenging the constitutionality of a congressional redistricting plan bears the burden of showing that the population differences among districts could have been reduced or eliminated. *Id.* at 730-731. If this first test is satisfied, that "means only that the burden shifted to the State to prove *the population deviations in its plan* were necessary to achieve some legitimate state objective." *Id.* at 740 (emphasis added).

In this case, each of the three judges below agreed that because plaintiffs had presented an alternative plan with a population deviation even smaller than that in Act 1, they had met their

burden under the first part of the *Karcher* test. But the judges disagreed on whether the defendants had shown that the deviations in Act 1 achieved some legitimate state objective.

The defendants argued that to even out Act 1's minimal deviations would entail splitting twenty voting precincts, in addition to the six precincts already split. In response, the District Court did not hold that avoiding the splitting of precincts was not a legitimate state objective; to the contrary, the court expressly agreed that "the desire to avoid splitting precincts is a legitimate state interest which could justify a nineteen person deviation." Dist. Ct. op. at 8. Nor did the District Court find that Act 1's deviations did not in fact further that legitimate interest; as the dissenting judge pointed out, no one, "even with the benefit of hindsight, submitted a plan following the general contours of Act 1 which does not involve the splitting of more than six precincts." Dissenting op. at 4 (Yohn, J., dissenting). Rather, the majority judges held that, since Act 1 had already split six precincts, the objective of not splitting twenty more was not a "genuine" justification, but a "mere pretext" that lacked "sincerity." Dist. Ct. op. at 8-9.

The majority's analysis is problematic on several grounds. First, its reliance on the idea of "pretext" introduces into the *Karcher* analysis an inquiry into subjective legislative motives which is quite novel. Under *Karcher* — as under equal protection analysis in general — legislation either furthers a legitimate state interest or it does not; inquiry into the "sincerity" of the legislative motives underlying that legislation has never been thought either workable or necessary. Second, the majority's analysis fails even on its own terms: redistricting legislation, like all other legislation, is a complex structure of tradeoffs and compromises in which no one consideration is likely to trump all other considerations all of the time. Thus, simply because the legislature was prepared to accept

a limited number of split precincts, it by no means follows that it did not genuinely desire to minimize that number.

Finally, the majority judges seem to have conflated the first and second parts of the *Karcher* analysis by focusing, not on the justifications for the specific population deviations in Act 1, but on the justifications for the map as a whole.

... [I]t has been conclusively proven that it is possible to draw a *congressional district map* with zero population deviation amongst districts without splitting any precincts. Therefore, defendants cannot rely on a general desire to avoid splitting precincts as a legitimate *justification for a map* that splits six such precincts. . . .

Dist. Ct. op. at 10 (emphases added). The focus of the second part of the *Karcher* analysis, however, is quite different: not on the State's plan as a whole, but on specific deviations and their justification. "The State ... must show *with some specificity* that a *particular* objective required the *specific* deviations in its plan, rather than simply relying on general assertions." *Karcher*, 462 U.S. at 741 (emphases added). Moreover, the majority's reference to "pretext" suggests that it conflated not just the two parts of *Karcher*, but also conflated one person, one vote analysis with an analysis of partisan gerrymandering — even though it had earlier rejected just such a claim.

The dissenting judge, on the other hand, correctly applied *Karcher* by focusing on Pennsylvania's justifications for the specific population deviations in Act 1. Judge Yohn would have found that the prospect of quadrupling the number of precinct splits justified the deviations in Act 1, and would thus would have held that the Commonwealth had justified the population deviations in Act 1 with specific and precise reasons.

At the very least, then, the majority's analysis breaks new ground. At most, it is simply inconsistent with the teachings of *Karcher*: under the majority's analysis, if the first *Karcher* test is

satisfied, the second *Karcher* test becomes unnecessary, foreclosing a state's opportunity to justify even minuscule deviations in its enacted plan. In either event, the District Court's decision presents important questions which call for the Court's plenary review, and there is certainly a "fair prospect" that it will be reversed.

2. Irreparable Harm Will Result From The Denial of a Stay.

The District Court gave the Pennsylvania General Assembly three weeks, until April 29, to enact a new redistricting plan for its review; the primary in turn is scheduled for three weeks after that, on May 21. As of this writing, the legislature is considering various proposals. But whatever may be the outcome of this process, it is clear that the forced adoption of a new redistricting plan — whether enacted by the legislature or directly imposed by the District Court — will mean that Pennsylvania cannot hold its primary election as scheduled. Such judicial disruption of an impending election process has been recognized by this Court as irreparable harm which justifies the granting of a stay.

The District Court, in denying a stay of its order, suggested that producing a new redistricting map was a relatively simply task that could be quickly accomplished, but this misperceives the problem created by the District Court's order. The task facing state officials is not merely to produce a map, but to *hold an election*; and an election is not a subway car that can be rerouted on a moment's notice.

Act 1 was enacted to be implemented with the Pennsylvania Election Code, a complex statutory process full of interrelated actions that must occur in a specific order, from the circulation of nominating petitions to the printing of ballots. Any disruption disrupts the process as a whole, and this process cannot jammed into the three weeks between April 29 to May 21. Accordingly,

implementation of the District Court's order will require either having two separate primaries, one for congressional offices and one for state offices; or postponing the primary date for all offices. Neither is a satisfactory option.

Separate primaries would double the resources, financial, and administrative and personnel necessary to hold two separate elections in 9,426 precincts; the financial cost alone will likely exceed \$15 million. Even if the primary is not split, but postponed in its entirety, this will still require the expending of substantial resources to move all the mechanisms of the election and personnel to the new date, and possibly different physical sites. In turn, any change in the accustomed election date is likely to cause voter confusion and lower voter turnout.

Moreover, Pennsylvania's election process, which began on January 22, 2002, had reached an advanced stage before the District Court's order. Petitions had been circulated and filed. Objections to those nominating petitions had been entered. Judicial review of those objections had neared completion. In addition, absentee ballots to military personnel have already been sent. In the absence of a stay, all of this, as to the congressional races, will have to be done again, imposing a burden on the candidates, the parties, and the public at large, as well as on local, county, and state agencies and officials.

This Court has previously held, in remarkably similar circumstances, that this type of electoral dislocation, this close to an impending election, constitutes irreparable harm and justifies the granting of a stay. In *Karcher v. Daggett*, 455 U.S. 1303 (1982) (Brennan, J., in chambers), was faced with a request for stay that is remarkably similar to this action. In *Karcher*, Justice Brennan stayed an injunction of a redistricting plan entered by a divided three-judge panel. That panel, as here, had divided on the appropriate application of this Court's precedent. *Id.* at 1305. The panel in

Karcher, as here, gave New Jersey's General Assembly a very short window of time, nineteen days, as opposed to this action's twenty-one days, to adopt an alternative redistricting plan or face the District Court's implementation of its own plan. *Id.* at 1307. Faced with circumstances almost identical to the present action, Justice Brennan in granting the stay of the District Court's injunction held that:

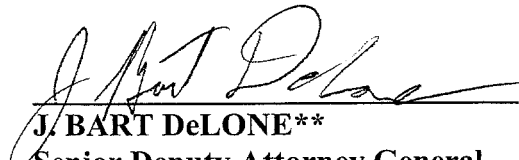
... I conclude that applicants would plainly suffer irreparable harm with a stay not granted. Under the district court's order, the legislature must either adopt an alternative redistricting plan before March 22 or face the prospect that the district court will implement its own redistricting plan. With respect to the balance of the equities, this Court has repeatedly emphasized that legislative reapportionment plans created by the legislature are to be preferred to judicially constructed plans.

Id. at 1306-1307. The Court should hold the same in this case.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


J. BART DeLONE**
Senior Deputy Attorney General
Pa. Id. No. 42540

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DATED: April 17, 2002

**Denotes Counsel of Record

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

**RICHARD VIETH, NORMA JEAN
VIETH, and SUSAN FUREY,**

Plaintiffs

v.

**COMMONWEALTH OF
PENNSYLVANIA, et al.,**

Defendants

CIVIL NO. 1:CV-01-2439

NYGAARD, Circuit Judge

YOHN, District Judge

RAMBO, District Judge

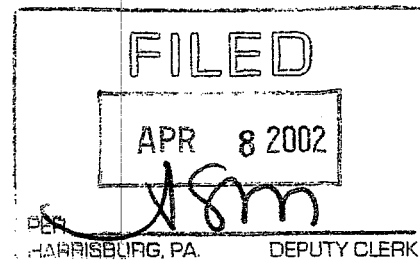
OPINION AND ORDER OF THE COURT

PER CURIAM

In our previous order of February 22, 2002, we dismissed several claims brought by the Plaintiffs which challenged the constitutionality of Pennsylvania Senate Bill 1200 (Act 1), the congressional redistricting plan enacted by the General Assembly and signed into law on January 7, 2002. On March 11-12, 2002, we held a hearing on the Plaintiff's sole remaining claim: Act 1 violates the constitutional principle of "one-person, one vote." Upon conclusion of this hearing, we ordered the parties to file proposed findings of fact and conclusions of law.

I. Background

The 2000 Census reported that Pennsylvania's total population was 12,291,054 persons. As a result of this population figure, and in accordance with Article I, Section 2 and the Fourteenth Amendment to the United States



Constitution, Pennsylvania's congressional delegation was reduced from twenty-one to nineteen representatives in Congress.¹

The loss of two congressional seats made it necessary to increase the size of the existing districts by approximately 100,000 persons. Additionally, because of shifts in population, some congressional districts were over-populated while some were well under the ideal population. Therefore, significant changes were made to the existing congressional districts.

Pennsylvania Senate Bill 1200 was introduced by Senators Brightbill and Lemmond on November 16, 2001. Senators Brightbill and Lemmond are members of the Republican Party. A competing plan, Senate Bill 1241 was introduced by Democratic state senators Mellow, O'Pake, Wagner, Musto, Kasunic, Fumo and Stout. On December 10, 2001, the Senate considered amendments to Senate Bill 1200. A Republican amendment was ultimately agreed to. The version of Senate Bill 1200 that eventually passed the Senate contained a population deviation of twenty-four persons.

After an amendment by the Pennsylvania House of Representatives, that chamber passed Senate Bill 1200 on December 12, 2001. The version of Senate Bill 1200 that passed the House had a total population deviation of nineteen

¹Article I, Section 2 states in pertinent part: "The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors of each State shall have Qualification requisite for Electors of the most numerous Branch of the State Legislature." U.S. Const. art I, § 2. Section 2 of the Fourteenth Amendment states in pertinent part: "Representatives shall be apportioned among the several states according to their representative numbers, counting the whole number of persons in each state." U.S. Const. amend. XIV, § 2.

persons.² It also maintained two minority-majority districts in the Philadelphia area, created one open seat in the southeastern part of the Commonwealth and paired two Democratic incumbents in the same district. One Democratic incumbent was paired against one Republican incumbent.

The Senate refused to concur in the amendments to Senate Bill 1200 offered by the House of Representatives. A Conference Committee was appointed and a plan was eventually devised that contained a nineteen person deviation. This Conference Committee Report on Senate Bill 1200 was passed by the Senate on January 3, 2002 and by the House of Representatives later the same day. It was signed into law on January 7, 2002.

In its final form, Act 1 created nineteen congressional districts with a total population deviation of nineteen. Although Act 1 did maintain two "minority-majority" districts in Philadelphia, it created three districts in which six incumbent congressman would have to run for re-election against each other. Of these pairings, two of the districts required Democratic congressmen to run against each other and one district required an incumbent Democratic representative to run against an incumbent Republican representative. These pairings of incumbent congressman permitted the creation of an open congressional district in the southeastern part of the Commonwealth. In contrast to its treatment of Democratic incumbents, no Republican congressmen are forced to run against each other.

²The term "deviation" as used in this opinion refers to the differences in population between the least and most populated districts under the redistricting plan.

Moreover, Act 1 splits eighty-four local governments, including twenty-five counties, fifty-nine cities, boroughs or townships, as well as forty-one wards. It also splits six voting precincts.

II. Analysis

A. Population Deviation

The United States Constitution requires that each congressional district in a state contain equal population. *See Wesberry v. Sanders*, 376 U.S. 1, 18, 84 S.Ct. 526 (1964) (holding that Art. I, § 2 of the Constitution requires that “as nearly as is practicable one man’s vote in a congressional election is to be worth as much as another’s.”). The Supreme Court has been exceedingly clear in requiring lower courts to balance population among the districts with precision. *See Karcher v. Daggett*, 462 U.S. 725, 734, 103 S.Ct. 2653 (1983) (“there are no *de minimis* population variations, which could practicably be avoided, but which nonetheless meet the standard of Art. I, § 2 without justification.”); *Kirkpatrick v. Preisler*, 394 U.S. 526, 531, 89 S.Ct. 1225 (1969) (“[T]he ‘as nearly as practicable’ standard requires that the State make a good-faith effort to achieve precise mathematical equality. Unless population variances among congressional districts are shown to have resulted despite such effort, the State must justify each variance, no matter how small.”). In a challenge to a congressional redistricting plan, the plaintiff bears the burden of proving that the differences in district-to-district population could have been reduced or eliminated altogether by a “good-faith effort to draw districts of equal population.” *Karcher*, 462 U.S. at 730.

We find that the Plaintiffs have met their burden in this case. First, it is undisputed that Act 1 has a deviation in population of nineteen persons between the most populated and least populated districts. Therefore, unless these deviations were unavoidable or resulted despite a good faith effort to draw districts of equal population, then the Defendants must prove a legitimate justification for the deviations. The evidence conclusively demonstrates that this population deviation was avoidable. Plaintiffs presented into evidence "Alternative Plan 4" which had a minimum possible deviation - districts that differ by only one person. Additionally, this plan achieves zero deviation without splitting any precincts among congressional districts and splits fewer municipalities than Act 1. Witnesses presented by both parties testified that it would have been relatively easy to take any plan or map and reach a point of zero population deviation.³ Indeed, the Defendants

³The Defendants suggest that "Alternative Plan 4" cannot be considered because it was never before the legislature. They argue that Plaintiffs must meet their burden under the first prong of the *Karcher* test only by relying on maps and/or redistricting plans that have a lower population deviation than the one enacted and that were presented to the legislature. We disagree. Although in *Karcher*, the legislature had before it other plans with less deviation, the Court never endorsed such a requirement. Instead, the Court focused on whether a plan with less deviation was possible. In this case, the Plaintiffs have provided four plans that had less deviations than Act 1. If we were to adopt the limited analysis suggested by the Defendants, we would be adopting a view that would isolate grossly disproportionate plans from constitutional scrutiny on the sole basis that such plans constitute the plan with the least deviations *available*. *Karcher* is wrought with references indicating that the least deviation *possible* is that which should govern the analysis. See 462 U.S. at 727 (affirming the three-judge panel's conclusion that the New Jersey plan violated the one-person, one-vote requirement "because the population deviations among districts, although small, were not the result of good-faith effort to achieve *population equality*) (emphasis added); 462 U.S. at 732-33 (stating that the Court requires that "*absolute population equality* be the paramount objective of apportionment . . . in the case of congressional districts," but not necessarily for other forms of redistricting) (emphasis added); 462 U.S. at 730 (stating that under the first prong of the analysis "the court must consider whether the population differences among districts could have been reduced or eliminated altogether by a good-faith effort

(continued...)

themselves submitted a map with zero population deviation. Thus, the nineteen person deviation in Act 1 was avoidable.

Nor can the deviation contained in Act 1 be excused based upon the good faith of the Defendants. Indeed, we find that the testimony of defense witness Dr. John Memmi satisfies the Plaintiff's burden here. Dr. Memmi testified that he was in charge of drawing up the map that became Act 1. He further stated that he drew the map under the direct supervision of the Republican leadership. He began manipulating the map in order to get the deviations lower. However, once he reached the point of a nineteen-person deviation, he was told to stop manipulating the map:

Q: Actually, what I would like to know is if there was a number that anybody said you could stop once you got to number nineteen or number 18?

A: Every move that was made was done under the supervision of my supervisors. And at the time, the team involved the House Republican Caucus Redistricting crew, some members thereof, the Senate Republican Caucus Redistricting team, members thereof. And the Supervisors sat there while Bill Shower and I — Bill is a gentleman with the House Republican Caucus. They observed every census block move that we made. And we continued to make moves, and were monitoring the overall range. I should say we all monitored it, of course, but the supervisor's the one whose monitoring counted. And when the districts were at nineteen overall range, they said that is sufficient.

Tr. Vol 3 at page 276. No other witnesses were called by the Defendants to explain

³(...continued)
to draw districts of *equal population*") (emphasis added); 462 at 731 ("Adopting any standard other than *population equality*, using the best census data available . . . would subtly erode the Constitution's ideal of *equal representation*.")) (emphasis added). In this case, the evidence indicates that a zero-deviation map was possible, and thus should govern our analysis under *Karcher*'s first prong.

why Dr. Memmi was told to stop manipulating the map.

We find this testimony to be in clear violation of the Supreme Court's express goal of getting as close as possible to zero deviation when drawing congressional districts. *See Karcher*, 462 U.S. at 734, 103 S.Ct. at 2660. Therefore, we find that the Defendants did not put forth a good-faith effort to draw districts of equal population.

It has been suggested that the deviation from absolute numerical equality present in Act 1 is too trivial or minute to rise to a constitutionally significant level. While it is true that the deviation contained in Act 1 is small, *Karcher* specifically holds that "there are no *de minimis* variations which could practically be avoided, but nonetheless meet the standard of Art. I, § 2 without justification." 462 U.S. at 734, 103 S.Ct. 2660. Thus, we hold that the population deviation in Act 1, even though relatively small, enables the Plaintiffs to satisfy *Karcher's* first prong and shifts to the Defendants the burden of proving justification.

B. Justification

Because the Plaintiffs have met their burden under *Karcher*, the Defendants must now prove that this population deviation was "necessary to achieve some legitimate goal." 462 U.S. at 731, 103 S.Ct. at 2658 (*citing Kirkpatrick*, 394 U.S. at 530, 89 S.Ct. at 1228; *Swann v. Adams*, 385 U.S. 440, 443-444, 87 S.Ct. 569, 571-72 (1967)). While *Karcher* did not specify how the State might meet its burden in step two, it did give several examples of legislative policies that might justify some variance among the populations of the State's various congressional districts. Specifically, the Court stated that "making districts compact, respecting municipal

boundaries, preserving the cores of prior districts and avoiding contests between incumbent Representatives” may legitimate minor population deviations among congressional districts. The Court also made clear that the burden borne by the State varies inversely with the magnitude of the population deviation. *Id.* at 741, 103 S.Ct. 2664. That is, the greater the deviation, the more compelling the government’s justification must be.

Defendants contend that the population variances in Act 1 are justified by a desire to avoid splitting voting precincts.⁴ Both parties agree that splitting precincts creates additional costs and work for county election officials in acquiring voting machines, in customizing ballots, in training precincts officials, in registering voters and in counting ballots. Moreover, we recognize that split precincts increase the potential for voter disorientation and candidate confusion. Therefore, to the extent that such justification is genuine, we acknowledge that the desire to avoid splitting precincts is a legitimate state interest which could justify a nineteen person deviation.

We find, however, that the Defendants’ arguments on this point are a mere pretext. Specifically, the evidence has demonstrated that it is possible to draw a congressional district map with zero deviation and no precinct splits. Plaintiffs’ witness, Robert Priest, drew exactly such a map using the same tools as Dr. Memmi. However, unlike Dr. Memmi, Mr. Priest was free to draw the map by manipulating entire precincts from district-to-district in order to achieve absolute population

⁴While the Defendants have suggested various other state interests which may have justified Act 1, since the focus of our inquiry in the justification phase is population deviation, the only justification submitted which deals with that issue is the policy objective of limiting voter precinct splits. Therefore, we will confine our analysis to this issue.

equality. As we have previously pointed out, Dr. Memmi testified that he was more constrained by his superiors. According to that testimony, Dr. Memmi initially formulated three congressional districts of ideal population by manipulating entire precincts. However, at that point, he was instructed to stop using whole precincts and to begin using census blocks to lower the deviation. Because every voting precinct contains several census blocks, manipulation of the census blocks leads almost inextricably to splitting precincts. We also note that none of the congressional districts that have split precincts have an ideal population.

Dr. Memmi was equally restrained in his efforts to bring Act 1 down to a zero deviation. That is, his superiors in the Republican caucus instructed him that he was only to manipulate census blocks and not precincts. This wholesale reliance on the census block method – the lone cause of the precinct splits – is what Defendants now employ to justify the deviations in their map. The logical inconsistency is so deep that it causes us to pause and consider the sincerity of such proffer. If Defendants truly wanted to avoid splitting precincts, they would have done so by enacting a zero deviation map that did not split *any* precincts.

Moreover, it is worth noting that of the maps presented at trial, Act 1 is that which least comports with the neutral legislative policies that the *Karcher* Court stated would justify a Congressional redistricting plan with some deviations. Act 1 is the plan which contains the least compact districts. (Pls. Ex. 12 at 7.) Act 1 splits the most counties (twenty-five) and municipalities (fifty-nine cities, townships, or boroughs).⁵ (*Id.*) With the exception of Act 1's twin, the zero-deviation version,

⁵In comparison, the now defunct 1992 Plan, which contained twenty-one
(continued...)

Act 1 even splits the most precincts. (*Id.*) To the extent that Act 1 retains the cores of prior districts, it does so only for districts containing Republican incumbents. (*See id.* at 8.)

However, it is on *Karcher*'s final endorsed neutral criteria – the avoidance of contests between incumbents – that Act 1 fails most miserably. Although Pennsylvania's loss of two congressional seats requires the pairing of only two sets of incumbents in the 2002 elections, Act 1 pits six incumbents against each other: two pairs of Democrats, and one Republican against one Democrat (the latter in a district that heavily favors Republican candidates). At the same time Act 1 pits more incumbents than necessary against one another, it also creates a new district, District 6, in which no incumbent resides. In the face of such evidence, it is clear that *Karcher*'s neutral criteria were not high on the priority list in enacting Act 1.

The dissent suggests that our analysis should pay deference to the policies that Act 1 reflects. However, there is no legal authority to support the corollary assertion that the only relevant zero-deviation maps with no precinct splits are those which comport with the general contours of Act 1.

In summation, it has been conclusively proven that it is possible to draw a congressional district map with zero population deviation amongst districts without splitting any precincts. Therefore, Defendants cannot rely on a general desire to avoid splitting precincts as a legitimate justification for a map that splits six such precincts. Put another way, if it is possible to achieve a zero deviation map with no precinct splits by manipulating whole precincts, the actions of the

⁵(...continued)
congressional districts, split only eighteen counties and thirteen municipalities.

Defendants in switching to census block data call into question the legitimacy of their proffered justifications. We find, therefore, that the Defendants have failed to provide any legitimate justification for the population deviations contained in Act 1. As such, we enjoin the implementation of Act 1.

III. Remedy

Having determined that Act 1 is unconstitutional, we now address the question of the appropriate remedy. The Supreme Court has cautioned that “reapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so.” *White v. Weiser*, 412 U.S. 783 (1973). We recognize that the Pennsylvania General Assembly has primary jurisdiction over congressional redistricting. Furthermore, no evidence was presented that would permit us to conclude that the General Assembly would be unable to enact a new constitutional redistricting plan in time for the 2002 elections. This is not a case where the respective legislative bodies are hopelessly deadlocked and the likelihood is that they will be able to enact a constitutionally sound plan.

Therefore, the Defendants are ordered to submit a constitutionally sound redistricting plan that has been enacted into law by the Commonwealth of Pennsylvania to this court within three weeks of the date of this opinion.

An appropriate order will follow.

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

RICHARD VIETH, NORMA JEAN
VIETH, and SUSAN FUREY,

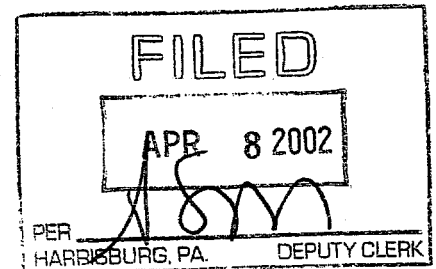
Plaintiffs

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants

CIVIL NO. 1:CV-01-2439



ORDER

In accordance with the preceding opinion, **IT IS HEREBY
ORDERED THAT:**

(1) Plaintiffs' request for declaratory judgment is **GRANTED**. Act 1 is hereby declared unconstitutional as a violation of Article I, § of the United States Constitution;

(2) Plaintiffs' request for injunctive relief is **GRANTED IN PART** as follows:

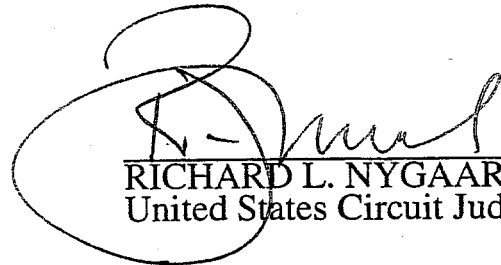
(A) To the extent that Plaintiffs request that the court enjoin Act 1's implementation, Plaintiffs' request is **GRANTED**. Defendants are permanently enjoined from implementing Act 1;

(B) To the extent that Plaintiffs request that the court devise its own redistricting plan for use in the 2002 congressional elections, Plaintiffs' request is **deferred pending compliance by the Pennsylvania General Assembly with this order**; and instead,


(3) The Pennsylvania General Assembly shall, within three weeks of the date of this order, prepare, enact and submit for review and final approval by this Court, a congressional redistricting plan in conformity with this opinion.

This Court shall retain jurisdiction pending issuance of a final order in this matter.

IT IS SO ORDERED.



RICHARD L. NYGAARD
United States Circuit Judge



SYLVIA H. RAMBO
United States District Judge

Dated: April 8, 2002.

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

RICHARD VIETH, NORMA JEAN
VIETH, and SUSAN FUREY,

Plaintiffs

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants

CIVIL NO. 1:CV-01-2439

NYGAARD, Circuit Judge

YOHN, District Judge

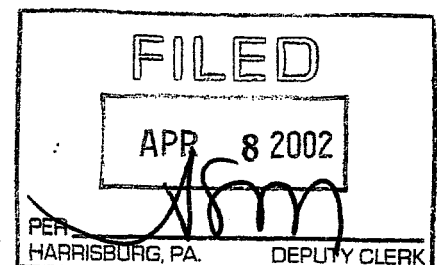
RAMBO, District Judge

YOHN, DISTRICT JUDGE, DISSENTING:

I agree with majority that the plaintiffs have met the first prong of the *Karcher* test and that the appropriate remedy, if Act 1 is unconstitutional, is to give the Commonwealth of Pennsylvania a reasonable period of time to enact a constitutionally sound redistricting plan.

I respectfully dissent, however, from Section II.B. of the majority opinion and conclude that defendants have met their burden, although just barely, to establish a justification for the nineteen person maximum deviation, and that Act 1 therefore passes constitutional muster.

In *Karcher v. Daggett*, 462 U.S. 725 (1983), the Court stated that the plaintiffs' "success in proving that the Feldman Plan was not the product of a good faith effort to achieve population equality means only that the burden shifted to the state to prove that the population deviations in its plan were necessary to achieve some legitimate state objective." (emphasis added). 462 U.S. at 740. Thus, the focus



of the second prong of the *Karcher* test is the state's justification for the population deviations in Act 1.¹

The defendants have pointed to a litany of state interests behind Act 1; however, since the focus of our inquiry in the justification phase of the *Karcher* analysis is the population deviation, the only justification submitted which deals with that issue is the policy objective of limiting voter precinct splits. Defendants contend that Act 1 could be "zeroed-out" by using Modification One but that this would entail splitting twenty-six voting precincts rather than the split of six voting precincts in Act 1.

Both parties agree that splitting precincts creates additional costs and work for county election officials in acquiring voting machines, in customizing ballots, in training precinct officials, in registering voters and in counting ballots. In addition, it increases the potential for voter confusion and candidate confusion. Thus, the desire to minimize the splitting of voting precincts is a legitimate justification, particularly when the overall population deviation is only nineteen.

The evidence with reference to this justification is, however, minimal. Dr. John Memmi testified that he was the cartographer who worked on the final draft of what became Act 1. When he reached the population deviation of nineteen he was told by his superiors that he could stop work. Inexplicably, neither party asked Dr. Memmi who told him this or called as a witness the person who told him to stop work

¹ The majority correctly points out that the Court has "made clear that the burden borne by the state varies inversely with the magnitude of the population deviation. . . . That is, the greater the deviation, the more compelling the government's justification must be." It would seem therefore that a nineteen person deviation in a congressional district of 646,371 or 646,372 would require a justification on the lowest end of the "justification" scale.

in order to explore the basis for the decision. As a result, we are left to draw inferences from the evidence presented.

Defendants ask us to draw the inference that the effort to equalize population was halted because of a desire not to split any more voting precincts. There are 9,427 voting precincts in Pennsylvania but there are 322,424 census blocks. Act 1 as enacted contained six voting precinct splits. (Defendants' exhibit 92). Subsequent to the enactment of Act 1 Dr. Memmi made further adjustments of census blocks in order to produce a plan with a zero population deviation. Using census blocks inevitably leads to more voter precinct splits and the resulting plan, designated as Modification One contains twenty-six voting precinct splits. (Defendants' exhibit 90).

This inference is also supported by the testimony of Dr. Memmi concerning the conversation when he was working on the last draft of what became Act 1 and told that he could stop work.

"Q Did they tell you why they thought that was sufficient?

A They did not specifically say John, Bill, these are the reasons why we are stopping at 19. I don't mean to be curt.

One of the prevailing themes throughout the exercise was to minimize the number of precinct incursions. We were at six. I worked with individuals who understand the election process. They understand the administration at the county level.

I do not profess to have any more than at best a superficial understanding of that. But the concern was to minimize the number of precinct incursions so that election administration would be as smooth as it could be."

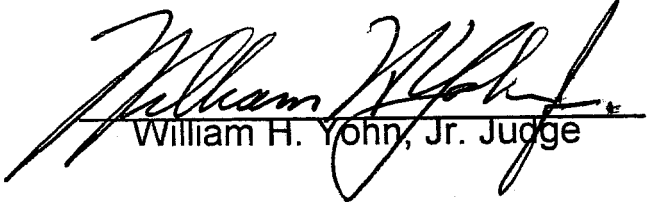
R. at 320 - 21.

Finally, I note that neither party has, even with the benefit of hindsight, submitted a plan following the general contours of Act 1 which does not involve the splitting of more than six voting precincts. Thus, I find that the inference defendants suggest, that the justification for Act 1 is the reduced number of voting precinct splits, is reasonable.

Plaintiffs, on the other hand, ask us to infer that the Act 1 plan was not “zeroed out” because of partisan considerations. Plaintiffs produced a map that was “zeroed out” without splitting any voting precincts, Alternative Four. However, this plan does not follow the general contours of Act 1. The Court has oftentimes reminded us of the necessity not to override state goals, policies and preferences any more than is necessary. *See Abrams v. Johnson*, 521 U.S. 74, 101 (1997); *Upham v. Seaman*, 456 U.S. 37, 41 - 42 (1982); *White v. Weiser*, 412 U.S. 783, 795 (1973). There is no evidence to support a conclusion that Alternative Four encompasses the many other state goals, policies and preferences inherent in Act 1 which resulted in its enactment. In addition, plaintiffs have suggested no connection between the nineteen person deviation in Act 1 and the alleged partisanship of the plan. Indeed, any such suggestion is contradicted by Dr. Memmi’s specific testimony that when he was trying to reduce the plan to the minimal population deviation possible on December 31, 2001, nobody expressed any concern that continuing to trade whole precincts might change the political characteristics of some of the districts and that during the entire procedure there was no commentary of a political nature. R. at 322. Moreover, to the extent that the plaintiffs are arguing partisan gerrymandering, the *Karcher* Court noted that “beyond requiring states to justify population deviations with explicit, precise

reasons, which might be expected to have some inhibitory effect, *Kirkpatrick* does little to prevent what is known as gerrymandering. . . . *Kirkpatrick's* object, achieving population equality, is far less ambitious than what would be required to address gerrymandering on a constitutional level.” *Karcher*, 462 U.S. at 734 n. 6. Thus, the inference which the plaintiffs ask us to draw is not supported by the evidence, by reason, or by law.

I conclude, therefore, that the nineteen person deviation was justified by the “legitimate state objective” of avoiding further splitting of voter precincts and that there has been no proof that the population deviation of nineteen persons bore any relationship to the alleged partisanship of Act 1. Thus, Act 1 is not unconstitutional.


William H. Yohn, Jr. Judge

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APR 12 2002

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

OFFICE OF ATTORNEY GENERAL
APPELLATE LITIGATION SECTION

RICHARD VIETH, NORMA JEAN
VIETH, and SUSAN FUREY,

CIVIL NO. 1:CV-01-2439

Plaintiffs

FILED
HARRISBURG, PA

v.

APR 12 2002

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

MARY E. D'ANDREA, CLERK
Per *[Signature]* Deputy Clerk

Defendants

ORDER

The following is the background of this order: On April 8, 2002, the court issued an order enjoining the implementation of Act 1. On April 11, 2002, Defendants filed a motion to stay the court's order pending appeal. On April 12, 2002, the three-judge panel met via teleconference to discuss disposition of the pending motion.¹ As a result of this meeting, the panel unanimously agreed that both parties demonstrated, at the hearing in this matter, that they could produce a new map within a short period of time. Once such a map is enacted, the court will immediately hold a hearing to decide whether it complies with the applicable constitutional standard. In light of this, **IT IS HEREBY ORDERED THAT** Defendants' motion for stay of the court's April 8, 2002 order is **DENIED**.

[Signature]
SYLVIA H. RAMBO
United States District Judge
on behalf of the panel

Dated: April 12, 2002.

¹During the telephone conference, the judges agreed to allow Judge Rambo to sign this order on behalf of the panel.

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

FILED
HARRISBURG, PA

APR 11 2002

RICHARD VIETH and NORMA JEAN VIETH,

Plaintiffs

v.

**THE COMMONWEALTH OF PENNSYLVANIA,
*et al.,***

Defendants

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NO. 3:CV-01-2439

**(JUDGES RAMBO
NYGAARD & YOHN)**

MARY E. D'ANDREA, CLERK
Per 9/15
Deputy Clerk

**NOTICE OF APPEAL OF DEFENDANTS
GOVERNOR MARK S. SCHWEIKER, SECRETARY C. MICHAEL
WEAVER, AND COMMISSIONER RICHARD FILLING
TO THE SUPREME COURT OF THE UNITED STATES**

Defendants Governor Mark S. Schweiker, Secretary C. Michael Weaver, and Commissioner Richard Filling appeal to the Supreme Court of the United States from the order entered April 8, 2002 in this matter, which declared Act 1 of 2002 unconstitutional and permanently enjoined its implementation. The appeal is taken pursuant to 28 U.S.C. §1253.

Respectfully submitted,

**D. MICHAEL FISHER
Attorney General**

BY:

J. Bart DeLone
**J. BART DeLONE
Senior Deputy Attorney General
I.D. No.42540**

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**JOHN G. KNORR, III
Chief Deputy Attorney General
Chief, Appellate Litigation Section**

DATED: April 11, 2002

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philly.com

Posted on Thu, Apr. 18, 2002

The Philadelphia Inquirer

Primary delay seen as further hurting turnout

By Amy Worden

Inquirer Harrisburg Bureau

HARRISBURG - The number of people casting votes in Pennsylvania primaries has been sliding fairly steadily for a decade.

In 1992, for instance, about half of all registered Democrats cast their ballots in the primary. In 1998, that number dropped to 15 percent, before edging back up in the presidential primary in 2000.

Now the prospect of a midsummer primary this year, brought on by a federal court's rejection of the congressional district map, could drive the numbers even lower, leaving decisions about the next administration and congressional delegation to even fewer people.

Some analysts say that if the primary is held July 16 - a date approved this week in a Senate bill - fewer than half a million people could decide whether former Philadelphia Mayor Ed Rendell or state Auditor General Bob Casey Jr. is the Democratic nominee for governor. Of the state's 12 million residents, 3.6 million are registered Democrats.

"My gut feeling is that a summer primary is a disaster because it changes what people have become accustomed to," said Berwood Yost, director of the Center for Opinion Research at Millersville University.

The state's 19-district map was found unconstitutional by a federal panel last week because the districts differed in population by as many as 19 people. That spread, the panel ruled, violated a constitutional requirement for equal-size districts under the principle of "one person, one vote."

Yesterday, Republicans asked the U.S. Supreme Court to suspend the ruling, arguing that they would otherwise have to delay the May 21 primary election.

In a 19-page request to Justice David H. Souter, Lt. Gov. Robert Jubelirer and House Speaker Matthew J. Ryan said the April 8 ruling by a three-judge federal court panel "has thrown the election process in Pennsylvania into chaos."

Both houses have approved new plans they say respond to the court order by shifting 73,000 people statewide to create districts of equal size, but the Senate plan contained an additional

amendment postponing the primary until July 16.

The final district plan - minus the primary date change - passed 29-21 in the Senate and 121-72 in the House last night, and now goes to Gov. Schweiker.

"We can't do anything [on the date issue] until the courts rule," said Stephen Drachler, spokesman for House Majority Leader John Perzel (R., Phila.). "If the court rules in our favor, we will proceed with the May 21 date. If not, we will try to schedule it as close to the date of the ruling as possible."

Drachler said the state would need at least six weeks to reopen the election process: one week for new candidates to file, one week to challenge any petitions, and four to five weeks for elections officials to prepare ballots, voting machines and polling sites.

The government watchdog group Common Cause sent letters to all legislators calling on them to vote against the provision moving the primary date.

"The court order only said the congressional map was unconstitutional, not the state races. They should go on as scheduled," said Barry Kauffman, the group's executive director.

Legislators, however, have said it would be too costly to run a split primary - with some races decided in May and the congressional races decided at a later date.

Kauffman said fewer people turn out for primaries because so many races are uncontested, especially Republican races. In the governor's race this year, Attorney General Mike Fisher is running unopposed for the Republican nomination.

"Why go to the polls?" he said. "This year, there is no [Republican] governor or lieutenant governor contest, and very few Republican candidates are being contested."

Still, some political strategists say it's impossible to predict how a summer primary would affect turnout in the state, because, at least in recent memory, it has never been done before.

"No idea - I have absolutely no experience with July primaries," said Rick Bloomingdale, the political strategist for the state AFL-CIO.

The umbrella union organization, which is playing a major role in backing Casey, uses a turnout projection of 1.5 million voters for a May 21 Democratic primary - a number it concedes is probably high.

In order to respond to the summer-vacation issue in July, both gubernatorial campaigns would go into overdrive circulating absentee ballot applications to likely supporters, Bloomingdale

said.

But absentee voting puts an extra burden on voters. Without an application from the party, a voter must apply to the local election board. Then, after filling out their ballots, they must mail it in before the Friday before the primary.

Nevertheless, some voters are already making preparations to assure their votes are cast - even if they're casting a fishing rod off Barnegat Bay, N.J.

"I've talked to some people who say they are going on vacation that week," said Yost, who is in the midst of conducting election-year polls. "They say they're going to vote, and it's the first time they've voted absentee."

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Inquirer staff writer Thomas Fitzgerald contributed to this article.

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CERTIFICATE OF SERVICE

I certify that on April 18, 2002, I caused a copy of the foregoing Memorandum in Support of Renewed Motion for Stay, Pending Appeal of Order Granting Declaratory Judgment and Injunction and for Expedited Consideration to be served on the following in the manner indicated:

Fax and First class mail

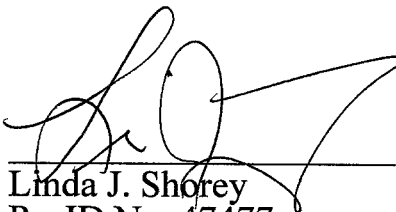
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SENATE AMENDED
PRIOR PRINTER'S NOS. 3637, 3683

PRINTER'S NO. 3726

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2545 Session of 2002

INTRODUCED BY PERZEL AND RYAN, APRIL 9, 2002

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 17, 2002

AN ACT

1 ~~Apportioning this Commonwealth into congressional districts in~~ <--
2 ~~conformity with constitutional requirements; providing for~~
3 ~~the nomination and election of Congressmen; and requiring~~
4 ~~publication of notice of the establishment of congressional~~
5 ~~districts following the Federal decennial census; imposing~~
6 ~~duties on the Secretary of the Commonwealth and the~~
7 ~~Legislative Reference Bureau; and making a repeal.~~
8 APPORTIONING THIS COMMONWEALTH INTO CONGRESSIONAL DISTRICTS IN <--
9 CONFORMITY WITH CONSTITUTIONAL REQUIREMENTS; PROVIDING FOR
10 THE NOMINATION AND ELECTION OF CONGRESSMEN; REQUIRING
11 PUBLICATION OF NOTICE OF THE ESTABLISHMENT OF CONGRESSIONAL
12 DISTRICTS FOLLOWING THE FEDERAL DECENNIAL CENSUS; IMPOSING
13 DUTIES ON THE SECRETARY OF THE COMMONWEALTH AND THE
14 LEGISLATIVE REFERENCE BUREAU; AND MAKING REPEALS.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:
17 ~~Section 1. Congressional districts.~~ <--
18 ~~For the purpose of electing representatives of the people of~~
19 ~~Pennsylvania to serve in the House of Representatives in the~~
20 ~~Congress of the United States, this Commonwealth shall be~~
21 ~~divided into 19 districts which shall have one Congressman each,~~
22 ~~as follows:~~
23 ~~(1) The First District is composed of part of Delaware~~

1 ~~County consisting of the City of Chester and the Townships of~~
2 ~~Chester, Darby Wards 1 and 2, Ridley Ward 1 (Division 2) and~~
3 ~~Tinicum Wards 1, 2 and 4 and the Boroughs of Colwyn, Darby,~~
4 ~~Eddystone and Yeadon; and part of Philadelphia County~~
5 ~~consisting of the City of Philadelphia Wards 1, 2, 3, 4, 5,~~
6 ~~7, 10, 14, 15 (Divisions 3, 7, 10, 15, 16, 17 and 19), 17,~~
7 ~~18, 19, 20, 23 (Divisions 1, 2, 3, 4, 5, 6, 7, 9, 13, 14, 15,~~
8 ~~16, 17, 18, 19, 20, 21, 22 and 23), 25 (Divisions 1, 2, 4, 5,~~
9 ~~6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,~~
10 ~~23 and 24), 26 (Divisions 2 and 23), 31, 33 (Divisions 1, 4,~~
11 ~~5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,~~
12 ~~22, 23 and 24), 34, 37, 39, 40, 42, 43, 45 (Division 19), 49~~

13 ~~(Divisions 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16,~~
14 ~~17, 19, 21, 22 and 23), 53 (Divisions 1, 2, 3, 4, 5, 6, 7, 8,~~
15 ~~9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22 and 23), 54, 55~~
16 ~~(Division 15), 61 (Division 1) and 62 (Divisions 7, 10, 11,~~
17 ~~14, 20 and 23).~~

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

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- 2 -

1 ~~(3) The Third District is composed of part of Armstrong~~
2 ~~County consisting of the Townships of Boggs, Bradys Bend,~~
3 ~~Cadogan, Cowanshannock, East Franklin, Hovey, Kittanning,~~
4 ~~Madison, Mahoning, North Buffalo District Western, Perry,~~
5 ~~Pine, Rayburn, Redbank, South Buffalo District Western,~~
6 ~~Sugarcreek, Valley, Washington, Wayne and West Franklin and~~
7 ~~the Boroughs of Applewold, Atwood, Dayton, Parker City, Rural~~
8 ~~Valley, South Bethlehem, West Kittanning and Worthington;~~
9 ~~part of Butler County consisting of the City of Butler and~~
10 ~~the Townships of Allegheny, Brady, Butler, Center, Cherry,~~
11 ~~Clay, Clearfield, Concord, Connoquenessing, Donegal,~~
12 ~~Fairview, Forward, Franklin, Jefferson, Marion, Mercer, Muddy~~
13 ~~Creek, Oakland, Parker, Penn, Slippery Rock, Summit, Venango,~~
14 ~~Washington, Winfield and Worth and the Boroughs of Bruin,~~
15 ~~Cherry Valley, Chicora, Connoquenessing, East Butler, Eau~~
16 ~~Claire, Evans City, Fairview, Harrisville, Karns City,~~
17 ~~Petrolia, Portersville, Prospect, Saxonburg, Slippery Rock,~~
18 ~~West Liberty and West Sunbury; part of Crawford County~~
19 ~~consisting of the City of Meadville and the Townships of~~
20 ~~Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago,~~
21 ~~East Fairfield, East Fallowfield, East Mead, Fairfield,~~
22 ~~Greenwood, Hayfield, North Shenango, Pine, Randolph,~~
23 ~~Richmond, Rockdale, Sadsbury, South Shenango, Sparta, Spring,~~
24 ~~Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon,~~
25 ~~Wayne, West Fallowfield, West Mead, West Shenango and~~
26 ~~Woodcock and the Boroughs of Blooming Valley, Cambridge~~
27 ~~Springs, Centerville, Cochranton, Conneaut Lake,~~
28 ~~Conneautville, Linesville, Saegertown, Spartansburg,~~
29 ~~Springboro, Townville, Venango and Woodcock; all of Erie~~
30 ~~County; part of Mercer County consisting of the Cities of~~

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- 3 -

1 ~~Hermitage Districts No, Nw, Se and Sw (Division 1) and Sharon~~
2 ~~and the Townships of Coalspring, Deer Creek, Delaware, East~~
3 ~~Lackawannock, Fairview, Findley, French Creek, Greene,~~
4 ~~Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty,~~
5 ~~Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning,~~
6 ~~Salem, Sandy Creek, Sandy Lake, South Pymatuning,~~
7 ~~Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek~~
8 ~~and Worth and the Boroughs of Clark, Fredonia, Greenville,~~
9 ~~Grove City, Jackson Center, Jamestown, Mercer, New Lebanon,~~
10 ~~Sandy Lake, Sharpsville, Sheakleyville and Stoneboro; part of~~

11 ~~Venango County consisting of the Townships of Clinton, Irwin,~~
12 ~~Richland, Rockland and Scrubgrass and the Boroughs of~~
13 ~~Barkeyville, Clintonville and Emlenton; and part of Warren~~
14 ~~County consisting of the City of Warren and the Townships of~~
15 ~~Brokenstraw, Columbus, Eldred, Farmington, Freehold, Clado,~~
16 ~~Pine Grove, Spring Creek, Sugar Grove and Triumph and the~~
17 ~~Boroughs of Bear Lake, Sugar Grove and Youngsville.~~
18 ~~(4) The Fourth District is composed of part of Allegheny~~
19 ~~County consisting of the Townships of Aleppo, East Deer Ward~~
20 ~~1, Fawn, Frazer, Hampton, Harmar, Harrison, Indiana, Kilbuck,~~
21 ~~Leet, Marshall, McCandless, Neville Ward 3, O'Hara Wards 1~~
22 ~~(Division 1), 2, 3, 4 and 5, Ohio, Pine, Richland, Ross,~~
23 ~~Shaler, Springdale and West Deer and the Boroughs of~~
24 ~~Aspinwall, Avalon Ward 3 (Division 1), Bell Acres, Ben Aven,~~
25 ~~Ben Aven Heights, Brackenridge, Bradford Woods, Cheswick,~~
26 ~~Edgeworth, Emsworth, Etna Ward 3, Fox Chapel, Franklin Park,~~
27 ~~Glenfield, Haysville, Leetsdale, Oakmont, Osborne, Plum,~~
28 ~~Sewickley, Sewickley Heights, Sewickley Hills, Springdale and~~
29 ~~West View; part of Beaver County consisting of the Cities of~~
30 ~~Aliquippa and Beaver Falls and the Townships of Brighton,~~
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1 ~~Contor, Chippewa, Darlington, Daugherty, Franklin, Greene,~~
2 ~~Hanover District West, Harmony, Hopewell, Independence,~~
3 ~~Marion, New Sewickley, North Sewickley, Patterson, Potter,~~
4 ~~Pulaski, Raccoon, Rochester, South Beaver, Vanport and White~~
5 ~~and the Boroughs of Ambridge, Baden, Beaver, Big Beaver,~~
6 ~~Bridgewater, Conway, Darlington, East Rochester, Eastvale,~~
7 ~~Economy, Fallston, Freedom, Georgetown, Glasgow, Homewood,~~
8 ~~Hookstown, Industry, Koppel, Midland, Monaca, New Brighton,~~
9 ~~New Calilee, Ohioville, Patterson Heights, Rochester,~~
10 ~~Shippingport, South Heights and West Mayfield; part of Butler~~
11 ~~County consisting of the Townships of Adams, Buffalo,~~
12 ~~Clinton, Cranberry, Jackson, Lancaster and Middlesex and the~~
13 ~~Boroughs of Gallery, Harmony, Mars, Seven Fields, Valencia~~
14 ~~and Zelienople; all of Lawrence County; part of Mercer County~~
15 ~~consisting of the Cities of Farrell and Hermitage District Sw~~
16 ~~(Divisions 2 and 3) and the Township of Shenango and the~~
17 ~~Boroughs of West Middlesex and Wheatland; and part of~~
18 ~~Westmoreland County consisting of the Boroughs of Delmont,~~
19 ~~Export and Murrysboro.~~
20 ~~(5) The Fifth District is composed of all of Cameron~~
21 ~~County; all of Centre County; all of Clarion County; part of~~
22 ~~Clearfield County consisting of the City of Dubois and the~~
23 ~~Townships of Beccaria Precinct 2, Bell, Bigler, Bloom, Boggs,~~
24 ~~Bradford, Brady, Cooper, Covington, Decatur, Ferguson,~~
25 ~~Girard, Coshon, Graham, Greenwood, Huston, Karthaus,~~
26 ~~Lawrence, Morris, Penn, Pike, Pine, Sandy, Union and Woodward~~
27 ~~and the Boroughs of Brisbin, Chester Hill, Clearfield,~~
28 ~~Curwensville, Glen Hope, Crampian, Houtzdale, Lumber City,~~
29 ~~Mahaffey, Osceola Mills, Troutville and Wallaceton; all of~~
30 ~~Clinton County; part of Crawford County consisting of the~~
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1 City of Titusville and the Townships of Oil Creek and Rome
2 and the Borough of Hydetown; all of Elk County; all of Forest
3 County; all of Jefferson County; part of Juniata County
4 consisting of the Township of Fayette; part of Lycoming
5 County consisting of the Townships of Anthony, Armstrong,
6 Bastress, Brown, Clinton, Cummings, Fairfield, Jackson,
7 Limestone, McHenry, McNett, Mifflin, Nippenose, Old Lycoming,
8 Piatt, Pine, Porter, Susquehanna, Washington, Watson and
9 Woodward and the Boroughs of Duboistown, Jersey Shore,
10 Montgomery, Montoursville, Salladasburg and South
11 Williamsport; all of McKean County; part of Mifflin County
12 consisting of the Townships of Armagh, Decatur, Derry and
13 Granville and the Boroughs of Burnham, Juniata Terrace and
14 Lewistown; all of Potter County; part of Tioga County
15 consisting of the Townships of Bloss, Brookfield, Charleston,
16 Chatham, Clymer, Covington, Deerfield, Delmar, Duncan, Elk,
17 Farmington, Gaines, Hamilton, Jackson, Lawrence, Liberty,
18 Middlebury, Morris, Nelson, Osceola, Putnam, Richmond,
19 Rutland, Shippen, Sullivan, Tioga, Union and Westfield and
20 the Boroughs of Blossburg, Elkland, Knoxville, Lawrenceville,
21 Liberty, Mansfield, Roseville, Tioga, Wellsboro and
22 Westfield; part of Venango County consisting of the Cities of
23 Franklin and Oil City and the Townships of Allegheny, Canal,
24 Cherrytree, Cornplanter, Cranberry, Frenchcreek, Jackson,
25 Mineral, Oakland, Oil Creek, Pinogrove, Plum, President,
26 Sandycreek and Victory and the Boroughs of Cooperstown,
27 Pleasantville, Polk, Rouseville, Sugarcreek and Utica; and
28 part of Warren County consisting of the Townships of Cherry
29 Grove, Conewango, Deerfield, Elk, Limestone, Mead,
30 Pittefield, Pleasant, Sheffield, Southwest and Watson and the
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1 Boroughs of Clarendon and Tidioute.
2 (6) The Sixth District is composed of part of Berks
3 County consisting of the City of Reading Wards 1, 3 (Division
4 2), 9 (Division 5), 10, 12 (Division 5), 13 (Divisions 4 and
5 5), 14 (Divisions 1, 5 and 6), 16, 17 and 18 (Divisions 2 and
6 3) and the Townships of Amity, Brecknock, Caernarvon,
7 Colebrookdale, Cumru, District, Douglass, Earl District 2,
8 Exeter, Hereford District 1, Longswamp, Lower Alsace,
9 Maxatawny, Muhlenberg Districts 1, 4 and 6, Robeson, South
10 Heidelberg Precinct 2, Spring Districts 1, 2, 3, 4, 5, 6 and
11 7, Union and Washington and the Boroughs of Adamstown, Bally,
12 Bechtelsville, Birdsboro, Boyertown, Kenhorst, Kutztown,
13 Mohnton, Mount Penn, New Morgan, Shillington, Sinking Spring,
14 St. Lawrence, Topton, West Lawn, West Reading, Wyomissing and
15 Wyomissing Hills; part of Chester County consisting of the
16 City of Coatesville and the Townships of Caln, Charlestown,
17 East Bradford Districts North and South (Division 2), East
18 Brandywine, East Caln, East Coventry, East Nantmeal, East
19 Pikeland, East Vincent, East Whiteland, Honey Brook, North
20 Coventry, Pocopson, Sadsbury, Schuylkill, South Coventry,
21 Tredyffrin, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick,
22 West Bradford, West Brandywine, West Caln, West Nantmeal,
23 West Pikeland, West Sadsbury, West Vincent and West Whiteland
24 and the Boroughs of Atglen, Downingtown, Elverson, Honey
25 Brook, Modena, Phoenixville Wards East (Divisions 2 and 3),
26 Middle, North and West, South Coatesville and Spring City;
27 part of Lehigh County consisting of the Township of Upper
28 Macungie District 3; and part of Montgomery County consisting
29 of the Townships of East Norriton, Limerick, Lower Merion,
30 Perkiomen, Plymouth Districts 1, 3 (Division 2) and 4,
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~~1 Skippack, Whitmarsh District West (Divisions 1 and 2),~~
~~2 Whitpain District 8 and Worcester and the Boroughs of~~
~~3 Collegeville, Conshohocken District 1, Narberth, Norristown,~~
~~4 Pottstown and Trappe.~~

~~5 (7) The Seventh District is composed of part of Chester~~
~~6 County consisting of the Townships of East Coshen, Easttown,~~
~~7 Thornbury, West Coshen, Westtown and Willistown and the~~
~~8 Boroughs of Malvern and Phoenixville Ward East (Division 1);~~
~~9 part of Delaware County consisting of the Townships of Aston,~~
~~10 Bethel, Chadds Ford, Concord, Darby Wards 3, 4 and 5,~~
~~11 Edmont, Haverford, Lower Chichester, Marple, Middletown,~~
~~12 Nether Providence, Newtown, Radnor, Ridley Wards 1 (Divisions~~
~~13 1 and 3), 2, 3, 4, 5, 6, 7, 8 and 9, Springfield, Thornbury,~~
~~14 Tinicum Wards 3 and 5, Upper Chichester, Upper Darby and~~
~~15 Upper Providence and the Boroughs of Aldan, Brookhaven,~~
~~16 Chester Heights, Clifton Heights, Collingdale, East~~
~~17 Lansdowne, Folcroft, Glenolden, Lansdowne, Marcus Hook,~~
~~18 Media, Millbourne, Morton, Norwood, Parkside, Prospect Park,~~
~~19 Ridley Park, Rose Valley, Rutledge, Sharon Hill, Swarthmore,~~
~~20 Trainer and Upland; and part of Montgomery County consisting~~
~~21 of the Townships of Lower Providence, Upper Merion, Upper~~
~~22 Providence and West Norriton and the Boroughs of Bridgeport,~~
~~23 Conshohocken Districts 2, 3, 4, 5, 6 and 7, Royersford and~~
~~24 West Conshohocken.~~

~~25 (8) The Eighth District is composed of all of Bucks~~
~~26 County; part of Montgomery County consisting of the Townships~~
~~27 of Abington Wards 5 (Division 2), 8 (Division 1) and 15~~
~~28 (Division 2), Upper Dublin Districts 3 and 5 (Division 2) and~~
~~29 Upper Moreland Districts 2 and 3 (Division 2); and part of~~
~~30 Philadelphia County consisting of the City of Philadelphia~~

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- 8 -

~~1 Wards 58 (Divisions 4, 6, 7, 20, 21, 22, 24, 29, 31, 39 and~~
~~2 41) and 66 (Divisions 2, 3, 4, 5, 6, 9, 11, 14, 16, 20, 22,~~
~~3 25, 30, 33, 34, 35, 36, 37, 42, 44, 45 and 46).~~

~~4 (9) The Ninth District is composed of all of Bedford~~
~~5 County; all of Blair County; part of Cambria County~~
~~6 consisting of the Townships of Allegheny, Chest, Clearfield,~~
~~7 Dean, Elder, Callitzin, Reado, Susquehanna District South and~~
~~8 White and the Boroughs of Ashville, Chest Springs, Callitzin,~~
~~9 Hastings, Loretto, Northern Cambria, Patton and Tunnelhill~~
~~10 (Cambria County portion); part of Clearfield County~~
~~11 consisting of the Townships of Boccara Precinct 1, Burnside,~~
~~12 Chest, Culich, Jordan and Knox and the Boroughs of Burnside,~~
~~13 Coalport, Irvona, New Washington, Newburg, Ramey and~~
~~14 Westover; part of Cumberland County consisting of the~~
~~15 Townships of Cooke, Dickinson Precinct North, Hopewell, Lower~~
~~16 Frankford, Lower Mifflin, Middlesex Precinct 1, North~~
~~17 Middleton, North Newton, Penn, South Newton, Southampton~~
~~18 Precincts Lower and Upper (Division 1), Upper Frankford,~~
~~19 Upper Mifflin and West Pennsboro Precinct Upper and the~~
~~20 Boroughs of Newburg and Newville; part of Fayette County~~
~~21 consisting of the City of Connellsville Wards 4 and 5 and the~~
~~22 Townships of Connellsville, Dunbar District 1, Georges~~
~~23 Districts 1 and 2, Henry Clay, Nicholson District 1, North~~
~~24 Union District 3, South Union District 3, Springfield,~~
~~25 Springhill District 1, Stewart and Wharton and the Boroughs~~
~~26 of Fairchance, Markleysburg, Chiopyle, Smithfield and South~~
~~27 Connellsville; all of Franklin County; all of Fulton County;~~
~~28 all of Huntingdon County; part of Indiana County consisting~~
~~29 of the Townships of Armstrong, Banks, Black Lick, Bruch~~
~~30 Valley, Buffington, Burrell, Canoe, Center, Conemaugh, East~~

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- 9 -

1 Mahoning, East Wheatfield, Grant, Green, Montgomery, North
2 Mahoning, Rayne, South Mahoning, Washington, West Mahoning,
3 West Wheatfield, White Districts 3, 4 and 6 and Young and the
4 Boroughs of Armagh, Blairsville, Cherry Tree, Creekside,
5 Ernest, Glon Campbell, Homer City, Indiana Districts 1 and 4,
6 Marion Center, Plumville, Saltsburg, Shelocta and Smicksburg,
7 part of Juniata County consisting of the Townships of Beale,
8 Delaware, Fermanagh, Greenwood, Lack, Milford, Monroe, Spruce
9 Hill, Susquehanna, Turbett, Tuscarora and Walker and the
10 Boroughs of Mifflin, Mifflintown, Port Royal and
11 Thompsontown; part of Mifflin County consisting of the
12 Townships of Bratton, Brown, Menno, Oliver, Union and Wayne
13 and the Boroughs of Kistler, McVeytown and Newton Hamilton;
14 part of Perry County consisting of the Townships of Carroll,
15 Greenwood, Howe, Jackson, Liverpool, Northeast Madison, Rye,
16 Saville, Southwest Madison, Toboyne and Tyrone and the
17 Boroughs of Blain, Landisburg, Liverpool, Marysville,
18 Millerstown and Newport District 2; part of Somerset County
19 consisting of the Townships of Addison, Allegheny, Black,
20 Brothersvalley, Elk Lick, Fairhope, Greenville, Larimer,
21 Lower Turkeyfoot, Milford, Northampton, Ogle, Shade,
22 Somerset, Southampton, Stonycreek, Summit and Upper
23 Turkeyfoot and the Boroughs of Addison, Berlin, Callimont,
24 Casselman, Central City, Confluence, Carrett, Indian Lake,
25 Meyersdale, New Baltimore, New Centerville, Rockwood,
26 Salisbury, Shanksville, Somerset, Ursina and Wellersburg; and
27 part of Westmoreland County consisting of the Township of
28 Derry District Torrance.
29 (10) The Tenth District is composed of all of Bradford
30 County; part of Lackawanna County consisting of the City of
20020H2545B3726

- 10 -

1 Carbondale and the Townships of Abington, Benton, Carbondale,
2 Clifton, Covington, Elmhurst, Fell, Glenburn, Greenfield,
3 Jefferson, La Plume, Madison, Newton, North Abington, Ransom,
4 Roaring Brook, Scott, South Abington, Spring Brook,
5 Thornhurst and West Abington and the Boroughs of Archbald,
6 Clarks Green, Clarke Summit, Dalton, Dickson City Wards 1
7 (Divisions 2, 3 and 4), 2 and 3, Jermyn, Jessup Wards 1, 2
8 and 3 (Divisions 2 and 3), Mayfield, Moscow, Olyphant Ward 1
9 and Vandling; part of Luzerne County consisting of the
10 Townships of Dallas, Exeter, Fairmount, Franklin, Kingston,
11 Lake, Lehman and Ross and the Boroughs of Dallas, Forty Fort,
12 Harveys Lake, Kingston, Swoyersville Wards 1 and 2, West
13 Wyoming and Wyoming; part of Lycoming County consisting of
14 the City of Williamsport and the Townships of Brady, Cascade,
15 Cogan House, Eldred, Franklin, Camble, Hepburn, Jordan,
16 Lewis, Loyalsock, Lycoming, McIntyre, Mill Creek, Moreland,
17 Muncy, Muncy Creek, Penn, Plunketts Creek, Shrewsbury, Upper
18 Fairfield and Wolf and the Boroughs of Hughesville, Muncy and
19 Picture Rocks; all of Montour County; all of Northumberland
20 County; all of Pike County; all of Snyder County; all of
21 Sullivan County; all of Susquehanna County; part of Tioga
22 County consisting of the Township of Ward; all of Union
23 County; all of Wayne County; and all of Wyoming County.
24 (11) The Eleventh District is composed of all of Carbon
25 County; all of Columbia County; part of Lackawanna County
26 consisting of the City of Scranton and the Boroughs of
27 Blakely, Dickson City Ward 1 (Division 1), Dunmore, Jessup
28 Ward 3 (Division 1), Moosic, Old Forge, Olyphant Wards 2, 3

29 ~~and 4, Taylor and Throop; part of Luzerne County consisting~~
30 ~~of the Cities of Hazleton, Nanticoke, Pittston and Wilkes-~~
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1 ~~Barro and the Townships of Bear Creek, Black Creek, Buck,~~
2 ~~Butler, Conyngham, Dennison, Dorrance, Fairview, Foster,~~
3 ~~Hanover, Hazle, Hollenback, Hunlock, Huntington, Jackson,~~
4 ~~Jenkins, Nescopeek, Newport, Pittston, Plains, Plymouth,~~
5 ~~Rice, Salem, Slocum, Sugarloaf, Union, Wilkes-Barro and~~
6 ~~Wright and the Boroughs of Ashley, Avoca, Bear Creek Village,~~
7 ~~Conyngham, Courtdale, Dupont, Duryea, Edwardsville, Exeter,~~
8 ~~Freeland, Hughestown, Jeddo, Laflin, Larksville, Laurel Run,~~
9 ~~Luzerne, Nescopeek, New Columbus, Nuangela, Penn Lake Park,~~
10 ~~Plymouth, Pringle, Shickshinny, Sugar Notch, Swoyersville~~
11 ~~Ward 3, Warrior Run, West Hazleton, West Pittston, White~~
12 ~~Haven and Yatesville; and all of Monroe County.~~
13 ~~(12) The Twelfth District is composed of part of~~
14 ~~Allegheny County consisting of the Township of East Deer Ward~~
15 ~~2 and the Borough of Tarentum; part of Armstrong County~~
16 ~~consisting of the Townships of Bethel, Burrell, Gilpin,~~
17 ~~Kickiminetas, Manor, North Buffalo District Eastern, Parks,~~
18 ~~Plumcreek, South Bend and South Buffalo District Eastern and~~
19 ~~the Boroughs of Apollo, Elderton, Ford City, Ford Cliff,~~
20 ~~Freeport, Kittanning, Leechburg, Manorville and North Apollo;~~
21 ~~part of Cambria County consisting of the City of Johnstown~~
22 ~~and the Townships of Adams, Barr, Blacklick, Cambria,~~
23 ~~Conemaugh, Cresson, Croyle, East Carroll, East Taylor,~~
24 ~~Jackson, Lower Yoder, Middle Taylor, Munster, Portage,~~
25 ~~Richland, Stonycreek, Summerhill, Susquehanna District North,~~
26 ~~Upper Yoder, Washington, West Carroll and West Taylor and the~~
27 ~~Boroughs of Brownstown, Carrolltown, Cassandra, Cresson,~~
28 ~~Daisytown, Dale, East Conemaugh, Ebensburg, Ehrenfeld,~~
29 ~~Ferndale, Franklin, Coistown, Lilly, Lorain, Nanty Glo,~~
30 ~~Portage, Sankertown, Scalp Level, South Fork, Southmont,~~
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1 ~~Summerhill, Vintondale, Westmont and Wilmore; part of Fayette~~
2 ~~County consisting of the Cities of Connellsville Wards 1, 2,~~
3 ~~3 and 6 and Uniontown and the Townships of Brownsville,~~
4 ~~Bullskin, Dunbar Districts 2, 3 and 4, Franklin, Georges~~
5 ~~Districts 3 and 4, German, Jefferson, Lower Tyrone, Luzerne,~~
6 ~~Menallen, Nicholson Districts 2 and 3, North Union Districts~~
7 ~~1, 2, 4 and 5, Perry, Redstone, Saltlick, South Union~~
8 ~~Districts 1 and 2, Springhill District 2, Upper Tyrone and~~
9 ~~Washington and the Boroughs of Belle Vernon, Brownsville,~~
10 ~~Dawson, Dunbar, Everson, Fayette City, Masontown, Newell,~~
11 ~~Perryopolis, Point Marion and Vanderbilt; all of Greene~~
12 ~~County; part of Indiana County consisting of the Townships of~~
13 ~~Cherryhill, Pine and White Districts 1 and 2 and the Boroughs~~
14 ~~of Clymer and Indiana Districts 2 and 3; part of Somerset~~
15 ~~County consisting of the Townships of Conemaugh, Jefferson,~~
16 ~~Jenner, Lincoln, Middlecreek, Paint and Quemahoning and the~~
17 ~~Boroughs of Benson, Boswell, Hooversville, Jennerstown,~~
18 ~~Paint, Seven Springs, Stoystown and Windber; part of~~
19 ~~Washington County consisting of the Cities of Monongahela and~~
20 ~~Washington and the Townships of Canton, Carroll Districts 2,~~
21 ~~3 and 5, Chartiers Districts 3, 5, 6 and 7, East Bethlehem,~~
22 ~~East Finley District 2, Fallowfield Districts 1, 2 and 4,~~
23 ~~North Bethlehem, North Strabane Districts 1, 2 and 3,~~
24 ~~Somerset, South Strabane Districts 2, 4 and 5, Union, West~~
25 ~~Bethlehem and West Pike Run and the Boroughs of Allenport,~~
26 ~~Beallsville, Bentleyville, California, Canonsburg Wards 2 and~~

27 ~~3 (Division 1), Centerville, Charleroi Districts 1, 3 and 4,~~
28 ~~Coal Center, Cokeburg, Deemston, Donora, Dunlevy, East~~
29 ~~Washington District 2, Elco, Ellsworth, Finleyville, Houston,~~
30 ~~Long Branch, Marianna, New Eagle, North Charleroi, Roscoe,~~
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1 ~~Speers, Stockdale, Twilight and West Brownsville; and part of~~
2 ~~Westmoreland County consisting of the Cities of Arnold,~~
3 ~~Latrobe, Lower Burrell, Monessen and New Kensington and the~~
4 ~~Townships of Allegheny, Bell, Derry Districts Alters,~~
5 ~~Bradenville, Cokeville, Cooperstown, Kingston, Loyalhanna,~~
6 ~~Millwood, New Derry, Peanut, Saxman, Scalp Level and~~
7 ~~Simpsons, East Huntingdon District Bossemer, Fairfield,~~
8 ~~Hempfield Districts Bovard, Hannastown and Luxer, Loyalhanna,~~
9 ~~Mount Pleasant Districts Bridgeport, Duncan, Hoocla, Laurel~~
10 ~~Run, Mammoth, Spring Garden, United and Westmoreland,~~
11 ~~Rostraver, Salem Districts Hugus and Meehlings, Sewickley~~
12 ~~Districts East Herminie, Lowber, Rillton, Sewickley and West~~
13 ~~Herminie, South Huntingdon Districts Jacobs Creek, Mineral,~~
14 ~~Port Royal, Wayne, Wyano and Yukon, St. Clair, Unity~~
15 ~~Districts Crabtree, Dorothy and Lloydsville, Upper Burrell~~
16 ~~and Washington Districts North Washington and Paulton and the~~
17 ~~Boroughs of Avonmore, Bolivar, Derry, East Vandergrift, Hyde~~
18 ~~Park, Mount Pleasant, New Alexandria, New Florence, North~~
19 ~~Belle Vernon, Oklahoma, Scottsdale, Seward, Smithton,~~
20 ~~Vandergrift, West Leechburg and West Newton.~~

21 ~~(13) The Thirteenth District is composed of part of~~
22 ~~Montgomery County consisting of the Townships of Abington~~
23 ~~Wards 1, 2, 3, 4, 5 (Division 1), 6, 7, 8 (Division 2), 9,~~
24 ~~10, 11, 12, 13, 14 and 15 (Division 1), Hatfield, Horsham,~~
25 ~~Lower Frederick, Lower Gwynedd, Lower Moreland, Lower~~
26 ~~Salford, Montgomery, New Hanover, Plymouth Districts 2 and 3~~
27 ~~(Division 1), Springfield, Towamencin, Upper Dublin Districts~~
28 ~~1, 2, 4, 5 (Division 1), 6 and 7, Upper Frederick, Upper~~
29 ~~Gwynedd, Upper Hanover District 2, Upper Moreland Districts~~
30 ~~1, 3 (Division 1), 4, 5, 6 and 7, Upper Salford, Whitmarsh~~
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1 ~~Districts East, Middle and West (Division 3) and Whitpain~~
2 ~~Districts 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 and the Boroughs~~
3 ~~of Ambler, Bryn Athyn, Green Lane, Hatboro, Hatfield,~~
4 ~~Jenkintown, Lansdale, North Wales, Rockledge and~~
5 ~~Schwenksville; and part of Philadelphia County consisting of~~
6 ~~the City of Philadelphia Wards 25 (Divisions 3 and 8), 35~~
7 ~~(Divisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16,~~
8 ~~17, 25 and 32), 41, 45 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9,~~
9 ~~10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24 and~~
10 ~~25), 53 (Divisions 17, 20 and 21), 55 (Divisions 1, 2, 3, 4,~~
11 ~~5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21,~~
12 ~~22, 23, 24, 25, 26, 27, 28 and 29), 56, 57, 58 (Divisions 1,~~
13 ~~2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23,~~
14 ~~25, 26, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 40, 42, 43~~
15 ~~and 44), 62 (Divisions 1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 15,~~
16 ~~16, 17, 18, 19, 21, 22, 24, 25 and 26), 63, 64, 65 and 66~~
17 ~~(Divisions 1, 7, 8, 10, 12, 13, 15, 17, 18, 19, 21, 23, 24,~~
18 ~~26, 27, 28, 29, 31, 32, 38, 39, 40, 41 and 43).~~

19 ~~(14) The Fourteenth District is composed of part of~~
20 ~~Allegheny County consisting of the Cities of Clairton,~~
21 ~~Duquesne, McKeesport and Pittsburgh and the Townships of~~
22 ~~Elizabeth Ward 9, Kennedy, Neville Wards 1 and 2, North~~
23 ~~Versailles Wards 1, 2, 3 (Division 2), 4, 5, 6 and 7, O'Hara~~
24 ~~Ward 1 (Division 2), Penn Hills Wards 1, 2, 3 (Divisions 2,~~

25 ~~3, 4 and 5), 4 (Divisions 1, 2 and 4), 5 (Divisions 2, 3 and~~
26 ~~4), 6 (Divisions 1, 2, 3, 4 and 6), 7 (Divisions 1, 2, 3, 4,~~
27 ~~6 and 7), 8 and 9 (Divisions 1, 2 and 5), Reserve, Robinson~~
28 ~~Districts 3 and 5, Stowe and Wilkins Ward 2 (Division 2) and~~
29 ~~the Boroughs of Avalon Wards 1, 2 and 3 (Divisions 2 and 3),~~
30 ~~Baldwin Districts 1, 2, 3, 5, 9, 11, 12, 13, 15, 16 and 18,~~
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1 ~~Bellevue, Blawnox, Braddock, Braddock Hills, Chalfant,~~
2 ~~Coraopolis, Crafton Wards 1, 2 and 3 (Division 1),~~
3 ~~Dravosburg, East McKeesport, East Pittsburgh, Edgewood, Etna~~
4 ~~Wards 1 and 2, Forest Hills, Glassport, Homestead, Ingram,~~
5 ~~Liberty, Lincoln, McKees Rocks, Millvale, Monroeville Wards 1~~
6 ~~(Division 1) and 7, Mount Oliver, Munhall, North Braddock,~~
7 ~~Pitcairn Districts 2 and 3, Port Vue, Rankin, Sharpsburg,~~
8 ~~Swissvale, Turtle Creek, Verona, Versailles, Wall, West~~
9 ~~Homestead, West Mifflin, Whitaker, White Oak District 7,~~
10 ~~Wilkinsburg and Wilmerding.~~
11 ~~(15) The Fifteenth District is composed of part of Berks~~
12 ~~County consisting of the Townships of Albany and Moreford~~
13 ~~District 2; part of Lehigh County consisting of the Cities of~~
14 ~~Allentown and Bethlehem (Lehigh County portion) and the~~
15 ~~Townships of Hanover, Heidelberg, Lower Macungie, Lower~~
16 ~~Milford, Lowhill, Lynn, North Whitehall, Salisbury, South~~
17 ~~Whitehall, Upper Macungie Districts 1, 2 and 4, Upper~~
18 ~~Milford, Upper Saucon, Washington, Weisenberg and Whitehall~~
19 ~~and the Boroughs of Alburtis, Catasauqua, Coopersburg,~~
20 ~~Coplay, Emmaus, Fountain Hill, Macungie and Slatington; part~~
21 ~~of Montgomery County consisting of the Townships of Douglass,~~
22 ~~Franconia, Lower Pottsgrove, Marlborough, Salford, Upper~~
23 ~~Hanover Districts 1 and 3, Upper Pottsgrove and West~~
24 ~~Pottsgrove and the Boroughs of East Greenville, Pennsburg,~~
25 ~~Red Hill, Souderton and Telford (Montgomery County portion);~~
26 ~~and all of Northampton County.~~
27 ~~(16) The Sixteenth District is composed of part of Berks~~
28 ~~County consisting of the City of Reading Wards 2, 3 (Division~~
29 ~~1), 4, 5, 6, 7, 8, 9 (Division 2), 11, 12 (Divisions 1 and~~
30 ~~3), 13 (Divisions 1 and 2), 14 (Division 4), 15, 18~~
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1 ~~(Divisions 1 and 4) and 19 and the Townships of Bern District~~
2 ~~3, Lower Heidelberg, South Heidelberg Precinct 1 and Spring~~
3 ~~District 8 and the Borough of Wernersville; part of Chester~~
4 ~~County consisting of the Townships of Birmingham, East~~
5 ~~Bradford District South (Division 1), East Fallowfield, East~~
6 ~~Marlborough, East Nottingham, Elk, Franklin, Highland,~~
7 ~~Kennett, London Britain, London Grove, Londonderry, Lower~~
8 ~~Oxford, New Carden, New London, Newlin, Penn, Pennsburg,~~
9 ~~Upper Oxford, West Fallowfield, West Marlborough and West~~
10 ~~Nottingham and the Boroughs of Avondale, Kennett Square,~~
11 ~~Oxford, Parkersburg, West Chester and West Grove; and all of~~
12 ~~Lancaster County.~~
13 ~~(17) The Seventeenth District is composed of part of~~
14 ~~Berks County consisting of the Townships of Alsace, Bern~~
15 ~~Districts 1 and 2, Bethel, Centro, Earl District 1,~~
16 ~~Greenwich, Heidelberg, Jefferson, Maidencreek, Marion,~~
17 ~~Muhlenberg Districts 2, 3, 5, 7 and 8, North Heidelberg,~~
18 ~~Oley, Ontelaunee, Penn, Perry, Pike, Richmond, Rockland,~~
19 ~~Ruscombmanor, Tilden, Tulpehocken, Upper Bern, Upper~~
20 ~~Tulpehocken and Windsor and the Boroughs of Bernville,~~
21 ~~Centerport, Fleetwood, Hamburg, Laureldale, Leesport,~~
22 ~~Lenhartsville, Lyons, Robesonia, Shoemakersville, Strausstown~~

23 ~~and Womelsdorf; all of Dauphin County; all of Lebanon County;~~
24 ~~part of Perry County consisting of the Townships of Buffalo,~~
25 ~~Centre, Juniata, Miller, Oliver, Penn, Spring, Tuscarora,~~
26 ~~Watts and Wheatfield and the Boroughs of Bloomfield,~~
27 ~~Duncannon, New Buffalo and Newport District 1; and all of~~
28 ~~Schuylkill County.~~
29 ~~(18) The Eighteenth District is composed of part of~~
30 ~~Allegheny County consisting of the Townships of Baldwin,~~
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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 4, 6, 7, 8, 10, 14 and 17, Bethel Park,~~
10 ~~Brontwood, 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, Pitsairst District 1,~~
15 ~~Pleasant Hills, Rosslyn Farms, Thornburg, Trafford (Allegheny~~
16 ~~County portion), West Elizabeth, White Oak Districts 1, 2, 3,~~
17 ~~4, 5 and 6 and Whitehall; part of Beaver County consisting of~~
18 ~~the Township of Hanover District East and the Borough of~~
19 ~~Frankfort Springs; part of Washington County consisting of~~
20 ~~the Townships of Amwell, Blaine, Buffalo, Carroll Districts 1~~
21 ~~and 4, Cecil, Chartiers Districts 1, 2 and 4, Cross Creek,~~
22 ~~Donegal, East Finley District 1, Fallowfield District 3,~~
23 ~~Hanover, Hopewell, Independence, Jefferson, Morris, Mount~~
24 ~~Pleasant, North Franklin, North Strabane Districts 4, 5 and~~
25 ~~6, Nottingham, Peters, Robinson, Smith, South Franklin, South~~
26 ~~Strabane Districts 1 and 3 and West Finley and the Boroughs~~
27 ~~of Burgettstown, Canonsburg Wards 1 and 3 (Division 3),~~
28 ~~Charleroi Districts 2 and 6, Claysville, East Washington~~
29 ~~District 1, Green Hills, McDonald, Midway, West Alexander and~~
30 ~~West Middletown; and part of Westmoreland County consisting~~
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1 ~~of the Cities of Greensburg and Jeannette and the Townships~~
2 ~~of Cook, Donegal, East Huntingdon Districts Ruffsedale,~~
3 ~~Stoners, Strohm and Whites, Hempfield Districts Alwine,~~
4 ~~Carbon, East Adamsburg, Eastview, Fort Allen, Foxhill,~~
5 ~~Gayville, Grapeville, Haydenville, High Park, Lincoln~~
6 ~~Heights, Lincoln Heights West, Maplewood, Middletown, New~~
7 ~~Stanton, North Carbon, Sibel, Todd, University, Valley,~~
8 ~~Weavers Old Stand, Wegley, Wendel Horn, West Hempfield and~~
9 ~~West Point, Ligonier, Mount Pleasant Districts Pleasant~~
10 ~~Valley and Ridgeview, North Huntingdon, Penn, Salem Districts~~
11 ~~Five Points, New Salem, Slickville, Steeles and Trees Mills,~~
12 ~~Sewickley District Whyel, South Huntingdon Districts Hixon~~
13 ~~and South Huntingdon, Unity Districts Baggaley, Beatty,~~
14 ~~Dennison, Cravel Hill, Kuhns, Marguerite, Mutual, Pleasant~~
15 ~~Unity, Roble and Whitney and Washington Districts Beamers and~~
16 ~~Oakland X Roads and the Boroughs of Adamsburg, Arona,~~
17 ~~Donegal, Hunkor, Irwin, Laurel Mountain, Ligonier, Madison,~~
18 ~~Manor, New Stanton, North Irwin, Penn, South Greensburg,~~
19 ~~Southwest Greensburg, Sutorsville, Trafford (Westmoreland~~
20 ~~County portion), Youngstown and Youngwood.~~

21 ~~(19) The Nineteenth District is composed of all of Adams~~
22 ~~County; part of Cumberland County consisting of the Townships~~
23 ~~of Dickinson Precinct South, East Pennsboro, Hampden, Lower~~
24 ~~Allen, Middlesex Precinct 2, Monroe, Shippensburg, Silver~~
25 ~~Spring, South Middleton, Southampton District Upper (Division~~
26 ~~2), Upper Allen and West Pennsboro Precinct Lower 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.~~
11 ~~(1) The act of January 7, 2002 (P.L.1, No.1), entitled~~
12 ~~"An act to apportion the Commonwealth of Pennsylvania into~~
13 ~~congressional districts in conformity with constitutional~~
14 ~~requirements; providing for the nomination and election of~~
15 ~~Congressmen; and requiring publication of notice of the~~
16 ~~establishment of congressional districts following the~~
17 ~~Federal decennial census," is repealed.~~
18 ~~(2) All other acts and parts of acts are repealed~~

19 ~~insofar as they are inconsistent with this act.~~
20 ~~(b) Existing plan. The existing State Congressional~~
21 ~~Redistricting Plan is abrogated.~~
22 ~~Section 7. Pending litigation.~~
23 ~~If the Secretary of the Commonwealth determines that Federal~~
24 ~~litigation over the validity of the congressional apportionment~~
25 ~~under the act of January 7, 2002 (P.L.1, No.1), entitled "An act~~
26 ~~to apportion the Commonwealth of Pennsylvania into congressional~~
27 ~~districts in conformity with constitutional requirements;~~
28 ~~providing for the nomination and election of Congressmen; and~~
29 ~~requiring publication of notice of the establishment of~~
30 ~~congressional districts following the Federal decennial census,"~~
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1 ~~has been finally resolved with a judicial declaration of~~
2 ~~invalidity, the secretary shall transmit notice of the~~
3 ~~determination to the Legislative Reference Bureau for~~
4 ~~publication in the Pennsylvania Bulletin.~~
5 ~~Section 8. Effective date.~~
6 ~~This act shall take effect as follows:~~
7 ~~(1) Section 6(b) shall take effect November 6, 2002.~~
8 ~~(2) The following provisions shall take effect~~
9 ~~immediately:~~
10 ~~(i) Section 7.~~
11 ~~(ii) This section.~~
12 ~~(3) The remainder of this act shall take effect upon~~
13 ~~publication of the notice under section 7.~~

CHAPTER 1

<--

PRELIMINARY PROVISIONS

16 SECTION 101. SHORT TITLE.
17 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE CONGRESSIONAL
18 REDISTRICTING ACT OF 2002.
19 SECTION 102. DEFINITIONS.
20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
21 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:
23 "ACT 1 OF 2002." THE ACT OF JANUARY 7, 2002 (P.L.1, NO.1),
24 ENTITLED "AN ACT TO APPORTION THE COMMONWEALTH OF PENNSYLVANIA
25 INTO CONGRESSIONAL DISTRICTS IN CONFORMITY WITH CONSTITUTIONAL
26 REQUIREMENTS; PROVIDING FOR THE NOMINATION AND ELECTION OF
27 CONGRESSMEN; AND REQUIRING PUBLICATION OF NOTICE OF THE
28 ESTABLISHMENT OF CONGRESSIONAL DISTRICTS FOLLOWING THE FEDERAL
29 DECENNIAL CENSUS."
30 "SECRETARY." THE SECRETARY OF THE COMMONWEALTH.
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CHAPTER 3

ESTABLISHMENT OF CONGRESSIONAL DISTRICTS

3 SECTION 301. CONGRESSIONAL DISTRICTS.
4 FOR THE PURPOSE OF ELECTING REPRESENTATIVES OF THE PEOPLE OF
5 PENNSYLVANIA TO SERVE IN THE HOUSE OF REPRESENTATIVES IN THE
6 CONGRESS OF THE UNITED STATES, THIS COMMONWEALTH SHALL BE
7 DIVIDED INTO 19 DISTRICTS WHICH SHALL HAVE ONE CONGRESSMAN EACH,
8 AS FOLLOWS:
9 (1) THE FIRST DISTRICT IS COMPOSED OF PART OF DELAWARE
10 COUNTY CONSISTING OF THE CITY OF CHESTER AND THE TOWNSHIPS OF
11 CHESTER, DARBY WARDS 1 AND 2, RIDLEY WARD 1 (DIVISION 2) AND
12 TINICUM WARDS 1, 2 AND 4 AND THE BOROUGH OF COLWYN, DARBY,
13 EDDYSTONE AND YEADON; AND PART OF PHILADELPHIA COUNTY
14 CONSISTING OF THE CITY OF PHILADELPHIA WARDS 1, 2, 3, 4, 5,
15 7, 10, 14, 15 (DIVISIONS 3, 7, 10, 15, 16, 17 AND 19), 17,
16 18, 19, 20, 23 (DIVISIONS 1, 2, 3, 4, 5, 6, 7, 9, 13, 14, 15,

17 16, 17, 18, 19, 20, 21, 22 AND 23), 25 (DIVISIONS 1, 2, 4, 5,
18 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
19 23 AND 24), 26 (DIVISIONS 2 AND 23), 31, 33 (DIVISIONS 1, 4,
20 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
21 22, 23 AND 24), 34, 37, 39, 40, 42, 43, 45 (DIVISION 19), 49
22 (DIVISIONS 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16,
23 17, 19, 21, 22 AND 23), 53 (DIVISIONS 1, 2, 3, 4, 5, 6, 7, 8,
24 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22 AND 23), 54, 55
25 (DIVISION 15), 61 (DIVISION 1) AND 62 (DIVISIONS 7, 10, 11,
26 14, 20 AND 23).

27 (2) THE SECOND DISTRICT IS COMPOSED OF PART OF
28 MONTGOMERY COUNTY CONSISTING OF THE TOWNSHIP OF CHELTENHAM;
29 AND PART OF PHILADELPHIA COUNTY CONSISTING OF THE CITY OF
30 PHILADELPHIA WARDS 6, 8, 9, 11, 12, 13, 15 (DIVISIONS 1, 2,
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1 4, 5, 6, 8, 9, 11, 12, 13, 14 AND 18), 16, 21, 22, 23
2 (DIVISIONS 8, 10, 11 AND 12), 24, 26 (DIVISIONS 1, 3, 4, 5,
3 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
4 22 AND 24), 27, 28, 29, 30, 32, 33 (DIVISIONS 2, 3 AND 11),
5 35 (DIVISIONS 1, 13, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28,
6 29, 30 AND 31), 36, 38, 44, 46, 47, 48, 49 (DIVISIONS 7, 8,
7 18, 20, 24 AND 25), 50, 51, 52, 59, 60 AND 61 (DIVISIONS 2,
8 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,
9 20, 21, 22, 23, 24, 25, 26, 27 AND 28).

10 (3) THE THIRD DISTRICT IS COMPOSED OF PART OF ARMSTRONG
11 COUNTY CONSISTING OF THE TOWNSHIPS OF BOGGS, BRADYS BEND,
12 CADOGAN, COWANSHANNOCK, EAST FRANKLIN, HOVEY, KITTANNING,
13 MADISON, MAHONING, NORTH BUFFALO DISTRICT WESTERN, PERRY,
14 PINE, RAYBURN, REDBANK, SOUTH BUFFALO DISTRICT WESTERN,
15 SUGARCREEK, VALLEY, WASHINGTON, WAYNE AND WEST FRANKLIN AND
16 THE BOROUGHES OF APPLEWOLD, ATWOOD, DAYTON, PARKER CITY, RURAL
17 VALLEY, SOUTH BETHLEHEM, WEST KITTANNING AND WORTHINGTON;
18 PART OF BUTLER COUNTY CONSISTING OF THE CITY OF BUTLER AND
19 THE TOWNSHIPS OF ALLEGHENY, BRADY, BUTLER, CENTER, CHERRY,
20 CLAY, CLEARFIELD, CONCORD, CONNOQUENESSING, DONEGAL,
21 FAIRVIEW, FORWARD, FRANKLIN, JEFFERSON, MARION, MERCER, MUDDY
22 CREEK, OAKLAND, PARKER, PENN, SLIPPERY ROCK, SUMMIT, VENANGO,
23 WASHINGTON, WINFIELD AND WORTH AND THE BOROUGHES OF BRUIN,
24 CHERRY VALLEY, CHICORA, CONNOQUENESSING, EAST BUTLER, EAU
25 CLAIRE, EVANS CITY, FAIRVIEW, HARRISVILLE, KARNS CITY,
26 PETROLIA, PORTERSVILLE, PROSPECT, SAXONBURG, SLIPPERY ROCK,
27 WEST LIBERTY AND WEST SUNBURY; PART OF CRAWFORD COUNTY
28 CONSISTING OF THE CITY OF MEADVILLE AND THE TOWNSHIPS OF
29 ATHENS, BEAVER, BLOOMFIELD, CAMBRIDGE, CONNEAUT, CUSSEWAGO,
30 EAST FAIRFIELD, EAST FALLOWFIELD, EAST MEAD, FAIRFIELD,
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1 GREENWOOD, HAYFIELD, NORTH SHENANGO, PINE, RANDOLPH,
2 RICHMOND, ROCKDALE, SADSBURY, SOUTH SHENANGO, SPARTA, SPRING,
3 STEUBEN, SUMMERHILL, SUMMIT, TROY, UNION, VENANGO, VERNON,
4 WAYNE, WEST FALLOWFIELD, WEST MEAD, WEST SHENANGO AND
5 WOODCOCK AND THE BOROUGHES OF BLOOMING VALLEY, CAMBRIDGE
6 SPRINGS, CENTERVILLE, COCHRANTON, CONNEAUT LAKE,
7 CONNEAUTVILLE, LINESVILLE, SAEGERTOWN, SPARTANSBURG,
8 SPRINGBORO, TOWNVILLE, VENANGO AND WOODCOCK; ALL OF ERIE
9 COUNTY; PART OF MERCER COUNTY CONSISTING OF THE CITIES OF
10 HERMITAGE DISTRICTS NE, NW, SE AND SW (DIVISION 1) AND SHARON
11 AND THE TOWNSHIPS OF COOLSPRING, DEER CREEK, DELAWARE, EAST
12 LACKAWANNOCK, FAIRVIEW, FINDLEY, FRENCH CREEK, GREENE,
13 HEMPFIELD, JACKSON, JEFFERSON, LACKAWANNOCK, LAKE, LIBERTY,
14 MILL CREEK, NEW VERNON, OTTER CREEK, PERRY, PINE, PYMATUNING,

15 SALEM, SANDY CREEK, SANDY LAKE, SOUTH PYMATUNING,
16 SPRINGFIELD, SUGAR GROVE, WEST SALEM, WILMINGTON, WOLF CREEK
17 AND WORTH AND THE BOROUGHES OF CLARK, FREDONIA, GREENVILLE,
18 GROVE CITY, JACKSON CENTER, JAMESTOWN, MERCER, NEW LEBANON,
19 SANDY LAKE, SHARPSVILLE, SHEAKLEYVILLE AND STONEBORO; PART OF
20 VENANGO COUNTY CONSISTING OF THE TOWNSHIPS OF CLINTON, IRWIN,
21 RICHLAND, ROCKLAND AND SCRUBGRASS AND THE BOROUGHES OF
22 BARKEYVILLE, CLINTONVILLE AND EMLENTON; AND PART OF WARREN
23 COUNTY CONSISTING OF THE CITY OF WARREN AND THE TOWNSHIPS OF
24 BROKENSTRAW, COLUMBUS, ELDRED, FARMINGTON, FREEHOLD, GLADE,
25 PINE GROVE, SPRING CREEK, SUGAR GROVE AND TRIUMPH AND THE
26 BOROUGHES OF BEAR LAKE, SUGAR GROVE AND YOUNGSVILLE.

27 (4) THE FOURTH DISTRICT IS COMPOSED OF PART OF ALLEGHENY
28 COUNTY CONSISTING OF THE TOWNSHIPS OF ALEPPO, EAST DEER WARD
29 1, FAWN, FRAZER, HAMPTON, HARMAR, HARRISON, INDIANA, KILBUCK,
30 LEET, MARSHALL, MCCANDLESS, NEVILLE WARD 3, O'HARA WARDS 1
20020H2545B3726 - 25 -

1 (DIVISION 1), 2, 3, 4 AND 5, OHIO, PINE, RICHLAND, ROSS,
2 SHALER, SPRINGDALE AND WEST DEER AND THE BOROUGHES OF
3 ASPINWALL, AVALON WARD 3 (DIVISION 1), BELL ACRES, BEN AVON,
4 BEN AVON HEIGHTS, BRACKENRIDGE, 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; PART OF BEAVER COUNTY CONSISTING OF THE CITIES OF
9 ALIQUIPPA AND BEAVER FALLS AND THE TOWNSHIPS OF BRIGHTON,
10 CENTER, CHIPPEWA, DARLINGTON, DAUGHERTY, FRANKLIN, GREENE,
11 HANOVER DISTRICT WEST, HARMONY, HOPEWELL, INDEPENDENCE,
12 MARION, NEW SEWICKLEY, NORTH SEWICKLEY, PATTERSON, POTTER,
13 PULASKI, RACCOON, ROCHESTER, SOUTH BEAVER, VANPORT AND WHITE
14 AND THE BOROUGHES OF AMBRIDGE, BADEN, BEAVER, BIG BEAVER,
15 BRIDGEWATER, CONWAY, DARLINGTON, EAST ROCHESTER, EASTVALE,
16 ECONOMY, FALLSTON, FREEDOM, GEORGETOWN, GLASGOW, HOMEWOOD,
17 HOOKSTOWN, INDUSTRY, KOPPEL, MIDLAND, MONACA, NEW BRIGHTON,
18 NEW GALILEE, OHIOVILLE, PATTERSON HEIGHTS, ROCHESTER,
19 SHIPPINGPORT, SOUTH HEIGHTS AND WEST MAYFIELD; PART OF BUTLER
20 COUNTY CONSISTING OF THE TOWNSHIPS OF ADAMS, BUFFALO,
21 CLINTON, CRANBERRY, JACKSON, LANCASTER AND MIDDLESEX AND THE
22 BOROUGHES OF CALLERY, HARMONY, MARS, SEVEN FIELDS, VALENCIA
23 AND ZELIENOPLE; ALL OF LAWRENCE COUNTY; PART OF MERCER COUNTY
24 CONSISTING OF THE CITIES OF FARRELL AND HERMITAGE DISTRICT SW
25 (DIVISIONS 2 AND 3) AND THE TOWNSHIP OF SHENANGO AND THE
26 BOROUGHES OF WEST MIDDLESEX AND WHEATLAND; AND PART OF
27 WESTMORELAND COUNTY CONSISTING OF THE BOROUGHES OF DELMONT,
28 EXPORT AND MURRYSVILLE.

29 (5) THE FIFTH DISTRICT IS COMPOSED OF ALL OF CAMERON
30 COUNTY; ALL OF CENTRE COUNTY; ALL OF CLARION COUNTY; PART OF
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1 CLEARFIELD COUNTY CONSISTING OF THE CITY OF DUBOIS AND THE
2 TOWNSHIPS OF BECCARIA PRECINCT 2, BELL, BIGLER, BLOOM, BOGGS
3 (ALL BLOCKS EXCEPT 4060 AND 4061 OF TRACT 331000), BRADFORD,
4 BRADY, COOPER, COVINGTON, DECATUR, FERGUSON, GIRARD, GOSHEN,
5 GRAHAM, GREENWOOD, HUSTON, KARTHAUS, LAWRENCE, MORRIS, PENN,
6 PIKE, PINE, SANDY, UNION AND WOODWARD AND THE BOROUGHES OF
7 BRISBIN, CHESTER HILL, CLEARFIELD, CURWENSVILLE, GLEN HOPE,
8 GRAMPAN, HOUTZDALE, LUMBER CITY, MAHAFFEY, OSCEOLA MILLS,
9 TROUTVILLE AND WALLACETON; ALL OF CLINTON COUNTY; PART OF
10 CRAWFORD COUNTY CONSISTING OF THE CITY OF TITUSVILLE AND THE
11 TOWNSHIPS OF OIL CREEK AND ROME AND THE BOROUGH OF HYDETOWN;
12 ALL OF ELK COUNTY; ALL OF FOREST COUNTY; ALL OF JEFFERSON

13 COUNTY; PART OF JUNIATA COUNTY CONSISTING OF THE TOWNSHIP OF
14 FAYETTE; PART OF LYCOMING COUNTY CONSISTING OF THE TOWNSHIPS
15 OF ANTHONY, ARMSTRONG, BASTRESS, BROWN, CLINTON, CUMMINGS,
16 FAIRFIELD, JACKSON, LIMESTONE, MCHENRY, MCNETT, MIFFLIN,
17 NIPPENOSE, OLD LYCOMING, PIATT, PINE, PORTER, SUSQUEHANNA,
18 WASHINGTON, WATSON AND WOODWARD AND THE BOROUGHS OF
19 DUBOISTOWN, JERSEY SHORE, MONTGOMERY, MONTGOMERYVILLE,
20 SALLADASBURG AND SOUTH WILLIAMSPORT; ALL OF MCKEAN COUNTY;
21 PART OF MIFFLIN COUNTY CONSISTING OF THE TOWNSHIPS OF ARMAGH,
22 DECATUR, DERRY AND GRANVILLE AND THE BOROUGHS OF BURNHAM,
23 JUNIATA TERRACE AND LEWISTOWN; ALL OF POTTER COUNTY; PART OF
24 TIOGA COUNTY CONSISTING OF THE TOWNSHIPS OF BLOSS,
25 BROOKFIELD, CHARLESTON, CHATHAM, CLYMER, COVINGTON,
26 DEERFIELD, DELMAR, DUNCAN, ELK, FARMINGTON, GAINES, HAMILTON,
27 JACKSON, LAWRENCE, LIBERTY, MIDDLEBURY, MORRIS, NELSON,
28 OSCEOLA, PUTNAM, RICHMOND, RUTLAND, SHIPPEN, SULLIVAN, TIOGA,
29 UNION AND WESTFIELD AND THE BOROUGHS OF BLOSSBURG, ELKLAND,
30 KNOXVILLE, LAWRENCEVILLE, LIBERTY, MANSFIELD, ROSEVILLE,
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1 TIOGA, WELLSBORO AND WESTFIELD; PART OF VENANGO COUNTY
2 CONSISTING OF THE CITIES OF FRANKLIN AND OIL CITY AND THE
3 TOWNSHIPS OF ALLEGHENY, CANAL, CHERRYTREE, CORNPLANTER,
4 CRANBERRY, FRENCHCREEK, JACKSON, MINERAL, OAKLAND, OIL CREEK,
5 PINEGROVE, PLUM, PRESIDENT, SANDYCREEK AND VICTORY AND THE
6 BOROUGHS OF COOPERSTOWN, PLEASANTVILLE, POLK, ROUSEVILLE,
7 SUGARCREEK AND UTICA; AND PART OF WARREN COUNTY CONSISTING OF
8 THE TOWNSHIPS OF CHERRY GROVE, CONEWANGO, DEERFIELD, ELK,
9 LIMESTONE, MEAD, PITTSFIELD, PLEASANT, SHEFFIELD, SOUTHWEST
10 AND WATSON AND THE BOROUGHS OF CLARENDON AND TIDIOUTE.
11 (6) THE SIXTH DISTRICT IS COMPOSED OF PART OF BERKS
12 COUNTY CONSISTING OF THE CITY OF READING WARDS 1, 3 (DIVISION
13 2), 9 (DIVISION 5), 13 (DIVISIONS 4 AND 5), 14 (DIVISIONS 1,
14 5 AND 6), 16, 17, 18 AND 19 (DIVISION 1) AND THE TOWNSHIPS OF
15 AMITY, BRECKNOCK, CAERNARVON, COLEBROOKDALE, CUMRU, DISTRICT,
16 DOUGLASS, EARL DISTRICT 2, EXETER, HEREFORD DISTRICT 1,
17 LONGSWAMP, LOWER ALSACE, MAXATAWNY, MUHLENBERG DISTRICTS 1
18 AND 4, ROBESON, SOUTH HEIDELBERG PRECINCT 2, SPRING DISTRICTS
19 1, 2, 3, 4, 5, 6 AND 7, UNION AND WASHINGTON AND THE BOROUGHS
20 OF ADAMSTOWN, BALLY, BECHTELSVILLE, BIRDSBORO, BOYERTOWN,
21 KENHORST, KUTZTOWN, MOHNTON, MOUNT PENN, NEW MORGAN,
22 SHILLINGTON, SINKING SPRING, ST. LAWRENCE, TOPTON, WEST LAWN,
23 WEST READING, WYOMISSING AND WYOMISSING HILLS; PART OF
24 CHESTER COUNTY CONSISTING OF THE CITY OF COATESVILLE AND THE
25 TOWNSHIPS OF CALN, CHARLESTOWN, EAST BRADFORD DISTRICTS NORTH
26 AND SOUTH (DIVISION 2), EAST BRANDYWINE, EAST CALN, EAST
27 COVENTRY, EAST NANTMEAL, EAST PIKELAND, EAST VINCENT, EAST
28 WHITELAND, HONEY BROOK, NORTH COVENTRY, POCOPSON, SADSBUARY,
29 SCHUYLKILL, SOUTH COVENTRY, TREDYFFRIN, UPPER UWCHLAN,
30 UWCHLAN, VALLEY, WALLACE, WARWICK, WEST BRADFORD, WEST
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1 BRANDYWINE, WEST CALN, WEST NANTMEAL, WEST PIKELAND, WEST
2 SADSBUARY, WEST VINCENT AND WEST WHITELAND AND THE BOROUGHS OF
3 ATGLEN, DOWNINGTOWN, ELVERSON, HONEY BROOK, MODENA,
4 PHOENIXVILLE WARDS EAST (DIVISIONS 2 AND 3), MIDDLE, NORTH
5 AND WEST, SOUTH COATESVILLE AND SPRING CITY; PART OF LEHIGH
6 COUNTY CONSISTING OF THE TOWNSHIP OF UPPER MACUNGIE DISTRICT
7 3; AND PART OF MONTGOMERY COUNTY CONSISTING OF THE TOWNSHIPS
8 OF EAST NORRITON, LIMERICK, LOWER MERION, PERKIOMEN, PLYMOUTH
9 DISTRICTS 1, 3 (DIVISION 2) AND 4, SKIPPACK, WHITEMARSH
10 DISTRICT WEST (DIVISIONS 1 AND 2), WHITPAIN DISTRICT 8 AND

11 WORCESTER AND THE BOROUGHES OF COLLEGEVILLE, CONSHOHOCKEN
12 DISTRICT 1, NARBERTH, NORRISTOWN, POTTSTOWN AND TRAPPE.
13 (7) THE SEVENTH DISTRICT IS COMPOSED OF PART OF CHESTER
14 COUNTY CONSISTING OF THE TOWNSHIPS OF EAST GOSHEN, EASTTOWN,
15 THORNBURY, WEST GOSHEN, WESTTOWN AND WILLISTOWN AND THE
16 BOROUGHES OF MALVERN AND PHOENIXVILLE WARD EAST (DIVISION 1);
17 PART OF DELAWARE COUNTY CONSISTING OF THE TOWNSHIPS OF ASTON,
18 BETHEL, CHADDS FORD, CONCORD, DARBY WARDS 3, 4 AND 5,
19 EDMONT, HAVERFORD, LOWER CHICHESTER, MARPLE, MIDDLETOWN,
20 NETHER PROVIDENCE, NEWTOWN, RADNOR, RIDLEY WARDS 1 (DIVISIONS
21 1 AND 3), 2, 3, 4, 5, 6, 7, 8 AND 9, SPRINGFIELD, THORNBURY,
22 TINICUM WARDS 3 AND 5, UPPER CHICHESTER, UPPER DARBY AND
23 UPPER PROVIDENCE AND THE BOROUGHES OF ALDAN, BROOKHAVEN,
24 CHESTER HEIGHTS, CLIFTON HEIGHTS, COLLINGDALE, EAST
25 LANSDOWNE, FOLCROFT, GLENOLDEN, LANSDOWNE, MARCUS HOOK,
26 MEDIA, MILLBOURNE, MORTON, NORWOOD, PARKSIDE, PROSPECT PARK,
27 RIDLEY PARK, ROSE VALLEY, RUTLEDGE, SHARON HILL, SWARTHMORE,
28 TRAINER AND UPLAND; AND PART OF MONTGOMERY COUNTY CONSISTING
29 OF THE TOWNSHIPS OF LOWER PROVIDENCE, UPPER MERION, UPPER
30 PROVIDENCE AND WEST NORRITON AND THE BOROUGHES OF BRIDGEPORT,
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1 CONSHOHOCKEN DISTRICTS 2, 3, 4, 5, 6 AND 7, ROYERSFORD AND
2 WEST CONSHOHOCKEN.
3 (8) THE EIGHTH DISTRICT IS COMPOSED OF ALL OF BUCKS
4 COUNTY; PART OF MONTGOMERY COUNTY CONSISTING OF THE TOWNSHIPS
5 OF ABINGTON WARDS 5 (DIVISION 2), 8 (DIVISION 1) AND 15
6 (DIVISION 2), UPPER DUBLIN DISTRICTS 3 AND 5 (DIVISION 2) AND
7 UPPER MORELAND DISTRICTS 2 AND 3 (DIVISION 2); AND PART OF
8 PHILADELPHIA COUNTY CONSISTING OF THE CITY OF PHILADELPHIA
9 WARDS 58 (DIVISIONS 4, 6, 7, 20, 21, 22, 24, 29, 31, 39 AND
10 41) AND 66 (DIVISIONS 2, 3, 4, 5, 6, 9, 11, 14, 16, 20, 22,
11 25, 30, 33, 34, 35, 36, 37, 42, 44, 45 AND 46).
12 (9) THE NINTH DISTRICT IS COMPOSED OF ALL OF BEDFORD
13 COUNTY; ALL OF BLAIR COUNTY; PART OF CAMBRIA COUNTY
14 CONSISTING OF THE TOWNSHIPS OF ALLEGHENY, CHEST, CLEARFIELD,
15 DEAN, ELDER, GALLITZIN, READE, SUSQUEHANNA DISTRICT SOUTH AND
16 WHITE AND THE BOROUGHES OF ASHVILLE, CHEST SPRINGS, GALLITZIN,
17 HASTINGS, LORETTO, NORTHERN CAMBRIA, PATTON AND TUNNELHILL
18 (CAMBRIA COUNTY PORTION); PART OF CLEARFIELD COUNTY
19 CONSISTING OF THE TOWNSHIPS OF BECCARIA PRECINCT 1, BOGGS
20 (ONLY BLOCKS 4060 AND 4061 OF TRACT 331000), BURNSIDE, CHEST,
21 GULICH, JORDAN AND KNOX AND THE BOROUGHES OF BURNSIDE,
22 COALPORT, IRVONA, NEW WASHINGTON, NEWBURG, RAMEY AND
23 WESTOVER; PART OF CUMBERLAND COUNTY CONSISTING OF THE
24 TOWNSHIPS OF COOKE, DICKINSON PRECINCT NORTH, HOPEWELL, LOWER
25 FRANKFORD, LOWER MIFFLIN, MIDDLESEX PRECINCT 1, NORTH
26 MIDDLETON, NORTH NEWTON, PENN, SOUTH NEWTON, SOUTHAMPTON
27 DISTRICTS LOWER AND UPPER (PRECINCT 1), UPPER FRANKFORD,
28 UPPER MIFFLIN AND WEST PENNSBORO PRECINCT UPPER AND THE
29 BOROUGHES OF NEWBURG AND NEWVILLE; PART OF FAYETTE COUNTY
30 CONSISTING OF THE CITY OF CONNELLSVILLE WARDS 4 AND 5 AND THE
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1 TOWNSHIPS OF CONNELLSVILLE, DUNBAR DISTRICT 1, GEORGES
2 DISTRICTS 1 AND 2, HENRY CLAY, NICHOLSON DISTRICT 1, NORTH
3 UNION DISTRICT 3, SOUTH UNION DISTRICT 3, SPRINGFIELD,
4 SPRINGHILL DISTRICT 1, STEWART AND WHARTON AND THE BOROUGHES
5 OF FAIRCHANCE, MARKLEYSBURG, OHIO PYLE, SMITHFIELD AND SOUTH
6 CONNELLSVILLE; ALL OF FRANKLIN COUNTY; ALL OF FULTON COUNTY;
7 ALL OF HUNTINGDON COUNTY; PART OF INDIANA COUNTY CONSISTING
8 OF THE TOWNSHIPS OF ARMSTRONG, BANKS, BLACK LICK, BRUSH
9 VALLEY, BUFFINGTON, BURRELL, CANOE, CENTER, CONEMAUGH, EAST
10 MAHONING, EAST WHEATFIELD, GRANT, GREEN, MONTGOMERY, NORTH
11 MAHONING, RAYNE, SOUTH MAHONING, WASHINGTON, WEST MAHONING,
12 WEST WHEATFIELD, WHITE DISTRICTS 3, 4 AND 6 AND YOUNG AND THE
13 BOROUGHES OF ARMAGH, BLAIRSVILLE, CHERRY TREE, CREEKSIDE,
14 ERNEST, GLEN CAMPBELL, HOMER CITY, INDIANA DISTRICTS 1 AND 4,
15 MARION CENTER, PLUMVILLE, SALTSBURG, SHELOCTA AND SMICKSBURG;
16 PART OF JUNIATA COUNTY CONSISTING OF THE TOWNSHIPS OF BEALE,
17 DELAWARE, FERMANAGH, GREENWOOD, LACK, MILFORD, MONROE, SPRUCE
18 HILL, SUSQUEHANNA, TURBETT, TUSCARORA AND WALKER AND THE
19 BOROUGHES OF MIFFLIN, MIFFLINTOWN, PORT ROYAL AND
20 THOMPSONTOWN; PART OF MIFFLIN COUNTY CONSISTING OF THE
21 TOWNSHIPS OF BRATTON, BROWN, MENNO, OLIVER, UNION AND WAYNE
22 AND THE BOROUGHES OF KISTLER, MCVEYTOWN AND NEWTON HAMILTON;
23 PART OF PERRY COUNTY CONSISTING OF THE TOWNSHIPS OF CARROLL,
24 GREENWOOD, HOWE, JACKSON, LIVERPOOL, NORTHEAST MADISON,
25 OLIVER (ONLY BLOCK 6999 OF TRACT 030200), RYE, SAVILLE,
26 SOUTHWEST MADISON, TOBOYNE AND TYRONE AND THE BOROUGHES OF
27 BLAIN, LANDISBURG, LIVERPOOL, MARYSVILLE, MILLERSTOWN AND
28 NEWPORT DISTRICT 2; PART OF SOMERSET COUNTY CONSISTING OF THE
29 TOWNSHIPS OF ADDISON, ALLEGHENY, BLACK, BROTHERSVALLEY, ELK
30 LICK, FAIRHOPE, GREENVILLE, LARIMER, LOWER TURKEYFOOT,
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1 MILFORD, NORTHAMPTON, OGLE, SHADE, SOMERSET, SOUTHAMPTON,
2 STONYCREEK, SUMMIT AND UPPER TURKEYFOOT AND THE BOROUGHES OF
3 ADDISON, BERLIN, CALLIMONT, CASSELMAN, CENTRAL CITY,
4 CONFLUENCE, GARRETT, INDIAN LAKE, MEYERSDALE, NEW BALTIMORE,
5 NEW CENTERVILLE, ROCKWOOD, SALISBURY, SHANKSVILLE, SOMERSET,
6 URSINA AND WELLERSBURG; AND PART OF WESTMORELAND COUNTY
7 CONSISTING OF THE TOWNSHIP OF DERRY DISTRICT TORRANCE.
8 (10) THE TENTH DISTRICT IS COMPOSED OF ALL OF BRADFORD
9 COUNTY; PART OF LACKAWANNA COUNTY CONSISTING OF THE CITY OF
10 CARBONDALE AND THE TOWNSHIPS OF ABINGTON, BENTON, CARBONDALE,
11 CLIFTON, COVINGTON, ELMHURST, FELL, GLENBURN, GREENFIELD,
12 JEFFERSON, LA PLUME, MADISON, NEWTON, NORTH ABINGTON, RANSOM,
13 ROARING BROOK, SCOTT, SOUTH ABINGTON, SPRING BROOK,
14 THORNHURST AND WEST ABINGTON AND THE BOROUGHES OF ARCHBALD,
15 CLARKS GREEN, CLARKS SUMMIT, DALTON, DICKSON CITY WARDS 1
16 (DIVISIONS 2, 3 AND 4), 2 AND 3, JERMYN, JESSUP WARDS 1, 2
17 AND 3 (DIVISIONS 2 AND 3), MAYFIELD, MOSCOW, OLYPHANT WARD 1
18 AND VANDLING; PART OF LUZERNE COUNTY CONSISTING OF THE
19 TOWNSHIPS OF DALLAS, EXETER, FAIRMOUNT, FRANKLIN, KINGSTON,
20 LAKE, LEHMAN AND ROSS AND THE BOROUGHES OF DALLAS, FORTY FORT,
21 HARVEYS LAKE, KINGSTON, SWOYERSVILLE WARDS 1 AND 2, WEST
22 WYOMING AND WYOMING; PART OF LYCOMING COUNTY CONSISTING OF
23 THE CITY OF WILLIAMSPORT AND THE TOWNSHIPS OF BRADY, CASCADE,
24 COGAN HOUSE, ELDRED, FRANKLIN, GAMBLE, HEPBURN, JORDAN,
25 LEWIS, LOYALSOCK, LYCOMING, MCINTYRE, MILL CREEK, MORELAND,
26 MUNCY, MUNCY CREEK, PENN, PLUNKETTS CREEK, SHREWSBURY, UPPER
27 FAIRFIELD AND WOLF AND THE BOROUGHES OF HUGHESVILLE, MUNCY AND
28 PICTURE ROCKS; ALL OF MONTGOMERY COUNTY; ALL OF NORTHUMBERLAND
29 COUNTY; ALL OF PIKE COUNTY; ALL OF SNYDER COUNTY; ALL OF
30 SULLIVAN COUNTY; ALL OF SUSQUEHANNA COUNTY; PART OF TIOGA
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1 COUNTY CONSISTING OF THE TOWNSHIP OF WARD; ALL OF UNION
2 COUNTY; ALL OF WAYNE COUNTY; AND ALL OF WYOMING COUNTY.
3 (11) THE ELEVENTH DISTRICT IS COMPOSED OF ALL OF CARBON
4 COUNTY; ALL OF COLUMBIA COUNTY; PART OF LACKAWANNA COUNTY
5 CONSISTING OF THE CITY OF SCRANTON AND THE BOROUGHS OF
6 BLAKELY, DICKSON CITY WARD 1 (DIVISION 1), DUNMORE, JESSUP
7 WARD 3 (DIVISION 1), MOOSIC, OLD FORGE, OLYPHANT WARDS 2, 3
8 AND 4, TAYLOR AND THROOP; PART OF LUZERNE COUNTY CONSISTING
9 OF THE CITIES OF HAZLETON, NANTICOKE, PITTSTON AND WILKES-
10 BARRE AND THE TOWNSHIPS OF BEAR CREEK, BLACK CREEK, BUCK,
11 BUTLER, CONYNGHAM, DENNISON, DORRANCE, FAIRVIEW, FOSTER,
12 HANOVER, HAZLE, HOLLENBACK, HUNLOCK, HUNTINGTON, JACKSON,
13 JENKINS, NESCOPECK, NEWPORT, PITTSTON, PLAINS, PLYMOUTH,
14 RICE, SALEM, SLOCUM, SUGARLOAF, UNION, WILKES-BARRE AND
15 WRIGHT AND THE BOROUGHS OF ASHLEY, AVOCA, BEAR CREEK VILLAGE,
16 CONYNGHAM, COURTDAL, DUPONT, DURYEA, EDWARDSVILLE, EXETER,
17 FREELAND, HUGHESTOWN, JEDDO, LAFLIN, LARKSVILLE, LAUREL RUN,
18 LUZERNE, NESCOPECK, NEW COLUMBUS, NUANGOLA, PENN LAKE PARK,
19 PLYMOUTH, PRINGLE, SHICKSHINNY, SUGAR NOTCH, SWOYERSVILLE
20 WARD 3, WARRIOR RUN, WEST HAZLETON, WEST PITTSTON, WHITE
21 HAVEN AND YATESVILLE; AND ALL OF MONROE COUNTY.
22 (12) THE TWELFTH DISTRICT IS COMPOSED OF PART OF
23 ALLEGHENY COUNTY CONSISTING OF THE TOWNSHIPS OF EAST DEER
24 WARD 2 AND FORWARD DISTRICT 3 AND THE BOROUGH OF TARENTUM;
25 PART OF ARMSTRONG COUNTY CONSISTING OF THE TOWNSHIPS OF
26 BETHEL, BURRELL, GILPIN, KISKIMINETAS, MANOR, NORTH BUFFALO
27 DISTRICT EASTERN, PARKS, PLUMCREEK, SOUTH BEND AND SOUTH
28 BUFFALO DISTRICT EASTERN AND THE BOROUGHS OF APOLLO,
29 ELDERTON, FORD CITY, FORD CLIFF, FREEPORT, KITTANNING,
30 LEECHBURG, MANORVILLE AND NORTH APOLLO; PART OF CAMBRIA

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1 COUNTY CONSISTING OF THE CITY OF JOHNSTOWN AND THE TOWNSHIPS
2 OF ADAMS, BARR, BLACKLICK, CAMBRIA, CONEMAUGH, CRESSON,
3 CROYLE, EAST CARROLL, EAST TAYLOR, JACKSON, LOWER YODER,
4 MIDDLE TAYLOR, MUNSTER, PORTAGE, RICHLAND, STONYCREEK,
5 SUMMERHILL, SUSQUEHANNA DISTRICT NORTH, UPPER YODER,
6 WASHINGTON, WEST CARROLL AND WEST TAYLOR AND THE BOROUGHS OF
7 BROWNSTOWN, CARROLLTOWN, CASSANDRA, CRESSON, DAISYTOWN, DALE,
8 EAST CONEMAUGH, EBENSBURG, EHRENFELD, FERNDAL, FRANKLIN,
9 GEISTOWN, LILLY, LORAIN, NANTY GLO, PORTAGE, SANKERTOWN,
10 SCALP LEVEL, SOUTH FORK, SOUTHMONT, SUMMERHILL, VINTONDALE,
11 WESTMONT AND WILMORE; PART OF FAYETTE COUNTY CONSISTING OF
12 THE CITIES OF CONNELLSVILLE WARDS 1, 2, 3 AND 6 AND UNIONTOWN
13 AND THE TOWNSHIPS OF BROWNSVILLE, BULLSKIN, DUNBAR DISTRICTS
14 2, 3 AND 4, FRANKLIN, GEORGES DISTRICTS 3 AND 4, GERMAN,
15 JEFFERSON, LOWER TYRONE, LUZERNE, MENALLEN, NICHOLSON
16 DISTRICTS 2 AND 3, NORTH UNION DISTRICTS 1, 2, 4 AND 5,
17 PERRY, REDSTONE, SALTICK, SOUTH UNION DISTRICTS 1 AND 2,
18 SPRINGHILL DISTRICT 2, UPPER TYRONE AND WASHINGTON AND THE
19 BOROUGHS OF BELLE VERNON, BROWNSVILLE, DAWSON, DUNBAR,
20 EVERSON, FAYETTE CITY, MASONTOWN, NEWELL, PERRYOPOLIS, POINT
21 MARION AND VANDERBILT; ALL OF GREENE COUNTY; PART OF INDIANA
22 COUNTY CONSISTING OF THE TOWNSHIPS OF CHERRYHILL, PINE AND
23 WHITE DISTRICTS 1 AND 2 AND THE BOROUGHS OF CLYMER AND
24 INDIANA DISTRICTS 2 AND 3; PART OF SOMERSET COUNTY CONSISTING
25 OF THE TOWNSHIPS OF CONEMAUGH, JEFFERSON, JENNER, LINCOLN,
26 MIDDLECREEK, PAINT AND QUEMAHONING AND THE BOROUGHS OF
27 BENSON, BOSWELL, HOOVERVILLE, JENNERSTOWN, PAINT, SEVEN
28 SPRINGS, STOYSTOWN AND WINDBER; PART OF WASHINGTON COUNTY
29 CONSISTING OF THE CITIES OF MONONGAHELA AND WASHINGTON AND
30 THE TOWNSHIPS OF CANTON, CARROLL DISTRICTS 2, 3 AND 5,

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1 CHARTIERS DISTRICTS 3, 5, 6 AND 7, EAST BETHLEHEM,
2 FALLOWFIELD DISTRICTS 1, 2 AND 4, NORTH BETHLEHEM, NORTH
3 STRABANE DISTRICTS 2 AND 3, SOMERSET, SOUTH STRABANE
4 DISTRICTS 2, 4 AND 5, UNION, WEST BETHLEHEM AND WEST PIKE RUN
5 AND THE BOROUGHS OF ALLENPORT, BEALLSVILLE, BENTLEYVILLE,
6 CALIFORNIA, CANONSBURG WARDS 2 AND 3 (DIVISION 1),
7 CENTERVILLE, CHARLEROI DISTRICTS 1, 3 AND 4, COAL CENTER,
8 COKEBURG, DEEMSTON, DONORA, DUNLEVY, EAST WASHINGTON DISTRICT
9 2, ELCO, ELLSWORTH, FINLEYVILLE, HOUSTON, LONG BRANCH,
10 MARIANNA, NEW EAGLE, NORTH CHARLEROI, ROSCOE, SPEERS,
11 STOCKDALE, TWILIGHT AND WEST BROWNSVILLE; AND PART OF
12 WESTMORELAND COUNTY CONSISTING OF THE CITIES OF ARNOLD,
13 LATROBE, LOWER BURRELL, MONESSEN AND NEW KENSINGTON AND THE
14 TOWNSHIPS OF ALLEGHENY, BELL, DERRY DISTRICTS ALTERS,
15 BRADENVILLE, COKEVILLE, COOPERSTOWN, KINGSTON, LOYALHANNA,
16 MILLWOOD, NEW DERRY, PEANUT, SAXMAN, SCALP LEVEL AND
17 SIMPSONS, EAST HUNTINGDON DISTRICT BESSEMER, FAIRFIELD,
18 HEMPFIELD DISTRICTS BOVARD, HANNASTOWN AND LUXOR, LOYALHANNA,
19 MOUNT PLEASANT DISTRICTS BRIDGEPORT, DUNCAN, HECCLA, LAUREL
20 RUN, MAMMOTH, SPRING GARDEN, UNITED AND WESTMORELAND,
21 ROSTRAVER, SALEM DISTRICTS HUGUS AND MECHLINGS, SEWICKLEY
22 DISTRICTS EAST HERMINIE, LOWBER, RILLTON, SEWICKLEY AND WEST
23 HERMINIE, SOUTH HUNTINGDON DISTRICTS JACOBS CREEK, MINERAL,
24 PORT ROYAL, WAYNE, WYANO AND YUKON, ST. CLAIR, UNITY
25 DISTRICTS CRABTREE, DOROTHY, LLOYDSVILLE, MUTUAL AND PLEASANT
26 UNITY, UPPER BURRELL AND WASHINGTON DISTRICTS NORTH
27 WASHINGTON AND PAULTON AND THE BOROUGHS OF AVONMORE, BOLIVAR,
28 DERRY, EAST VANDERGRIFT, HYDE PARK, MOUNT PLEASANT, NEW
29 ALEXANDRIA, NEW FLORENCE, NORTH BELLE VERNON, OKLAHOMA,
30 SCOTTDAL, SEWARD, SMITHTON, VANDERGRIFT, WEST LEECHBURG AND
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1 WEST NEWTON.
2 (13) THE THIRTEENTH DISTRICT IS COMPOSED OF PART OF
3 MONTGOMERY COUNTY CONSISTING OF THE TOWNSHIPS OF ABINGTON
4 WARDS 1, 2, 3, 4, 5 (DIVISION 1), 6, 7, 8 (DIVISION 2), 9,
5 10, 11, 12, 13, 14 AND 15 (DIVISION 1), HATFIELD, HORSHAM,
6 LOWER FREDERICK, LOWER GWYNEDD, LOWER MORELAND, LOWER
7 SALFORD, MONTGOMERY, NEW HANOVER, PLYMOUTH DISTRICTS 2 AND 3
8 (DIVISION 1), SPRINGFIELD, TOWAMENCIN, UPPER DUBLIN DISTRICTS
9 1, 2, 4, 5 (DIVISION 1), 6 AND 7, UPPER FREDERICK, UPPER
10 GWYNEDD, UPPER HANOVER DISTRICT 2, UPPER MORELAND DISTRICTS
11 1, 3 (DIVISION 1), 4, 5, 6 AND 7, UPPER SALFORD, WHITEMARSH
12 DISTRICTS EAST, MIDDLE AND WEST (DIVISION 3) AND WHITPAIN
13 DISTRICTS 1, 2, 3, 4, 5, 6, 7, 9, 10 AND 11 AND THE BOROUGHS
14 OF AMBLER, BRYN ATHYN, GREEN LANE, HATBORO, HATFIELD,
15 JENKINTOWN, LANSDALE, NORTH WALES, ROCKLEDGE AND
16 SCHWENKSVILLE; AND PART OF PHILADELPHIA COUNTY CONSISTING OF
17 THE CITY OF PHILADELPHIA WARDS 25 (DIVISIONS 3 AND 8), 35
18 (DIVISIONS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16,
19 17, 25 AND 32), 41, 45 (DIVISIONS 1, 2, 3, 4, 5, 6, 7, 8, 9,
20 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24 AND
21 25), 53 (DIVISIONS 17, 20 AND 21), 55 (DIVISIONS 1, 2, 3, 4,
22 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21,
23 22, 23, 24, 25, 26, 27, 28 AND 29), 56, 57, 58 (DIVISIONS 1,
24 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23,
25 25, 26, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 40, 42, 43
26 AND 44), 62 (DIVISIONS 1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 15,
27 16, 17, 18, 19, 21, 22, 24, 25 AND 26), 63, 64, 65 AND 66
28 (DIVISIONS 1, 7, 8, 10, 12, 13, 15, 17, 18, 19, 21, 23, 24,

29 26, 27, 28, 29, 31, 32, 38, 39, 40, 41 AND 43).
30 (14) THE FOURTEENTH DISTRICT IS COMPOSED OF PART OF
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1 ALLEGHENY COUNTY CONSISTING OF THE CITIES OF CLAIRTON,
2 DUQUESNE, MCKEESPORT AND PITTSBURGH AND THE TOWNSHIPS OF
3 ELIZABETH WARD 9, KENNEDY, NEVILLE WARDS 1 AND 2, NORTH
4 VERSAILLES WARDS 1, 2, 3 (DIVISION 2), 4, 5, 6 AND 7, O'HARA
5 WARD 1 (DIVISION 2), PENN HILLS WARDS 1, 2, 3 (DIVISIONS 2,
6 3, 4 AND 5), 4 (DIVISIONS 1, 2 AND 4), 5 (DIVISIONS 2, 3 AND
7 4), 6 (DIVISIONS 1, 2, 3, 4 AND 6), 7 (DIVISIONS 1, 2, 3, 4,
8 6 AND 7), 8 AND 9 (DIVISIONS 1, 2 AND 5), RESERVE, ROBINSON
9 DISTRICTS 3 AND 5, STOWE AND WILKINS WARD 2 (DIVISION 2) AND
10 THE BOROUGH OF AVALON WARDS 1, 2 AND 3 (DIVISIONS 2 AND 3),
11 BALDWIN DISTRICTS 1, 2, 3, 5, 9, 11, 12, 13, 15, 16 AND 18,
12 BELLEVUE, BLAWNOX, BRADDOCK, BRADDOCK HILLS, CHALFANT,
13 CORAOPOLIS, CRAFTON WARDS 1, 2 AND 3 (DIVISION 1),
14 DRAVOSBURG, EAST MCKEESPORT, EAST PITTSBURGH, EDGEWOOD, ETNA
15 WARDS 1 AND 2, FOREST HILLS, GLASSPORT, HOMESTEAD, INGRAM,
16 LIBERTY, LINCOLN, MCKEES ROCKS, MILLVALE, MONROEVILLE WARDS 1
17 (DIVISION 1) AND 7, MOUNT OLIVER, MUNHALL, NORTH BRADDOCK,
18 PITCAIRN DISTRICTS 2 AND 3, PORT VUE, RANKIN, SHARPSBURG,
19 SWISSVALE, TURTLE CREEK, VERONA, VERSAILLES, WALL, WEST
20 HOMESTEAD, WEST MIFFLIN, WHITAKER, WHITE OAK DISTRICT 7,
21 WILKINSBURG AND WILMERDING.

22 (15) THE FIFTEENTH DISTRICT IS COMPOSED OF PART OF BERKS
23 COUNTY CONSISTING OF THE TOWNSHIPS OF ALBANY AND HEREFORD
24 DISTRICT 2; PART OF LEHIGH COUNTY CONSISTING OF THE CITIES OF
25 ALLENTOWN AND BETHLEHEM (LEHIGH COUNTY PORTION) AND THE
26 TOWNSHIPS OF HANOVER, HEIDELBERG, LOWER MACUNGIE, LOWER
27 MILFORD, LOWHILL, LYNN, NORTH WHITEHALL, SALISBURY, SOUTH
28 WHITEHALL, UPPER MACUNGIE DISTRICTS 1, 2 AND 4, UPPER
29 MILFORD, UPPER SAUCON, WASHINGTON, WEISENBERG AND WHITEHALL
30 AND THE BOROUGH OF ALBURTIS, CATASAUQUA, COOPERSBURG,
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1 COPLAY, EMMAUS, FOUNTAIN HILL, MACUNGIE AND SLATINGTON; PART
2 OF MONTGOMERY COUNTY CONSISTING OF THE TOWNSHIPS OF DOUGLASS,
3 FRANCONIA, LOWER POTTS GROVE, MARLBOROUGH, SALFORD, UPPER
4 HANOVER DISTRICTS 1 AND 3, UPPER POTTS GROVE AND WEST
5 POTTS GROVE AND THE BOROUGH OF EAST GREENVILLE, PENNSBURG,
6 RED HILL, SOUDERTON AND TELFORD (MONTGOMERY COUNTY PORTION);
7 AND ALL OF NORTHAMPTON COUNTY.

8 (16) THE SIXTEENTH DISTRICT IS COMPOSED OF PART OF BERKS
9 COUNTY CONSISTING OF THE CITY OF READING WARDS 2, 3 (DIVISION
10 1), 4, 5, 6, 7, 8, 9 (DIVISION 2), 10, 11, 12, 13 (DIVISIONS
11 1 AND 2), 14 (DIVISION 4), 15 AND 19 (DIVISION 2) AND THE
12 TOWNSHIPS OF BERN DISTRICT 3, LOWER HEIDELBERG, MUHLENBERG
13 DISTRICT 6, SOUTH HEIDELBERG PRECINCT 1 AND SPRING DISTRICT 8
14 AND THE BOROUGH OF WERNERSVILLE; PART OF CHESTER COUNTY
15 CONSISTING OF THE TOWNSHIPS OF BIRMINGHAM, EAST BRADFORD
16 DISTRICT SOUTH (DIVISION 1), EAST FALLOWFIELD, EAST
17 MARLBOROUGH, EAST NOTTINGHAM, ELK, FRANKLIN, HIGHLAND,
18 KENNETT, LONDON BRITAIN, LONDON GROVE, LONDONDERRY, LOWER
19 OXFORD, NEW GARDEN, NEW LONDON, NEWLIN, PENN, PENNSBURY,
20 UPPER OXFORD, WEST FALLOWFIELD, WEST MARLBOROUGH AND WEST
21 NOTTINGHAM AND THE BOROUGH OF AVONDALE, KENNETT SQUARE,
22 OXFORD, PARKESBURG, WEST CHESTER AND WEST GROVE; AND ALL OF
23 LANCASTER COUNTY.

24 (17) THE SEVENTEENTH DISTRICT IS COMPOSED OF PART OF
25 BERKS COUNTY CONSISTING OF THE TOWNSHIPS OF ALSACE, BERN
26 DISTRICTS 1 AND 2, BETHEL, CENTRE, EARL DISTRICT 1,

27 GREENWICH, HEIDELBERG, JEFFERSON, MAIDENCREEK, MARION,
28 MUHLENBERG DISTRICTS 2, 3, 5, 7 AND 8, NORTH HEIDELBERG,
29 OLEY, ONTELAUNEE, PENN, PERRY, PIKE, RICHMOND, ROCKLAND,
30 RUSCOMBMANOR, TILDEN, TULPEHOCKEN, UPPER BERN, UPPER
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1 TULPEHOCKEN AND WINDSOR AND THE BOROUGHES OF BERNVILLE,
2 CENTERPORT, FLEETWOOD, HAMBURG, LAURELDALE, LEESPORT,
3 LENHARTSVILLE, LYONS, ROBESONIA, SHOEMAKERSVILLE, STRAUSSTOWN
4 AND WOMELSDORF; ALL OF DAUPHIN COUNTY; ALL OF LEBANON COUNTY;
5 PART OF PERRY COUNTY CONSISTING OF THE TOWNSHIPS OF BUFFALO,
6 CENTRE, JUNIATA, MILLER, OLIVER, (ALL BLOCKS EXCEPT 6999 OF
7 TRACT 030200), PENN, SPRING, TUSCARORA, WATTS AND WHEATFIELD
8 AND THE BOROUGHES OF BLOOMFIELD, DUNCANNON, NEW BUFFALO AND
9 NEWPORT DISTRICT 1; AND ALL OF SCHUYLKILL COUNTY.
10 (18) THE EIGHTEENTH DISTRICT IS COMPOSED OF PART OF
11 ALLEGHENY COUNTY CONSISTING OF THE TOWNSHIPS OF BALDWIN,
12 COLLIER, CRESCENT, ELIZABETH WARDS 1, 2, 3, 4, 5, 6, 7 AND 8,
13 FINDLAY, FORWARD DISTRICTS 1, 2 AND 4, MOON, MOUNT LEBANON,
14 NORTH FAYETTE, NORTH VERSAILLES WARD 3 (DIVISION 1), PENN
15 HILLS WARDS 3 (DIVISIONS 1 AND 6), 4 (DIVISIONS 3 AND 5), 5
16 (DIVISIONS 1, 5 AND 6), 6 (DIVISION 5), 7 (DIVISION 5) AND 9
17 (DIVISIONS 3 AND 4), ROBINSON DISTRICTS 1, 2, 4, 6, 7, 8 AND
18 9, SCOTT, SOUTH FAYETTE, SOUTH PARK, SOUTH VERSAILLES, UPPER
19 ST. CLAIR AND WILKINS WARDS 1 AND 2 (DIVISION 1) AND THE
20 BOROUGHES OF BALDWIN DISTRICTS 4, 6, 7, 8, 10, 14 AND 17,
21 BETHEL PARK, BRENTWOOD, BRIDGEVILLE, CARNEGIE, CASTLE
22 SHANNON, CHURCHILL, CRAFTON WARD 3 (DIVISION 2), DORMONT,
23 ELIZABETH, GREEN TREE, HEIDELBERG, JEFFERSON HILLS, MCDONALD
24 (ALLEGHENY COUNTY PORTION), MONROEVILLE WARDS 1 (DIVISIONS 2,
25 3 AND 4), 2, 3, 4, 5 AND 6, OAKDALE, PENNSBURY VILLAGE,
26 PITCAIRN DISTRICT 1, PLEASANT HILLS, ROSSLYN FARMS,
27 THORNBURG, TRAFFORD (ALLEGHENY COUNTY PORTION), WEST
28 ELIZABETH, WHITE OAK DISTRICTS 1, 2, 3, 4, 5 AND 6 AND
29 WHITEHALL; PART OF BEAVER COUNTY CONSISTING OF THE TOWNSHIP
30 OF HANOVER DISTRICT EAST AND THE BOROUGH OF FRANKFORT
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1 SPRINGS; PART OF WASHINGTON COUNTY CONSISTING OF THE
2 TOWNSHIPS OF AMWELL, BLAINE, BUFFALO, CARROLL DISTRICTS 1 AND
3 4, CECIL, CHARTIERS DISTRICTS 1, 2 AND 4, CROSS CREEK,
4 DONEGAL, EAST FINLEY, FALLOWFIELD DISTRICT 3, HANOVER,
5 HOPEWELL, INDEPENDENCE, JEFFERSON, MORRIS, MOUNT PLEASANT,
6 NORTH FRANKLIN, NORTH STRABANE DISTRICTS 1, 4, 5 AND 6,
7 NOTTINGHAM, PETERS, ROBINSON, SMITH, SOUTH FRANKLIN, SOUTH
8 STRABANE DISTRICTS 1 AND 3 AND WEST FINLEY AND THE BOROUGHES
9 OF BURGETTSTOWN, CANONSBURG WARDS 1 AND 3 (DIVISION 3),
10 CHARLEROI DISTRICTS 2 AND 6, CLAYSVILLE, EAST WASHINGTON
11 DISTRICT 1, GREEN HILLS, MCDONALD, MIDWAY, WEST ALEXANDER AND
12 WEST MIDDLETOWN; AND PART OF WESTMORELAND COUNTY CONSISTING
13 OF THE CITIES OF GREENSBURG AND JEANNETTE AND THE TOWNSHIPS
14 OF COOK, DONEGAL, EAST HUNTINGDON DISTRICTS RUFFSDALE,
15 STONERS, STROHMS AND WHITES, HEMPFIELD DISTRICTS ALWINE,
16 CARBON, EAST ADAMSBURG, EASTVIEW, FORT ALLEN, FOXHILL,
17 GAYVILLE, GRAPEVILLE, HAYDENVILLE, HIGH PARK, LINCOLN
18 HEIGHTS, LINCOLN HEIGHTS WEST, MAPLEWOOD, MIDDLETOWN, NEW
19 STANTON, NORTH CARBON, SIBEL, TODD, UNIVERSITY, VALLEY,
20 WEAVERS OLD STAND, WEGLEY, WENDEL HERM, WEST HEMPFIELD AND
21 WEST POINT, LIGONIER, MOUNT PLEASANT DISTRICTS PLEASANT
22 VALLEY AND RIDGEVIEW, NORTH HUNTINGDON, PENN, SALEM DISTRICTS
23 FIVE POINTS, NEW SALEM, SLICKVILLE, STEELES AND TREES MILLS,
24 SEWICKLEY DISTRICT WHYEL, SOUTH HUNTINGDON DISTRICTS HIXON

25 AND SOUTH HUNTINGDON, UNITY DISTRICTS BAGGALEY, BEATTY,
26 DENNISON, GRAVEL HILL, KUHNS, MARGUERITE, ROBLE AND WHITNEY
27 AND WASHINGTON DISTRICTS BEAMERS AND OAKLAND X ROADS AND THE
28 BOROUGHES OF ADAMSBURG, ARONA, DONEGAL, HUNKER, IRWIN, LAUREL
29 MOUNTAIN, LIGONIER, MADISON, MANOR, NEW STANTON, NORTH IRWIN,
30 PENN, SOUTH GREENSBURG, SOUTHWEST GREENSBURG, SUTERSVILLE,
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1 TRAFFORD (WESTMORELAND COUNTY PORTION), YOUNGSTOWN AND
2 YOUNGWOOD.
3 (19) THE NINETEENTH DISTRICT IS COMPOSED OF ALL OF ADAMS
4 COUNTY; PART OF CUMBERLAND COUNTY CONSISTING OF THE TOWNSHIPS
5 OF DICKINSON PRECINCT SOUTH, EAST PENNSBORO, HAMPDEN, LOWER
6 ALLEN, MIDDLESEX PRECINCT 2, MONROE, SHIPPENSBURG, SILVER
7 SPRING, SOUTH MIDDLETON, SOUTHAMPTON DISTRICT UPPER (PRECINCT
8 2), UPPER ALLEN AND WEST PENNSBORO PRECINCT LOWER AND THE
9 BOROUGHES OF CAMP HILL, CARLISLE, LEMOYNE, MECHANICSBURG,
10 MOUNT HOLLY SPRINGS, NEW CUMBERLAND, SHIPPENSBURG (CUMBERLAND
11 COUNTY PORTION), SHIREMANSTOWN AND WORMLEYSBURG; AND ALL OF
12 YORK COUNTY.
13 SECTION 302. CURRENT OFFICEHOLDERS AND VACANCIES.
14 (A) CURRENT OFFICEHOLDERS.--THE MEMBERS OF CONGRESS NOW IN
15 OFFICE SHALL CONTINUE IN THE OFFICE UNTIL THE EXPIRATION OF
16 THEIR RESPECTIVE TERMS.
17 (B) VACANCIES.--VACANCIES NOW EXISTING OR HAPPENING AFTER
18 THE PASSAGE OF THIS CHAPTER AND BEFORE THE COMMENCEMENT OF THE
19 TERMS OF THE MEMBERS ELECTED AT THE ELECTION OF 2002 SHALL BE
20 FILLED FOR THE UNEXPIRED TERMS FROM THE DISTRICTS UTILIZED PRIOR
21 TO JANUARY 7, 2002.
22 SECTION 303. MISSED POLITICAL SUBDIVISION.
23 IN THE EVENT ANY POLITICAL SUBDIVISION OR PART THEREOF SHOULD
24 BE OMITTED IN THE DESCRIPTION OF THE CONGRESSIONAL DISTRICTS,
25 THE POLITICAL SUBDIVISION OR PART THEREOF SHALL BE INCLUDED AS A
26 PART OF THE CONGRESSIONAL DISTRICT WHICH COMPLETELY SURROUNDS
27 IT. SHOULD ANY OMITTED POLITICAL SUBDIVISION OR PART THEREOF BE
28 NOT COMPLETELY SURROUNDED BY ONE CONGRESSIONAL DISTRICT, IT
29 SHALL BECOME A PART OF THAT CONGRESSIONAL DISTRICT TO WHICH IT
30 IS CONTIGUOUS, OR IF THERE ARE TWO OR MORE SUCH CONTIGUOUS
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1 DISTRICTS, IT SHALL BECOME A PART OF THAT CONGRESSIONAL DISTRICT
2 CONTIGUOUS THERETO WHICH HAS THE LEAST POPULATION.
3 SECTION 304. DUTY TO PUBLISH NOTICE OF REDISTRICTING.
4 THE SECRETARY SHALL PUBLISH NOTICE OF THE CONGRESSIONAL
5 DISTRICTS AS ESTABLISHED AT LEAST ONCE IN AT LEAST ONE NEWSPAPER
6 OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH SUCH NEWSPAPERS
7 ARE PUBLISHED. THE NOTICE SHALL CONTAIN LEGAL DESCRIPTIONS FOR
8 ALL CONGRESSIONAL DISTRICTS IN THE COUNTY IN WHICH THE
9 PUBLICATION IS MADE. THE NOTICE SHALL ALSO STATE THE POPULATION
10 OF THE DISTRICTS HAVING THE SMALLEST AND LARGEST POPULATIONS AND
11 THE PERCENTAGE VARIATION OF SUCH DISTRICTS FROM THE AVERAGE
12 POPULATION FOR CONGRESSIONAL DISTRICTS.
13 CHAPTER 5
14 ADMINISTRATION
15 SECTION 501. DUTIES OF SECRETARY.
16 THE SECRETARY HAS THE FOLLOWING DUTIES:
17 (1) BY 12 NOON ON APRIL 25, 2002, THE SECRETARY SHALL
18 MAKE A DETERMINATION AS TO WHETHER AN INJUNCTION PROHIBITING
19 THE COMMONWEALTH FROM CONDUCTING THE 2002 ELECTION FOR
20 REPRESENTATIVES IN CONGRESS IN ACCORDANCE WITH THE
21 REDISTRICTING PLAN CONTAINED IN ACT 1 OF 2002 REMAINS IN
22 EFFECT.

23 (2) ON APRIL 25, 2002, IF THE SECRETARY DETERMINES THAT
24 AN INJUNCTION PROHIBITING THE COMMONWEALTH FROM CONDUCTING
25 THE 2002 ELECTION FOR REPRESENTATIVES IN CONGRESS IN
26 ACCORDANCE WITH THE REDISTRICTING PLAN CONTAINED IN ACT 1 OF
27 2002 DOES NOT REMAIN IN EFFECT, THE SECRETARY SHALL TRANSMIT
28 NOTICE OF THAT DETERMINATION TO THE LEGISLATIVE REFERENCE
29 BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN.
30 (3) ON APRIL 25, 2002, IF THE SECRETARY DETERMINES THAT
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1 AN INJUNCTION PROHIBITING THE COMMONWEALTH FROM CONDUCTING
2 THE 2002 ELECTION FOR REPRESENTATIVES IN CONGRESS IN
3 ACCORDANCE WITH THE REDISTRICTING PLAN CONTAINED IN ACT 1 OF
4 2002 REMAINS IN EFFECT, THE SECRETARY SHALL TRANSMIT NOTICE
5 OF THAT DETERMINATION TO THE LEGISLATIVE REFERENCE BUREAU FOR
6 PUBLICATION IN THE PENNSYLVANIA BULLETIN.
7 (4) PUBLISH ON THE DEPARTMENT'S WORLD WIDE WEB SITE A
8 MAP OF THIS COMMONWEALTH SHOWING ALL CONGRESSIONAL DISTRICTS
9 ESTABLISHED.

10 CHAPTER 15
11 CONCLUDING PROVISIONS

12 SECTION 1501. REPEAL.

13 (A) SPECIFIC.--THE ACT OF JANUARY 7, 2002 (P.L.1, NO.1),
14 ENTITLED "AN ACT TO APPORTION THE COMMONWEALTH OF PENNSYLVANIA
15 INTO CONGRESSIONAL DISTRICTS IN CONFORMITY WITH CONSTITUTIONAL
16 REQUIREMENTS; PROVIDING FOR THE NOMINATION AND ELECTION OF
17 CONGRESSMEN; AND REQUIRING PUBLICATION OF NOTICE OF THE
18 ESTABLISHMENT OF CONGRESSIONAL DISTRICTS FOLLOWING THE FEDERAL
19 DECENNIAL CENSUS," IS REPEALED.

20 (B) PREVIOUSLY UTILIZED PLAN.--EXCEPT TO THE EXTENT
21 NECESSARY FOR AN ELECTION TO FILL A VACANCY UNDER SECTION
22 302(B), THE STATE CONGRESSIONAL REDISTRICTING PLAN UTILIZED
23 PRIOR TO JANUARY 7, 2002, IS ABROGATED.

24 SECTION 1502. SEVERABILITY.

25 THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY PROVISION OF
26 THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS
27 HELD INVALID, THE INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS
28 OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN EFFECT WITHOUT
29 THE INVALID PROVISION OR APPLICATION.

30 SECTION 1503. EFFECTIVE DATE.

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1 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

2 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE FOLLOWING
3 PROVISIONS SHALL TAKE EFFECT UPON PUBLICATION OF THE NOTICE
4 UNDER SECTION 501(3):

5 (I) CHAPTER 3.

6 (II) SECTION 501(4).

7 (III) SECTION 1501(A).

8 (2) IF A NOTICE IS PUBLISHED UNDER SECTION 501(2), THE
9 FOLLOWING PROVISIONS SHALL TAKE EFFECT NOVEMBER 6, 2002:

10 (I) CHAPTER 3.

11 (II) SECTION 501(4).

12 (III) SECTION 1501(A).

13 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
14 IMMEDIATELY.

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