

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

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Nos. 2-10 MM 2012, 1 WM 2012, and 4 WM 2012

SUPREME COURT
WESTERN DISTRICT

IN RE: PETITIONS FOR REVIEW CHALLENGING THE FINAL
2011 LEGISLATIVE REAPPORTIONMENT PLAN

**CONSOLIDATED ANSWER OF RESPONDENT 2011 PENNSYLVANIA
LEGISLATIVE REAPPORTIONMENT COMMISSION TO PETITIONS FOR REVIEW**

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Reapportionment Commission**

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

IN RE: PETITIONS FOR REVIEW : Nos. 2-10 MM 2012, 1 WM 2012,
CHALLENGING THE FINAL : and 4 WM 2012
2011 LEGISLATIVE :
REAPPORTIONMENT PLAN :

**CONSOLIDATED ANSWER OF RESPONDENT 2011 PENNSYLVANIA
LEGISLATIVE REAPPORTIONMENT COMMISSION TO PETITIONS FOR REVIEW**

Respondent 2011 Pennsylvania Legislative Reapportionment Commission (“Respondent” or “the Commission”), by and through its undersigned counsel, hereby responds to the Petitions for Review of the Final Reapportionment Plan adopted and filed by the Commission on December 12, 2011 (“the Final Plan”) as follows:¹

A. Answer to Petition of Mayor Carolyn Comitta, et al. (No. 2 MM 2012)

1. Admitted.
2. Admitted in part and denied in part. Respondent denies that this matter is addressed to the Court’s appellate jurisdiction. The Court has original jurisdiction over this matter under Article II, Section 17(d) of the Pennsylvania Constitution. The remaining allegations are admitted.
3. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Mayor Carolyn Comitta is “aggrieved” by the Final Plan. Respondent denies that Mayor Carolyn Comitta’s status as an elected official confers

¹ Respondent has filed along with this Consolidated Answer a Motion to Dismiss with respect to the petitions filed at 2 MM 2012, 3 MM 2012, 5 MM 2012, 6 MM 2012, 8 MM 2012, 1 WM 2012, and 4 WM 2012 on the grounds that they fail to conform to Pennsylvania Rule of Appellate Procedure 1513(e)(5) because they lack a signed verification. Respondent has also filed a Motion to Dismiss with respect to the filings at 9 MM 2012 and 10 MM 2012 because they are not in the form of a petition as required by law. With respect to these petitions and filings, the Answers contained herein are set forth in the alternative and Respondent requests that the Court grant its Motions to Dismiss.

upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

4. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Council President Holly Brown is “aggrieved” by the Final Plan. Respondent denies that Council President Holly Brown’s status as an elected official confers upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

5. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that William J. Scott, Jr. is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

6. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Herbert A. Schwabe II is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

7. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Jane Heald Close is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

8. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Floyd Robert Bielski is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

9. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that David LaLeike is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

10. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that E. Brian Abbott is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

11. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Nathaniel Smith is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

12. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that W. Donald Braceland is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

13. Admitted.

14. Admitted.

15. Admitted as a conclusion of law to which no response is required. The documents attached as Exhibits A, B, and C are writings that speak for themselves.

16. Admitted.

17. Admitted.

18. Admitted.

19. Denied as stated. Respondent avers that the Commission’s adoption of the Preliminary Plan was in accordance with all procedures set forth by Article II, Section 17 of the Pennsylvania Constitution. By way of further response, the Senate and House majority leaders gave their proposed plans to the minority leaders at the same time that the Senate minority leader gave his proposed plan to the majority leaders. The scheduled hearing was briefly adjourned to give the Commissioners time to review the proposed plans. None of the proposed plans constituted the “Preliminary Plan” at the time they were exchanged by the Commissioners.

20. Admitted in part and denied in part. Respondent admits that the Commission held public hearings on November 18 and 23, 2011. Respondent denies that the Commission “allowed” for the submission of written comments and concerns. Rather, the Commission accepted written comments and concerns as required by Article II, Section 17(c), which states that citizens may file exceptions to the Preliminary Plan during a thirty (30) day period after its adoption.

21. Admitted. By way of further response, witnesses testified about a variety of subjects.

22. Admitted.

23. Admitted.

24. Denied as stated. Respondent avers that the Final Plan speaks for itself on the manner in which Borough of West Chester is divided between the 156th and 160th House districts.

25. Admitted.

26. Denied as stated. Respondent avers that the Final Plan speaks for itself on the manner in which Borough of West Chester is divided between the 156th and 160th House districts.

27. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

28. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that Article II, Section 16 of the Pennsylvania

Constitution does not absolutely prohibit the division of townships or boroughs in the formation of House districts.

29. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

30. Admitted in part and denied in part. Respondent admits that the document attached as Exhibit D purports to be an “alternative plan” prepared by Petitioners. However, this “alternative plan” is not legally relevant to this appeal because it is outside the scope of review. The Court’s review of the Final Plan is limited to the four corners of the Final Plan itself and does not take into account any proposed alternative plans. The remaining allegations are denied as conclusions of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of West Chester between the 156th and 160th House districts meets all the requirements of the Pennsylvania Constitution.

31. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

32. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the judicial decision attached as Exhibit E is a writing that speaks for itself. Petitioners’ characterization of its contents is denied. By way of further response, the judicial decision attached as Exhibit E is a Court of Common Pleas decision from 1987 that deals solely with local issues relating to the composition of wards within the Borough of West Chester and has no relevance to the statewide *legislative* reapportionment process.

33. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 32 above.

34. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of West Chester between the 156th and 160th House districts does not unlawfully “divide” minority voters and that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

35. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 32 above.

36. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 32 above and avers that neither the Borough of West Chester nor any other part of the Commonwealth of Pennsylvania is subject to the preclearance requirements of Section 5 of the Voting Rights Act. Petitioners have failed to state a claim under the Voting Rights Act because they have failed to set forth the required elements.

37. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 32 and 36 above and avers that the judicial decision attached as Exhibit E does not subject the Borough of West Chester to the preclearance requirements of Section 5 of the Voting Rights Act.

38. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that no case law supports Petitioners’ allegations of racial gerrymandering.

39. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of West Chester between

the 156th and 160th House districts does not unlawfully dilute minority voting strength and that the case law cited by Petitioners does not support their allegations.

40. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of West Chester between the 156th and 160th House districts does not unlawfully dilute minority voting strength.

41. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

42. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Borough of West Chester was divided between the 156th and 160th House districts as part of the Commission's permissible exercise of discretion to meet the requirements of the Pennsylvania Constitution with respect to the Final Plan as a whole.

43. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Commission acted in good faith at all times during its formulation of the Final Plan.

44. Denied as a conclusion of law to which no response is required. Respondent avers that the division of the Borough of West Chester between the 156th and 160th House districts does not violate the Pennsylvania Constitution.

45. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

WHEREFORE, Respondent 2011 Pennsylvania Legislative Reapportionment Commission respectfully requests that this Honorable Court dismiss the Petition of Mayor Carolyn Comitta, et al.

B. Answer to Petition of Mayor Leo Scoda, et al. (No. 3 MM 2012)

1. Admitted.

2. Admitted in part and denied in part. Respondent denies that this matter is addressed to the Court's appellate jurisdiction. The Court has original jurisdiction over this matter under Article II, Section 17(d) of the Pennsylvania Constitution. The remaining allegations are admitted.

3. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Mayor Leo Scoda is "aggrieved" by the Final Plan. Respondent denies that Mayor Leo Scoda's status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

4. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Council Person Jennifer Mayo is "aggrieved" by the Final Plan. Respondent denies that Council Person Jennifer Mayo's status as an elected official confers upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

5. Admitted.

6. Admitted.

7. Admitted as a conclusion of law to which no response is required. The documents attached as Exhibits A, B, and C are writings that speak for themselves.

8. Admitted.

9. Admitted.

10. Admitted.

11. Denied as stated. Respondent avers that the Commission's adoption of the Preliminary Plan was in accordance with all procedures set forth by Article II, Section 17 of the Pennsylvania Constitution. By way of further response, the Senate and House majority leaders gave their proposed plans to the minority leaders at the same time that the Senate minority leader gave his proposed plan to the majority leaders. The scheduled hearing was briefly adjourned to give the Commissioners time to review the proposed plans. None of the proposed plans constituted the "Preliminary Plan" at the time they were exchanged by the Commissioners.

12. Admitted in part and denied in part. Respondent admits that the Commission held public hearings on November 18 and 23, 2011. Respondent denies that the Commission "allowed" for the submission of written comments and concerns. Rather, the Commission accepted written comments and concerns as required by Article II, Section 17(c), which states that citizens may file exceptions to the Preliminary Plan during a thirty (30) day period after its adoption.

13. Admitted. By way of further response, witnesses testified about a variety of subjects.

14. Denied as stated. At the November 18 and November 23 hearings, some witnesses objected to the Preliminary Plan while others expressed support for it.

15. Denied as stated. Respondent avers that the Final Plan speaks for itself on the manner in which the Borough of Phoenixville is divided. Respondent admits that the entire Borough of Phoenixville was in House District 157 under the 2001 reapportionment.

16. Denied as stated. Respondent avers that the Final Plan speaks for itself on the manner in which the Borough of Phoenixville is divided.

17. Admitted.

18. Denied as stated. Respondent avers that the Final Plan speaks for itself on the manner in which the Borough of Phoenixville is divided.

19. Denied as stated. Respondent avers that the Final Plan speaks for itself on the manner in which the Borough of Phoenixville is divided.

20. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of Phoenixville does not violate the Pennsylvania Constitution.

21. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of Phoenixville does not violate the Pennsylvania Constitution.

22. Admitted in part and denied in part. Respondent admits that the document attached as Exhibit D represents an “proposal” prepared by Petitioners. However, this “proposal” is not legally relevant to this appeal because it is outside the scope of review. The Court’s review of the Final Plan is limited to the four corners of the Final Plan itself and does not take into account any proposed alternative plans. The remaining allegations are denied as conclusions of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of Phoenixville meets all the requirements of the Pennsylvania Constitution.

23. Denied as a conclusion of law to which no response is required. To the extent a response is required, the division of the Borough of Phoenixville does not unlawfully “separate” minority voters.

24. Denied as stated. The 2010 census data setting forth the minority population of the areas that comprise the district speaks for itself. Under the 2001 reapportionment, the population of House District 157 was 85.9% white, 4.6% black, and 3.2% Hispanic. Under the Final Plan, the population of House District 157 is 85.8% white, 4.3% black, and 2.7% Hispanic. Under the Final Plan, the population of House District 155 is 91.3% white, 2.5% black, and 2.4% Hispanic.

25. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of Phoenixville does not unlawfully dilute minority voting strength.

26. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of Phoenixville does not unlawfully dilute minority voting strength.

27. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of Phoenixville does not unlawfully dilute minority voting strength. By way of further response, statewide legislative reapportionment involves only state Senate and House districts and has no effect on “municipal” votes.

28. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of Phoenixville does not

unlawfully or intentionally split the minority population and that the case law cited by Petitioners does not support their allegations.

29. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan meets all the requirements of the Pennsylvania Constitution that it is the Petitioners' burden to show that the Final Plan is contrary to law.

30. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the division of the Borough of Phoenixville does not violate the Pennsylvania Constitution.

WHEREFORE, Respondent 2011 Pennsylvania Legislative Reapportionment Commission respectfully requests that this Honorable Court dismiss the Petition of Mayor Leo Scoda, et al.

C. Answer to Petition of Senator Jay Costa, et al. (No. 1 WM 2012)

1. Admitted.

2. Admitted in part and denied in part. Respondent denies that this matter is addressed to the Court's appellate jurisdiction. The Court has original jurisdiction over this matter under Article II, Section 17(d) of the Pennsylvania Constitution. The remaining allegations are admitted.

3. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Jay Costa is "aggrieved" by the Final Plan. Respondent denies that Senator Jay Costa's status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

4. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Lawrence M. Farnese, Jr. is “aggrieved” by the Final Plan. Respondent denies that Senator Lawrence M. Farnese, Jr.’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

5. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Christine M. Tartaglione is “aggrieved” by the Final Plan. Respondent denies that Senator Christine M. Tartaglione’s status as an elected official confers upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

6. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Shirley M. Kitchen is “aggrieved” by the Final Plan. Respondent denies that Senator Shirley M. Kitchen’s status as an elected official confers upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

7. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator LeAnna M. Washington is “aggrieved” by the Final Plan. Respondent denies that Senator LeAnna M. Washington’s status as an elected official confers upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

8. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Michael J. Stack is “aggrieved” by the

Final Plan. Respondent denies that Senator Michael J. Stack's status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

9. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Vincent J. Hughes is "aggrieved" by the Final Plan. Respondent denies that Senator Vincent J. Hughes's status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

10. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Anthony H. Williams is "aggrieved" by the Final Plan. Respondent denies that Senator Anthony H. Williams's status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

11. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Judith L. Schwank is "aggrieved" by the Final Plan. Respondent denies that Senator Judith L. Schwank's status as an elected official confers upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

12. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator John T. Yudichak is "aggrieved" by the Final Plan. Respondent denies that Senator John T. Yudichak's status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

13. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Daylin Leach is “aggrieved” by the Final Plan. Respondent denies that Senator Daylin Leach’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

14. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Lisa M. Boscola is “aggrieved” by the Final Plan. Respondent denies that Senator Lisa M. Boscola’s status as an elected official confers upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

15. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Andrew E. Dinniman is “aggrieved” by the Final Plan. Respondent denies that Senator Andrew E. Dinniman’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

16. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator John P. Blake is “aggrieved” by the Final Plan. Respondent denies that Senator John P. Blake’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

17. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Richard A. Kasunic is “aggrieved” by the Final Plan. Respondent denies that Senator Richard A. Kasunic’s status as an elected official

confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

18. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator John N. Wozniak is “aggrieved” by the Final Plan. Respondent denies that Senator John N. Wozniak’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

19. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Jim Ferlo is “aggrieved” by the Final Plan. Respondent denies that Senator Jim Ferlo’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

20. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Wayne D. Fontana is “aggrieved” by the Final Plan. Respondent denies that Senator Wayne D. Fontana’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

21. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator James R. Brewster is “aggrieved” by the Final Plan. Respondent denies that Senator James R. Brewster’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

22. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Senator Timothy J. Solobay is “aggrieved” by the Final Plan. Respondent denies that Senator Timothy J. Solobay’s status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

23. Admitted.

24. Admitted.

25. Admitted as a conclusion of law to which no response is required. The document attached as Appendices A and B are writings that speak for themselves.

26. Admitted.

27. Admitted.

28. Admitted.

29. Denied as stated. Respondent avers that the Commission’s adoption of the Preliminary Plan was in accordance with all procedures set forth by Article II, Section 17 of the Pennsylvania Constitution. By way of further response, the Senate and House majority leaders gave their proposed plans to the minority leaders at the same time that the Senate minority leader gave his proposed plan to the majority leaders. The scheduled hearing was briefly adjourned to give the Commissioners time to review the proposed plans. None of the proposed plans constituted the “Preliminary Plan” at the time they were exchanged by the Commissioners.

30. Admitted in part and denied in part. Respondent admits that the Commission held public hearings on November 18 and 23, 2011. Respondent denies that the Commission “allowed” for the submission of written comments and concerns. Rather, the Commission accepted written comments and concerns as required by Article II, Section 17(c), which states

that citizens may file exceptions to the Preliminary Plan during a thirty (30) day period after its adoption.

31. Denied as stated. The testimony of witnesses at the public hearings was recorded by stenographer and video camera and is publically available. The recordings of those hearings speak for themselves. Petitioners' characterization of the testimony is denied.

32. Admitted in part and denied in part. Respondent admits that Senator Jay Costa submitted documents in the public record of the hearings. Those documents speak for themselves. Respondent denies that those documents indicated that the Preliminary Plan contained unnecessary divisions of political subdivisions. Moreover, the Preliminary Plan is irrelevant because it has no current legal effect and is not the subject of this appeal.

33. Admitted in part and denied in part. Respondent admits that Senator Jay Costa submitted exceptions to the Final Plan. Respondent denies that the Commission "failed to adequately address" the exceptions in its formulation of the Final Plan. The Commission took note of the views expressed in all exceptions and all testimony at public hearings. A variety of concerns were raised. The Final Plan is significantly different from the Preliminary Plan and many of the changes reflect concerns raised in exceptions. However, the Commission is not required to accede to the views expressed in any particular exceptions.

34. Admitted in part and denied in part. Respondent admits that Senator Jay Costa proposed an amendment to the proposed Senate portion of Final Plan. The amendment was defeated by a 3-2 vote. Respondent denies as a conclusion of law to which no response is required the allegations that Senator Costa's "Alternative Plan" meets the requirements of the Pennsylvania Constitution or whether it compares favorably or unfavorably to the Final Plan. Moreover, this "Alternative Plan" is not legally relevant to this appeal because it is outside the

scope of review. The Court's review of the Final Plan is limited to the four corners of the Final Plan itself and does not take into account any proposed alternative plans. The Final Plan satisfies all the requirements of the Pennsylvania Constitution.

35. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response in Paragraph 34 above.

36. Admitted in part and denied in part. Respondent admits that the Commission adopted the Final Plan by a 4-1 vote on December 12, 2011. Respondent denies that the Commission did not publicly address the public comments or state whether the number of splits of political subdivisions was absolutely necessary. Moreover, Respondent denies that the Commission is required to "publicly address the public comments" or state whether the number of splits of political subdivisions was absolutely necessary. It is the Petitioners' burden to show that the Final Plan is contrary to law.

37. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response in Paragraph 34 above and avers that the Final Plan satisfied all of the requirements of the Pennsylvania Constitution.

38. Denied as stated. The Pennsylvania Constitution is a document that speaks for itself.

39. Denied. The ideal population for a Senate district under the 2010 census is 254,048. Respondent denies that Philadelphia and Pittsburgh are the only political subdivision that must be divided in the formulation of a reapportionment plan for the Senate. Moreover, the unarticulated "standard" to which Petitioners refer does not take into account all of the requirements of the Pennsylvania Constitution, particularly the preeminent concern of equality of population.

40. Admitted in part and denied in part. Respondent admits that the Senate portion of the Final Plan divides four municipalities. The “Alternative Plan” is not legally relevant to this appeal because it is outside the scope of review. Respondent avers that the Final Plan satisfies all requirements of the Pennsylvania Constitution with respect to the integrity of political subdivisions.

41. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the divisions of Darby Township and Upper Darby Township do not violate the Pennsylvania Constitution and do not unlawfully dilute minority voting strength.

42. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Preliminary Plan is irrelevant because it has no current legal effect and is not the subject of this appeal. By way of further response, the Preliminary Plan’s formulation of Senate District 15 was significantly altered in the Final Plan.

43. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan speaks for itself with respect to the composition of Senate District 45, satisfies all the requirements of the Pennsylvania Constitution, and does not unlawfully dilute minority voting strength.

44. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the 2010 census generally showed a loss of population in the western part of the Commonwealth and an increase in population in the eastern part. The Final Plan moved Senate District 45 from Allegheny County, an area in the western part of the Commonwealth that had experienced significant population losses, to Monroe

County, an area in the east that had experienced significant population gains and had been previously split between multiple Senate districts.

45. Denied as stated. Any views expressed by the Chair at public hearings are a matter of public record and speak for themselves. In any event, the vote of the Chair to adopt the Final Plan is the only relevant statement of his position.

46. Denied as stated. The testimony of witnesses at public hearings is a matter of public record and speaks for itself. Respondent admits that some witnesses testified that they wanted Senate District 45 to stay in the Monongahela Valley. Other witnesses testified to the need to unite fast-growing Monroe County into one Senate district.

47. Denied as stated. The testimony of witnesses at public hearings is a matter of public record and speaks for itself. Respondent admits that some witnesses expressed support for Senator Brewster.

48. Denied as stated. Whether a particular member of the General Assembly is retiring is not a legal factor that applies to reapportionment. Respondent avers that the Commission moved Senate District 45 from the Monongahela Valley to Monroe County because the Monongahela Valley experienced significant population losses and Monroe County experienced significant population gains. When viewed in light of the 2010 census, Senate District 45 as drawn in the 2001 reapportionment had the second lowest population of any district in the Commonwealth and its population was 13.2% below the ideal population for a Senate district. Also, moving Senate District 45 to Monroe County allowed the Commission to place Monroe County entirely in one district, repairing the six-way split effectuated by the 2001 reapportionment.

49. Denied as stated. Respondent avers that Final Plan speaks for itself as to the composition and location of Senate District 45. Respondent denies that Monroe County is a “Republican performing area.”

50. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response in Paragraph 34 above.

51. Denied as stated. Respondent avers that Final Plan speaks for itself as to the composition and location of Senate District 45. Whether a particular member of the General Assembly is retiring is not a legal factor that applies to reapportionment.

52. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response in Paragraph 34 above.

53. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

54. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Pennsylvania Constitution speaks for itself.

55. Denied as stated. Respondent avers that the Commissions formulation and adoption of the Final Plan was in accordance with all procedures set forth by Article II, Section 17 of the Pennsylvania Constitution and satisfies all constitutional requirements.

56. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies the constitutional requirement of respecting the integrity of political subdivisions.

57. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that it is the Petitioners' burden to show that the Final Plan is contrary to law.

58. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that it is the Petitioners' burden to show that the Final Plan is contrary to law.

59. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that it is the Petitioners' burden to show that the Final Plan is contrary to law.

60. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its responses to Paragraphs 48 and 49 above and avers that the Final Plan's movement of Senate District 45 was not contrary to law.

61. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Commission fully considered the constitutional requirement of respecting the integrity of political subdivisions and that the Final Plan satisfies that requirement.

62. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that it considered the views expressed in all exceptions to the Preliminary Plan and in all testimony at public hearings. The Final Plan satisfies the constitutional requirement of respecting the integrity of political subdivisions. The "Alternative Plan" is not legally relevant to this appeal because it is outside the scope of review.

63. Denied as a prayer for relief to which no response is required. To the extent a response is required, Respondent requests that the Court deny the relief requested by Petitioners

and affirm the Final Plan. By way of further response, Petitioners' prayer for relief is tantamount to a request for the Court to overturn the bipartisan Final Plan adopted by a 4-1 vote of the Commission and to order the Commission to adopt instead the "Alternative Plan" advanced by Senator Costa. Such a decision would eviscerate the Commission's discretion.

WHEREFORE, Respondent 2011 Pennsylvania Legislative Reapportionment Commission respectfully requests that this Honorable Court dismiss the Petition of Senator Jay Costa, et al.

D. Answer to Petition of Thomas Schiffer, et al. (No. 4 MM 2012)

1. Admitted.

2. Admitted.

3. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Thomas Schiffer is "aggrieved" by the Final Plan. The remaining allegations are admitted upon information and belief.

4. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Alison Bausman is "aggrieved" by the Final Plan. The remaining allegations are admitted upon information and belief.

5. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Rachel J. Amdur is "aggrieved" by the Final Plan. The remaining allegations are admitted upon information and belief.

6. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Joan Tarka is "aggrieved" by the Final Plan. The remaining allegations are admitted upon information and belief.

7. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Lawrence W. Abel is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

8. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Margaret G. Morscheck is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

9. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Lawrence J. Chrzan is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

10. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Julia Schultz is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

11. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Shirley Resnick is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

12. Admitted.

13. Admitted.

14. Admitted as a conclusion of law to which no response is required. The documents attached as Exhibits A, and B are writings that speak for themselves.

15. Admitted.

16. Admitted.

17. Admitted.

18. Denied as stated. Respondent avers that the Commission's adoption of the Preliminary Plan was in accordance with all procedures set forth by Article II, Section 17 of the Pennsylvania Constitution. By way of further response, the Senate and House majority leaders gave their proposed plans to the minority leaders at the same time that the Senate minority leader gave his proposed plan to the majority leaders. The scheduled hearing was briefly adjourned to give the Commissioners time to review the proposed plans. None of the proposed plans constituted the "Preliminary Plan" at the time they were exchanged by the Commissioners.

19. Denied as stated. Respondent avers that the Final Plan speaks for itself.

20. Admitted.

21. Admitted in part and denied in part. Respondent admits that the Commission held public hearings on November 18 and 23, 2011. Respondent denies that the Commission "allowed" for the submission of written comments and concerns. Rather, the Commission accepted written comments and concerns as required by Article II, Section 17(c), which states that citizens may file exceptions to the Preliminary Plan during a thirty (30) day period after its adoption.

22. Denied as stated. Respondent admits that Representative Greg Vitale submitted a "Proposed Plan" that speaks for itself. However, this "Proposed Plan" is not legally relevant to this appeal because it is outside the scope of review. The Court's review of the Final Plan is limited to the four corners of the Final Plan itself and does not take into account any proposed alternative plans.

23. Admitted. By way of further response, witnesses testified about a variety of subjects.

24. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan speaks for itself.

25. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Pennsylvania Constitution speaks for itself.

26. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the ideal population for a House district under the 2010 census is 62,573.

27. Admitted.

28. Denied as stated. Respondent admits that the House portion of the Final Plan divides 52 counties and that the House portion of the 2001 reapportionment divided 49 counties. The concurring opinion of Justice Saylor cited by Petitioners is a writing that speaks for itself.

29. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies the constitutional requirement of respecting the integrity of political subdivisions and that the "Proposed Plan" is not legally relevant because it is outside the scope of review.

30. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies the constitutional requirement of respecting the integrity of political subdivisions.

31. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 30 above.

32. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 30 above and avers that it is Petitioners' burden to show that the Final Plan is contrary to law.

33. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that Final Plan and the “Proposed Plan” speak for themselves. The “Proposed Plan” is not legally relevant because it is outside the scope of review.

34. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 30 and 32 above.

35. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 30 and 32 above.

36. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 30 and 32 above and avers that the Final Plan reflects concerns raised by the public.

37. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 30 and 32 above and avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

38. Denied as a prayer for relief to which no response is required. To the extent a response is required, Respondent requests that the Court deny the relief requested by Petitioners and affirm the Final Plan.

WHEREFORE, Respondent 2011 Pennsylvania Legislative Reapportionment Commission respectfully requests that this Honorable Court dismiss the Petition of Thomas Schiffer, et al.

E. Answer to Petition of Sekela Coles, et al. (No. 5 MM 2012)

1. Admitted.

2. Admitted in part and denied in part. Respondent denies that this matter is addressed to the Court's appellate jurisdiction. The Court has original jurisdiction over this matter under Article II, Section 17(d) of the Pennsylvania Constitution. The remaining allegations are admitted.

3. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Sekela Coles is "aggrieved" by the Final Plan. The remaining allegations are admitted upon information and belief.

4. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Cynthia Jackson is "aggrieved" by the Final Plan. The remaining allegations are admitted upon information and belief.

5. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Lee Taliaferro is "aggrieved" by the Final Plan. The remaining allegations are admitted upon information and belief.

6. Admitted.

7. Admitted.

8. Admitted as a conclusion of law to which no response is required. The documents attached as Exhibits A and B are writings that speak for themselves.

9. Admitted.

10. Admitted.

11. Admitted.

12. Denied as stated. Respondent avers that the Commission's adoption of the Preliminary Plan was in accordance with all procedures set forth by Article II, Section 17 of the Pennsylvania Constitution. By way of further response, the Senate and House majority leaders

gave their proposed plans to the minority leaders at the same time that the Senate minority leader gave his proposed plan to the majority leaders. The scheduled hearing was briefly adjourned to give the Commissioners time to review the proposed plans. None of the proposed plans constituted the "Preliminary Plan" at the time they were exchanged by the Commissioners.

13. Admitted in part and denied in part. Respondent admits that the Commission held public hearings on November 18 and 23, 2011. Respondent denies that the Commission "allowed" for the submission of written comments and concerns. Rather, the Commission accepted written comments and concerns as required by Article II, Section 17(c), which states that citizens may file exceptions to the Preliminary Plan during a thirty (30) day period after its adoption.

14. Admitted. By way of further response, witnesses testified about a variety of subjects.

15. Admitted in part and denied in part. Respondent admits that the Final Plan divides Upper Darby Township, which was contained entirely in one Senate district in the 2001 reapportionment. Respondent denies that Darby Township was previously contained entirely within Senate District 8. Darby Township is noncontiguous and was split between Senate Districts 8 and 26 in the 2001 reapportionment. The Final Plan is a document that speaks for itself.

16. Denied as stated. The Pennsylvania Constitution is a document that speaks for itself.

17. Denied as stated. The ideal population for a Senate district under the 2010 census is 254,048.

18. Admitted.

19. Admitted in part and denied in part. Respondent admits that Philadelphia, Pittsburgh, Darby Township, and Upper Darby Township are the only municipalities divided in the Senate portion of the Final Plan. Petitioners refer to an “Alternative Plan,” but no such plan is attached to their Petition. Respondent is unaware of the contents of said “Alternative Plan.” Respondent denies that any “Alternative Plan” demonstrates that the Final Plan contained unnecessary divisions of municipalities. Moreover, any “Alternative Plan” is not legally relevant to this appeal because it is outside the scope of review. The Court’s review of the Final Plan is limited to the four corners of the Final Plan itself and does not take into account any proposed alternative plans. The Final Plan satisfies all the requirements of the Pennsylvania Constitution.

20. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the divisions of Darby Township and Upper Darby Township do not violate the Pennsylvania Constitution and do not unlawfully dilute minority voting strength.

21. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies the constitutional requirement of respecting the integrity of political subdivisions.

22. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 21 above.

23. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 21 above and avers that it is Petitioners’ burden to show that the Final Plan is contrary to law.

24. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 21 and 23 above.

25. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 21 and 23 above and avers that the Final Plan reflects concerns raised by the public.

26. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 19, 21, and 23 above and avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

27. Denied as a prayer for relief to which no response is required. To the extent a response is required, Respondent requests that the Court deny the relief requested by Petitioners and affirm the Final Plan.

WHEREFORE, Respondent 2011 Pennsylvania Legislative Reapportionment Commission respectfully requests that this Honorable Court dismiss the Petition of Sekela Coles, et al.

F. Answer to Petition of William C. Kortz, et al. (No. 4 WM 2012)

1. Admitted.

2. Admitted in part and denied in part. Respondent denies that this matter is addressed to the Court's appellate jurisdiction. The Court has original jurisdiction over this matter under Article II, Section 17(d) of the Pennsylvania Constitution. The remaining allegations are admitted.

3. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Representative William C. Kortz is "aggrieved" by the Final Plan. Respondent denies that Representative William C. Kortz's status as an elected official confers upon him any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

4. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Michelle L. Vezzani is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

5. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Michael E. Cherepko is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

6. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Gregory H. Erosenko is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

7. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Joyce Popovich is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

8. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that John Bevec is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

9. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Lisa Bashioum is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

10. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Richard Christopher is “aggrieved” by the Final Plan. The remaining allegations are admitted upon information and belief.

11. Admitted.

12. Admitted.

13. Admitted as a conclusion of law to which no response is required. The documents attached as Exhibits A and B are writings that speak for themselves.

14. Admitted.

15. Admitted.

16. Admitted.

17. Denied as stated. Respondent avers that the Commission's adoption of the Preliminary Plan was in accordance with all procedures set forth by Article II, Section 17 of the Pennsylvania Constitution. By way of further response, the Senate and House majority leaders gave their proposed plans to the minority leaders at the same time that the Senate minority leader gave his proposed plan to the majority leaders. The scheduled hearing was briefly adjourned to give the Commissioners time to review the proposed plans. None of the proposed plans constituted the "Preliminary Plan" at the time they were exchanged by the Commissioners.

18. Admitted in part and denied in part. Respondent admits that the Commission held public hearings on November 18 and 23, 2011. Respondent denies that the Commission "allowed" for the submission of written comments and concerns. Rather, the Commission accepted written comments and concerns as required by Article II, Section 17(c), which states that citizens may file exceptions to the Preliminary Plan during a thirty (30) day period after its adoption.

19. Admitted. By way of further response, witnesses testified about a variety of subjects.

20. Denied as stated. The testimony of witnesses at public hearings is a matter of public record and speaks for itself. Respondent admits that some witnesses testified that they

wanted Senate District 45 to stay in the Monongahela Valley. Other witnesses testified to the need to unite fast-growing Monroe County into one Senate district.

21. Admitted.

22. Denied as stated. Respondent admits that Senator Jay Costa submitted exceptions to the Preliminary Plan. Those exceptions are part of the public record and speak for themselves.

23. Admitted in part and denied in part. Respondent admits that Senator Jay Costa proposed an amendment to the proposed Senate portion of Final Plan. The amendment was defeated by a 3-2 vote. Respondent denies as a conclusion of law to which no response is required the allegations that Senator Costa's "Alternative Plan" meets the requirements of the Pennsylvania Constitution or whether it compares favorably or unfavorably to the Final Plan. Moreover, this "Alternative Plan" is not legally relevant to this appeal because it is outside the scope of review. The Court's review of the Final Plan is limited to the four corners of the Final Plan itself and does not take into account any proposed alternative plans. The Final Plan satisfies all the requirements of the Pennsylvania Constitution.

24. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 23 above.

25. Denied. Respondent avers that the Commission moved Senate District 45 from the Monongahela Valley to Monroe County because the Monongahela Valley experienced significant population losses and Monroe County experienced significant population gains. When viewed in light of the 2010 census, Senate District 45 as drawn in the 2001 reapportionment had the second lowest population of any district in the Commonwealth. Its population was 13.2% below the ideal population for a Senate district. Also, moving Senate District 45 to Monroe County allowed the Commission to place Monroe County entirely in one

district, repairing the six-way split effectuated by the 2001 reapportionment. Any views expressed by the Chair at public hearings are a matter of public record and speak for themselves. In any event, the vote of the Chair to adopt the Final Plan is the only relevant statement of his position.

26. Denied as stated. The Pennsylvania Constitution is a document that speaks for itself.

27. Denied. The ideal population for a Senate District under the 2010 census is 254,048.

28. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the 2010 census generally showed a loss of population in the western part of the Commonwealth and an increase in population in the eastern part. The Final Plan moved Senate District 45 from Allegheny County, an area in the western part of the Commonwealth that had experienced significant population losses, to Monroe County, an area in the east that had experienced significant population gains and had been previously split between multiple Senate districts.

29. Denied as stated. The testimony of witnesses at public hearings is a matter of public record and speaks for itself. Respondent admits that some witnesses testified that they wanted Senate District 45 to stay in the Monongahela Valley. Other witnesses testified to the need to unite fast-growing Monroe County into one Senate district.

30. Denied as stated. The testimony of witnesses at public hearings is a matter of public record and speaks for itself. Respondent admits that some witnesses expressed support for Senator Brewster.

31. Denied as stated. Whether a particular member of the General Assembly is retiring is not is not a legal factor that applies to reapportionment. By way of further response, Respondent incorporates its response to Paragraph 25 above.

32. Denied as stated. Respondent avers that Final Plan speaks for itself as to the composition and location of Senate District 45. Respondent denies that Monroe County is a “Republican performing area.”

33. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 23 above.

34. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 23 and 25 above.

35. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 23 above.

36. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution.

37. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 36 above.

38. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 36 above and avers that it is Petitioners’ burden to show that the Final Plan is contrary to law.

39. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 23 and 25 above.

40. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 36 and 38 above.

41. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Commission fully considered the constitutional requirement of respecting the integrity of political subdivisions and that the Final Plan satisfies that requirement.

42. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that it considered the views expressed in all exceptions to the Preliminary Plan and in all testimony at public hearings. Final Plan satisfies the constitutional requirement of respecting the integrity of political subdivisions. The “Alternative Plan” is not legally relevant to this appeal because it is outside the scope of review.

43. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 25 and 36 above.

44. Denied as a prayer for relief to which no response is required. To the extent a response is required, Respondent requests that the Court deny the relief requested by Petitioners and affirm the Final Plan.

WHEREFORE, Respondent 2011 Pennsylvania Legislative Reapportionment Commission respectfully requests that this Honorable Court dismiss the Petition of William C. Kortz, et al.

G. Answer to Petition of Amanda E. Holt, et al. (No. 7 MM 2012)

1. Admitted in part and denied in part. Respondent denies that this Petition is addressed to the Court’s appellate jurisdiction and avers that it is addressed to the Court’s original jurisdiction. The remaining allegations are admitted.

2. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Amanda E. Holt is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

3. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Elaine Tomlin is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

4. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Louis Nudi is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

5. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Diane Edbril is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

6. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Dariel I. Jamieson is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

7. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Lora Lavin is “aggrieved” by the Final Plan or

that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

8. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that James Yoest is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

9. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Jeffrey Meyer is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

10. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Christopher H. Fromme is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

11. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Timothy F. Burnett is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

12. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Chris Hertzog is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

13. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Glenn Eckhart is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

14. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Mary Frances Ballard is “aggrieved” by the Final Plan or that the Final Plan violates Article II, Section 16 of the Pennsylvania Constitution. The remaining allegations are admitted upon information and belief.

15. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation the Petitioners are “aggrieved” by the Final Plan, but admits that they have standing to file this appeal.

16. Admitted.

17. Denied as stated. The Pennsylvania Constitution is a document that speaks for itself.

18. Admitted as a conclusion of law to which no response is required. The documents attached as Exhibits A and B are writings that speak for themselves.

19. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Pennsylvania Constitution is a document that speaks for itself.

20. Admitted.

21. Admitted in part and denied in part. Respondent denies that the Commission held a public administrative meeting on December 7, 2011. The remaining allegations are admitted.

22. Admitted in part and denied in part. Respondent admits that Petitioner Amanda E. Holt filed exceptions to the Preliminary Plan. The remaining allegations are denied as conclusions of law to which no response is required. To the extent a response is required, Respondent avers that the Commission took note of the views expressed in all exceptions and all testimony at public hearings. A variety of concerns were raised. The Final Plan is significantly different from the Preliminary Plan and many of the changes reflect concerns raised in exceptions. However, the Commission is not required to accede to the views expressed in any particular exceptions.

23. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan is not contrary to law and that the Pennsylvania Constitution is a document that speaks for itself.

24. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Pennsylvania Constitution and case law. Petitioners' interpretation of the law is denied. The Final Plan satisfies all the requirements of the Pennsylvania Constitution.

25. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 24 above.

26. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 24 above and avers that it is Petitioners' burden to show that the Final Plan is contrary to law.

27. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 24 above.

28. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the document attached as Exhibit F and the Final Plan are writings that speak for themselves. Respondent denies that the “Section 16 Plan” satisfies the requirements of the Pennsylvania Constitution. Moreover, the “Section 16 Plan” is not legally relevant to this appeal because it is outside the scope of review. The Court’s review of the Final Plan is limited to the four corners of the Final Plan itself and does not take into account any proposed alternative plans. The Final Plan satisfies all the requirements of the Pennsylvania Constitution and the Voting Rights Act.

29. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 28 above.

30. Admitted in part and denied in part. Respondent admits that Petitioner Amanda E. Holt submitted a proposed reapportionment plan to the Commission on November 18, 2011. The documents attached as Exhibits C, D, and F are writings that speak for themselves. The remaining allegations are denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 28 above.

31. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 28 above.

32. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 28 above.

33. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 28 above.

34. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 28 above.

35. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 24 above.

36. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 24 and 28 above.

37. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 28 above.

38. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 28 above.

39. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Final Plan satisfies all the requirements of the Pennsylvania Constitution, and is not contrary to law.

40. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 24 and 26 above.

41. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 24 and 26 above.

42. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 24 and 26 above.

43. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 24 and 26 above.

44. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraphs 24 and 26 above.

WHEREFORE, Respondent 2011 Pennsylvania Legislative Reapportionment Commission respectfully requests that this Honorable Court dismiss the Petition of Amanda E. Holt, et al.

H. Answer to Petition of Patty Kim (No. 6 MM 2012)

1. Admitted.

2. Admitted in part and denied in part. Respondent denies that this matter is addressed to the Court's appellate jurisdiction. The Court has original jurisdiction over this matter under Article II, Section 17(d) of the Pennsylvania Constitution. The remaining allegations are admitted.

3. Admitted.

4. Admitted.

5. Admitted in part and denied in part. Respondent denies as a conclusion of law to which no response is required the allegation that Patty Kim is "aggrieved" by the Final Plan. Respondent denies that Representative Patty Kim status as an elected official confers upon her any standing different from that to which any citizen of the Commonwealth is entitled. The remaining allegations are admitted upon information and belief.

6. Admitted.

7. Admitted.

8. Denied as a conclusion of law to which no response is required.

9. Denied as stated. The documents attached as Appendices A and B are writings that speak for themselves.

10. Admitted.

11. Admitted.

12. Admitted.

13. Denied as stated. Respondent avers that the Commission's adoption of the Preliminary Plan was in accordance with all procedures set forth by Article II, Section 17 of the Pennsylvania Constitution. By way of further response, the Senate and House majority leaders gave their proposed plans to the minority leaders at the same time that the Senate minority leader gave his proposed plan to the majority leaders. The scheduled hearing was briefly adjourned to give the Commissioners time to review the proposed plans. None of the proposed plans constituted the "Preliminary Plan" at the time they were exchanged by the Commissioners.

14. Admitted in part and denied in part. Respondent admits that the Commission held public hearings on November 18 and 23, 2011. Respondent denies that the Commission "allowed" for the submission of written comments and concerns. Rather, the Commission accepted written comments and concerns as required by Article II, Section 17(c), which states that citizens may file exceptions to the Preliminary Plan during a thirty (30) day period after its adoption.

15. Admitted. By way of further response, witnesses testified about a variety of subjects.

16. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Preliminary Plan is irrelevant because it has no current legal effect and is not the subject of this appeal.

17. Denied as stated. The testimony of witnesses at public hearings is a matter of public record and speaks for itself. Respondent denies that the Final Plan splits "Dauphin County into an excessive number of Senate districts."

18. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent avers that the Commission took note of the views expressed in all exceptions and all testimony at public hearings. A variety of concerns were raised. The Final Plan is significantly different from the Preliminary Plan and many of the changes reflect concerns raised in exceptions. However, the Commission is not required to accede to the views expressed in any particular exceptions.

19. Denied as stated. The Final Plan is a document that speaks for itself. The Final Plan satisfies all the requirements of the Pennsylvania Constitution.

20. Denied as stated. Respondent admits that Senator Jay Costa submitted exceptions to the Preliminary Plan. Those exceptions are part of the public record and speak for themselves.

21. Admitted in part and denied in part. Respondent admits that Senator Jay Costa proposed an amendment to the proposed Senate portion of Final Plan. The amendment was defeated by a 3-2 vote. Respondent denies as a conclusion of law to which no response is required the allegations that Senator Costa's "Alternative Plan" meets the requirements of the Pennsylvania Constitution or whether it compares favorably or unfavorably to the Final Plan. Moreover, this "Alternative Plan" is not legally relevant to this appeal because it is outside the scope of review. The Court's review of the Final Plan is limited to the four corners of the Final Plan itself and does not take into account any proposed alternative plans. The Final Plan satisfies all the requirements of the Pennsylvania Constitution.

22. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 21 above.

23. Denied as a conclusion of law to which no response is required. To the extent a response is required, Respondent incorporates its response to Paragraph 21 above.