

January 17, 2022

Chairman Mark Nordenberg
2021 Pennsylvania Legislative
Reapportionment Commission
P.O. Box 203079
Harrisburg, PA 17120

The Honorable Tom Wolf
Governor of State
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

The Honorable Kerry A. Benninghoff
Leader, House of Representatives
110 Main Capitol Building
P.O. Box 202171
Harrisburg, PA 17120-2171

The Honorable Bryan Cutler
Speaker, House of Representatives
139 Main Capitol Building
P.O. Box 202100
Harrisburg, PA 17120-2100

The Honorable Natalie Mihalek
Pennsylvania House of Representatives
1121 Boyce Road
Suite 2200A
Upper St. Clair, PA 15241

The Honorable Devlin Robinson
Pennsylvania Senate
1700 N. Highland Road
Suite 307
Upper St. Clair, PA 15241

**IN RE: PRELIMINARY 2022 REAPPORTIONMENT PLAN FOR THE
COMMONWEALTH OF PENNSYLVANIA**

Dear Chairman Nordenberg, Governor Wolf, Members of the General Assembly and Senate:

In accordance with the procedures set forth by the Constitution of Pennsylvania, the Board of Commissioners of the Township of Upper St. Clair wish to **formally submit comments in opposition of the preliminary reapportionment plan** which was posted as a Public Notice in the Pittsburgh Post-Gazette on January 6, 2022.

At present, Pennsylvania House District 40 encompasses the Township of Upper St. Clair in its entirety providing for representative consistency. Under the preliminary reapportionment plan, parts of several wards will be reassigned to Pennsylvania House District 42, thereby fracturing the Township at its most northern neighborhoods.

Pennsylvania, like all states, must abide by the Voting Rights Act as well as constitutional rules on equal population, race, contiguity, compactness, political boundaries, and communities of interest. Such that, in the fall of 2021, Governor Wolf created the Redistricting Advisory

Council to provide guidance and fairness to the congressional redistricting process. A product of their efforts was the development of three redistricting principals in determining the fairness and propriety of any proposed reapportionment plan. These are set forth as follows; *Legal Principles, Principals of Representation and Principals of Process*. These same principals are generally held across jurisdictions and are applicable for the Commonwealth redistricting.

Under **Legal Principals**, the following objective is set forth,

“As an initial step in analyzing a proposed congressional map, the Council believes that the Governor should evaluate the map’s fidelity to the traditional neutral criteria that form a “floor” of protection against the dilution of votes in the creation of the districts. The Free and Equal Elections Clause of the Pennsylvania Constitution requires that each congressional district be composed of compact and contiguous territory and *minimize the division of political subdivisions as practicable*.”

Furthermore,

The Pennsylvania Supreme Court has noted that the goal is to create “**representational districts that both maintain the geographical and social cohesion of the communities in which people live and conduct the majority of their day-to-day affairs**”

The Governor’s Redistricting Advisory Council sets forth that “These federal and state legal principals require that, in evaluating a proposed Congressional map, the Governor ensure that these legally mandated elements are complied with in addition to the “**minimization of division of political subdivisions**.” This primary objective establishes that “local political subdivisions—such as counties or, where possible, municipalities and school districts – **not arbitrarily split into multiple districts**. In evaluating a proposed map, the Governor should prioritize **fewer subdivision splits** unless a division is necessary to preserve cohesive – and clearly identified – community of interest.”

The preliminary reapportionment plan fails to meet Governor’s Redistricting Advisory Council’s own Legal Principal for a fair and equitable proposal by dividing the Township of Upper St. Clair Township and Upper St. Clair School District between legislative districts.

Under **Principals of Representation**, the Council calls on the Governor to “further evaluate the map to ensure that it does not unfairly dilute the power of a particular group [community’s] vote.” Essential to this evaluation are additional principals which contribute to the ultimate fairness of the proposed map including, “**communities of interest should be maintained**.” This is specific to providing further checks and balances against partisan gerrymandering, and in this particular case “the splitting of communities of voters across several districts to dilute their voting power (cracking) and squeezing as many voters of one political interest into just one of a few districts, decreasing the likelihood of success elsewhere (packing).”

Considering distribution of community registration within the Township of Upper St. Clair and that of its neighbor to the north, under the proposed preliminary plan this does not meet the Principals of Representation goal of the Advisory Council. Quite to the contrary, the proposal flies in the face of the Governor’s Advisory Council’s stated objective.

Lastly, under **Principals of Process**, transparency is critical in providing for meaningful input in the development of a fair and equitable plan. The Advisory Council specifically sets forth that “if certain counties [municipalities] were split in the map the public is entitled to know the justification for doing so.” Thereby, “in evaluating a proposed map the Governor should disfavor any map... and more closely scrutinize any map that is not accompanied by a public record or narrative that explains the rationale for decisions that were made.”

The Township respectfully requests the public record or narrative that explains the rationale of the preliminary reapportionment plan.

On December 28, 2021, The Governor issued a press release concerning redistricting in which he stated, “ I convened a Pennsylvania Redistricting Advisory Council made up of six members with expertise in redistricting, political science and mapmaking, to establish a set of Principals to help guide my review of maps considered and ultimately passed by the General Assembly.” The Governor goes on to note, “Pennsylvania needs a fair map that ensures communities of interest are maintained.”

Additionally, within the same release in questioning the revised maps recently proposed by the General Assembly, lays the question to the multiple splits with “communities of interest”, citing Luzerne, Dauphin, Philadelphia and Chester counties that “do not appear to be motivated by compelling legal principals.” **This level of application and scrutiny must apply across all jurisdictions and not just at the congressional level.**

The current preliminary map negatively impacts the residents of Township of Upper St. Clair for all of the aforementioned reasons. The proposal does not meet standard accepted constitutional rules for political boundaries and communities of interest and is clearly, pursuant to documented municipal registration, a shift of one particular demographic into another particular district. Furthermore, splitting districts within wards will add to voter confusion and adds the challenge of communicating with two different House representatives.

On behalf of the residents of the Township of Upper St. Clair, we are calling on the Governor and the General Assembly to follow the recommendations as set forth in the Voting Rights Act, constitutional rules and their own adopted policies and general practice for fair and equitable representation. The municipality must remain intact within the Pennsylvania House 40th District.

Thank you for your consideration in this matter.

On behalf of the Board of Commissioners of the Township of Upper St. Clair,

A handwritten signature in black ink, appearing to read "Daniel Paoly", written in a cursive style.

Daniel R. Paoly
President, Board of Commissioners

pc: Matthew R. Serakowski, Township Manager
Mark S. Mansfield, Assistant Township Manager
Irving S. Firman, Township Attorney