

SUPREME COURT OF PENNSYLVANIA

League of Women Voters of Pennsylvania v. Commonwealth

175 A.3d 282 (Pa. 2018) · Decided January 22, 2018

SUMMARY

The Pennsylvania Supreme Court held that the Congressional Redistricting Act of 2011 violated the Pennsylvania Constitution and enjoined its further use in congressional elections beginning with the May 15, 2018 primary. The Court established deadlines for submission and approval of a remedial districting plan, specified criteria for that plan, and retained jurisdiction while dissenting and concurring statements were filed.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Saylor; Justice Baer; Justice Files; Justice Mundy
JURISDICTION	Pennsylvania
DECIDED	January 22, 2018
DISPOSITION	other
PROCEDURAL POSTURE	Petition for review of the Commonwealth Court's proposed findings of fact and conclusions of law concerning the constitutionality of Pennsylvania's congressional districting plan.
PRECEDENTIAL VALUE	published and precedential
PARTIES	League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania

TOPICS

redistricting election law election administration constitutional law equitable relief

PRACTICE AREAS

constitutional law election law redistricting equitable relief

QUESTIONS PRESENTED

1. Whether the Congressional Redistricting Act of 2011 violates the Constitution of Pennsylvania.

2. What relief and remedial schedule should govern congressional elections after invalidation of the 2011 redistricting plan.

HOLDINGS

1. The Congressional Redistricting Act of 2011 clearly, plainly, and palpably violates the Constitution of Pennsylvania and is therefore unconstitutional.
2. The Congressional Redistricting Act of 2011 may not be used for Pennsylvania congressional elections beginning with the May 15, 2018 primary election.
3. Any remedial congressional districting plan must consist of compact and contiguous districts, districts as nearly equal in population as practicable, and districts that do not divide counties, cities, incorporated towns, boroughs, townships, or wards except when necessary to ensure population equality.

KEY QUOTATIONS

“the Court finds as a matter of law that the Congressional Redistricting Act of 2011 clearly, plainly and palpably violates the Constitution of the Commonwealth of Pennsylvania, and, on that sole basis, we hereby strike it as unconstitutional.” (175 A.3d at 282)

“its further use in elections for Pennsylvania seats in the United States House of Representatives, commencing with the upcoming May 15, 2018 primary, is hereby enjoined.” (175 A.3d at 282)

FACTUAL BACKGROUND

The case concerned Pennsylvania's Congressional Redistricting Act of 2011 and its use to define congressional districts for elections to the United States House of Representatives. The Supreme Court addressed the plan in advance of the May 15, 2018 primary election. The Court separately preserved the March 13, 2018 special election for Pennsylvania's 18th Congressional District under the existing plan.

PROCEDURAL HISTORY

The matter came before the Supreme Court of Pennsylvania on a petition for review after consideration of the Commonwealth Court's proposed findings of fact and conclusions of law. Following briefing and oral argument, the Supreme Court struck the Congressional Redistricting Act of 2011, enjoined its further use beginning with the May 15, 2018 primary, retained jurisdiction, and established a remedial schedule.

DISPOSITION

other

REMAND INSTRUCTIONS

The General Assembly was directed to submit a constitutionally compliant congressional districting plan to the Governor by February 9, 2018. If approved, the plan was to be submitted to the Supreme Court by February 15, 2018. If either deadline was not met, the Court would proceed expeditiously to adopt a plan based on the Commonwealth Court evidentiary record. The Executive Branch Respondents were directed to take measures,

including adjusting the election calendar if necessary, to ensure that the May 15, 2018 primary election proceeded under the remedial plan.

OPINION

PER CURIAM.

ORDER PER CURIAM AND NOW, this 22nd day of January, 2018, upon consideration of the Petition for Review, the Commonwealth Court's proposed findings of fact and conclusions of law, the briefs of the parties, intervenors, and amici curiae, and the oral argument presented on January 17, 2018, the Court orders as follows: First, the Court finds as a matter of law that the Congressional Redistricting Act of 2011 clearly, plainly and palpably violates the Constitution of the Commonwealth of Pennsylvania, and, on that sole basis, we hereby strike it as unconstitutional.

Accordingly, its further use in elections for Pennsylvania seats in the United States House of Representatives, commencing with the upcoming May 15, 2018 primary, is hereby enjoined. Second, should the Pennsylvania General Assembly choose to submit a congressional districting plan that satisfies the requirements of the Pennsylvania Constitution, it shall submit such plan for consideration by the Governor on or before February 9, 2018.

If the Governor accepts the General Assembly's congressional districting plan, it shall be submitted to this Court on or before February 15, 2018. Third, should the General Assembly not submit a congressional districting plan on or before February 9, 2018, or should the Governor not approve the General Assembly's plan on or before February 15, 2018, this Court shall proceed expeditiously to adopt a plan based on the evidentiary record developed in the Commonwealth Court.

In anticipation of that eventuality, the parties shall have the opportunity to be heard; to wit, all parties and intervenors may submit to the Court proposed remedial districting plans on or before February 15, 2018. Fourth, to comply with this Order, any congressional districting plan shall consist of: congressional districts composed of compact and contiguous territory; as nearly equal in population as practicable; and which do not divide any county, city, incorporated town, borough, township, or ward, except where necessary to ensure equality of population.

Fifth, the Executive Branch Respondents are advised to anticipate that a congressional districting plan will be available by February 19, 2018, and are directed to take all measures, including adjusting the election calendar if necessary, to ensure that the May 15, 2018 primary election takes place as scheduled under that remedial districting plan. Sixth, as acknowledged by the parties, the March 13, 2018 special election for Pennsylvania's 18th Congressional District, which will fill a vacancy in an existing congressional seat for which the term of office ends in 11 months, shall proceed under the Congressional Redistricting Act of 2011 and is unaffected by this Order.

Opinion to follow. Jurisdiction is retained. Justice Baer files a Concurring and Dissenting Statement. Chief Justice Saylor files a Dissenting Statement in which Justice Mundy joins. Justice Mundy files a Dissenting Statement.

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