

SUPREME COURT OF PENNSYLVANIA

Appeals from the 2021 Pennsylvania Legislative Reapportionment Commission Plan (consolidated)

2021 Pennsylvania Legislative Reapportionment Commission Plan appeals · No. Nos. 4 WM 2022, 11 MM 2022, 14 MM 2022, 16 MM 2022, 17 MM 2022, 18 MM 2022, 7 WM 2022, 11 WM 2022, and 12 WM 2022 ·
Decided March 16, 2022

SUMMARY

The Supreme Court of Pennsylvania held that the Pennsylvania Legislative Reapportionment Commission's Final Reapportionment Plan filed on February 4, 2022, complied with the Pennsylvania and United States Constitutions and was not contrary to law. The Court ordered that the plan have the force of law and be used in forthcoming General Assembly elections, dismissed outstanding motions, vacated a prior order temporarily suspending the primary-election calendar, and relinquished jurisdiction.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	March 16, 2022
DOCKET	Nos. 4 WM 2022, 11 MM 2022, 14 MM 2022, 16 MM 2022, 17 MM 2022, 18 MM 2022, 7 WM 2022, 11 WM 2022, and 12 WM 2022
DISPOSITION	approved
PROCEDURAL POSTURE	Direct appeals by aggrieved persons and petitioners from the Pennsylvania Legislative Reapportionment Commission's final reapportionment plan under Pennsylvania Constitution article II, section 17(d).
STANDARD OF REVIEW	The Supreme Court directly reviewed whether the final reapportionment plan was contrary to law and compliant with the Pennsylvania and United States Constitutions under Pennsylvania Constitution article II, section 17(d).
PRECEDENTIAL VALUE	precedential
PARTIES	Ryan Covert, Darlene J. Covert, Erik Hulick, Kerry Benninghoff, Lisa M. Boscola, Eric Roe, Ron Y. Donagi, Philip T. Gressman, Pamela Gorkin, David P. Marsh, James L. Rosenberger, Eugene Boman, Gary

Gordon, Liz McMahon, Timothy Feeman, Garth Isaak, Gabriel Ingram, Ruth Moton, Mark Kirchgasser, Susan Powell, Todd Elliott Koger, Jackie Hutz, Edward J. Kress v. 2021 Pennsylvania Legislative Reapportionment Commission

TOPICS

redistricting election law election administration appellate procedure constitutional law

PRACTICE AREAS

election law constitutional law legislative reapportionment

QUESTIONS PRESENTED

1. Whether the Pennsylvania Legislative Reapportionment Commission's Final Reapportionment Plan filed February 4, 2022, complied with the Pennsylvania and United States Constitutions.
2. Whether the final plan was contrary to law under Pennsylvania Constitution article II, section 17(d).
3. What effect the court's disposition had on the use of the plan and the previously suspended General Primary Election calendar.

HOLDINGS

1. The Pennsylvania Legislative Reapportionment Commission's Final Reapportionment Plan filed February 4, 2022, complies with the mandates of the Pennsylvania Constitution and the United States Constitution and is not contrary to law.
2. The approved final reapportionment plan must be used in all forthcoming elections to the Pennsylvania General Assembly until the next constitutionally mandated reapportionment is approved.

KEY QUOTATIONS

“this Court finds that the Final Reapportionment Plan of the Pennsylvania Legislative Reapportionment Commission filed on February 4, 2022, is in compliance with the mandates of the Pennsylvania Constitution and the United States Constitution and is not contrary to law, and, therefore, shall have the force of law.”

“Further, it is hereby ordered that said Plan shall be used in all forthcoming elections to the General Assembly until the next constitutionally-mandated reapportionment shall be approved.”

FACTUAL BACKGROUND

The Pennsylvania Legislative Reapportionment Commission filed its Final Reapportionment Plan on February 4, 2022. Multiple aggrieved persons and petitioners appealed directly to the Supreme Court of Pennsylvania. The court found the plan compliant with the Pennsylvania and United States Constitutions and not contrary to law, and directed its use in forthcoming elections to the General Assembly.

PROCEDURAL HISTORY

The petitioners filed direct appeals in the Supreme Court of Pennsylvania from the Commission's Final Reapportionment Plan filed February 4, 2022. The court determined that the plan complied with the Pennsylvania and United States Constitutions and was not contrary to law, ordered that it have the force of law and be used in forthcoming General Assembly elections, dismissed outstanding motions, and vacated its prior temporary suspension of the General Primary Election calendar.

DISPOSITION

approved

OPINION

Kress, E., Pet v. 2021 Legislative Reapp Comm

PER CURIAM.

IN THE SUPREME COURT OF PENNSYLVANIA

RYAN COVERT, DARLENE J. COVERT, : No. 4 WM 2022

AND ERIK HULICK, : : Appeal from the Legislative Petitioners : Reapportionment Commission
Plan : dated February 4, 2022 v. : 2021 PENNSYLVANIA LEGISLATIVE :
REAPPORTIONMENT COMMISSION, : Respondent :

KERRY BENNINGHOFF, INDIVIDUALLY, : No. 11 MM 2022

AND AS MAJORITY LEADER OF THE : PENNSYLVANIA HOUSE OF : Appeal from the
Legislative REPRESENTATIVES, : Reapportionment Commission Plan : dated February 4, 2022
Petitioner : v. : 2021 LEGISLATIVE REAPPORTIONMENT : COMMISSION, : Respondent :

LISA M. BOSCOLA, SENATOR 18TH : No. 14 MM 2022

DISTRICT, : : Appeal from the Legislative Petitioner : Reapportionment Commission Plan : dated
February 4, 2022 v. : 2021 LEGISLATIVE REAPPORTIONMENT : COMMISSION, :
Respondent :

ERIC ROE, : No. 16 MM 2022

Petitioner : Appeal from the Legislative : Reapportionment Commission Plan : dated February 4,
2022 v. : 2021 LEGISLATIVE REAPPORTIONMENT : COMMISSION, : Respondent :

RON Y. DONAGI, PHILIP T. GRESSMAN, : No. 17 MM 2022

PAMELA GORKIN, DAVID P. MARSH, : JAMES L. ROSENBERGER, EUGENE : Appeal from
the Legislative BOMAN, GARY GORDON, LIZ MCMAHON, : Reapportionment Commission
Plan TIMOTHY FEEMAN, AND GARTH ISAAK, : dated February 4, 2022 Petitioners : v. : 2021
LEGISLATIVE REAPPORTIONMENT : COMMISSION, : Respondent :

GABRIEL INGRAM, RUTH MOTON, MARK : No. 18 MM 2022

KIRCHGASSER AND SUSAN POWELL, : : Appeal from the Legislative Petitioners :
Reapportionment Commission Plan : dated February 4, 2022 v. : 2021 LEGISLATIVE
REAPPORTIONMENT : COMMISSION, : Respondent :

TODD ELLIOTT KOGER, : No. 7 WM 2022

Petitioner : Appeal from the Legislative : Reapportionment Commission Plan : dated February 4, 2022 v. : 2021 PENNSYLVANIA LEGISLATIVE : REAPPORTIONMENT COMMISSION, : Respondent :

JACKIE HUTZ, : No. 11 WM 2022

Petitioner : Appeal from the Legislative : Reapportionment Commission Plan : dated February 4, 2022 v. : 2021 PA LEGISLATIVE : REAPPORTIONMENT COMMISSION, : Respondent :

EDWARD J. KRESS, : No. 12 WM 2022

Petitioner : Appeal from the Legislative : Reapportionment Commission Plan : dated February 4, 2022 v. : 2021 LEGISLATIVE REAPPORTIONMENT : COMMISSION OF THE COMMONWEALTH : OF PENNSYLVANIA, : Respondent :

ORDER

PER CURIAM

AND NOW, this 16th day of March, 2022, upon consideration of the above- captioned legislative reapportionment appeals filed pursuant to PA. CONST. art. II, § 17(d) (indicating that “[a]ny aggrieved person may file an appeal from the final plan [of the 2021 Pennsylvania Legislative Reapportionment Commission] directly to the Supreme Court”), this Court finds that the Final Reapportionment Plan of the Pennsylvania Legislative Reapportionment Commission filed on February 4, 2022, is in compliance with the mandates of the Pennsylvania Constitution and the United States Constitution and is not contrary to law, and, therefore, shall have the force of law. See PA. CONST. art. II, § 17(d) & (e) (specifying that “[i]f the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission” and that “[w]hen the Supreme Court has finally decided an appeal...the reapportionment plan shall have the force of law...”). Further, it is hereby ordered that said Plan shall be used in all forthcoming elections to the General Assembly until the next constitutionally-mandated reapportionment shall be approved. All outstanding motions filed in the above-captioned matters are hereby DISMISSED. This Court’s February 23, 2022 Order, at Judicial Administration Docket No. 569, which temporarily suspended the General Primary Election calendar relative to elections for seats in the General Assembly, is VACATED. Our adjustment to that calendar is resolved by separate order at that docket number and entered today. Jurisdiction relinquished.