

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

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