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House of Representatives

Commonwealth of Pennsylvania

January 6, 2022

CHAIR
STATE GOVERNMENT COMMITTEE

COMMITTEES
REPUBLICAN POLICY COMMITTEE

LEGISLATIVE APPOINTMENTS
STATE PLANNING BOARD
YAMPO

The Honorable Tom Wolf
Governor
Commonwealth of Pennsylvania
225 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

While I am disappointed you have declined my offer to publicly discuss the congressional districts proposed by HB 2146, P.N. 2541 or the Updated Preliminary Citizens' Congressional Redistricting Map, I wanted to address some serious fallacies in your letter to Speaker Culter and Leader Benninghoff. Further, I wanted to ensure you had factual information presented to you from the prime sponsor of the legislation, which I hope you will read prior to making any decisions. We both agree misinformation and disinformation are dangerous and the people of Pennsylvania deserve to know the truth. I think we can also agree that developing congressional maps is a constitutional mandate placed on the General Assembly and the Governor through legislative duties granted by our state and federal constitutions. Whether you decide to actively participate in the legislative process or to sit on the bench is wholly your decision. But if your goal is for the courts to draw the maps, then you are failing the people of Pennsylvania, your constitutional obligations, and treating the independent judiciary as your personal attorneys for hire.

Myth: The districts have a deviation of 9,000 people between the largest and smallest district, and this discrepancy may be successfully challenged as unconstitutional.

Fact: Fair Districts Pennsylvania¹ loaded the districts created by the Updated Preliminary Citizens' Congressional Redistricting Map to DavesRedistricting.org website^{2 3}. Here is their breakdown of population by district, when using the data set of total population provided by the 2020 Census:

¹ [Preliminary Maps: Review and Offer Comment | Fair Districts PA](#)

² [DRA 2020 \(davesredistricting.org\)](#)

³ [Comments | MyDistricting](#)

District 1	764,865	District 10	764,865
District 2	764,865	District 11	764,865
District 3	764,865	District 12	764,865
District 4	764,865	District 13	764,864
District 5	764,865	District 14	764,865
District 6	764,865	District 15	764,864
District 7	764,864	District 16	764,865
District 8	764,864	District 17	764,865
District 9	764,864		

I can only imagine your claim has been based on an analysis of the bill using the adjusted data set approved by the Legislative Reapportionment Commission for the drawing of General Assembly maps. If that data set is applied to the plan proposed by the Updated Preliminary Citizens' Congressional Redistricting Map, it would result in the nearly 9,000 person 'deviation' you claim.

However, this 'deviation' certainly could not give rise to a claim of unconstitutionality. It has always been the practice of Pennsylvania, as well as nearly every other state, to count prisoners where they reside and where they are counted by the Census. Despite recent changes in some states, it remains obvious that states may continue to constitutionally reapportion districts on the basis of the total population numbers provided by the Census. And in fact, the vast majority of states are continuing to do so.

The unadjusted Census figures provide the data set used by Ms. Amanda Holt in designing her citizen's map, as well as the data set used in making the various improvements enacted through amendment. According to the actual Census numbers, population deviation is zeroed out.

You may wish for the map to use the adjusted data set and you may even decide using an adjusted data set is a litmus test for your approval of a Congressional mapping plan. Those discussions would be a natural part of any dialogue and negotiation between the General Assembly and your office on the basis for an agreed-upon map. That is, if you are willing to engage in any type of honest dialogue.

But you cannot and should not be dishonest with the people of Pennsylvania by claiming that the citizen's map advanced within the Updated Preliminary Citizens' Congressional Redistricting Map contains an unconstitutional population deviation. If anything, it is the constitutionality of adjusted population schemes like the one approved by the Legislative Reapportionment Commission that are more novel, and that present legal and constitutional questions still to be resolved by the courts.

Myth: "When Republican members of the House State Government Committee objected to aspects of the map submitted by Ms. Amanda Holt, Chairman Grove quickly abandoned the pretext of a citizen-selected map and redrew lines in ways that completely undermine the principles that motivated Ms. Amanda Holt's map in the first place. The result is a highly skewed map."

Fact: After the Preliminary Citizens' Congressional Redistricting Map was originally released, it was open for public comment on PaRedistricting.com⁴. There were 399 total comments submitted by citizens. The amendment in committee made changes based on requests by citizens or to increase compactness.:

⁴ [Comments | MyDistricting](#)

Here are the specific changes:

- District 3 went from 49% African American Voting Age Population to 52.49%. In compliance with traditional redistricting principles, precincts were shifted between District 3 and District 2.
- District 5 was adjusted to increase compactness and we received numerous public comments from Williston Township residents requesting to be part of District 6, so while we increased the compactness of District 5, we also moved Williston Township into District 6.
- Districts 6, 10, 11, & 13 were all adjusted to increase compactness. Further, residents of the Camp Hill area filed numerous public comments requesting to be connected with the Capitol region.
- The “left-hand pinky” in District 10 was eliminated to increase compactness.
- District 9 was adjusted to increase compactness, to ensure the Susquehanna River communities were whole, and to eliminate the “zipper” in Potter County.
- District 7 was shifted back into Monroe County to increase compactness and align new boundaries with the current map developed by the PA Supreme Court.
- District 8 was adjusted to increase compactness.
- District 12 was adjusted to increase compactness, notably the zippers in Butler County were eliminated.
- District 17 was adjusted after receiving citizen feedback on Washington Borough not being in District 17. District 17 and District 14 were adjusted to meet constitutional population requirements.

I specifically addressed these changes at the House State Government Committee voting meeting on Wednesday, December 15. I do not know why your staff did not provide you this information or reach out to me to request this information.

During the committee vote on the Updated Preliminary Citizens’ Congressional Redistricting Map, I addressed how the amendment makes overall adjustments to the original map submitted by Ms. Amanda Holt⁵. In both population and land area, the current map is **95%** the same as the original map.^{6 7} Here are tables for your review on comparing the two maps:

⁵ <http://www.paredistricting.com/Video/Redistricting>

⁶ [Preliminary Plan and Updated Plan Comparison by Population.xlsx \(paredistricting.com\)](#)

⁷ [Preliminary Plan and Updated Plan Compactness Comparison.pdf \(paredistricting.com\)](#)

Compactness Comparison									
Citizen's Map Submission				Updated Map - Amendment A03209				Square Miles % Change Between Citizen's Map Submission & Updated Amendment	
District	Square Miles	Polsby-Popper	Reock	District	Square Miles	Polsby-Popper	Reock		
1	713	0.39	0.4	1	713	0.39	0.4	100%	
2	65	0.25	0.32	2	65	0.22	0.3	100%	
3	56	0.25	0.37	3	56	0.23	0.37	100%	
4	399	0.25	0.36	4	399	0.25	0.36	100%	
5	499	0.15	0.21	5	339	0.25	0.34	68%	
6	1,139	0.12	0.26	6	1,246	0.19	0.38	91%	
7	1,038	0.36	0.34	7	1,071	0.37	0.4	97%	
8	5,071	0.36	0.42	8	4,979	0.35	0.41	98%	
9	7,304	0.28	0.38	9	6,984	0.3	0.33	96%	
10	1,825	0.43	0.38	10	1,557	0.44	0.44	85%	
11	1,514	0.21	0.35	11	1,455	0.49	0.49	96%	
12	9,977	0.23	0.57	12	10,301	0.42	0.62	97%	
13	4,932	0.23	0.4	13	5,350	0.29	0.43	92%	
14	5,085	0.24	0.38	14	5,051	0.24	0.38	99%	
15	308	0.29	0.58	15	308	0.29	0.58	100%	
16	4,877	0.4	0.37	16	4,896	0.49	0.38	100%	
17	1,249	0.23	0.44	17	1,284	0.24	0.45	97%	
Citizen's Map Submission								Average	95%
Average Compactness Polsby-Popper : 0.27									
Average Compactness Reock: 0.38									
Updated Map - Amendment A03209									
Average Compactness Polsby-Popper : 0.32									
Average Compactness Reock: 0.42									

Difference between Preliminary Map and Updated Preliminary Map by Population			
District	Final Population	Unchanged Population	Preliminary Districts
			that Remains Unchanged
1	764,865	764,865	100.00%
2	764,865	727,974	95.18%
3	764,865	727,974	95.18%
4	764,865	764,865	100.00%
5	764,865	665,110	86.96%
6	764,865	664,660	86.90%
7	764,864	744,414	97.33%
8	764,864	745,298	97.44%
9	764,864	710,269	92.86%
10	764,865	685,726	89.65%
11	764,865	745,299	97.44%
12	764,865	720,103	94.15%
13	764,864	642,606	84.02%
14	764,865	741,290	96.92%
15	764,864	764,864	100.00%
16	764,865	755,133	98.73%
17	764,865	741,290	96.92%
		Average Same	95%

Split Analysis from LDPC					
County		Municipal		Voting Precinct	
Original	Update	Original	Update	Original	Update
14 County Splits	15 County Splits	16 Municipalities Split	18 Municipalities Split	11 Precincts Split	19 Precincts Split
16 Total Splits	18 Total Splits	18 Total Splits	18 Total Splits	11 Total Splits	19 Total Splits

As you can see, the Updated Preliminary Citizens’ Congressional Redistricting Map is based upon the same pretext and principles as Ms. Amanda Holt’s original map. Further, I would urge you to actually watch the Informational Meeting the House State Government Committee held on Thursday, December 9 with Ms. Amanda Holt: <https://s3.us-east-2.amazonaws.com/pagopvideo/946333055.mp4>. Again, I do not know why your staff did not provide you this information or reach out to me for this information.

Myth: “. . . the council also recommended that I review proposed maps to determine whether their expected performance is proportional to statewide voter preference. The HB 2146 map falls short on this basic measure of partisan fairness.”

Fact: In *League of Women Voters of Pennsylvania et. al. vs. the Commonwealth of Pennsylvania (2018)*, the Pennsylvania Supreme Court gave specific criteria for the development of redistricting maps.⁸ Specifically, the court explained:

“We recognize that other factors have historically played a role in the drawing of legislative districts... However, we view these factors to be wholly subordinate to the neutral criteria of compactness, contiguity, minimization of the division of political subdivisions, and maintenance of population equality among congressional districts. These neutral criteria provide a “floor” of protection for an individual against the dilution of his or her vote in the creation of such districts.

When, however, it is demonstrated that, in the creation of congressional districts, these neutral criteria have been subordinated, in whole or in part, to extraneous considerations such as gerrymandering for unfair partisan political advantage, a congressional redistricting plan violates Article I, Section 5 of the Pennsylvania Constitution.”

The Pennsylvania State Government Committee, and the House Republican Caucus, did not use partisan data in our consideration of submitted maps, in the selection of Ms. Amanda Holt’s citizen’s map, or in our adjustments made to the map through amendment.

Instead, we focused on traditional redistricting criteria which, as acknowledged by the Court, provide protection against the dilution of votes. The Pennsylvania Supreme Court was very clear: the neutral criteria explicitly provided for by the Pennsylvania Constitution cannot be subordinated to partisan concerns or considerations. By demanding a map that is likely to result in a Congressional delegation proportional to some theoretical statewide vote of each party, you are essentially asking us to violate the Constitution as it was interpreted by *League of Women Voters*.

A map prioritizing the neutral criteria found in the Pennsylvania Constitution- compactness and the avoidance of county, municipal, and ward splits unless ‘absolutely necessary,’ will not, at this time, likely result in a proportional congressional delegation. That is a fundamental reality of Pennsylvania’s current political geography. According to Dave Wasserman, among the foremost nonpartisan redistricting experts in the country, developing a congressional map that provides

⁸ [194537-feb.19,2018-opinionandorderadoptingremedialplan.pdf \(pacourts.us\)](https://www.pacourts.us/opinionandorderadoptingremedialplan.pdf)

proportional election outcomes, in Pennsylvania at least, “requires conscious pro-Dem[ocrat] mapping choices⁹.”

By demanding a map that provides proportional outcomes, you are demanding that we violate the Pennsylvania Constitution in developing any map that would be acceptable to you- by ignoring the neutral and explicit criteria found in Article II of the PA Constitution and elevating partisan data, and pro-Democratic mapping choices, above the prioritization of Pennsylvanians’ communities and daily lives.

Additionally, the U.S. Supreme Court in *Vieth v. Jubelirer*, 541 U.S. 267, a case originating in Pennsylvania, already addressed concerns regarding proportionality:

“The Constitution provides no right to proportional representation . . . It guarantees equal protection of the law to persons, not equal representation . . . to equivalently sized groups. It nowhere says that farmers or urban dwellers, Christian fundamentalists or Jews, Republicans or Democrats, must be accorded political strength proportionate to their numbers.”

Proportionality is neither a requirement nor a goal of redistricting under federal or state law; in fact, the very nature and design of our representative democracy is in many ways at odds with the pursuit of proportionality. This conflict is heightened by Pennsylvania’s constitutional requirement that districts be compact and must avoid county, municipal, and ward splits **unless absolutely necessary**. Even the *League of Women Voters* opinion acknowledged, when discussing the expert testimony presented by Petitioners’ expert (Dr. Warshaw), that “historically Democratic voters tend to self-sort into metropolitan areas.” Where the natural political geography of the Commonwealth puts the two in conflict, the pursuit of proportionality cannot prevail over neutral constitutional mandates.

You, as Governor, have constitutional legislative powers and are involved in the mapmaking process. Whether you engage in this process is your decision, but you are constitutionally bound with the General Assembly to administer your powers on an equal basis. Neither the Governor nor the General Assembly can ignore these specific directions by the Pennsylvania Supreme Court to ensure that those involved in the constitutional legislation process adopt acceptable maps.

I would further point out the hypocrisy of demanding proportionality in the name of ‘fairness.’ In 2018, the political data site *Fivethirtyeight* conducted a redistricting analytics project that it referred to as *The Atlas of Redistricting*.¹⁰ This analysis makes clear that, based on Pennsylvania’s recent political geography, a map drawn to pursue proportionality is no different than a map drawn to be the best possible gerrymander to advance Democratic political interests. I encourage you or any Pennsylvanian who has concerns regarding the redistricting process to access this site and see the evidence for themselves.

We have a duty to be honest with the people of Pennsylvania. It is dishonest to claim that our map does not meet your criteria for fairness, when in fact you have established criteria that can only be pursued through an unconstitutional map-making process.

⁹ <https://twitter.com/redistrict/status/965719652188991488>

¹⁰ <https://projects.fivethirtyeight.com/redistricting-maps/pennsylvania/>

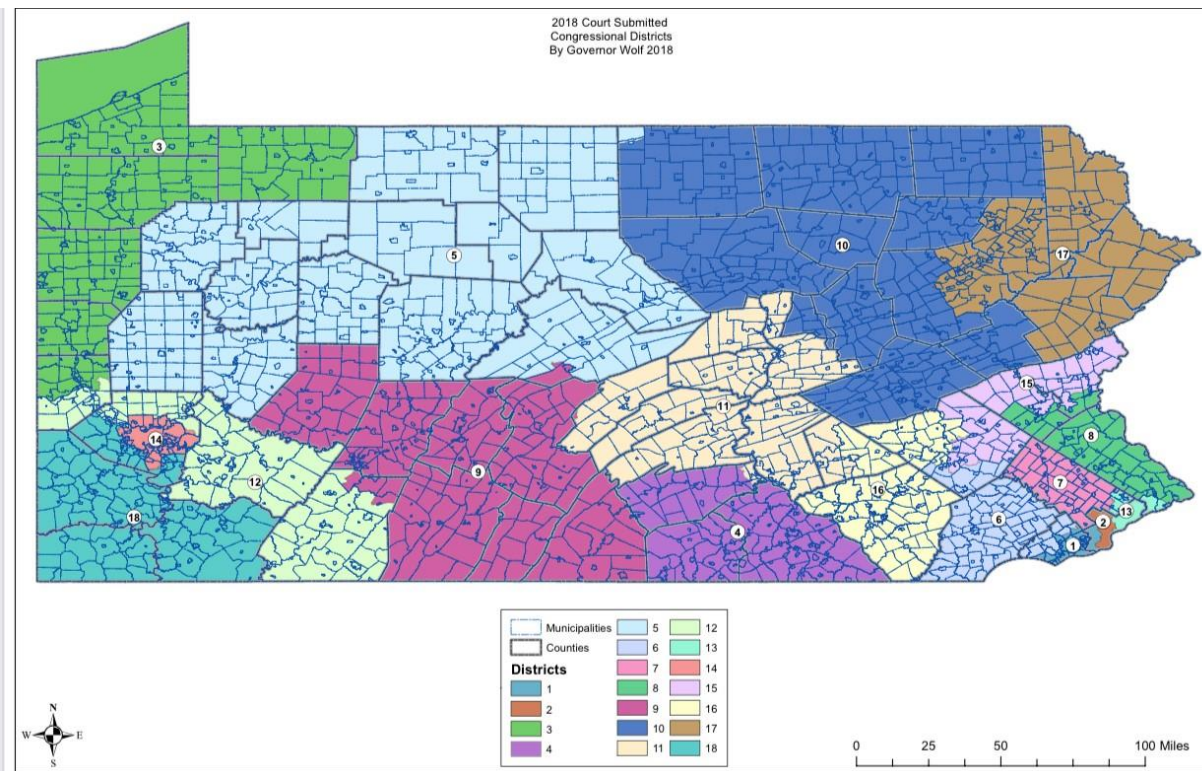
It is even more dishonest to claim that a map may only be ‘fair’ if it has been drawn to neglect the constitutionally required, apolitical criteria of compactness and the preservation of local communities, and instead to pursue a thinly veiled Democratic gerrymander.

That is what the prioritization of proportionality entails: partisan gerrymandering. If you do not want to participate in partisan gerrymandering, then do not base your decisions on partisan data, and certainly do not subordinate the neutral criteria found in Pennsylvania’s Constitution to those partisan concerns. The House Republican Caucus is not doing so, and you should join us in avoiding these mistakes.

Myth: “. . . the revised map splits multiple communities of interest, including splits in Luzerne, Dauphin, Philadelphia, and Chester counties that do not appear to be motivated by compelling legal principles, but rather by a desire to make districts more favorable to Republican Candidates.”

Fact: Neither the House State Government Committee nor the House Republican Caucus have used political data in any portion of developing the Updated Preliminary Citizens’ Congressional Redistricting Map. It is our understanding that this also applies to Ms. Amanda Holt and her development of her original map. The House State Government Committee and the House Republican Caucus will not be involved in any map or development of a map which are in violation of the established principles laid in any court case, the U.S. and Pennsylvania Constitutions, and federal and state laws.

In 2018, you submitted a map to the Pennsylvania Supreme Court.¹¹ Three years later, not only do you not want to participate in the legislative process, but you are also going out of your way to claim that your only recourse is a veto.



¹¹ [League of Women Voters, et al. v. the Commonwealth of Pennsylvania, et al. – 159 MM 2017 | Cases of Public Interest | News & Statistics | Unified Judicial System of Pennsylvania \(pacourts.us\)](#)

Gov. Wolf Map County Split Analysis	
Allegheny County – 2	Lehigh County – 2
Beaver County – 2	Luzerne County – 2
Berks County – 3	Mifflin County – 2
Bucks County – 2	Montgomery County – 3
Centre County – 2	Northampton County – 2
Cumberland County – 2	Philadelphia City – 3
Delaware County – 2	Somerset County – 2
Lebanon County - 2	Tioga County – 2
16 Counties Split 35 Times	

The Updated Preliminary Citizens’ Congressional Redistricting Map has a total of 15 counties split with 18 total splits and only one county is split three times, where your 2018 map has three counties split three times. Further, under the Updated Preliminary Citizens’ Congressional Redistricting Map, Philadelphia City is only split twice unlike your 2018 proposed congressional redistricting map. I fail to see how in 2021 you have issues with the county splits contained in the Updated Preliminary Citizens’ Congressional Redistricting Map, when there are fewer splits than in your proposed 2018 congressional redistricting map. Even more puzzling, two of the counties you are questioning, Luzerne County and City of Philadelphia, were also split in your proposed map.

Myth: “. . . the manner in which Chairman Grove has conducted the recent steps of the crucial process has been disgraceful. Despite his promise to conduct the “most open and transparent congressional redistricting process sin PA history,” it is not clear that he consulted with even the Republican members of his own Committee prior to selecting the Ms. Amanda Holt map – much less the Democratic members, who have been completely cut out of the process. And despite Chairman Grove’s attempt make up a narrative as he goes, there is no explanation for the changes that were made beyond the fact that some of them seem to correlate with complaints aired by members of his Committee when the original map was released.”

Fact: If you or your staff took the time to engage in the process, you would find we did institute the most open and transparent congressional redistricting process in the history of the commonwealth. As a matter of fact, it has been so good, you copied it.¹³



The screenshot shows a news article from 'The Center Square' dated September 13, 2021. The article is titled 'Pennsylvania governor launches familiar public congressional redistricting effort' and features a photo of Governor Tom Wolf speaking at a podium. The article text states: '(The Center Square) – Pennsylvania Gov. Tom Wolf launched a website on Monday to collect public input about the state’s new congressional district map in an effort that resembles House Republicans’ own strategy for redrawing the boundaries.'

¹² [md-report.pdf \(pa.gov\)](#)

¹³ https://www.thecentersquare.com/pennsylvania/pennsylvania-governor-launches-familiar-public-congressional-redistricting-effort/article_3e9deb4e-14dd-11ec-af4e-8310de694fa1.html

If you or your staff want any information on the House redistricting process, just go to www.PaRedistricting.com. It has all the testimony received from our hearings, citizen drawn communities of interest, public comment, all the verified citizens drawn maps, all the pertinent information on the preliminary map including the testimony from Ms. Amanda Holt, and the voting meeting of the Updated Preliminary Citizens' Congressional Redistricting Map, during which I went into specific detail on the amendment to HB 2146. House Democrats, your Administration and the public had full access to this information. Unfortunately, you and your staff also failed to engage me or the committee at any time thus I am not surprised by these egregious accusations.

As this letter already contains the exact explanation I will not reiterate, but recommend you view these two hearings, both of which are found on www.PaRedistricting.com:

- House State Government Committee Information Hearing with Ms. Amanda Holt: <https://s3.us-east-2.amazonaws.com/pagopvideo/946333055.mp4>
- House State Government Committee Voting Meeting on HB 2146: <http://www.paredistricting.com/Video/Redistricting>

Myth: “. . . I have significant concern about the timeline for the final passage of this map. As Acting Secretary Degraffenreid noted in a June 28, 2021 letter to the leaders of the four legislative caucuses as well as the Chair of the Legislative Reapportionment Commission, the Department of State and county boards of elections have historically needed at least three weeks to prepare the Statewide Uniform Registry of Electors (“SURE”) to facilitate the nomination petition process, which is statutorily mandated to begin on February 15, 2022.”

Fact: When the PA Supreme Court adopted their maps in 2018, it took the Department of State far less time to update the SURE system. I have full confidence we will get a congressional redistricting map to your desk within your department's arbitrary date of January 24th.

In closing, we have a historic opportunity to sign a non-partisan, citizens' Congressional redistricting map into law. We have a historic opportunity to reset how we develop and approve Congressional redistricting maps. I am willing to work with you and hope you are able to put any issues you have with me aside for the greater good of our beloved Commonwealth. The decision is yours. I hope you side with the people of Pennsylvania over political partisanship.

Sincerely,



Seth M. Grove
State Representative
196th District

Cc: Speaker Bryan Cutler
House Majority Leader Kerry Benninghoff
President Pro Tempe Jake Corman
Senate Majority Leader Kim Ward
Geoff Moulton, Court Administrator of Pennsylvania