

**STATEMENT OF THE HONORABLE JAY COSTA CONCERNING
THE FINAL REAPPORTIONMENT PLAN
FOR THE PENNSYLVANIA SENATE**

July 3, 2012

On June 8, 2012, this Commission adopted a Final Reapportionment Plan for the Pennsylvania General Assembly, over my objection. I voted against the plan because it did not meet the requirements of the Pennsylvania Constitution or satisfy the directives of the Pennsylvania Supreme Court.

At the June 8 public meeting, I proposed a plan that contained significantly fewer county splits than the Final Plan. However, the Commission voted against my plan, despite the fact that it reduced county splits by nearly twenty percent. At the meeting, I indicated I would be supplementing my comments, because I had only been provided the Final Plan the day before, which was aptly titled “The Republican Senate Caucus Plan.” I had not been given an opportunity to analyze the plan in detail. This statement supplements the comments I made at the June 8 public meeting.

While I am disappointed that I was forced to vote against another plan proposed by this Commission, I was not surprised. Despite my numerous requests, this Commission has failed to recognize that it would be impossible to draft a fair plan that meets the needs of our citizens and the requirements of our Constitution, without the use of a well designed process. Unfortunately, the Final Plan passed by the Commission was the result of a process that could best be described as deficient, starting from day one. Despite the Supreme Court’s decision rejecting the Commission’s 2011 Final Plan, the Commission did not modify its process, resulting in the adoption of a second Final Plan that simply fails to address the requirements set forth by our Supreme Court.

In October 2011, this Commission passed a preliminary plan (the “2011 Preliminary Plan”). As I discussed in detail in two public statements last fall, I took exception to the process employed by this Commission before and after the 2011 Preliminary Plan was adopted, including the presentation of the 2011 Preliminary Plan only one hour before we were asked to vote on it.

After the 2011 Preliminary Plan was adopted, I urged the Commission to consider the public commentary, which was nearly universal: the 2011 Preliminary Plan split far too many political subdivisions. However, this Commission never considered the public’s comments, formally or informally. As a result, the Commission adopted a final plan that failed to meet the requirements of the Pennsylvania Constitution (the “2011 Final Plan”).

The Supreme Court agreed that the 2011 Final Plan was deficient. On January 25, 2012, the Court rejected the 2011 Final Plan and ordered this Commission to create a new plan and promised to provide guidance, which would come in the form of an 87 page opinion issued on February 3, 2012 (the “Holt Opinion”).

After the Supreme Court rejected the 2011 Final Plan, but before it issued the Holt Opinion, there was an effort by certain Commission members to make minor modifications to the 2011 Final Plan and return it to the Supreme Court on an expedited basis. In fact, on January 26, 2012, one week before the Holt Opinion was issued, Representative Turzai requested that the Commission schedule meetings during the week of January 30 for the purpose of making minor modifications to the 2011 Final Plan.

When the Holt Opinion was issued, it immediately became clear that minor modifications would not suffice. The Holt Opinion made it clear that this Commission should adjust the manner in which it weighed the co-existing mandates of the

Pennsylvania Constitution. Notably, the Supreme Court found it significant that numerous plans had been presented to this Commission, which had divided considerably fewer political subdivisions than the 2011 Final Plan.

The Holt Opinion made it incumbent upon this Commission to reduce splits if and when it was presented with plans that contained considerably fewer political subdivision splits that also maintained similar population deviation. The Supreme Court also reminded us that we could not totally abandon the constitutional mandate that districts be comprised of compact territory.

Instead of embracing the Holt Opinion and attempting to analyze what it required of this Commission, Senator Pileggi and Representative Turzai immediately filed suit in federal court to enjoin the use of the 2001 redistricting plan in the 2012 election cycle. The federal court ultimately rejected that challenge.

Even after the federal court challenge failed and it was clear that the 2012 elections could proceed under the 2001 reapportionment maps, giving us time to analyze the requirements of the Holt Opinion, no mechanism was established to discuss the Holt Opinion or reach a consensus as to the goals to be achieved on remand. To the contrary, the Commission scheduled an initial public meeting for February 22, 2012, only 19 days after the Holt Opinion was issued and before any multilateral discussions had begun among the Commission members. For some members of the Commission alacrity, and not constitutional compliance, was the paramount goal.

The Commission conducted no business at the February 22, 2012 meeting because no Commission member was prepared to present a preliminary plan. In fact, the Commission had not even set up a process by which the preliminary plan could be developed.

To resolve the problem we encountered in developing the 2011 Final Plan, where two caucus leaders of the same chamber never met with the Chair or his representative, I proposed that, as part of the remand process, the Commission's counsel, or some other representative, serve as a mediator and liaison between the leaders of each respective house. We initially proceeded with this process. The mediation process, involving the Commission's counsel, was used to help determine which Senate District would be moved from Allegheny County to eastern Pennsylvania. Representatives Turzai and Dermody were able to avail themselves of a mediation process to determine which two House Districts should be relocated. Unfortunately, despite this success – or maybe because of it – the mediation process was stopped abruptly, and never continued, after these isolated matters were considered.

This brief mediation process was not replaced with any formal or informal decision making process. Instead, we generally reverted to the same unstructured situation that existed in developing the 2011 Final Plan, with only a few directives from the Commission regarding the new preliminary plan.

These directives established a systematic bias regarding the configuration of districts within the southeastern suburban counties. For example, the Commission decided that Senate Districts in Philadelphia and Montgomery Counties currently served by Democratic Senators would be adjusted to include the municipalities of Upper Dublin and Whitpain and that the Delaware County boroughs of Ridley Park, Prospect Park and Glenolden would be moved from Senate District 8 into Senate District 26. The directives were intended to achieve certain partisan results in the southeastern suburban counties. Of course, no counter-balancing directives were set forth in regards to the manner in which western Districts or seats held by Democratic senators would be configured.

After the quick adjournment of the February 22, 2012 meeting, at the Chairman's direction, the other four members of the Commission began to draft preliminary plans without input from the other members. I attempted to draft a plan that stayed within the framework presented – in the hopes that the Commission would adopt a plan that I proposed. I believed that a plan that reduced county splits and created compact districts would be treated in a favorable manner. The Chairman requested that each member of the Commission exchange a proposed preliminary plan with his counterpart on April 11 and he scheduled a full Commission meeting for the very next day, April 12, 2012, to adopt a preliminary plan.

On the morning of April 12, 2012, I received a copy of Senator Pileggi's proposed preliminary plan. To my surprise, his plan proposed to relocate Senate District 45 to eastern Pennsylvania, despite the mediator's earlier resolution that Senate District 37 should be relocated (Senator Pileggi's proposed preliminary plan is attached as Exhibit A). Later that morning, the Chairman presented his proposed "Compromise Plan." The "Compromise Plan" was a compromise in name only. The Chairman's plan was virtually identical to Senator Pileggi's plan, except for the decision to relocate Senate District 37 (which was changed by amendment to Senate District 40). The similarities between the Chairman's plan and Senator Pileggi's plan are striking and are reflected in the attached comparison of the total subdivision splits in each plan and a comparison of the performance in swing districts in each plan (Exhibit B). Further, a map showing the 2012 Preliminary Plan with Senator Pileggi's plan highlights the nearly identical nature of each (Exhibit C).

At the April 12, 2012 public meeting, I presented my proposed preliminary plan. The Commission rejected my proposed preliminary plan by a 3-2 vote. Representative

Dermody joined me in voting for the adoption of my proposed preliminary plan. Instead, the Commission adopted the Chairman's self-proclaimed "Compromise Plan" as the 2012 Preliminary Plan (the "2012 Preliminary Plan") over my objection. Those voting for the 2012 Preliminary Plan did not address the Holt Opinion except to emphasize that they still believed that the 2011 Final Plan was constitutional. To those members, the fact that the 2011 Final Plan had reduced splits by approximately 20 percent from the 2001 Final Plan was of more importance than the fact that the 2012 Preliminary Plan contained numerous unnecessary subdivision splits. After the 2012 Preliminary Plan was adopted, I requested that this Commission hold public hearings to solicit input regarding the 2012 Preliminary Plan.

The Commission held two public hearings regarding the 2012 Preliminary Plan. Unfortunately, the Commission scheduled those public hearings in close proximity to the 2012 Primary Election, which took place on April 24, 2012. The public hearings occurred only in Harrisburg, on May 2, 2012 and May 7, 2012. Those who testified again presented a common theme: the 2012 Preliminary Plan contained unnecessary county splits. Similarly, in respect to the Plan for the House, many officials complained that their municipalities were unnecessarily split. As with the 2011 public hearings, local officials testified that these splits adversely impact the ability of our local officials to work with the General Assembly in a coordinated and effective manner.

One of the witnesses who testified at the public hearings was Amanda Holt, who presented this Commission with a proposed Senate plan that contained 29 fewer county splits than the 2012 Preliminary Plan. Unfortunately, not all of the Commission members were available to hear Ms. Holt's testimony.

Had each Commission member been available to hear her testimony, they would have heard that Ms. Holt's plan was in many ways compatible with the plan that I had proposed at the April 12, 2012 public meeting. Ms. Holt's plan avoided several splits in southwestern Pennsylvania that were also eliminated in my proposed preliminary plan. Like my plan, Ms. Holt's plan placed 5 Senate Districts entirely within Allegheny County. Her plan placed Senate District 47 entirely within Beaver and Lawrence Counties. Her plan placed Senate District 46 entirely within Greene and Washington counties. Ms. Holt also was able to reduce county splits in the suburban Philadelphia counties.

In addition to Ms. Holt, others provided compelling testimony. Residents of Butler and Beaver counties asked this Commission to keep their counties intact. Residents of Montgomery County asked why the state's third largest county did not have even one Senate District wholly within its borders.

These unnecessary splits could have been removed from the final plan had this Commission taken seriously the evidence presented to it by the public and the directives provided by the Supreme Court in the Holt Opinion. On May 14, 2012, I filed exceptions to the 2012 Preliminary Plan reflecting these concerns, and specifically identified significant county splits that were unnecessary. I had hoped that this Commission would review these exceptions along with the comments of the public in general, take them seriously, and make appropriate adjustments to the 2012 Preliminary Plan so that it would meet the requirements of the Supreme Court and our Pennsylvania Constitution.

Unfortunately, since the enactment of the 2012 Preliminary Plan – and frankly since this Commission received this matter on remand from the Supreme Court – members of this Commission have had no meaningful discussions to examine how

unnecessary splits could be reduced. In fact, aside from the brief mediation process, which had ceased by the time the Commission had adopted the 2012 Preliminary Plan, the Commission did not even attempt to institute a process whereby the 2012 Preliminary Plan could be analyzed in the context of our constitutional mandates of equal population where practicable and no splits of political subdivisions unless absolutely necessary. Further, the Commission never established a process whereby we could review or discuss the public comments, which greatly disfavored unnecessary subdivision splits. Despite this lack of collective analysis, I continued to hope that the Commission would consider the public comments and my exceptions and help develop a final plan that eliminated unnecessary county splits.

This did not occur. Two days before a vote on the final plan, the Chairman's staff informed me that the Chairman would not be submitting a proposed final plan. Instead, I received Senator Pileggi's proposed plan on June 7, 2012 at approximately 2:30 PM, less than 24 hours before our scheduled hearing. When I reviewed the plan – identified as the "Senate Republican Caucus Proposed Final Senate Plan" (attached as Exhibit D), it was immediately clear that I could not vote for this plan. The plan, as a whole, contained too many unnecessary county splits. For example, the plan failed to meaningfully address the unnecessary splits involving southwestern districts, by continuing to unnecessarily split Beaver, Butler, Washington and Westmoreland Counties, as well as numerous counties in the southeast. That night, I worked with my staff in an effort to produce a plan that would retain the majority of the districts proposed in Senator Pileggi's plan, retain the makeup of the southeastern districts which had been dictated to me, and yet eliminate numerous unnecessary splits.

At the June 8, 2012 public meeting, I presented a modified final plan that I had created with my staff in less than 24 hours, in the hopes that we could minimize the number of county splits and avoid potential Supreme Court challenges (the “Costa Amendment” attached as Exhibit E). The Costa Amendment removed ten unnecessary county splits. This represented a reduction in county splits from 53 to 43, or 19 percent – roughly the same percent reduction that certain Commission members had lauded as a notable achievement while challenging the Supreme Court’s rejection of the 2011 Final Plan. Unfortunately, given the lack of a framework to analyze public comments and proposed split reduction, the Commission was unable to properly consider the requirements imposed by the Constitution and the Holt Opinion, as well as public comments. Unfortunately, the Commission rejected the Costa Amendment by a 3-2 vote and adopted the Senate Republican Caucus Proposed Final Senate Plan as the 2012 Final Plan (the “2012 Final Plan” attached as Exhibit F).

As I noted in my comments at the June 8 public hearing, the 2012 Final Plan clearly violates the Pennsylvania Constitution and ignores the directives of the Holt Opinion. The Final Plan only made adjustments to the Preliminary Plan where it was politically expedient. In short, the Final Plan only pays lip service to the Constitution.

The Costa Amendment shows that, even working within the confines of the Senate Republican Caucus Proposed Final Plan – which was passed as the 2012 Final Plan - at least 10 splits are not absolutely necessary. In fact, they are created for obvious partisan advantage – certainly not a basis sanctioned by the Constitution.

The Final Plan locates a portion of Senate District 37 in Peters Township, Washington County and relocates the Beaver County municipalities of Aliquippa City, Frankfort Springs Borough, Hanover Township, Hopewell Township, Independence

Township and South Heights Borough into Senate District 46 – as shown on Exhibit G. However, the Costa Amendment completely eliminated splits in Washington and Beaver Counties – as shown in Exhibit H. These splits are not necessary to achieve equal population or any other constitutional objective.

In fact, by including Peters Township in Senate District 37, the Commission chose to value partisan performance over its constitutional mandate and the underlying purpose of that mandate to respect local governments. Extending Senate District 37 across the Washington County line to include Peters Township was done for one, and only one, purpose – to increase Republican performance. As shown on Exhibit I, Democratic performance in Peters Township is 29 percent. Including Peters Township improves Republican performance in the district by over 1 percent (Exhibit J), which is a significant impact in a swing district. This split was not made out of necessity. Unlike Peters Township, which is wholly contained within Washington County, McDonald Borough is located in both Allegheny and Washington Counties. The Final Plan splits McDonald Borough between Senate Districts 37 and 46. (See Exhibit K). Obviously, the Final Plan was focused more on improving partisan performance at the expense of Constitutional compliance, rather than on focusing on truly necessary splits.

The 2012 Final Plan locates a portion of Senate District 47 in the following Butler County municipalities: Harmony Borough, Jackson Township, Lancaster Township, Muddy Creek Township, Portersville Borough, Worth Township and Zelienople Borough. As confirmed by both the Costa Amendment and the maps presented by Amanda Holt, Senate District 47 could have been placed entirely within Beaver and Lawrence Counties, avoiding county and municipality splits. The Senate Republican Caucus Plan, which became the 2012 Final Plan, replaced Beaver County municipalities with Butler County

municipalities. The average Democratic performance in those Butler County municipalities is 31 percent, as opposed to 59 percent in the Beaver County townships that were removed from Senate District 47 (See Exhibit L). As a result, the Final Plan reduces the prospective performance of Democrats in that district by nearly 5 percent when compared with the 2001 final plan currently in effect (See Exhibit J). Nowhere in the Constitution or the Holt Opinion is this type of manipulation permitted.

This effort to achieve inappropriate partisan advantages in Senate Districts 37 and 47 is the only plausible explanation for the unnecessary splits of Beaver, Butler and Washington Counties. This configuration also created an unnecessary split in Westmoreland County, as Senate District 45 had to be extended to balance the population loss resulting from the placement of Peters Township, Washington County into Senate District 37, an otherwise Allegheny County district.

In the southeast, the Final Plan locates a portion of Senate District 44 in Berks County and reduces prospective Democratic performance in that district by nearly 4 percent from the 2001 Final Plan, as shown in Exhibit J. As a result, Berks County contains a total of four Senate Districts in the Final Plan, or two more than required by its population. The Final Plan also locates a portion of Senate District 12 in Bucks County and reduces prospective Democratic performance in that district.

These county splits, employed to manipulate partisan performance at the expense of respecting the integrity of county borders created a ripple effect throughout the southeast. The unnecessary splits in Berks and Bucks Counties required adjustments in several other counties, including Chester, Delaware and Montgomery, each of which contains at least one more Senate Districts than necessary. For example, Senate District 26 is located in Delaware and Chester counties instead of being located wholly within

Delaware County. The Republican Senate Caucus Plan - now the Commission's 2012 Final Plan - cuts and carves Montgomery County, the state's third largest county. Montgomery County contains portions of six Senate Districts but none entirely within its borders despite the fact that the county, with a population of 799,879 could accommodate 3.15 Senate Districts.

The use of excessive and unnecessary splits in the southeastern suburban counties must be evaluated in the context of the voter patterns that have changed over recent decades. Montgomery County now has a Democratic performance average of 52 percent. Delaware County has a Democratic performance of 53 percent, Bucks County has a Democratic performance of 48 percent and Chester County has a Democratic performance of 44 percent. Collectively, these four counties have a Democratic performance of 50 percent. The population of these four suburban counties – Bucks, Chester, Delaware and Montgomery - is 2,482,988. In other words, with a population base so large, and a voting pattern so balanced, one would expect to see a fairly equal allocation of General Assembly members from each party in thee region. Unfortunately, through the use of excessive splits of political subdivisions, the 2012 Final Plan contorts the landscape to ensure a disproportionate advantage for one political party.

Dividing that population of Bucks, Chester, Delaware and Montgomery Counties by the average number of residents within a Senate District – 254,048 – would produce 9.8 Senate Districts, or 10 Senators – which would require 9 splits. Instead, the 2012 Final Plan, through the use of excessive and unnecessary splits, places 12 Senate Districts in those four counties – of which nine Senators are based in and residents of one of those four counties. Of these nine resident incumbent senators, seven are Republicans and two are Democrats. See Exhibit M and N.

To preserve this partisan imbalance in the face of equality in voting patterns, the 2012 Final Plan splits the four suburban counties 14 times, five more than required. These unnecessary splits in the four suburban Philadelphia counties have the effect of protecting Republican incumbents from the changing voting patterns in the region. As Exhibit O shows, with the 2012 Final Plan configuration, Republican performance stays the same or improves in five of the seven Senate Districts currently represented by a Republican. The two Senate Districts currently represented by a Republican in which performance did not increase or stay the same still have Republican performance of 50 percent or higher. In other words, the 2012 Final Plan uses unnecessary splits to retain the political imbalance in the southeast.

The use of unnecessary splits in Bucks, Chester, Delaware and Montgomery Counties in the Senate and the House versions of 2012 Final Plan has the effect of perpetuating a grossly distorted partisan outcome. (See Exhibits P-U). Despite equal voting patterns – literally 50-50 between Democrats and Republicans – the Republicans seek to preserve a greater than two to one advantage among the 9 resident senators (7 Republican to 2 Democratic).

At a macro level, the use of partisan splits statewide is clear. In the Senate, the Final Plan contains numerous excess county splits – 26 in total – or approximately 50 percent of the total county splits in the Senate map of the 2012 Final Plan - as shown on the chart attached as Exhibit V. The unnecessary splits can be traced nearly universally to increasing partisan performance.

As shown on Exhibit W, the number of unnecessary county splits is highest in the counties served only by a Republican Senator – those counties contain 200 percent more splits than necessary to achieve equal population. These splits were retained in the 2012

Final Plan to protect Republican incumbents. Again, partisan advantage is simply not a justification under the Constitution for a county split.

The desire to increase political performance is further highlighted by the treatment afforded to areas historically associated with Democratic performance. As shown on Exhibit X, the 2012 Final Plan places 5 municipalities that contain public colleges with an enrollment greater than 2,000 students into new Senate Districts. One such change was the relocation of Washington Township, Erie County – the home of Edinboro University – from Senate District 49 to Senate District 50. The effect of this change was to reduce Democratic performance in Senate District 49 by almost 1 percent. Removing Edinboro University from an Erie-based district counter’s the historic presence of that university in the Erie-based senate district. See Exhibit Y. As Exhibit X shows, four of these changes occurred in Senate Districts with decreased Democratic performance.

The calculated use of unnecessary splits to enhance Republican performance is further illustrated by the treatment of Lehigh County in the 2012 Final Plan. The City of Bethlehem is located in both Northampton and Lehigh Counties, with the majority of the City in Northampton County. Generally, Senate District 18, represented by a Democratic Senator, has been based in Northampton County, and Senate District 16, held by a Republican Senator, as been based in Lehigh County, which includes the City of Allentown and its suburbs. The 2001 Final Plan placed the City of Bethlehem entirely within Senate District 18. Clearly, this unification of the City of Bethlehem qualifies as a “necessary” split of Lehigh County. However, 2012 Final Plan transforms this necessary split into a grossly partisan division by unnecessarily placing the ring of Allentown suburbs, all in Lehigh County, into the Northampton County based Senate District 18.

Thus, in addition to the City of Bethlehem, the 2012 Final Plan places the following Lehigh County municipalities in Senate District 18: Catasauqua Borough, Coplay Borough, Emmaus Borough, Fountain Hill Borough, Hanover Township, Salisbury Township and Whitehall Township. Each of these municipalities has favorable Democratic performance (see Exhibit Z). The Commission, in adopting the Senate Republican Caucus Plan as the 2012 Final Plan, removed these Lehigh County municipalities from a district serving Lehigh County into Senate District 18 and effectively decreased Democratic performance in Senate District 16. Again, such partisanship is simply not a basis to establish the absolute necessity of county splits. The Allentown suburbs should be included with the City of Allentown to provide effective representation to the metropolitan area.

The Commission's cavalier response to the Holt Opinion is reflected by its treatment of Harrisburg and Senate District 15. The 2011 Preliminary Plan created a 15th Senate District that was shaped like the letter "C" around Harrisburg. Public comments were consistent: the Commission should keep the City of Harrisburg, with a population of 49,528, and the Dauphin County seat, in the 15th Senate District. The 2011 Final Plan kept Harrisburg outside the 15th District. In the Holt Opinion, this Court said, "we trust that the [Commission] in formulating its new plan, and necessarily reducing the political subdivision splits and fractures, will be attentive to the concerns of historically unified subdivisions such as County seats." Nonetheless, in the 2012 Preliminary Plan, Harrisburg continued to be excluded from the 15th Senate District, again for partisan performance objectives. I continued to complain about this effective disenfranchisement of Harrisburg voters, a majority of whom are African Americans (see Exhibit AA), including these objections in my exceptions. In a most cynical response, the 2012 Final

Plan now includes Harrisburg in the 15th Senate District, but extends that district into Perry County, a county that has vastly different demographic and community interests than the City of Harrisburg and Dauphin County. The 15th Senate District now extends from the eastern most border of Dauphin County to the western most border of rural Perry County. The addition of Perry County in Senate District 15 has a clear purpose – to dilute the voice of Harrisburg’s voters. By mixing the voters of urban Harrisburg with the voters of rural Perry County, where Democratic performance is only 26.5 percent, the historic political performance in that district is altered by nearly 3 percent, compared to the 2001 final plan. This split of Senate District 15 was not necessary as the population of Dauphin County exceeds the optimal number of residents required for a single district, and, thus, all of Senate District 15 could have been located within Dauphin County.

The Commission also disregarded the Supreme Court’s instruction to create compact districts. Senate District 35, discussed in the Holt Opinion for its obvious non-compactness, remains one of the least compact Senate Districts in the 2012 Final Plan. The district sprawls from the Maryland border to the northern most point of Clearfield county, a distance of 109.34 miles – the largest span of any Senate District in the state. As a result, the prospective performance of Democrats in Senate District 35 is reduced by approximately 4 percent from the 2001 final plan. In addition, the Final Plan shifts the non-compactness of Senate District 3, discussed in the Holt Opinion, to Senate District 2.

The 2012 Final Plan also undermines the unified voice of African-Americans in the City of Pittsburgh. By stretching Senate District 38 from the City of Pittsburgh to the northern most point of Allegheny County, the 2012 Final Plan takes a district made up of a nearly 30 percent African-American population (See Exhibit BB) and converts it to a district that now contains a 6 percent African American population (See Exhibit CC).

This is inappropriate and challenges valid constitutional objectives. Not coincidentally, prospective Democratic performance in that district is reduced by 20 percent (See Exhibit J).

The Commission cannot defend these unnecessary splits simply by suggesting that there are less unnecessary splits in the 2012 Final Plan than in the 2011 Final Plan. The clear and demanding language of Article 16, Section II that splits of governmental entities be permitted only if “absolutely necessary” does not tolerate a limited adjustment. At the June 8, 2012 meeting, Representative Turzai continued his ongoing protestations that the Supreme Court was in error in rejecting the 2011 Final Plan. Yet he voted against the Costa Amendment which reduced county splits from the 2012 Final Plan by 19 percent. The Constitution requires more than comparisons of past plans. The Holt Opinion has clarified that the Commission is to reduce unnecessary political subdivision splits. Unfortunately, the Commission was never able to clarify exactly what was required of it because it never met to discuss the Holt Opinion – either formally or informally. Frankly, as evident by remarks made at the June 8, 2012 meeting adopting the 2012 Final Plan, there remained an inappropriate obstinance in refusing to fairly and meaningfully consider the Holt Opinion and guide our decision-making accordingly. Sadly, the Commission followed no defined process, and drifted without a chance to consider public comments or the Constitutional objections placed upon it under the Pennsylvania Constitution, as set forth in the Holt Opinion.

The citizens of Pennsylvania deserve better. The Constitution calls on us to be statesmen, but this Commission cannot claim that mantle. The Costa Amendment showed that many unnecessary splits could have been eliminated. I am hopeful that the Supreme Court will grant us another opportunity to adopt a Final Plan that meets the

mandates of Article II, Section 16 of the Pennsylvania Constitution. With the help of a strong neutral, as contemplated by our Constitution, we can meet these constitutional goals, address the concerns of the public and create a plan that fairly reflects the diverse make-up of this Commonwealth. The 2012 Final Plan did not do this, and, for these reasons, I respectfully reaffirm my objection to that plan.