

IN THE SUPREME COURT OF PENNSYLVANIA

No. 7 MM 2022

CAROL ANN CARTER, et al, Petitioners,

v.

LEIGH M. CHAPMAN, et al., Respondents.

Review of the Recommended Findings of Fact and Conclusions of Law of the Commonwealth Court of Pennsylvania, entered on February 7, 2022, at Nos. 464 MD 2021 & 465 MD 2021.

**SPECIAL PETITION FOR LEAVE TO FILE
AN AMICUS BRIEF ON BEHALF OF
CONCERNED CITIZENS FOR DEMOCRACY
UNDER PENNSYLVANIA RULE OF
APPELLATE PROCEDURE 531(b)(1)(III)**

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Proposed *amicus curiae*, Concerned Citizens for Democracy, by and through its counsel, Gordon & Ashworth, P.C., files this Special Application for Leave to File an Amicus Brief Pursuant to Pa.R.A.P. 531(b)(1)(iii), and in support thereof avers:

I. CCFD SEEKS TO FILE AS AMICUS UNDER RULE 531, NOT UNDER THE COURT’S PRIOR ORDERS.

1. Proposed amicus Curiae, Concerned Citizens for Democracy (“CCFD”), requests leave to file as an amicus under Pa.R.A.P. Rule 531, and not as an Amicus Participant under Paragraph 5 of the Court’s *Per Curiam* Order issued on February 2, 2022.

2. Applicant is not governed by the February 2, 2022 Order, because it explicitly addresses the rights of “Participants” before the Commonwealth Court. Applicant seeks to proceed as an amicus, not a Participant.

3. Applicant does not seek to file exceptions to the Special Master’s Report. Applicant’s proposed filing does not challenge any of the proposed findings of fact issued in the Report.

II. CCFD’S UNIQUE PERSPECTIVE AND EXPERTISE IN THE LAW AND DATA ANALYSIS UNDERLYING ELECTORAL REDISTRICTING SUPPORTS GRANTING PERMISSION TO FILE AN AMICUS BRIEF.

4. CCFD is a non-party interested in the questions involved in this matter and wishes to present information that will be helpful to the court in developing and refining criteria to end partisan-gerrymandering and vote dilution as well as choosing or refining a proposed 17-seat electoral congressional map.

5. CCFD is a 501(c)(3) Pennsylvania nonprofit association which has been studying partisan gerrymandering and how to prevent it since February of 2017. CCFD filed two briefs in *League of Women Voters of Pa. v. Commonwealth of Pa.*, 645 Pa. 1, 175 A.3d 282 (Pa. 2018) (“*LWV*”) that appeared to be very helpful to the Court in drafting its 2018 remedial map.

6. The Court’s 2018 Remedial Map reflected both the methodology presented by CCFD and adopted some of the boundary line choices which made the map a great success.

7. CCFD seeks to present ideas and refinements on a neutral judicially manageable standard for designing electoral maps that prevent gerrymandering and voter dilution under Article 1 Section 5 of the Pennsylvania Constitution.

8. Specifically, CCFD presents reasons for the Court to adopt a 5th criterion to prevent partisan redistricting, in addition to the four Constitutional criteria for drafting fair electoral maps.

9. CCFD also seeks to present a step-by-step guide, or methodology, for redistricting, which will be useful to the court in two ways.

10. First, the step-by-step guide presents a neutral methodology of assembling electoral districts in a highly compact manner.

11. Second, the methodology sets a standard for quality map drafting (similar to the 2018 remedial map) which can serve as a benchmark for drafting future electoral maps. By explicitly adopting a methodology reflected in the 2018 Map as a legal standard, the Court will solve the problem of articulating a neutral, judicially manageable standard to evaluate competing maps, and, if necessary, revise maps to ensure fair districting.

WHEREFORE, proposed *amicus curiae*, Concerned Citizens for

Democracy respectfully requests that this Court grant its Special Application For Leave To File an Amicus Brief.

Respectfully submitted,

/s Brian A. Gordon

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On behalf of
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CERTIFICATE OF SERVICE

On this February 14, 2022, I served a true and correct copy of the foregoing pleading to all parties in this matter via e-filing with this Court's Unified PA Judicial website.

Respectfully submitted,

/s Brian A. Gordon

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