



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
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THE GOVERNOR

January 26, 2022

TO THE HONORABLE HOUSE OF REPRESENTATIVES OF THE
COMMONWEALTH OF PENNSYLVANIA

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 2146, Printer's Number 2541.

This legislation fails the test of fundamental fairness. The result of a partisan political process, HB 2146 does not deliver on the Pennsylvania Constitution's guarantee of free and equal elections. The people of Pennsylvania deserve a fair election map that promotes accountability and responsiveness to voters and is drawn in an open and honest way. Instead, HB 2146 adopts a map selected by politicians to take advantage of the process and choose their own voters. This directly contravenes a "core principle of our republican form of government" identified by the Pennsylvania Supreme Court: "that the voters should choose their representatives, not the other way around." *League of Women Voters v. Commonwealth*, 178 A.3d 737, 740-41 (Pa. 2018).

Last year, I convened a Pennsylvania Redistricting Advisory Council made up of six members with expertise in redistricting, political science, and mapmaking, to establish a set of Redistricting Principles to help guide my review of maps considered and ultimately passed by the General Assembly. The Redistricting Advisory Council met numerous times, and subsequently held a series of in-person and virtual public listening sessions across the state to take public feedback on the Redistricting Principles and the redistricting process. The Redistricting Principles were finalized and made public in late November and consist of (1) Legal Principles, *i.e.*, directives for compliance with legal requirements, such as ensuring that population deviations between districts comply with the United States and Pennsylvania Constitutions; as well as (2) Principles of Representation, *i.e.*, guidance to ensure that communities of interest are maintained, that representation is fair, and that the public can participate meaningfully in the process. This bill fails to comply with the Redistricting Principles outlined by the Redistricting Advisory Council.

First, 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. Second, the Redistricting Advisory Council recommended that I review proposed maps to determine whether their expected performance is consistent with statewide voter preference. The HB 2146 map falls short on this basic measure of partisan fairness, giving a structural advantage to Republican candidates that far exceeds the party's voter support. A comparison of the HB 2146 map to prior election results and to neutrally drawn maps, using rigorous mathematical methodology, has demonstrated that the HB 2146 map would unnecessarily create noncompetitive districts unresponsive to Pennsylvania political trends and prevailing voter preference. Third, the HB 2146 map does not adequately satisfy the traditional redistricting criteria identified by the Pennsylvania Supreme Court in *League of Women Voters*. Last, despite promises of an open and transparent process, Democratic members of the General Assembly were completely cut out of the process of selecting the map from start to finish. As recently as January 18, 2022, as HB 2146 moved out of committee, the Pennsylvania Senate Republican Caucus issued a press release alerting the public that

"[a]dditional amendments are expected," in an effort to reach bipartisan compromise. Ultimately, these repeated promises of bipartisanship were only kept to the extent that several Republican members of the House of Representatives crossed the aisle to vote against this unfair map.

After this bill was introduced, I made my strong objections to the congressional redistricting map clear and urged bipartisan cooperation. I even provided the General Assembly with two congressional redistricting map options as examples of the type of map I would support – free of gerrymandering, consistent with the principles of the Redistricting Advisory Council, and in full accord with the Voting Rights Act and United States and Pennsylvania Supreme Court precedent – and to show that there are multiple ways to draw a fair map that meets the Redistricting Principles. Instead, the HB 2146 map was the only map considered by the General Assembly despite all the time they had to introduce maps for public comment and debate. The public deserves a fair map completed in a bipartisan manner; the General Assembly failed to adopt one.

For the reasons set forth above, I must withhold my signature from House Bill 2146, Printer's Number 2541.

Sincerely,



TOM WOLF
Governor

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