



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

December 21, 2021

Via Hand-Delivery and E-Mail

The Honorable Mark A. Nordenberg, Chair
The Honorable Kim Ward
The Honorable Kerry Benninghoff
The Honorable Jay Costa
The Honorable Joanna McClinton

Legislative Reapportionment Commission
c/o Legislative Data Processing Center
Senate Box 64, Main Capitol Building
Harrisburg, PA 17120

Re: Anticipated Impacts Concerning the 2021 Legislative Reapportionment Timeline

Dear Members of the Legislative Reapportionment Commission:

The Department of State (“Department”) received Thursday afternoon, December 16, 2021, from the Pennsylvania Legislative Reapportionment Commission (“LRC”), the Preliminary Reapportionment Plan for the Pennsylvania Senate and the Pennsylvania House of Representatives the LRC developed. The Department previously arranged with other commonwealth agencies and outside vendors for the drafting of advertisements containing maps and notice of the proposed districts. Those efforts have commenced. As required by the Constitution of Pennsylvania, the advertisements will be placed in newspapers throughout the commonwealth to ensure opportunities exist for notice to be received by Pennsylvanians so that they may consider and file exceptions, if desired, with the LRC by the January 18, 2022, deadline.

As previously communicated to the LRC, I have serious reservations about the impact of the reapportionment process schedule on the 2022 election cycle, despite the LRC’s thorough and accelerated efforts in developing this plan. As I noted in my letter of June 28, 2021, candidate circulation of nomination petitions is defined by statute, as is the date of the primary election. The 2022 General Primary Election is to be held May 17, 2022. 25 P.S. § 2753. That date in turn sets the period when nomination petitions may be circulated. 25 P.S. § 2868. In

2022, the first day for circulation of nomination petitions is February 15, 2022, and the last day is March 8, 2022. Those dates, however, presuppose that potential candidates know the legislative districts within which they plan to run. Candidates must know the size and shape of legislative districts, as only registered voters in a district are eligible to sign nomination petitions for those seeking office in their legislative district.

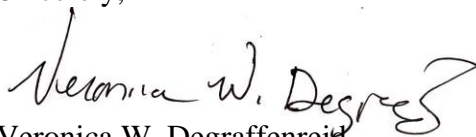
The problem is that the combination of LRC hearings, consideration of those comments by the LRC, and final plan release, will impact both the above dates as well as the follow-on event dates in the election cycle, including deadlines for candidates to withdraw, the adjudication of objections to individual nomination petitions, the preparation and delivery of balloting materials for military and overseas voters, and subsequent activities related to ballot preparation for the Primary.

These problems are exacerbated by other factors. In my June 28, 2021, letter I noted that three weeks of lead time before circulation of nomination petitions was required for counties to properly update voter registration files to ensure voters were assigned to revised election districts. That estimate was based on discussions with county election offices. The start of those three weeks begins after the date highlighted in my June letter as the date by which the Department needs a final map to be effective: January 24, 2022. This date is a mere week after the deadline date (January 18, 2022) for the filing of exceptions with the LRC. And the whole process will be further impacted by the time necessary to file and consider any appeals to the Pennsylvania Supreme Court of the final reapportionment plan. In short, it will not be possible to comply with the constitutionally mandated timeline for the finalization of the reapportionment plan, and the current statutorily established deadlines for the beginning of petition circulation period and other subsequent deadlines leading up to the primary.

The purpose of this letter is not to find fault with the work of the LRC, but rather to identify the problems we will face if no measures are undertaken by either the legislature or the Supreme Court to mitigate these very serious risks to administration of the upcoming election cycle.

Please contact me if you have any question concerning this letter, or whether I can provide you any assistance. And I thank you all for your efforts on behalf of all Pennsylvanians.

Sincerely,



Veronica W. Degraffenreid
Acting Secretary of the Commonwealth

cc: G. Reynolds Clark (by hand delivery and email)
Robert Beyer (by hand delivery and email)