

## **Pennsylvania Constitution's Free and Equal Elections Clause**

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

PA CONST Art. 1, § 5

## **Pennsylvania Constitutional Provision Governing Legislative Districts**

The Commonwealth shall be divided into fifty senatorial and two hundred three representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable...Unless absolutely necessary, no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.

PA CONST Art. 2, § 16

## February 7, 2018 Majority Opinion

Consequently, for all of these reasons, and as expressly set forth in our Order of January 22, 2018, we adopt these measures as appropriate in determining whether a congressional redistricting plan violates the Free and Equal Elections Clause of the Pennsylvania Constitution. Therefore, an essential part of such an inquiry is an examination of whether the congressional districts created under a redistricting plan are:

composed of compact and contiguous territory; as nearly equal in population as practicable; and which do not divide any county, city, incorporated town, borough, township, or ward, except where necessary to ensure equality of population.

*League of Women Voters v. Commonwealth*, 178 A.3d 737, 817-18 (Pa. 2018)

## Justice Baer's February 7, 2018 Concurrence/Dissent

Accordingly, I am unwilling to engraft into the Pennsylvania Constitution criteria for the drawing of congressional districts when the framers chose not to include such provisions despite unquestionably being aware of both the General Assembly's responsibility for congressional redistricting and the dangers of gerrymandering. It is not this Court's role to instruct the Legislature as to the 'manner of holding elections,' including the relative weight of districting criteria.

*League of Women Voters v. Commonwealth*, 178 A.3d 737, 828 (2018) (Baer, J. Concurring and Dissenting)

## The U.S. Constitution's Elections Clause

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

U.S. Const. Art. I § 4, cl. 1

## Pennsylvania Constitutional Provision Governing Passage of Legislation

Every bill which shall have passed both Houses shall be presented to the Governor; if he approves he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to re-consider it. If after such re-consideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be re-considered, and if approved by two-thirds of all the members elected to that House it shall be a law...

PA CONST Art. 4, § 15