

IN THE SUPREME COURT OF PENNSYLVANIA

No. 11 MM 2022

**KERRY BENNINGHOFF, individually and as Majority Leader of the
Pennsylvania House of Representatives,
*Petitioner,***

v.

**2021 LEGISLATIVE REAPPORTIONMENT COMMISSION,
*Respondent.***

**ANSWER OF LEIGH M. CHAPMAN, THE ACTING SECRETARY OF
THE COMMONWEALTH, AND JESSICA MATHIS, DIRECTOR FOR
THE BUREAU OF ELECTION SERVICES AND NOTARIES, TO THE
APPLICATION OF PETITIONER KERRY BENNINGHOFF TO AMEND
THE COURT'S FEBRUARY 17, 2022 ORDER TO ALLOW FOR REPLY
BRIEFS AND ORAL ARGUMENT**

On Review of the Legislative Apportionment Commission's
Final Reapportionment Plan for the Pennsylvania House of Representatives and
Pennsylvania Senate (adopted February 4, 2022)

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Respondents Leigh M. Chapman, the Acting Secretary of the Commonwealth, and Jessica Mathis, Director of the Bureau of Election Services and Notaries (collectively, the “Department of State” or “Department”), respectfully submit this Answer to the Application to Amend the Court’s February 17, 2022 Order to Allow for Reply Briefs and Oral Argument filed by Petitioner Kerry Benninghoff, individually and as Majority Leader for the Pennsylvania House of Representatives (the “Application”).

1. The Application requests that the Court set a deadline by which any petitioner may file a reply to the Commission’s response brief and/or set this matter for oral argument.

2. The Department takes no position on the substance of Petitioner’s request, except that the Department opposes the Application to the extent that any of the requested relief would prevent the Court from deciding the appeals of the legislative Final Reapportionment Plan by March 18, 2022.

3. As the Department stated in its submission to this Court in the *Carter v. Chapman* redistricting litigation, if this Court “enter[s] a final ruling on the legislative Final Plan by **March 18, 2022**, the May 17 primary date could (if the Final Plan is determined to be lawful) also remain in place.” *See* Respondents’ Exceptions Regarding the Special Master’s Proposed Revision to the 2022 Election Calendar/Schedule And Incorporated Brief in Support Thereof at 11, *Carter et al.*

v. Chapman, et al., No. 7 MM 2022 (Pa. Feb. 14, 2022). As set forth in its *Carter* submission, the Department would strongly prefer for all primary elections to be held on the current May 17 primary election date, if at all possible.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

Dated: March 8, 2022

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*Counsel for Respondents Leigh M. Chapman
and Jessica Mathis*

CERTIFICATION REGARDING PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Dated: March 8, 2022

/s/ Robert A. Wiygul
Robert A. Wiygul

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