

**IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY, PENNSYLVANIA**

IN RE:

**PETITION OF THE COUNTY OF
LACKAWANNA BOARD OF
ELECTIONS FOR THE DIVISION OR
RE-DIVISION OF CERTAIN ELECTION
DISTRICTS INTO TWO OR MORE
ELECTION DISTRICTS AND THE
CONSOLIDATION OF CERTAIN
ELECTION DISTRICTS**

NO. 04 – CV - 4650

**PETITION FOR PERMISSION TO CONSOLIDATE AND
DIVIDE CERTAIN ELECTION DISTRICTS**

TO THE HONORABLE JUDGES OF SAID COURT:

NOW COMES the County of Lackawanna Board of Elections, by and through its undersigned counsel, and pursuant to Section 2704 of the Pennsylvania Election Code, 25 P.S. §2704, hereby petitions this Honorable Court for the division or re-division of certain election districts into two or more election districts and also the consolidation of certain adjoining election districts, and in support thereof provides as follows:

BACKGROUND

1. The County of Lackawanna Board of Elections (“Board”), by and through the County Commissioners of Lackawanna County, has the power and authority to petition the Court of Common Pleas of Lackawanna County for the division or re-division of certain election districts into two or more election districts and the consolidation of certain adjoining election districts in and for the County of Lackawanna, pursuant to Section 2704 of the Pennsylvania Election Code, 25 P.S. §2704.

2. The County of Lackawanna has not reviewed nor changed the election districts within its borders in approximately forty (40) plus years.

3. The population and the number of registered electors in the County of Lackawanna have decreased significantly along with a shift in population and registered electors from certain areas and municipalities to other areas and municipalities within the County.

4. The existing election districts in Lackawanna County do not fairly represent the number of registered electors as they presently exist.

5. Presently, certain election districts have a number of registered voters that are more than doubled as permitted by the Pennsylvania Election Code, while certain other election districts have significantly less than half the number of registered voters as permitted by the Pennsylvania Election Code.

6. Currently, one election district has 98 registered electors (Dunmore 4), while another has 2,895 registered electors (South Abington 1).

7. There are many election districts in Lackawanna County that have approximately 250 to 350 registered electors.

8. The Board wishes, and therefore is requesting, that the election districts be changed, as stated in this Petition, in order to more evenly divide the registered electors among the election districts and to be in compliance with the Pennsylvania Election Code.

LEGAL REQUIREMENTS

9. Pursuant to Section 2702 of the Pennsylvania Election Code, 25 P.S. §2702, when election districts are being divided or re-divided, or consolidated into new districts, the new election district formed shall not contain more than one thousand two hundred (1,200) registered electors, except for good cause shown.

10. This Petition filed by the County of Lackawanna Election Board is permitted under Section 2704 of the Pennsylvania Election Code, 25 P.S. §2704.

THE PROCESS

11. The Lackawanna County Bureau of Elections and its solicitor had several meetings reviewing the election information contained in the County of Lackawanna.

12. In preparing the consolidation plan presented herein, there were various factors and rationales that were taken into consideration.

13. Any election districts that are proposed for consolidation or division had to meet the following criteria:

- a. be in the same Congressional District;
- b. be in the same Legislative District;

- c. be in the same District Justice district;
- d. be in the same district that municipal officers are elected;
- e. be in the same School Board district; and
- f. be contiguous to each other.

14. Other factors examined by the Board consisted of the following:

- a. the convenience of the electors;
- b. promote the public interests;
- c. the present shift in the number of registered voters from different municipalities and the shift in the number of registered voters from different areas within municipalities;
- d. inaccessibility of current polling places, such as garages, for voters with disabilities;
- e. many election districts' polling places are already located at the same building with other election districts;
- f. the present decline in the number of available, qualified election officials, who are more difficult to find to work the polling places.

CONSOLIDATION PLAN

15. The Lackawanna County Bureau of Elections Consolidation Plan is attached hereto as **Exhibit "A"** and is incorporated herein. This Consolidation Plan includes the various election districts being consolidated and the 2 election districts being divided.

16. The maps of the new election districts, verbal descriptions of the new election districts and certification of the number of electors registered in each of the resulting election districts for the immediately proceeding municipal election for the City of Scranton are attached hereto as **Exhibit "B"** and are incorporated herein.

17. The maps of the new election districts, verbal descriptions of the new election districts and certification of the number of electors registered in each of the resulting election districts for the immediately proceeding municipal election for the remaining portions of the County of Lackawanna, excluding the City of Scranton, are attached hereto as **Exhibit "C"** and are incorporated herein.

18. The maps of the new election districts created by the division of existing election districts, verbal descriptions of the new election districts and certification of the number of electors registered in each of the resulting election districts for the immediately proceeding municipal election are attached hereto as **Exhibit "D"** and are incorporated herein.

19. Where new election districts were formed through consolidation, some election districts were renamed to maintain a sequential order as shown in the Consolidation Plan.

20. Where new election districts were formed through division or re-division, and additional designation was given to the new districts, such as South Abington 1 divided into South Abington 1-1 and 1-2, as shown on the Consolidation Plan.

COMPLIANCE WITH ELECTION CODE

21. There were several election districts, which were small in size that could not be consolidated with another election district for various reasons, including: not in the same Congressional District or Legislative District, separated by physical barriers, too broad of a geographic area, or not contiguous with each other.

22. The specific election districts utilized to form a proposed new election district are in the same Congressional District, Legislative District, District Justice district, district that municipal officers are elected, School Board district, and are contiguous to each other.

23. Any proposed new election districts created from the division or re-division of an existing election district are in the same Congressional District, Legislative District, District Justice district, district that municipal officers are elected and School Board district as was before its division; and are contiguous to each other.

24. All of the proposed new election districts, either through division or consolidation, have a maximum amount of 1,200 registered electors, with the exception of seven new election districts.

25. There are four new election districts created through consolidation that have more than 1,200 registered electors.

26. There are three new election districts created through division or re-division that have more than 1,200 registered electors.

27. Petitioner believes that there is good cause for the number of registered electors to be above 1,200 in these limited election districts.

28. The four new election districts, through consolidation, that have more than 1,200 registered electors are as follows:

a. New election district renamed Scranton 4-2 is formed through the consolidation of Scranton 4-3 (367 registered electors), 4-4 (254), 4-5 (402) and 4-6 (256). The total number of registered electors in this new election district will be one thousand two hundred and ninety-nine (1,299).

b. New election district renamed Scranton 10-2 is formed through the consolidation of Scranton 10-2 (427 registered voters), 10-4 (411), and 10-5 (441). The total number of registered electors in this new election district will be one thousand two hundred and seventy-nine (1,279).

c. New election district renamed Scranton 17-1 is formed through the consolidation of Scranton 17-3 (420 registered voters), 17-4 (517), and 17-7 (396). The total number of registered electors in this new election district will be one thousand three hundred and thirty-three (1,333).

d. New election district renamed Scranton 21-2 is formed through the consolidation of Scranton 21-2 (495 registered voters) and 21-5 (795). The total number of registered electors in this new election district will be one thousand two hundred and ninety (1,290).

29. The new election district renamed Scranton 4-2, which is formed through the consolidation of Scranton 4-3, 4-4, 4-5 and 4-6, was done because of several factors: two of the four election districts already vote at the same polling location, the other two polling locations were in close proximity, there would be no hardship on the registered elector, and the combined total number of registered electors has declined in the past six elections.

30. The new election district renamed Scranton 10-2, which is formed through the consolidation of Scranton 10-2, 10-4, and 10-5, was done because of several factors: two of the three election districts already vote at the same polling location, the other polling location was in close proximity, there would be no hardship on the registered elector, and the combined total number of registered electors has declined in the past six elections.

31. The new election district renamed Scranton 17-1, which is formed through the consolidation of Scranton 17-3, 17-4, and 17-7, was done because of several factors: two of the three election districts already vote at the same polling location, the other polling location was in close proximity, there would be no hardship on the registered elector, and the combined total number of registered electors has declined in the past six elections.

32. The new election district renamed Scranton 21-2, which is formed through the consolidation of Scranton 21-2 and 21-5, was done because of

several factors: both of the election districts already vote at the same polling location, there would be no hardship on the registered elector, and the combined total number of registered electors has declined in the past six elections.

33. The three new election districts, through division or re-division, that have more than 1,200 registered electors are as follows:

a. Jefferson Township, with 2,718 registered electors, is being divided into two (2) elections districts, Jefferson Township 1 with 1,209 registered electors and Jefferson Township 2 with 1,509 registered electors.

b. South Abington Township 1, with 3,211 registered electors, is being divided into two (2) elections districts, South Abington Township 1-1 with 1,496 registered electors and South Abington Township 1-2 with 1,715 registered electors.

c. South Abington Township 3, with 2,490 registered electors, is being divided into two (2) elections districts, South Abington Township 3-1 with 1,178 registered electors and South Abington Township 3-2 with 1,312 registered electors.

34. The number of registered electors in the new Jefferson Township 1 election district will only be somewhat above 1,200.

35. Petitioner believes that it would be best to divide Jefferson Township into only two (2) election districts for the following reasons:

a. The division of Jefferson Township into two election districts would still be a significant benefit to the registered electors which there are currently 2,718 registered electors.

b. There are several existing election districts not changed by this Petition that currently have more than 1,200 registered electors.

c. To keep the changes simple for the voters, Petitioner used major highways or prominent roads that are easily recognizable and divided the township roughly in half.

d. According to the 2000 Census, the 18 years of age and older (voting age population) of Jefferson Township was 2,714. This would indicate an approximate 100% registration rate in Jefferson Township, which is not probable. Therefore, this would suggest inflated registration rolls in Jefferson Township.

36. Petitioner believes that it would be better to divide South Abington Township 1 into only 2 election districts for the following reasons:

a. The division of South Abington Township 1 into two election districts would still be a significant benefit to the registered electors which there are currently 3,211 registered electors.

b. There are several existing election districts not changed by this Petition that currently have more than 1,200 registered electors.

c. To keep the changes simple for the voters, Petitioner used major highways or prominent roads that are easily recognizable and divided the township district roughly in half.

d. According to the 2000 Census, the 18 years of age and older (voting age population) of South Abington Township was 6,336. This would indicate an approximate 90% registration rate in South Abington

Township, which is not probable. Therefore, this would suggest inflated registration rolls in South Abington Township.

37. Petitioner believes that it would be better to divide South Abington Township 3 into only 2 election districts for the following reasons:

a. The division of South Abington Township 3 into two election districts would still be a significant benefit to the registered electors which there are currently 2,490 registered electors.

b. South Abington Township 3-1 will have 1,178 registered electors, which is below 1,200.

c. While South Abington Township 3-2 will have 1,312 registered, there are several existing election districts not changed by this Petition that currently have more than 1,200 registered electors.

d. To keep the changes simple for the voters, Petitioner used major highways or prominent roads that are easily recognizable and divided the township district roughly in half.

38. Petitioner believes that it has shown good cause as to why the above small number of new election districts created either through consolidation or division should exceed the maximum number of 1,200 registered electors.

VOTING DEVICES

39. Currently, many election districts do not have the proper number of voting machines as are required under the Pennsylvania Election Code.

40. The voting machines used in Lackawanna County are old and are no longer available to purchase.

41. Petitioner is currently making use of what existing voting machines are available to meet the requirements of the Pennsylvania Election Code.

42. The Petitioner is in the process of purchasing new voting devices to be in compliance with Federal and State law.

43. All election districts, the new ones created through consolidation or division, and the existing election districts not affected by this Consolidation Plan, will have the required number of voting devices pursuant to the Pennsylvania Election Code.

REASONS FOR CONSOLIDATION

44. The proposed Consolidation Plan will be a significant benefit to the registered electors, residents and citizens of Lackawanna County and promote public interest for the following reasons:

a. The number of registered electors in the new election districts will reflect the change, decrease and/or increase, of registered electors throughout Lackawanna County since such consolidation plan has not been done in approximately 40 plus years.

b. The number of registered electors in the election districts will be in compliance with the Pennsylvania Election Code.

c. Each election district will have the proper number of voting devices.

d. The voting locations for the election districts will be in locations accessible for voters with disabilities.

e. The election process will be fair and accurate.

f. There will be need for fewer voting locations, thereby saving money for the County and the residents of the County.

g. There will be need for fewer election officials, who are more difficult to find to work on election day, and which will also save money for the County and the residents of the County.

h. There will be an overall improvement in the election process in the County.

45. Petitioner is requesting that this Court grant approval of the Consolidation Plan before February 15, 2005 so that it may be implemented for the primary election in 2005.

WHEREFORE, the Petitioner, the County of Lackawanna Board of Elections, respectfully requests that this Honorable Court approve the Consolidation Plan as submitted herein.

Respectfully submitted,

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