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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
Harrisburg Division

RICHARD VIETH, *et al.*,

Plaintiffs,

v.

COMMONWEALTH OF PENNSYLVANIA,
et al.,

Defendants.

Civil Action No. 1:CV-01-2439

Nygaard, Circuit Judge
Yohn, District Judge
Rambo, District Judge

FILED
HARRISBURG, PA

APR 22 2002

MARY E. D'ANDREA, CLERK
Per S. J.
Deputy Clerk

**MOTION OF THE CASEY FOR GOVERNOR COMMITTEE,
THE RENDELL FOR GOVERNOR COMMITTEE, AND THE
PENNSYLVANIA DEMOCRATIC PARTY
TO INTERVENE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 24(a) AND (b)**

Petitioners, the Casey for Governor Committee, the Rendell for Governor Committee and the Pennsylvania Democratic Party hereby respectfully move this Court for an Order allowing them to intervene in the above matter pursuant to Federal Rule of Civil Procedure 24 (a), or in the alternative, pursuant to Federal Rule of Civil Procedure 24 (b). **Petitioners seek to intervene in this action and participate in oral argument that may be scheduled, for the purpose of requesting this Court, as it considers the newly filed congressional reapportionment plan, to refrain from crafting an order that may necessitate or cause the postponement of the May 21, 2002, primary election date.** A proposed Order has been attached. In support of this Motion, the Petitioners submit the attached Memorandum of Law and assert the following:

1. Petitioner, the Casey for Governor Committee (hereinafter "Casey"), is a political committee operating pursuant to and within the meaning of the Pennsylvania Election Code, 25 P.S. §3241(m), and is established and authorized by Robert P. Casey, Jr., a duly qualified candidate for the Democratic nomination for Governor in the Democratic Primary Election. The Committee's principal place of business is 300 North Second Street, 2nd Floor, Harrisburg, Pennsylvania.

2. Petitioner, the Rendell for Governor Committee (hereinafter "Rendell"), is a political committee operating pursuant to and within the meaning of the Pennsylvania Election Code, 25 P.S. §3241(m), and is established and authorized by Edward Rendell, a duly qualified candidate for the Democratic nomination for Governor in the Democratic Primary Election. The Committee's principal place of business is 1506 Sansom Street, 4th Floor, Philadelphia, Pennsylvania.

3. Petitioner, the Pennsylvania Democratic Party (hereinafter "the Party"), is a political party as defined by the Pennsylvania Election Code, 25 P.S. §2831, and represents the interests of democratic voters in the Commonwealth. The Party's principal place of business is 510 North 3rd Street, Harrisburg, Pennsylvania.

4. On April 8, 2002, this Court entered an Order that, *inter alia*, enjoined the implementation of the Commonwealth of Pennsylvania's Congressional Redistricting Law, Act 1 of 2002, ("Act 1") and directed the General Assembly of the Commonwealth, within three weeks

of the Court's Order, to prepare, enact and submit to the Court for approval, a new Congressional Redistricting Plan.

5. On April 11, 2002, in response to this Court's invalidation of the Congressional Redistricting Plan, the Defendants requested a stay of this Court's April 8th Order pending the appeal of the Court's Order. In their initial request for a Stay, the Defendants raised the possibility that the May 21st primary election may have to be postponed. *See*, Memorandum of Law Supporting Motion for Stay of Defendants Jubelirer and Ryan (April 11, 2002) at 4.

6. On April 12, 2002, this Court entered an Order that, *inter alia*, denied Defendants' motion to stay the Court's April 8, 2002 Order pending appeal. This Court's Order was explicitly premised on the representation that a newly enacted congressional redistricting plan would be submitted to this Court within a week. The Order further provided that once the new Plan is enacted, the Court would hold a hearing to decide whether it complies with the applicable constitutional standard.

7. Last Wednesday evening, April 17, 2002, the state legislature enacted a revised congressional reapportionment plan which was submitted to this Court the following day. In addition to the submission of the new plan, the Defendants renewed their request for a stay of this Court's April 8th Order, suggesting that if a stay were not granted it would be difficult to implement the plan in time for the May 21st primary election date.

8. Since 1937, Pennsylvania has conducted a primary election in the Spring -- during the month of April or May. The Pennsylvania Election Code provides in pertinent part that "there shall be a General primary preceding each general election which shall be held on the third Tuesday of May in all even-numbered years." 25 P.S. § 2753; Act of June 3, 1937, P.L. 1333, art. VI, § 603, *as amended*. At no time in recent Pennsylvania history has the date of a election been postponed in the middle of an election.

9. The Petitioners seek to intervene in this matter solely to request this Court to preserve the existing May 21st primary election date. In other words, the Petitioners respectfully request this Court to refrain from issuing an Order that may necessitate or cause the postponement of the primary election date.

10. Petitioners seek to intervene as of right pursuant to Federal Rule of Civil Procedure 24(a) as they have a significant interest in the outcome of this litigation which is not represented by any party presently involved in this proceeding.

11. Petitioners' motion to intervene is timely, as the possibility of postponing the primary election date was raised for the first time in the Defendant's April 11th request for a stay. *See*, Memorandum of Law Supporting Motion for Stay of Defendants Jubelirer and Ryan (April 11, 2002) at 4. A renewed request for a stay was filed by the Defendants on April 18th, and is presently before this Court -- again raising the possibility of postponing the primary election date.

12. Petitioners have a direct, immediate and substantial interest in the outcome of this matter as they will be greatly disadvantaged by the postponement of May 21, 2002 Primary Election. The state primary election date for Governor of the Commonwealth of Pennsylvania, less than four weeks away, represents the cumulation of years worth of fund-raising, political campaigning, careful planning and the expenditure of millions of dollars by the Casey for Governor Committee, the Rendell for Governor Committee, and the Pennsylvania Democratic Party to determine the democratic candidate for Governor in the November general election. As set forth in greater detail in the attached affidavits of Vanessa DeSalvo, Executive Director of the Casey for Governor Committee, David W. Sweet, Campaign Manager of the Rendell for Governor Committee, and Neil Cashman, Executive Director of the Pennsylvania Democratic Party, any postponement of the primary at this late date would irreparably harm the interests of the Petitioners and the rights of their supporters, contributors, campaign organizations and the voters in that election. *See*, Attachment "A." Indeed, after months of focus upon the May 21st primary election date, moving it now would result in serious voter confusion and may result in numerous voters being denied their right to vote.

13. Any Order from this Court that may necessitate or cause the last-minute postponement of the primary election date would disproportionately impact Petitioner's interests and deprive the eventual winner of the Democratic primary election of an opportunity to participate in the November general election for Governor on equal terms with his Republican opponent. In contrast, the Republican primary for Governor is uncontested; only one person has sought the nomination of the Party for Governor – therefore that primary result is predetermined

and will not be impacted by a sudden extension of the period in which money needs to be raised and spent in a highly contested race. *See*, Attachment "A."

14. The Petitioners have a substantial, direct and immediate interest in the outcome of this action. Any order that may result in the postponement of the primary election will abridge the Petitioners' rights of Free Speech and Free Association in violation of the First and Fourteenth Amendments of the United States Constitution.

15. Moreover, any order that may result in the postponement of the primary election will abridge upon the Petitioners' right to equal protection of the laws as guaranteed by the Equal Protection Clause of Section 1 of the Fourteenth Amendment of the United States Constitution, as well as, their privileges and immunities of citizenship as guaranteed by the Privileges and Immunities Clause of Section 1 of the Fourteenth Amendment of the United States Constitution.

16. Petitioners interests, as state campaign committees, state political parties, and the interests of their supporters and contributors are not adequately represented by any existing parties to the litigation.

17. More harm than good would result by the delay of the Primary Election. If not permitted to intervene in this matter, this Court would not benefit from receiving the perspective of state campaign committees and state political parties or their supporters who may be substantially affected by a decision of this Court which may necessitate or cause the postponement

of the primary election date. Such equitable considerations have been determined to be appropriately weighed by courts when crafting remedies that may impact a regularly scheduled election. *Valenti v. Mitchell*, 790 F.Supp. 555, *aff'd* 962 F.2d 288 (3rd Cir. 1992).

18. If granted intervention, the Petitioners would seek to participate fully in any hearing, conference or oral argument set by this Court in considering the direction of any election or action by the Defendants that may necessitate or cause the postponement of the primary election date.

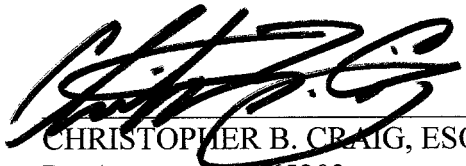
19. Alternatively, Petitioners seek intervention by permission of this Court pursuant to Rule 24(b) of Federal Rules of Civil Procedure.

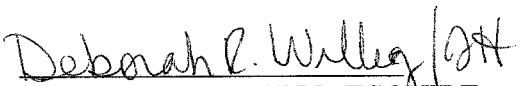
20. Granting Petitioners' motion to intervene will not delay or prejudice the adjudication of the rights of the original parties.

WHEREFORE, Petitioners respectfully request that this Honorable Court grant their Motion to Intervene in this action for the purposes of requesting this Court to refrain from crafting an order that may necessitate or cause the postponement of the May 21, 2002, primary election date. Alternatively, Petitioners request that this Court grant Petitioners intervention by permission.

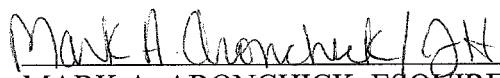
Respectfully submitted,

**WILLIG, WILLIAMS &
DAVIDSON**


CHRISTOPHER B. CRAIG, ESQUIRE
Pa. Attorney No. 65203
510 North 3rd Street
Harrisburg, Pennsylvania 17101
717.238.9381


DEBORAH R. WILLIG, ESQUIRE
Pa. Attorney No. 21507
1845 Walnut Street, 24th Floor
Philadelphia, Pennsylvania 19103
215.656.3600

**HANGLEY, ARONCHICK, SEGAL
& PUDLIN**


MARK A. ARONCHICK, ESQUIRE
Pa. Attorney No. 20261
HENRY E. HOCKEIMER, JR., ESQUIRE
Pa. Attorney No. 86768
1 Logan Square, 27th Floor
Philadelphia, Pennsylvania 19103
215.496.7035

Dated: April 22, 2002

2. In pursuit of the Democratic nomination for the Office of Governor of this Commonwealth, on behalf of the Committee, I have hired a campaign staff, solicited and raised

campaign donations consistent with the campaign finance laws of the Commonwealth of Pennsylvania, and expended money on radio and television advertisements, newspapers, and other campaign paraphernalia for the purpose of advertising the candidacy and positions of Robert P. Casey on issues important to the election of a new Chief Executive Officer for this Commonwealth. The Committee has raised in excess of \$11.4 million for the primary election. By way of illustration, the most recent campaign finance reports filed with the Bureau of Elections indicated that during the period of January 2001 to April 2002, over \$10 million has been raised from supporters, and \$4.4 million has been spent in primary election related activities just during the months of January to April of 2002. *See*, Attached Campaign Finance Report Cover Sheet.

3. All campaign activities, including fund raising, media, campaign support and organizational structure have been made with the understanding that the Primary Election will be held on May 21, 2002, as provided for under the Pennsylvania Election Code.

4. The campaign budget and campaign activities have been prepared in reliance upon the fact that the Primary Election would be conducted on May 21, 2002.

5. Furthermore, the campaign is supported by thousands of Pennsylvanians, who have already indicated their support in the form of signing nominating petitions, contributing to the campaign, and/or volunteering to work on the Committee's behalf and/or vote for the candidacy Robert Casey in the May 21, 2002 Primary Election.

6. If the May 21, 2002 Democratic Primary Election for the Office of Governor of the Commonwealth of Pennsylvania were postponed at this late date, and does not occur as scheduled, the ability of the Committee to continue to conduct its election activities and support the candidacy of Robert Casey would be substantially impaired.

7. Furthermore, the strategic decisions underlying the expenditures made by the Committee to date will be eliminated and effectively wasted, since the Committee will be in the position of having to start a campaign all over again with a new primary date in mind.

8. As a Campaign Committee, there is no assurance that there will be the same level of support, commitment, activity, and fund raising which has been generated for the May 21, 2002 Primary Election contest if the election date is moved back by several months.

9. I believe that the right to run for office, to conduct election related activities without burdensome interference, and the rights of Committee supporters, contributors and voters to participate in the electoral process and vote will also be chilled and/or adversely affected by the last-minute postponement of the Democratic Primary Election from May 21, 2002.


10. The postponement of the Democratic Primary Election to a September date will also unfairly and disproportionately disadvantage the Democratic nominee for the Office of Governor of the Commonwealth of Pennsylvania. There is no contested nomination for the Office of Governor in the Republican Primary Election – that result is predetermined. The Democratic

candidates for nomination, on the other hand, will be required to continue to organize, campaign, raise funds and expend monies for a primary campaign of a completely unprecedented length if the primary election date is postponed. As a result, the successful Democratic nominee in the Primary Election would have less time to raise money to refill empty campaign accounts, logistically and politically recover from a hotly contested primary race, and redirect efforts to campaign against the Republican nominee, and therefore be at a substantial disadvantage solely because of the postponement of the Primary. The unopposed Republican opponent would face no meaningful consequence as a result of a primary postponement. This is grossly unfair to the Committee, its supporters, and the voters of the Democratic party.

11. Additionally, for all of the foregoing reasons, any "decoupling" of the primary election dates, to wit, holding the congressional primary at a date different from the state primary would substantially prejudice the Committee. Hundreds, if not thousands, of our supporters and campaign workers are jointly allied with candidates in both the congressional and the state primary, and have made plans accordingly to work on behalf of those candidates on behalf of a May 21st election date. Splitting the primary would, in effect force hundreds of joint workers, who would have to take time from their jobs and families to assist in the Democratic primary, to choose between primary elections.

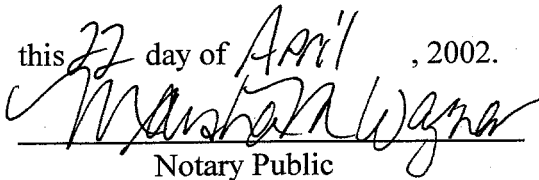
12. There is no reason why the Democratic Primary Election for all offices cannot and should not proceed as scheduled on May 21, 2002.

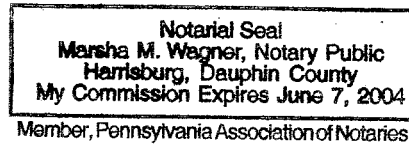
13. The information set forth in this Affidavit is true and correct to the best of my knowledge, information and belief.


VANESSA DESALVO, Executive Director
Casey for Governor Committee

Sworn to and subscribed before me

this 22 day of April, 2002.


Notary Public



Commonwealth of Pennsylvania

CA PAIGN FINANCE REPORT

PAGE 1 OF

(COVER PAGE)

(NOTE: This report must be clear and legible. It may be typed or printed in blue or black ink.)

Filer Identification Number: 2000277		Report Filed By: CPC		CANDIDATE 1.		COMMITTEE 2. X		LOBBYIST 3.	
CASEY, ROBERT JR FOR GOVERNOR C/O TREAS: THOMAS J OSTROWSKI 434 LACKAWANNA AVE STE 300 SCRANTON, PA 18503-0000				State:		Zip Code:			
TYPE OF REPORT (place X to the right of report type)	5TH TUESDAY PRE-PRIMARY	1. X	2ND FRIDAY PRE-PRIMARY	2.	30 DAY POST PRIMARY	3.	AMENDMENT REPORT?	YES	NO X
	6TH TUESDAY PRE-ELECTION	4.	2ND FRIDAY PRE-ELECTION	5.	30 DAY POST ELECTION	6.	TERMINATION REPORT?	YES	NO X
	ANNUAL REPORT	7.	YEAR		FILING METHOD () CHECK ONE		PAPER	X	DISKETTE
Name of Office Sought by Candidate: Governor					DATE OF ELECTION			District Number	Office Code
					MO. DAY YEAR			00	GOV
					05 21 2002				DEM
									35
								(SEE INSTRUCTIONS FOR CODES)	

Summary of Receipts and Expenditures from:	MO.	DAY	YEAR	To	MO.	DAY	YEAR	FOR OFFICE USE ONLY
	01	01	2002		04	01	2002	
A. Amount Brought Forward From Last Report				\$ 8,210,471.64				
B. Total Monetary Contributions and Receipts (From Schedule I)				\$ 1,832,458.48				
C. Total Funds Available (Sum of Lines A and B)				\$ 10,042,930.12				
D. Total Expenditures (From Schedule III)				\$ 4,490,176.49				
E. Ending Cash Balance (Subtract Line D from Line C)				\$ 5,552,753.63				
F. Value of In-Kind Contributions Received (From Schedule II)				\$ 125,753.69				
G. Unpaid Debts and Obligations (From Schedule IV)				\$ 150,000.00				

AFFIDAVIT SECTION

PART I - If this is a Committee report, treasurer sign here. If this is a Candidate report, candidate sign here.

I swear (or affirm) that this report, including the attached schedules, on paper or computer diskette, are to the best of my knowledge and belief true, correct and complete.

Sworn to and subscribed before me this

8th day of April 20 02

Signature

NOTARIAL SEAL

SCOTT R. THORPE, Notary Public

My commission expires

MO.

Scranton, Lackawanna County

My Commission Expires MAR. 20, 2004

Signature of Person Submitting Report

Thomas J. Ostrowski, CPA

Printed Name

(570)

346-8425

Area Code

Daytime Telephone Number

PART II - If this is a report of a Candidate's Authorized Committee, candidate shall sign here.

I swear (or affirm) that to the best of my knowledge and belief this political committee has not violated any provisions of the Act of June 3, 1937 (P.L. 1333, No. 320) as amended.

Sworn to and subscribed before me this

8th day of April 20 02

Signature

NOTARIAL SEAL

SCOTT R. THORPE, Notary Public

My commission expires

MO.

Scranton, Lackawanna County

My Commission Expires MAR. 20, 2004

Signature of Candidate

Robert P. Casey, Jr.

Printed Name

(717)

233-3211

Area Code

Daytime Telephone Number

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD VIETH, *et al.*,

Plaintiffs,

v.

COMMONWEALTH OF PENNSYLVANIA, *et al.*,

Defendants.

Civil Action No. 1:CV-01-2439

Nygaard, Circuit Judge
Yohn, District Judge
Rambo, District Judge

Affidavit of David W. Sweet

Commonwealth of Pennsylvania }
County of }

David W. Sweet being duly sworn according to law deposes and says as follows:

1. I am the Campaign Manager of the Rendell for Governor Campaign ("Rendell Campaign"), where Edward G. Rendell is a candidate for nomination for the Office of Governor in the May 21, 2002 Democratic Primary Election ("Primary Election"). On March 11, 2002, Mr. Rendell filed his Nomination Petition and was later placed on the ballot for the Primary Election.

2. In pursuit of the Democratic nomination for the Office of Governor of this Commonwealth, the Rendell Campaign has hired campaign staff, solicited and raised campaign donations consistent with the campaign finance laws of the Commonwealth of Pennsylvania, and expended money on radio and television advertisements, newspapers, and other campaign paraphernalia for the purpose of

educating voters about Rendell's candidacy and his position on issues important to the election of a new Chief Executive Officer for this Commonwealth. (Attached as Exhibit A is the most recent Campaign Finance Report summarizing, *inter alia*, expenditures to support advertising, salary, media and other campaign related expenses and monies which have been raised to date.)

3. All of the Rendell Campaign activities, including fund raising, media, campaign support and organizational structure have been made with the understanding that the Primary Election will be held on May 21, 2002, as provided for under the Pennsylvania Election Code. Indeed, much of the Rendell Campaign printed literature references the May 21, 2002 Democratic Primary Election date, and many of Mr. Rendell's public statements specifically mention the May 21, 2002 primary date.

4. The Rendell Campaign budget and campaign activities have been prepared in reliance upon the fact that the Primary Election would be conducted on May 21, 2002.

5. Furthermore, the Rendell Campaign is supported by thousands of Pennsylvanians, who have already indicated their support in the form of signing nominating petitions, contributing to the Rendell Campaign, and/or volunteering to work on behalf and/or vote for Mr. Rendell in the May 21, 2002 Primary Election.

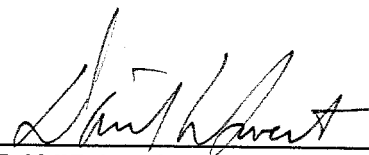
6. The postponement of the Democratic Primary Election from May 21, 2002 will not only chill the rights of Mr. Rendell to run for office, but will also greatly chill the rights of supporters, contributors and voters who wish to exercise their rights to not only vote, but to be involved in the political process.

7. The postponement of the Democratic Primary Election to a date

beyond May 21, 2002, will also unfairly disadvantage the ultimate Democratic nominee for the Office of Governor of the Commonwealth of Pennsylvania. There is no contested nomination for the Office of Governor in the Republican Primary Election. The Democratic candidates for nomination, on the other hand, will be required to continue to organize, campaign, raise funds and expend monies for a primary campaign of a completely unprecedented length. The successful Democratic nominee in the Primary Election could therefore be at a substantial disadvantage solely because of the postponement of the Primary, when compared to his Republican opponent. This is unfair to the candidates, their supporters, and voters of the Democratic party.

8. Finally, there is no reason why the Democratic Primary Election for the Office of Governor in the Commonwealth of Pennsylvania cannot and should not proceed as scheduled on May 21, 2002 since that office is unaffected by any Court Order arising from the Congressional redistricting controversy.

9. I declare under penalty of perjury that the foregoing is true and correct.



DAVID W. SWEET

Executed on 4/22/02.

Next Section

[Return to Menu for This Report](#) [New Search](#)**Commonwealth of Pennsylvania
Campaign Finance Report**

Filer Identification Number: 2001164		Report Filed by: COMMITTEE		
Name/Address of Filing Committee, Candidate or Lobbyist: RENDELL, EDWARD FOR GOVERNOR C/O TREAS: JENNIFER L PATERNOS TRO 1735 MARKET ST 51ST FL PHILADELPHIA, PA 19103-7589				
Type of Report Cycle 1 - 6th Tuesday Pre Primary Election	Year 2002			
Name of Office Sought by Candidate Governor	District No. N/A	Office Governor	Party Democratic	County Philadelphia (51)
Summary of Receipts and Expenditures through: 04/01/2002				
A. Amount Brought Forward From Last Report			\$ 9,534,930.92	
B. Total Monetary Contributions and Receipts (From Schedule I)			\$ 2,598,993.48	
C. Total Funds Available (Sum of Lines A and B)			\$ 12,133,924.40	
D. Total Expenditures (From Schedule III)			\$ 6,035,411.75	
E. Ending Cash Balance (Subtract Line D from Line C)			\$ 6,098,512.65	
F. Value of In-Kind Contributions Received (From Schedule II)			\$ 175,131.13	
G. Unpaid Debts and Obligations (From Schedule IV)			\$.00	

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
Harrisburg Division**

RICHARD VIETH, *et al.*,

Plaintiffs,

v.

COMMONWEALTH OF PENNSYLVANIA, *et al.*,

Defendants.

Civil Action No. 1:CV-01-2439

Nygaard, Circuit Judge
Yohn, District Judge
Rambo, District Judge

Affidavit of Neil Cashman

Commonwealth of Pennsylvania }

}

County of Dauphin }

}

Neil Cashman being duly sworn according to law deposes and says as follows:

1. I am the Executive Director of The Pennsylvania Democratic Party, the authorized political committee for the Pennsylvania Democratic Party and duly registered with the Pennsylvania Department of State, Bureau of Elections, with a principal place of business at 510 North Third Street, Harrisburg, Pennsylvania. The Pennsylvania Democratic Party is the principal non-candidate / party committee supporting democratic candidates seeking state office and facilitating the active participation of democratic voters in the primary election process. In addition, the Pennsylvania Democratic Party will be one of the central committees promoting the eventual winner of Democratic nominee to run in the Fall general election.

2. In preparation of the Democratic primary for the Office of Governor of this Commonwealth, I have hired staff, solicited and raised campaign donations consistent with the campaign finance laws of the Commonwealth of Pennsylvania, and expended money on advertisements and other campaign paraphernalia for the purpose of advertising candidacy of endorsed Democratic candidates and the positions of the Party on issues important to the election of a new Chief Executive Officer for this Commonwealth. By way of illustration, the most recent campaign finance reports filed with the Bureau of Elections indicates that during the four (4) period of January 2002 to April 2002, approximately \$229,000 has been raised in non-federal contributions from supporters, and approximately \$194,000 has been spent in primary election related activities during this same period. *See, Attached Campaign Finance Report Cover Sheets.*

3. All primary activities of the Party, including fund raising, media, campaign support and organizational structure have been made with the understanding that the Primary Election will be held on May 21, 2002, as provided for under the Pennsylvania Election Code.

4. The Party's budget and primary campaign activities have been prepared in reliance upon the fact that the Primary Election would be conducted on May 21, 2002 – not some later date. In fact, it is typical for political campaigns, including the campaigns conducted by the Democratic Party, to make a determination as to the earliest time it is able to begin statewide media advertisements and maintain the airing of such advertisements until election day. Once that determination is made, then all subsequent fund-raising, voter drives and all other campaign activities are premised on supporting that media strategy. However, a last-minute extension of

the primary election period would effectively eviscerates these efforts. It is similar to buying enough gasoline for your car to complete a 100 mile trip, then suddenly learning that you have another 50 miles to go before you are permitted to stop the car! Under these circumstances, your road trip will be disrupted and the campaign will be left on the side of the road.

5. Furthermore, the Party is supported by thousands of Pennsylvanians, who have already indicated their support in the form of contributing to the Party and/or volunteering to work on the Party's behalf and/or vote for endorsed democratic candidates in the May 21, 2002 Primary Election.

6. If the May 21, 2002 Democratic Primary Election for the Office of Governor of the Commonwealth of Pennsylvania were postponed at this late date, and does not occur as scheduled, the ability of the Party to continue to conduct its election activities and support the candidacy of democrats would be substantially impaired.

7. Furthermore, the strategic decisions underlying the expenditures made by the Party to date, will be eliminated and effectively wasted, since the Party will be in the position of having to start its primary campaign activities, such as printing new election day materials and re-mailing absentee ballot applications, all over again with a new election date in mind.

8. As a Party, there is no assurance that there will be the same level of support, commitment, activity, and fund raising which has been generated for the May 21, 2002 Primary Election contest if the election date is moved back by several months.

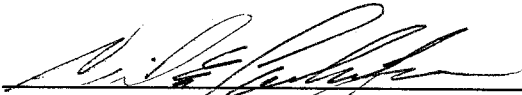
9. I believe that the right to campaign for office, to conduct election related activities without burdensome interference, and the rights of Party supporters, contributors and voters to participate in the electoral process and vote will also be chilled and/or adversely affected by the last-minute postponement of the Democratic Primary Election from May 21, 2002.

10. The postponement of the Democratic Primary Election to a September date will also unfairly and disproportionately disadvantage the eventual Democratic nominee for the Office of Governor of the Commonwealth of Pennsylvania. There is no contested nomination for the Office of Governor in the Republican Primary Election – that result is predetermined. The Democratic candidates for nomination, on the other hand, will be required to continue to organize, campaign, raise funds and expend monies for a primary campaign of a completely unprecedented length if the primary election date is postponed. As a result, the successful Democratic nominee in the Primary Election would have less time to raise money in order to refill empty campaign accounts, logistically and politically recover from a hotly contested primary race, and redirect efforts to campaign against the Republican nominee. Therefore, the eventual Democratic nominee would be at a substantial disadvantage solely because of the postponement of the Primary. In contrast, the unopposed Republican opponent would face no meaningful

consequence as a result of a primary postponement. This is grossly unfair to the Party, its supporters, and the voters of the Democratic Party.

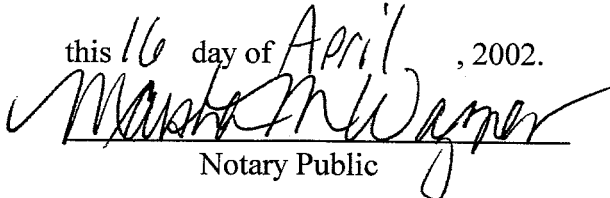
11. There is no reason why the Democratic Primary Election for the Office of Governor in the Commonwealth of Pennsylvania cannot and should not proceed as scheduled on May 21, 2002 since that office, or any state election, is unaffected by any Court Order arising from the Congressional redistricting controversy.

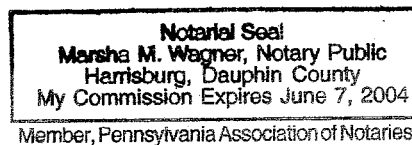
12. The information set forth in this Affidavit is true and correct to the best of my knowledge, information and belief.


NEIL CASHMAN, Executive Director
The Pennsylvania Democratic Party

Sworn to and subscribed before me

this 16 day of April, 2002.


Notary Public



Commonwealth of Pennsylvania
CAMPAIGN FINANCE REPORTPAGE 1 OF 2
(COVER PAGE)

(NOTE: This report must be legible. It may be typed or printed in blue or black ink.)

Filer Identification Number: 7900434			Report Filed By:		CANDIDATE ^{1.}		COMMITTEE ^{2.} <input checked="" type="checkbox"/>		LOBBYIST ^{3.}					
Name of Filing Committee, Candidate or Lobbyist: Pennsylvania Democratic Party														
Street Address: 510 North Third Street														
City: Harrisburg					State: PA		Zip Code: 17101							
TYPE OF REPORT (place X to the right of report type)	6TH TUESDAY PRE-PRIMARY ^{1.}		2ND FRIDAY PRE-PRIMARY ^{2.}		30 DAY POST PRIMARY ^{3.}		AMENDMENT REPORT?		YES	NO <input checked="" type="checkbox"/>				
	6TH TUESDAY PRE-ELECTION ^{4.}		2ND FRIDAY PRE-ELECTION ^{5.} <input checked="" type="checkbox"/>		30 DAY POST ELECTION ^{6.}		TERMINATION REPORT?		YES	NO				
	ANNUAL ^{7.}		YEAR		FILING METHOD () CHECK ONE		PAPER <input checked="" type="checkbox"/>		DISKETTE					
Name of Office Sought by Candidate:					DATE OF ELECTION			District Number	Office Code	Party Code	County Code			
					MO. DAY YEAR									
					2 12 02									
								(SEE INSTRUCTIONS FOR CODES)						
Summary of Receipts and Expenditures from:					MO. DAY YEAR			FOR OFFICE USE ONLY						
					01 01 2002			<div style="text-align: center;"> 02 JAN 31 PM 2:40 RECEIVED Department of State Bureau of C.E.L. </div>						
					TO							MO. DAY YEAR		
												01 28 2002		
A. Amount Brought Forward From Last Report					\$							29,472.16		
B. Total Monetary Contributions and Receipts (From Schedule I)					\$							43,285.68		
C. Total Funds Available (Sum of Lines A and B)					\$							72,757.84		
D. Total Expenditures (From Schedule III)					\$							68,110.70		
E. Ending Cash Balance (Subtract Line D from Line C)					\$							4,647.14		
F. Value of In-Kind Contributions Received (From Schedule II)					\$			0.00						
G. Unpaid Debts and Obligations (From Schedule IV)					\$			7,084.30						
AFFIDAVIT SECTION														
PART I - If this is a Committee report, treasurer sign here. If this is a Candidate report, candidate sign here.														
I swear (or affirm) that this report, including the attached schedules, on paper or computer diskette, are to the best of my knowledge and belief true, correct and complete.														
Sworn to and subscribed before me this														
31st day of January 20 02														
Signature					Vivian Guinan									
					Signature of Person Submitting Report									
My Commission Expires					Vivian Guinan									
					Printed Name									
					717-238-9381									
					Area Code Daytime Telephone Number									
NOTARIAL SEAL MARY T. CRAY, Notary Public MO Lower Paxton Twp., Dauphin County My Commission Expires June 10, 2002														
PART II - If this is a report of a Candidate's Authorized Committee, candidate shall sign here.														
I swear (or affirm) that to the best of my knowledge and belief this political committee has not violated any provisions of the Act of June 3, 1937 (P.L. 1333, No. 320) as amended.														
Sworn to and subscribed before me this														
day of 20														
Signature					Signature of Candidate									
					Printed Name									
My Commission Expires					Area Code Daytime Telephone Number									
MO. DAY YR.														

Commonwealth of Pennsylvania
CAMPAIGN FINANCE REPORTPAGE 1 OF 2
(COVER PAGE)

(NOTE: This report must be legible. It may be typed or printed in blue or black ink.)

Filer Identification Number: 7900434		Report Filed By:		CANDIDATE ^{1.}		COMMITTEE ^{2.} <input checked="" type="checkbox"/>		LOBBYIST ^{3.}	
Name of Filing Committee, Candidate or Lobbyist: Pennsylvania Democratic Party									
Street Address: 510 North Third Street									
City: Harrisburg				State: PA		Zip Code: 17101			
TYPE OF REPORT (place X to the right of report type)	6TH TUESDAY PRE-PRIMARY	^{1.}	2ND FRIDAY PRE-PRIMARY	^{2.}	30 DAY POST PRIMARY	^{3.}	AMENDMENT REPORT?	YES	NO <input checked="" type="checkbox"/>
	6TH TUESDAY PRE-ELECTION	^{4.}	2ND FRIDAY PRE-ELECTION	^{5.}	30 DAY POST ELECTION	^{6.} <input checked="" type="checkbox"/>	TERMINATION REPORT?	YES	NO
	ANNUAL	^{7.}	YEAR		FILING METHOD () CHECK ONE		PAPER	<input checked="" type="checkbox"/>	DISKETTE

Name of Office Sought by Candidate:

DATE OF ELECTION

MO. DAY YEAR

2 12 02

District Number

Office Code

Party Code

County Code

(SEE INSTRUCTIONS FOR CODES)

Summary of Receipts and Expenditures from:MO. DAY YEAR
01 29 2002

TO

MO. DAY YEAR
02 22 2002**FOR OFFICE USE ONLY**

A. Amount Brought Forward From Last Report	\$	4,647.14
B. Total Monetary Contributions and Receipts (From Schedule I)	\$	76,401.99
C. Total Funds Available (Sum of Lines A and B)	\$	81,049.13
D. Total Expenditures (From Schedule III)	\$	63,059.17
E. Ending Cash Balance (Subtract Line D from Line C)	\$	17,989.96
F. Value of In-Kind Contributions Received (From Schedule II)	\$	0.00
G. Unpaid Debts and Obligations (From Schedule IV)	\$	7,084.30

AFFIDAVIT SECTION**PART I - If this is a Committee report, treasurer sign here. If this is a Candidate report, candidate sign here.**

I swear (or affirm) that this report, including the attached schedules, on paper or computer diskette, are to the best of my knowledge and belief true, correct and complete.

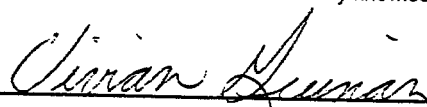
Sworn to and subscribed before me this

_____ day of _____ 20____

Signature

My Commission Expires

MO. DAY YR.



Signature of Person Submitting Report

Vivian Guinan

Printed Name

717-238-9381

Area Code

Daytime Telephone Number

PART II - If this is a report of a Candidate's Authorized Committee, candidate shall sign here.

I swear (or affirm) that to the best of my knowledge and belief this political committee has not violated any provisions of the Act of June 3, 1937 (P.L. 1333, No. 320) as amended.

Sworn to and subscribed before me this

14 day of MARCH 20 02



Notarial Seal
Janet L. Snyder, Notary Public
Harrisburg, Dauphin County
My Commission Expires Nov. 22, 2004

My Commission Expires

MO. DAY YR.

Signature of Candidate

Printed Name

Area Code

Daytime Telephone Number

Commonwealth of Pennsylvania
CAMPAIGN FINANCE REPORT

PAGE 1 OF 2

(COVER PAGE)

(NOTE: This report must be legible. It may be typed or printed in blue or black ink.)

Filer Identification Number: 7900434		Report Filed By:		CANDIDATE ^{1.}		COMMITTEE ^{2.} <input checked="" type="checkbox"/>		LOBBYIST ^{3.}	
Name of Filing Committee, Candidate or Lobbyist: Pennsylvania Democratic Party									
Street Address: 510 North Third Street									
City: Harrisburg				State: PA		Zip Code: 17101			
TYPE OF REPORT (place X to the right of report type)	6TH TUESDAY PRE-PRIMARY	<input checked="" type="checkbox"/>	2ND FRIDAY PRE-PRIMARY	<input type="checkbox"/>	30 DAY POST PRIMARY	<input type="checkbox"/>	AMENDMENT REPORT?	YES	NO
	6TH TUESDAY PRE-ELECTION	<input type="checkbox"/>	2ND FRIDAY PRE-ELECTION	<input type="checkbox"/>	30 DAY POST ELECTION	<input type="checkbox"/>	TERMINATION REPORT?	YES	NO
	ANNUAL	<input type="checkbox"/>	YEAR	<input type="checkbox"/>	FILING METHOD () CHECK ONE	<input type="checkbox"/>	PAPER	<input checked="" type="checkbox"/>	DISKETTE

Name of Office Sought by Candidate:			DATE OF ELECTION			District Number	Office Code	Party Code	County Code
			MO. DAY YEAR						
(SEE INSTRUCTIONS FOR CODES)									

Summary of Receipts and Expenditures from:	MO.	DAY	YEAR	TO	MO.	DAY	YEAR	FOR OFFICE USE ONLY
	02	23	2002		04	01	2002	
A. Amount Brought Forward From Last Report				\$	17,989.96			
B. Total Monetary Contributions and Receipts (From Schedule I)				\$	83,992.00			
C. Total Funds Available (Sum of Lines A and B)				\$	101,981.96			
D. Total Expenditures (From Schedule III)				\$	46,822.50			
E. Ending Cash Balance (Subtract Line D from Line C)				\$	55,159.46			
F. Value of In-Kind Contributions Received (From Schedule II)				\$	0.00			
G. Unpaid Debts and Obligations (From Schedule IV)				\$	7,084.30			

AFFIDAVIT SECTION**PART I - If this is a Committee report, treasurer sign here. If this is a Candidate report, candidate sign here.**

I swear (or affirm) that this report, including the attached schedules, on paper or computer diskette, are to the best of my knowledge and belief true, correct and complete.

Sworn to and subscribed before me this

9th day of April 20 02

Gail J. McDermott

Signature

Notarial Seal

Gail J. McDermott, Notary Public

My Commission Expires

10/31/05

My Commission Expires On 31, 2005

Vivian Guinan

Signature of Person Submitting Report

Vivian Guinan

Printed Name

717-238-9381

Area Code

Daytime Telephone Number

PART II - If this is a report of a Candidate's Authorized Committee, candidate shall sign here.

I swear (or affirm) that to the best of my knowledge and belief this political committee has not violated any provisions of the Act of June 3, 1937 (P.L. 1333, No. 320) as amended.

Sworn to and subscribed before me this

day of 20

Signature

My Commission Expires

MO. DAY YR.

Signature of Candidate

Printed Name

Area Code

Daytime Telephone Number

Commonwealth of Pennsylvania
CAMPAIGN FINANCE REPORTPAGE 1 OF 2
(COVER PAGE)

(NOTE: This report must be legible. It may be typed or printed in blue or black ink.)

Filer Identification Number: 7900434		Report Filed By:		CANDIDATE ^{1.}	COMMITTEE ^{2.} <input checked="" type="checkbox"/>	LOBBYIST ^{3.}
Name of Filing Committee, Candidate or Lobbyist: Pennsylvania Democratic Party						
Street Address: 510 North Third Street						
City: Harrisburg			State: PA		Zip Code: 17101	
TYPE OF REPORT (place X to the right of report type)	6TH TUESDAY PRE-PRIMARY ^{1.}	2ND FRIDAY PRE-PRIMARY ^{2.}	30 DAY POST PRIMARY ^{3.}	AMENDMENT REPORT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
	6TH TUESDAY PRE-ELECTION ^{4.}	2ND FRIDAY PRE-ELECTION ^{5.} <input checked="" type="checkbox"/>	30 DAY POST ELECTION ^{6.}	TERMINATION REPORT? YES <input type="checkbox"/> NO <input type="checkbox"/>		
	ANNUAL ^{7.}	YEAR	FILING METHOD () CHECK ONE	PAPER <input checked="" type="checkbox"/> DISKETTE <input type="checkbox"/>		

Name of Office Sought by Candidate:

DATE OF ELECTION

MO. DAY YEAR

District Number

Office Code

Party Code

County Code

(SEE INSTRUCTIONS FOR CODES)

Summary of Receipts and Expenditures from:

MO. DAY YEAR
04 02 2002

TO

MO. DAY YEAR
04 08 2002

FOR OFFICE USE ONLY

A. Amount Brought Forward From Last Report	\$	55,159.46
B. Total Monetary Contributions and Receipts (From Schedule I)	\$	25,090.00
C. Total Funds Available (Sum of Lines A and B)	\$	80,249.46
D. Total Expenditures (From Schedule III)	\$	15,713.08
E. Ending Cash Balance (Subtract Line D from Line C)	\$	64,536.38
F. Value of In-Kind Contributions Received (From Schedule II)	\$	0.00
G. Unpaid Debts and Obligations (From Schedule IV)	\$	7,084.30

AFFIDAVIT SECTION**PART I - If this is a Committee report, treasurer sign here. If this is a Candidate report, candidate sign here.**

I swear (or affirm) that this report, including the attached schedules, on paper or computer diskette, are to the best of my knowledge and belief true, correct and complete.

Sworn to and subscribed before me this 12 day of April, 2002.

Marsha M. Wagner, Public
Harrisburg, Dauphin County
My Commission Expires June 7, 2004
Member, Pennsylvania Association of Notaries

Vivian Guinan
Signature of Person Submitting Report

My Commission Expires

MO. DAY YR.
6 7 04

Vivian Guinan

Printed Name

717-238-9381

Area Code

Daytime Telephone Number

PART II - If this is a report of a Candidate's Authorized Committee, candidate shall sign here.

I swear (or affirm) that to the best of my knowledge and belief this political committee has not violated any provisions of the Act of June 3, 1937 (P.L. 1333, No. 320) as amended.

Sworn to and subscribed before me this

day of _____ 20____

Signature of Candidate

Signature

Printed Name

My Commission Expires

MO. DAY YR.

Area Code

Daytime Telephone Number

CERTIFICATE OF SERVICE

I, Christopher Craig, Esquire hereby certify that I have this day caused a true and correct copy of the foregoing document to be served upon the following individuals, in the manner indicated below:

VIA HAND DELIVERY

J. Bart DeLone, Senior Deputy Attorney General
John G. Knorr, III, Chief Deputy Attorney General
Office of the Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120

VIA HAND DELIVERY

Robert B. Hoffman, Esquire
Reed Smith, LLP
213 Market Street, 9th Floor
P.O. Box 11844
Harrisburg, PA 17108

VIA HAND DELIVERY

John P. Krill, Jr., Esquire
Linda J. Shorey, Esquire
Julia M. Glencer, Esquire
Jason E. Oyler, Esquire
Kirkpatrick & Lockhart, LLP
240 North Third Street
Harrisburg, PA 17101

VIA FACSIMILE AND MAIL

Paul M. Smith, Esquire
Thomas J. Perrelli, Esquire
Daniel Mach, Esquire
Brian P. Hauck, Esquire
Jenner & Block, LLC
601 Thirteenth Street, NW
Washington, DC 20005
(202) 639-6066 (Fax)



CHRISTOPHER CRAIG, ESQUIRE

Dated: April 22, 2002