

**IN THE COMMONWEALTH OF PENNSYLVANIA  
SENATE OF PENNSYLVANIA  
STATE GOVERNMENT COMMITTEE**

**STATE CAPITOL  
HARRISBURG, PENNSYLVANIA**

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**THE ALABAMANIZATION OF THE KEYSTONE STATE**

**TESTIMONY OF LAWRENCE M. OTTER, ESQUIRE,  
DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA  
REGARDING THE PROPOSED CHANGE TO  
THE ELECTORAL COLLEGE VOTE IN 2012**

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**Respectfully submitted,  
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## **THE ALABAMANIZATION OF THE KEYSTONE STATE**

### **TESTIMONY OF LAWRENCE M. OTTER, ESQUIRE, DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA REGARDING THE PROPOSED CHANGE TO THE ELECTORAL COLLEGE VOTE IN 2012**

Good morning Senator McIlhenney and members of the committee:

Article II, Section 1 of the United States Constitution allows the State Legislatures to appoint presidential electors in any manner that they may direct. Senator Pileggi (R-Delaware County) can constitutionally formulate any cockamamie plan he chooses to distort the will of the majority of qualified electors in the Commonwealth. But, a bipartisan consensus has arisen against this idea.

There are 538 electoral votes and the number given to each state reflects the sum of the representatives and senators it sends to Congress. It takes 270 or more electoral college votes to win the Presidential election. The biggest states, California, Texas, Florida, New York and Pennsylvania, have the most impact on the result of the presidential election.

The Pileggi plan would drop Pennsylvania from fifth place down to the level of Tennessee and Alabama or Mississippi, Louisiana and Arkansas. The Pileggi plan would make into law the exact description of Pennsylvania as spoken by that noted Cajun raconteur and bon vivant James Carville, to wit, "Philadelphia in the east, Pittsburgh in the west and Alabama in the middle!" As a proud Pennsylvanian, I object to the diminution of this Commonwealth.

Pennsylvania has a special place in American history. It was the centerpiece of the Revolution, the home of Independence, the first capitol of the United States, the home of the first oil well, the head of the industrial revolution, the site of the turning point battle of the Civil War, the site of the first fight against terrorism, and it is about to become a major energy supplier again moving from coal to the Marcellus Shale gas fields. It was and remains the “Keystone State” for good reason.

Senator Pileggi’s ill conceived plan ignores the cultural, industrial and political heritage of the Commonwealth for partisan political gains. Worse, it would erode all of that.

The Pileggi plan will select presidential electors on the basis of the election returns in the each congressional district and the remaining two votes by statewide majority. Pileggi ignores the fact that we are electing the “President of the United States” not a congressman or woman from a Pennsylvania district that includes multiple counties where the human population (read- urban areas- Philadelphia and Pittsburgh and their surrounding suburbs) is outweighed by the white tailed doe population (read- the Pennsylvania T and Marcellus Shale region).

The Pileggi Plan, wants to turn back the clock to the time prior to the United States Supreme Court decisions in **Reynolds v. Sims, 377 U.S. 533 (1964)** and **Baker v. Carr, 369 U.S. 186, (1962)**. In **Baker v. Carr, supra**, the Supreme Court decided that federal courts could address legislative reapportionment issues. [Under that legal theory and by analogy, the Pileggi plan would be open to attack in federal court.] That case arose out of the great state of Tennessee. **Reynolds v. Sims** established the “one person, one vote” rule. That case arose out of the great state of Alabama. **Baker v. Carr**,

**Reynolds v. Sims** and its progeny fundamentally altered the nature of political representation in America, requiring not just Tennessee but nearly every state to redistrict during the 1960s, often several times. This re-apportionment increased the political power of urban areas and reduced the influence of more rural areas. Now is not the time to turn back the clock. Pileggi is obviously ignoring the growth in Pennsylvania's two largest cities and their suburbs and more specifically the more recent growth in Eastern Pennsylvania, especially the counties that border the Delaware River and its influx of "foreigners" from New Jersey and New York.

Any sensible change in the Electoral College should come by way of an amendment to the United States Constitution and thus addressed by all 50 states concurrently rather than Pennsylvania flying solo with the likelihood of crashing and burning the political clout of Pennsylvania in the process. I respectfully suggest that Senator Pileggi mull that option instead.

In my lifetime in Pennsylvania, the Commonwealth has lost one Congressional seat in each decade of the United States census and thus lost one electoral vote also. I would not like to age 100 years overnight and see Pennsylvania vital political heritage in presidential politics dissipated while I slept and had an awful nightmare. Even the late Republican United States Senator and Philadelphia political boss Boise Penrose would be spinning in his grave if this bill were to pass.

There is good reason, actually 12,702,379 of them, why this proposed bill has attracted widespread opposition. I say: keep Pennsylvania's proud and lengthy national stature intact and kill this bill.

Thank you.