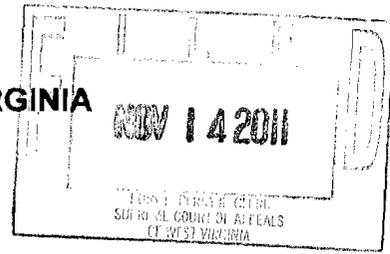


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA
CHARLESTON



STATE OF WEST VIRGINIA ex rel.
THORNTON COOPER,

Petitioner,

v.

No. 11-1405

Honorable NATALIE E. TENNANT,
Secretary of State of the State of
West Virginia,

Respondent.

RESPONSE TO NOVEMBER 4, 2011, MOTION TO FILE AMICI CURIAE BRIEF.

Thornton Cooper, the Petitioner herein, hereby files his Response to the Motion, filed on November 4, 2011, by the West Virginia AFL-CIO and the West Virginia Citizen Action Group (WVCAG) to File an *Amici Curiae* Brief in the above-captioned case.

Although this Court, on November 8, 2011, granted that motion before the 10-day period for responses had expired, Petitioner Cooper will in this Response note his objections to what he considers the incorrect use of obsolete research papers, and of other numerical data, to advance the dubious proposition that the use of single-member districts may have some detrimental effect on the ability of women to be elected to state legislatures when **the material readily available on websites of the National Conference of State Legislatures (NCSL) demonstrates that the researchers' concerns (if they were ever valid) are no longer valid in 2011.**

A. On-line Tables Prepared by the National Conference of State Legislatures.

Attached hereto as Petitioner Cooper's Response Exhibit No. 1 is a copy of the most recent on-line table prepared, as of 1998, by the NCSL of the thirteen (13) states with multimember districts in either house of the legislature as of that year. Of those thirteen states, only twelve (12) states – Arizona, Arkansas, Idaho, Maryland, New Hampshire, New Jersey, North Carolina, North Dakota, South Dakota, Vermont, Washington, and West Virginia – had any multimember districts in the lower house of the Legislature as of 1998. (Mr. Cooper does not know which, if any, of these dozen states have completely abandoned multimember districts since 1998.)

Attached hereto as Petitioner Cooper's Response Exhibit No. 2 is a copy of an NCSL map and table bearing the title "Women in State Legislatures: 2011 Legislative Session", that lists, for each state in 2011, the number of women legislators in the lower house of the legislature, the number of women legislators in the upper house of the legislature, the total number of women legislators, the total number of seats in the legislature, and the percentage of women in the legislature. According to this table, only West Virginia, only 16.4% of the seats in the West Virginia Legislature are held by women. The national average is 23.5%.

Those states that have legislatures in which at least 25% of legislators are women are the following twenty (20) states: Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Kansas, Maine, Maryland, Massachusetts, Minnesota, Nevada, Oregon, New Jersey, New Mexico, Vermont, and Washington.

Of those twenty (20) states in which women make up at least 25% of legislators, 75% of those states – the fifteen (15) states of California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Kansas, Maine, Massachusetts, Minnesota, Nevada, Oregon, New Mexico, and Washington – are states in which 100% of the members of the lower house of the legislature are elected from single-member districts.

From the information obtained from these NCSL tables, it should be clear that the elimination of multimember districts from the lower house of a state legislature should not have an overall adverse effect on the number or percentage of women elected to that legislature.

B. Data from the Legislature and the Secretary of State's Office as to Performance of Female Candidates in 2010 Elections from Single-Member Delegate Districts.

Petitioner Cooper further objects to the following two sentences on pages 8 and 9 of the brief on behalf of the AFL-CIO and WVCAG:

The West Virginia numbers regarding the success of women candidates in multi-member vs. single-member districts bear out what the social science research indicates. The 2010 House elections, for example, produced only five female delegates among the State's thirty-four single-member districts. . . .

Actually, there were 36 single-member delegate districts in 2010. Attached as Petitioner Cooper's Response Exhibit No. 3 is a copy of the map of the state's delegate districts, along with the name(s) of the delegate(s) from each district, and the names of each member of the House of Delegates in 2011 from pages 50 and 51 of the "Membership Directory 2011" published by the Legislature in 2011.

According to that exhibit there were thirty-six (36) separate single-member delegate districts in existence in 2011: Delegate Districts 5, 6, 7, 8, 9, 11, 12, 18, 20,

21, 23, 24, 26, 31, 33, 34, 35, 36, 38, 39, 40, 42, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58.

Any objective analysis of how female candidates fare in single-member delegate districts should begin with how many single-member delegate districts had female candidates in 2010. Attached as Petitioner Cooper's Response Exhibit No. 4 is copy of portions of the printout of 2010 primary-election results from the website of the Secretary of State's Office. Because of the Court's page-limitations rule, the entire printout cannot be included with this motion. The information in the printout is on the Internet.

A review of the entire printout shows that all of the Democratic and Republican candidates for the House of Delegates in the 2010 primary elections were **male** in the following twenty-four (24) single-member delegate districts: Delegate Districts 5, 6, 7, 8, 9, 11, 18, 20, 21, 24, 26, 33, 34, 39, 42, 45, 47, 49, 51, 52, 53, 54, 55, and 56.

However, in each of the other twelve (12) single-member delegate districts, at **least one female candidate** of either the Democratic Party or the Republican Party was on the ballot in the 2010 primary election: Delegate Districts 12, 23, 31, 35, 36, 38, 40, 46, 48, 50, 57, and 58. In those dozen districts, women were elected in five (5) of them: Delegate Districts 31 (Meshea Poore), 38 (Margaret Donaldson Smith), 40 (Mary Poling), 50 (Ruth Rowan), and 58 (Tiffany Lawrence).

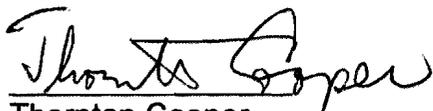
Petitioner Cooper would also note that of the three black members of the House of Delegates in 2011, two of them (Clif Moore and Meshea Poore) were elected in 2010 from single-member delegate districts (Delegate Districts 23 and 31).

From the foregoing exhibits and analysis, it should be evident to this Honorable Court that the aforesaid brief *amici curiae* on behalf of the AFL-CIO and WVCAG did not include up-to-date or complete information on the impact of single-member districts on the election of female or minority candidates to legislative bodies.

Accordingly, Petitioner Cooper objects to that brief to the extent that it relates to the issue of electing female or minority candidates to legislative bodies.

THORNTON COOPER
Petitioner

Pro Se



Thornton Cooper
3015 Ridgeview Drive
South Charleston, WV 25303
WVSB No. 823
(304) 744-9616 (home)
thornbush@att.net

November 14, 2011

5. Multimember Districts

Introduction

As of 1998, 13 states still had multimember districts in at least one of their legislative bodies, as shown in table 7. Before the 1982 amendments to the Voting Rights Act, challenges to the use of multimember legislative districts had been based upon alleged discrimination in violation of the Fourteenth Amendment (the Equal Protection Clause) or the Fifteenth Amendment (the right of citizens to vote) to the U.S. Constitution. The question of the constitutional validity of multimember districts had "focused not on population-based apportionment but on the quality of representation afforded by the multimember districts as compared with single-member districts." However, as a result of the Supreme Court's holdings in *City of Mobile v. Bolden* and *Thornburg v. Gingles*, and the Voting Rights Act amendments of 1982, it seems likely that, henceforth, courts will consider challenges by racial groups to multimember districts under the Voting Rights Act as amended in 1982 and not under the Equal Protection Clause of the Fourteenth Amendment. (The Voting Rights Act is examined in detail in chapter 4.) The following overview of the case law regarding multimember legislative districts includes a discussion of challenges to multimember legislative districts by racial groups or on a partisan basis, an examination of a preference discouraging multimember legislative districts in court-constructed redistricting plans, and a discussion of the relevant law concerning congressional districts.

Table 7. Multimember Districts in Each State

State	State Senates						State Houses					
	Number of Districts		Number of Multimember Districts		Largest Number of Seats in a District		Number of Districts		Number of Multimember Districts		Largest Number of Seats in a District	
	1980s	1990s	1980s	1990s	1980s	1990s	1980s	1990s	1980s	1990s	1980s	1990s
Alaska	14	20	6	0	2	1	27	40	13	0	2	1
Arizona							30	30	30	30	2	2
Arkansas							84	97	10	2	3	3
Georgia							156	180	15	0	5	1
Idaho	33	35	6	0	3	1	33	35	33	35	6	2
Indiana							77	100	16	0	3	1
Maryland							59	63	45	44	3	3
Nevada	14	16	7	5	2	2						
New Hampshire							175	132	103	74	10	36
New Jersey							40	40	40	40	2	2
North Carolina	35	42	13	8	3	2	72	98	30	17	4	3
North Dakota	53	49	2	0	2	1	53	49	53	49	2	2
South Dakota							35	35	35	35	2	2
Vermont	13	13	10	10	6	6		108		42		2
Washington							49	49	49	49	2	2
West Virginia	17	17	17	17	2	2	40	56	26	23	12	7
Wyoming	18	30	5	0	4	1	23	60	15	0	9	1

Women in State Legislatures: 2011 Legislative Session



As of August 29, 2011

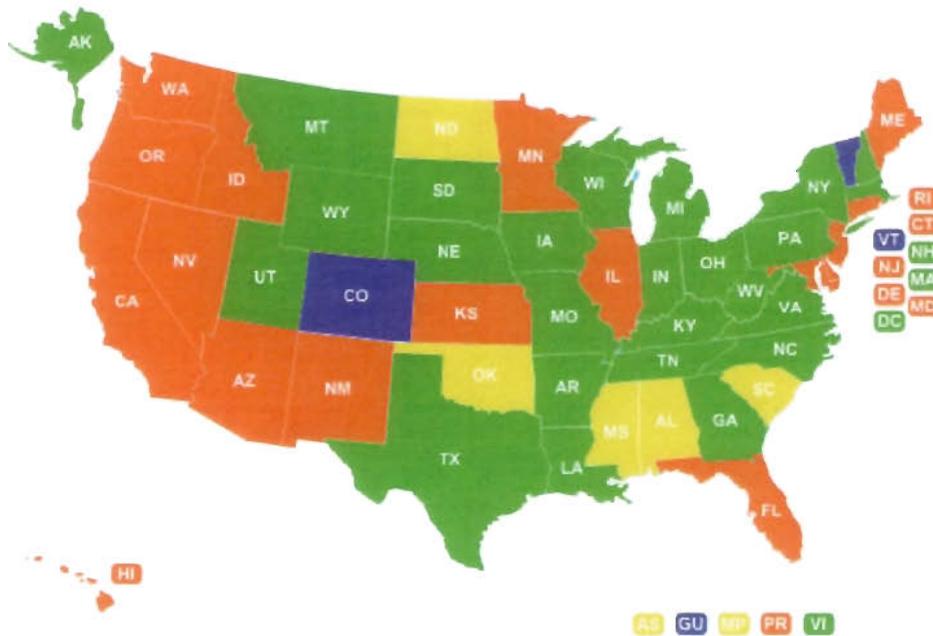
NOTE: This information is subject to change due to resignations, appointments and special elections.

Approximately 1,732 women serve in the 50 state legislatures during the 2011 legislative session. Women are 23.5 percent of all state legislators nationwide. This is a slight decrease from the [2010 session's](#) ratio of 24.5 percent female legislators.

For complete 2010 election information and analysis, visit NCSL's [StateVote 2010](#) project.

[Women in legislative leadership: 2011](#)

Percentages of Women in State Legislatures



5-14 percent women in the legislature

15-24 percent women in the legislature

25-34 percent women in the legislature

35-44 percent women in the legislature

*Petitioner
Cooper's
Response
Exhibit No. 2*

Women Serving in the 50 States, 2011

State	Number of Women Legislators in the House / Assembly	Number of Women Legislators in the Senate	Total Number of Women Legislators	Total Seats in the Legislature	Percentage of Women in the Legislature
Alabama	14	5	19	140	13.6%
Alaska	10	4	14	60	23.3%
Arizona	20	11	31	90	34.4%
Arkansas	22	8	30	135	22.2%
California	21	12	33	120	27.5%
Colorado	24	17	41	100	41.0%
Connecticut	47	9	56	187	29.9%
Delaware	9	7	16	62	25.8%
Florida	27	13	40	160	25.0%
Georgia	47	8	55	236	23.3%
Hawaii	17	9	26	76	34.2%
Idaho	19	9	28	105	26.7%
Illinois	36	16	52	177	29.4%
Indiana	21	11	32	150	21.3%

Kansas	33	12	45	165	27.3%
Kentucky	19	6	25	138	18.1%
Louisiana	15	8	23	144	16.0%
Maine	46	8	54	186	29.0%
Maryland	47	11	58	188	30.9%
Massachusetts	36	11	47	200	23.5%
Michigan	27	4	31	148	20.9%
Minnesota	44	19	63	201	31.3%
Mississippi	21	5	26	174	14.9%
Missouri	38	6	44	197	22.3%
Montana	28	8	36	150	24.0%
Nebraska	Unicameral	11	11	49	22.4%
Nevada	12	6	18	63	28.6%
New Hampshire	98	6	104	424	24.5%
New Jersey	24	10	34	120	28.3%
New Mexico	20	10	30	112	26.8%
New York	34	11	45	212	21.2%
North Carolina	32	6	38	170	22.4%
North Dakota	15	6	21	141	14.9%
Ohio	22	8	30	132	22.7%
Oklahoma	15	4	19	149	12.8%
Oregon	16	9	25	90	27.8%
Pennsylvania	33	11	44	253	17.4%
Rhode Island	19	10	29	113	25.7%
South Carolina	16	0	16	170	9.4%
South Dakota	14	7	21	105	20.0%
Tennessee	17	6	23	132	17.4%
Texas	32	6	38	181	21.0%
Utah	13	5	18	104	17.3%
Vermont	58	11	69	180	38.3%
Virginia	19	8	27	140	19.3%
Washington	29	18	47	147	32.0%
West Virginia	20	2	22	134	16.4%
Wisconsin	22	10	32	132	24.2%
Wyoming	13	1	14	90	15.6%
TOTAL	1,305	427	1,732	7,382	23.5%

Partisan Composition of Women in the 50 State Legislatures, 2011 Session

Democratic Party 1,047
 Republican Party 667
 Third Party 7
 Nonpartisan 11
 (Nebraska)

Contact Katie Ziegler for more information, (303) 364-7700.

[View 2010 information.](#)
[View 2009 information.](#)
[View 2008 information.](#)
[View 2007 information.](#)
[View 2006 information.](#)
[View 2005 information.](#)

Denver Office

Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230

Washington Office

Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001

©2011 National Conference of State Legislatures. All Rights Reserved.

District Map - West Virginia House of Delegates

District 1
Ronnie Jones
Randy Swartzmiller

District 2
Timothy R. Ennis
Roy Givens

District 3
Ryan Ferns
Erikka Storch

District 4
Michael T. Ferro
Scott G. Varner

District 5
Dave Pethel

District 6
Roger Romine

District 7
Lynwood "Woody" Ireland

District 8
E.W. Bill Anderson

District 9
Larry Border

District 10
Tom Azinger
John Ellem
Daniel Polling

District 11
Bob Ashley

District 12
Mitch Carmichael

District 13
Dale Martin
Brady Paxton

District 14
Troy Andes
Brian Savilla

District 15
Kevin J. Craig
Carol Miller
James H. Morgan

District 16
Doug Reynolds
Kelli Sobonya
Dale Stephens

District 17
Don Perdue
Richard Thompson

District 18
Larry Barker

District 19
Greg Butcher
Rupert Phillips
Ralph Rodighiero
Josh Stowers

District 20
K. Steven Kominar

District 21
Harry Keith White

District 22
Dante J. Hall
Linda Goode Phillips

District 23
Clif Moore

District 24
Marty Gearheart

District 25
Joe Ellington
John R. Frazier

District 26
Gerald Crosier

District 27
Virginia Mahan
Ricky Moyer
John D. O'Neal
Rick Snuffer
Linda Sumner

District 28
Thomas W. Campbell
Ray Canterbury

District 29
David G. Perry
John Pino
Margaret Anne Staggers

District 30
Bonnie Brown
Nancy Peoples Guthrie
Barbara Hatfield
Mark Hunt
Eric Nelson
Doug Skaff Jr.
Danny Wells

District 31
Meshea L. Poore

District 32
Tim Armstead
Patrick Lane
Ron Walters

District 33
David Walker

District 34
Brent Boggs

District 35
Harold Sigler

District 36
Joe Talbott

District 37
Denise Campbell
Mike Ross

District 38
Margaret Donaldson Smith

District 39
Bill Hamilton

District 40
Mary M. Poling

District 41
Samuel J. Cann
Ron Fragale
Richard J. Iaquinta
Tim Miley

District 42
Mike Manypenny

District 43
Mike Caputo
Linda Longstreth
Tim Manchin

District 44
Anthony Barill
Barbara Evans Felschauer
Charlene Marshall
Amanda Pasdon

District 45
Larry A. Williams

District 46
Stan Shaver

District 47
Harold Michael

District 48
Allen Evans

District 49
Gary Howell

District 50
Ruth Rowa

District 51
Daryl E. Co

District 52
Larry Kum

District 53
Jonathan M

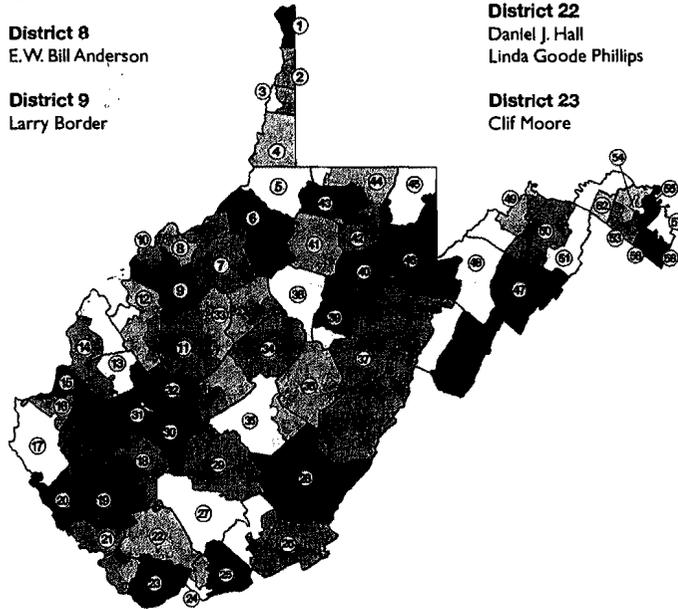
District 54
Walter E. I

District 55
John Overi

District 56
Eric House

District 57
John Doyle

District 58
Tiffany E. L



Petitioner
Cooper's
Response
Exhibit No. 3

Virginia House of Delegates

- 1
r
g
l
2
Michael
3
n
on
4
a
5
sig
r
lorgan
- District 16**
Doug Reynolds
Kelli Sobonya
Dale Stephens
- District 17**
Don Perdue
Richard Thompson
- District 18**
Larry Barker
- District 19**
Greg Butcher
Rupert Phillips
Ralph Rodighiero
Josh Stowers
- District 20**
K. Steven Kominar
- District 21**
Harry Keith White
- District 22**
Daniel J. Hall
Linda Goode Phillips
- District 23**
Clif Moore

District 24
Marty Gearheart

District 25
Joe Ellington
John R. Frazier

District 26
Gerald Crosier

District 27
Virginia Mahan
Ricky Moyer
John D. O'Neal
Rick Snuffer
Linda Sumner

District 28
Thomas W. Campbell
Ray Canterbury

District 29
David G. Perry
John Pino
Margaret Anne Stagers

District 30
Bonnie Brown
Nancy Peoples Guthrie
Barbara Hatfield
Mark Hunt
Eric Nelson
Doug Skaff Jr.
Danny Wells

District 31
Meshea L. Poore

District 32
Tim Armstead
Patrick Lane
Ron Walters

District 33
David Walker

District 34
Brent Boggs

District 35
Harold Sigler

District 36
Joe Talbot

District 37
Denise Campbell
Mike Ross

District 38
Margaret Donaldson Smith

District 39
Bill Hamilton

District 40
Mary M. Polling

District 41
Samuel J. Cann
Ron Fragale
Richard J. Jaquinta
Tim Miley

District 42
Mike Manypenny

District 43
Mike Caputo
Linda Longstreth
Tim Manchin

District 44
Anthony Barill
Barbara Evans Fleischauer
Charlene Marshall
Amanda Pasdon

District 45
Larry A. Williams

District 46
Stan Shaver

District 47
Harold Michael

District 48
Allen Evans

District 49
Gary Howell

District 50
Ruth Rowan

District 51
Daryl E. Cowles

District 52
Larry Kump

District 53
Jonathan Miller

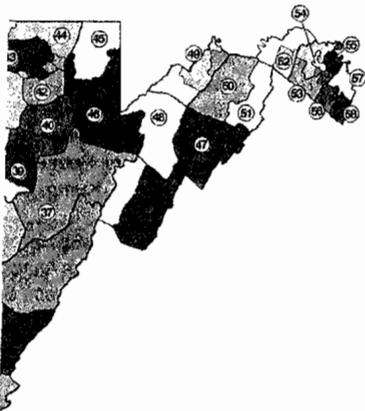
District 54
Walter E. Duke

District 55
John Overington

District 56
Eric Householder

District 57
John Doyle

District 58
Tiffany E. Lawrence



Republican - House of Delegates - 41st Delegate District

Daniel Hamrick	Received	Two thousand seven hundred forty five	(2,745)	Votes
William Michael Griffith	Received	Two thousand eighty eight	(2,088)	Votes
Edward Wayne Randolph	Received	One thousand nine hundred seventy five	(1,975)	Votes
Laura Diana Bartley	Received	One thousand eight hundred sixty nine	(1,869)	Votes
Tommy Emery Phillips, Jr.	Received	One thousand eight hundred thirty seven	(1,837)	Votes

Republican - House of Delegates - 42nd Delegate District

Jeffrey L. Tansill	Received	One thousand thirty nine	(1,039)	Votes
--------------------	----------	--------------------------	---------	-------

Republican - House of Delegates - 43rd Delegate District

Rickie Ray Starn	Received	One thousand eight hundred eighty eight	(1,888)	Votes
Travis Lee Blosser	Received	One thousand three hundred one	(1,301)	Votes
Lynette Mae McQuain	Received	One thousand one hundred fifty eight	(1,158)	Votes

Republican - House of Delegates - 44th Delegate District

Amanda Brooke Pasdon	Received	One thousand nine hundred fifty	(1,950)	Votes
Chris Wesley Walters	Received	One thousand nine hundred twenty three	(1,923)	Votes
Kevin Scott Poe	Received	One thousand seven hundred sixty	(1,760)	Votes
Kevin Lee Patrick, Jr.	Received	One thousand four hundred fifty two	(1,452)	Votes
James Elvis Austin	Received	One thousand one hundred sixty nine	(1,169)	Votes

Republican - House of Delegates - 45th Delegate District

No Candidates Filed

Republican - House of Delegates - 46th Delegate District

Deborah R. Stevens	Received	One thousand two hundred seventy three	(1,273)	Votes
--------------------	----------	--	---------	-------

Republican - House of Delegates - 47th Delegate District

No Candidates Filed

Republican - House of Delegates - 48th Delegate District

Allen Vincent Evans	Received	One thousand nine hundred sixty four	(1,964)	Votes
Phyllis Marie Cole	Received	One thousand three hundred seventy nine	(1,379)	Votes

Republican - House of Delegates - 49th Delegate District

Gary Gibson Howell	Received	One thousand sixty two	(1,062)	Votes
--------------------	----------	------------------------	---------	-------

Republican - House of Delegates - 50th Delegate District

Ruth Ann Rowan	Received	Eight hundred fifty four	(854)	Votes
----------------	----------	--------------------------	-------	-------

Republican - House of Delegates - 51st Delegate District

Daryl Edward Cowles	Received	Nine hundred forty five	(945)	Votes
---------------------	----------	-------------------------	-------	-------

Republican - House of Delegates - 52nd Delegate District

Larry Douglas Kump	Received	Seven hundred twenty eight	(728)	Votes
--------------------	----------	----------------------------	-------	-------

Petitioner Cooper's
Response Exhibit No. 4

Republican - House of Delegates – 53rd Delegate District

Jonathan Ryan Miller Received Seven hundred eighty two (782) Votes

Republican - House of Delegates - 54th Delegate District

Walter Edwin Duke Received Five hundred fifty (550) Votes

Republican - House of Delegates - 55th Delegate District

John Overington Received Six hundred fifty two (652) Votes

Republican - House of Delegates - 56th Delegate District

Eric Lee Householder Received Four hundred ninety four (494) Votes

Republican - House of Delegates - 57th Delegate District

Elliot Mark Simon Received Three hundred seventy six (376) Votes

Donald Anthony Jones Received Two hundred four (204) Votes

Republican - House of Delegates - 58th Delegate District

Alan Blake Thompson Received Three hundred ninety eight (398) Votes

Republican - Circuit Judge – District 22

Charles Edward Parsons Received One thousand three hundred twenty seven (1,327) Votes

Republican - Family Court Judge – District 12

No Candidates Filed

Republican - Greater Huntington Park and Recreation District - District 1

No Candidates Filed

Republican - Greater Huntington Park and Recreation District - District 2

James Evan Cummings Received Two thousand eight hundred eighty eight (2,888) Votes

Republican - Greater Huntington Park and Recreation District - District 3

Gary Lee Bunn Received Two thousand eight hundred fifty nine (2,859) Votes

Republican - Greater Huntington Park and Recreation District - District 5

No Candidates Filed

Republican - Greater Huntington Park and Recreation District - District 3 – Unexpired Term

Levi Christopher Lovett Received Two thousand four hundred ninety six (2,496) Votes

Republican State Executive Committee – Female – District 1

Amanda Marie Mesler Received Three thousand seven hundred nine (3,709) Votes

Margaret Miller Bahnsen Received Three thousand one hundred forty five (3,145) Votes

Owens Lovell Brown	Received	One thousand two hundred twelve	(1,212) Votes
Benjamin James Schneider	Received	Eight hundred seventy three	(873) Votes

Democrat - House of Delegates - 4th Delegate District

Scott Garrison Varner	Received	Three thousand five hundred sixty three	(3,563) Votes
Michael Thomas Ferro	Received	Three thousand three hundred seventeen	(3,317) Votes
Rodney John Smith	Received	Eight hundred twenty six	(826) Votes

Democrat - House of Delegates - 5th Delegate District

David Lee Pethtel	Received	Two thousand twenty nine	(2,029) Votes
Ronald Lewis Anderson	Received	Eight hundred sixty six	(866) Votes

Democrat - House of Delegates - 6th Delegate District

Charles Ray Delauder	Received	Eight hundred eighty three	(883) Votes
----------------------	----------	----------------------------	-------------

Democrat - House of Delegates - 7th Delegate District

No Candidate Filed

Democrat - House of Delegates - 8th Delegate District

No Candidate Filed

Democrat - House of Delegates - 9th Delegate District

Francis James Marion	Received	One thousand sixty three	(1,063) Votes
----------------------	----------	--------------------------	---------------

Democrat - House of Delegates - 10th Delegate District

Daniel Joseph Poling	Received	Three thousand two hundred	(3,200) Votes
----------------------	----------	----------------------------	---------------

Democrat - House of Delegates - 11th Delegate District

No Candidate Filed

Democrat - House of Delegates - 12th Delegate District

Jo Boggess Phillips	Received	One thousand one hundred forty two	(1,142) Votes
---------------------	----------	------------------------------------	---------------

Democrat - House of Delegates - 13th Delegate District

Brady Ralph Paxton	Received	One thousand nine hundred ninety five	(1,195) Votes
Dale Franklin Martin	Received	One thousand seven hundred ninety three	(1,793) Votes

Democrat - House of Delegates - 14th Delegate District

Catherine L. Larck	Received	Two thousand thirty three	(2,033) Votes
--------------------	----------	---------------------------	---------------

Democrat - House of Delegates - 15th Delegate District

Kevin J. Craig	Received	Two thousand eight hundred	(2,800) Votes
James Hanly Morgan	Received	Two thousand four hundred sixty one	(2,461) Votes
Matthew James Woelfel	Received	One thousand nine hundred forty four	(1,944) Votes
Carl Leon Eastham	Received	One thousand five hundred forty six	(1,546) Votes
Wayne Bruce Alexander Worth	Received	Six hundred seventy three	(673) Votes

Democrat - House of Delegates - 16th Delegate District

Dale G. Stephens	Received	Three thousand two hundred ninety two	(3,392) Votes
Douglas Vernon Reynolds	Received	Two thousand nine hundred forty one	(2,941) Votes

Democrat - House of Delegates - 17th Delegate District

Richard Thompson	Received	Two thousand nine hundred eighty four	(2,984) Votes
Don C. Perdue	Received	Two thousand six hundred sixty four	(2,664) Votes

Democrat - House of Delegates - 18th Delegate District

Larry Wayne Barker	Received	Two thousand five hundred eighty six	(2,586) Votes
--------------------	----------	--------------------------------------	---------------

Democrat - House of Delegates - 19th Delegate District

Josh Daniel Stowers	Received	Four thousand seven hundred forty eight	(4,748) Votes
Ralph M. Rodighiero	Received	Four thousand seven hundred four	(4,704) Votes
Rupert Wilson Phillips Jr.	Received	Four thousand two hundred five	(4,205) Votes
Gregory Allen Butcher	Received	Four thousand sixty	(4,060) Votes
Teddy H. Ellis	Received	Three thousand eight hundred ninety	(3,890) Votes
Theodore Jay Tomblin	Received	Three thousand two hundred twelve	(3,212) Votes
Harry Ernest Freeman	Received	Two thousand five hundred ninety three	(2,593) Votes
Eddie Lee Triplett	Received	One thousand five hundred ninety one	(1,591) Votes
A. Jay Hatfield	Received	One thousand five hundred sixty seven	(1,567) Votes
Gary Lee Johngrass	Received	Nine hundred sixty one	(961) Votes
David Colby Eplin	Received	Eight hundred ninety five	(895) Votes

Democrat - House of Delegates - 20th Delegate District

Kerry Steven Kominar	Received	Three thousand one hundred seventy four	(3,174) Votes
----------------------	----------	---	---------------

Democrat - House of Delegates - 21st Delegate District

Harry Keith White	Received	Two thousand three hundred twenty three	(2,323) Votes
-------------------	----------	---	---------------

Democrat - House of Delegates - 22nd Delegate District

Linda Goode Phillips	Received	Two thousand three hundred seventy seven	(2,377) Votes
Daniel Jackson Hall	Received	One thousand nine hundred fifty seven	(1,957) Votes

Democrat - House of Delegates - 23rd Delegate District

Clifton Moore	Received	One thousand two hundred ninety six	(1,296) Votes
Edward Edmond Evans	Received	Nine hundred eighty nine	(989) Votes
Emily W. Yeager	Received	Four hundred sixty nine	(469) Votes

Democrat - House of Delegates - 24th Delegate District

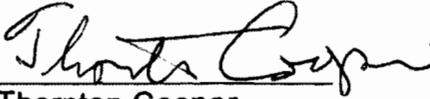
No Candidate Filed

Democrat - House of Delegates - 25th Delegate District

John Richard Frazier	Received	Three thousand eight hundred seven	(3,807) Votes
Billy Joe Morefield	Received	One thousand seven hundred thirty six	(1,736) Votes

CERTIFICATE OF SERVICE

I, **Thornton Cooper**, the Petitioner herein, do hereby **certify** that I have served the foregoing **“Response to November 4, 2011, Motion to File Amici Curiae Brief”** upon the Honorable **Natalie E. Tennant**, Secretary of State of the State of West Virginia, by mailing a copy thereof to her Counsel, Thomas W. Rodd, Esq., Assistant Attorney General, 812 Quarrier Street, Sixth Floor, Charleston, WV 25301; upon the **West Virginia AFL-CIO** and the **West Virginia Citizen Action Group**, by mailing a copy thereof to their Counsel, Robert M. Bastress, Esq., P.O. Box 1295, Morgantown, WV 26507-1295; and upon the Honorable **Richard Thompson**, Speaker of the West Virginia House of Delegates, by mailing a copy of the same to his Counsel, Anthony J. Majestro, Esq., Powell & Majestro, PLLC, at 405 Capitol Street, Suite P-1200, Charleston, WV 25301, all on this 14th day of November, 2011.


Thornton Cooper