# [J- 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 31- 2012] IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT

AMANDA E. HOLT, ELAINE TOMLIN, LOUIS: No. 7 MM 2012 NUDI, DIANE EDBRIL, DARIEL I, JAMIESON. : LORA LAVIN, JAMES YOEST, JEFFREY: MEYER, CHRISTOPHER H. FROMME,: Appeal from the Legislative TIMOTHY F. BURNETT, CHRIS HERTZOG, : GLEN ECKHART, and MARY FRANCES: BALLARD.

Reapportionment Plan of the 2011 Legislative Reapportionment Commission, dated December 12, 2011

#### **Petitioners**

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2011 LEGISLATIVE REAPPORTIONMENT: COMMISSION,

### Respondent

SENATOR JAY COSTA. SENATOR: LAWRENCE M. FARNESE, JR., SENATOR: CHRISTINE M. TARTAGLIONE, SENATOR: SHIRLEY M. KITCHEN, SENATOR LEANNA: M. WASHINGTON, SENATOR MICHAEL J.: STACK, SENATOR VINCENT J. HUGHES.: SENATOR ANTHONY Н. WILLIAMS. **SENATOR** JUDITH L. SCHWANK.: SENATOR JOHN T. YUDICHAK, SENATOR: DAYLIN LEACH. SENATOR LISA BOSCOLA, SENATOR **ANDREW** E.: DINNIMAN, SENATOR JOHN P. BLAKE,: **SENATOR** RICHARD KASUNIC.: Α. SENATOR JOHN N. WOZNIAK, SENATOR: JIM FERLO. SENATOR WAYNE D.: FONTANA. SENATOR **JAMES** BREWSTER, and SENATOR TIMOTHY J.: SOLOBAY,

No. 1 WM 2012

Appeal from the Legislative Reapportionment Plan of the 2011 Legislative Reapportionment Commission, dated December 12, 2011

**Petitioners** 

2011 LEGISLATIVE REAPPORTIONMENT: COMMISSION,

Respondent

MAYOR CAROLYN COMITTA, COUNCIL: No. 2 MM 2012 PRESIDENT HOLLY BROWN, WILLIAM J.: SCOTT, JR., HERBERT A. SCHWABE, II.: JANE HEALD CLOSE, FLOYD ROBERT: Appeal from the Legislative BIELSKI. ABBOTT, NATHANIEL SMITH, and W.: DONALD BRACELAND,

DAVID LALEIKE, E. BRIAN: Reapportionment Plan of the 2011 Legislative Reapportionment Commission, dated December 12, 2011

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MAYOR LEO SCODA and PERSON JENNIFER MAYO.

COUNCIL: No. 3 MM 2012

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2011 LEGISLATIVE REAPPORTIONMENT COMMISSION,

Respondent

THOMAS SCHIFFER, ALISON BAUSMAN,: AMDUR, JOAN TARKA.: RACHEL J. LAWRENCE W. ABEL, MARGARET G.: MORSCHECK, LAWRENCE J. CHRZAN,: Appeal from the Legislative JULIA SCHULTZ and SHIRLEY RESNICK.

No. 4 MM 2012

Reapportionment Plan of the 2011 Legislative Reapportionment

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Commission, dated December 12, 2011

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2011 LEGISLATIVE REAPPORTIONMENT COMMISSION.

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SEKELA COLES, CYNTHIA JACKSON and: No. 5 MM 2012 LEE TALIAFERRO.

**Petitioners** 

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Commission, dated December 12, 2011

2011 LEGISLATIVE REAPPORTIONMENT: COMMISSION,

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PATTY KIM,

No. 6 MM 2012

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2011 LEGISLATIVE REAPPORTIONMENT: COMMISSION,

Respondent

EDWARD J. BRADLEY, JR., PATRICK: No. 8 MM 2012 MCKENNA, JR., DOROTHY GALLAGHER,: RICHARD H. LOWE, and JOHN F. "JACK": BYRNE,

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DENNIS J. BAYLOR, : No. 9 MM 2012

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2011 LEGISLATIVE REAPPORTIONMENT COMMISSION,

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ANDREW DOMINICK ALOSI, : No. 10 MM 2012

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2011 LEGISLATIVE REAPPORTIONMENT:

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CARLOS A. ZAYAS, : No. 17 MM 2012

Petitioner

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: Legislative Reapportionment

Commission, dated December 12, 2011

2011 LEGISLATIVE REAPPORTIONMENT:

COMMISSION,

Respondent

WILLIAM C. KORTZ, MICHELLE L. VEZZANI.: No. 4 WM 2012 CHEREPKO. MICHAEL E. **GREGORY:** EROSENKO, JOYCE POPOVICH, JOHN: BEVEC, LISA BASHIOUM, and RICHARD: Appeal from the Legislative CHRISTOPHER.

Reapportionment Plan of the 2011 Legislative Reapportionment Commission, dated December 12, 2011

DECIDED: January 25, 2012

Petitioners

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2011 LEGISLATIVE REAPPORTIONMENT COMMISSION.

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## ORDER

#### **PER CURIAM**

**AND NOW**, this 25th day of January, 2012, upon consideration of the petitions for review and briefs in these legislative redistricting appeals, and after entertaining oral argument on January 23, 2012, this Court finds that the final 2011 Legislative Reapportionment Plan is contrary to law. PA. CONST. art. II, § 17(d). Accordingly, the final 2011 Legislative Reapportionment Plan is **REMANDED** to the 2011 Legislative Reapportionment Commission with a directive to reapportion the Commonwealth in a manner consistent with this Court's Opinion, which will follow. Id.

The 2001 Legislative Reapportionment Plan, which this Court previously ordered to "be used in all forthcoming elections to the General Assembly until the next constitutionally mandated reapportionment shall be approved," Albert v. 2001 Legislative Reapportionment Commission, 790 A.2d 989, 991 (Pa. 2002) (quoting per curiam order),

For administrative purposes only, we have designated the appeal in Holt v. 2011 Legislative Reapportionment Commission, 7 MM 2012 / J-7-2012, as the lead case.

shall remain in effect until a revised final 2011 Legislative Reapportionment Plan having the force of law is approved. PA. CONST. art. II, § 17(e).

All 2012 election dates shall remain the same, with the exception of the primary election calendar, which is adjusted as follows:

Thursday, January 26	First day to circulate nomination
	*144

petitions

Thursday, February 16 Last day to file nomination

petitions

Thursday, February 23 Last day to file objections to set

aside nomination petitions

Monday, February 27 Last day that court may fix for

hearings on objections to nomination petitions

Friday, March 2 Last day for court to finally

determine objections to nomination petitions

Friday, March 2 Last day for withdrawal by

candidates who filed nomination

petitions

Any signatures on nomination petitions dated January 24 or January 25, 2012, shall be deemed valid as to timeliness, subject, however, to any other statutory challenge.

Jurisdiction is retained.

Mr. Justice Saylor files a dissenting statement, in which Mr. Justice Eakin and Madame Justice Orie Melvin join.

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No. 1 WM 2012

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Legislative Reapportionment Commission, dated December 12, 2011

**Petitioners** 

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**FILED: January 25, 2012** 

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## **DISSENTING STATEMENT**

## MR. JUSTICE SAYLOR

Based on the petitions, briefs, and argument, I am not persuaded that the 2011 Legislative Reapportionment Plan is contrary to law as reflected in the existing precedent. Although I am receptive to the concern that past decisions of the Court may suggest an unnecessarily stringent approach to equalization of population as between voting districts, I believe this could be addressed via prospective guidance from the Court.

Mr. Justice Eakin and Madame Justice Orie Melvin join this dissenting statement.