

IN THE SUPREME COURT OF PENNSYLVANIA

MICHAEL L. FAGAN,  
MICHAEL HOFFMAN,  
D. GREGORY HOLT,  
SUSAN R. KERR,  
RALANDA KING,  
AAMIR MOORE,  
CLAUDIA S. SHERROD,  
PATRICIA SMECK,  
ROBERT S. SMITH,  
JEREMY WINCH, and  
NAOMI WINCH

Petitioners,

v.

SAMUEL H. SMITH, in his capacity as  
Speaker of the Pennsylvania House of  
Representatives, and

CAROL AICHELE, in her capacity as  
Secretary of the Commonwealth of  
Pennsylvania,

Respondents.

No.

**PETITION FOR WRIT OF MANDAMUS  
OR, ALTERNATIVELY, APPLICATION  
FOR THE EXERCISE OF ORIGINAL  
JURISDICTION UNDER KING'S BENCH  
POWER AND EMERGENCY RELIEF**

Filed on behalf of Petitioners

Counsel for Petitioners:

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**PETITION FOR WRIT OF MANDAMUS  
OR, ALTERNATIVELY,  
APPLICATION FOR THE EXERCISE OF ORIGINAL JURISDICTION  
UNDER KING'S BENCH POWER AND EMERGENCY RELIEF**

Petitioners Michael L. Fagan, Michael Hoffman, D. Gregory Holt, Susan R. Kerr, Ralanda King, Aamir Moore, Claudia S. Sherrod, Patricia Smeck, Robert S. Smith, Jeremy Winch, and Naomi Winch file this Petition for Writ of Mandamus or, Alternatively, Application for the Exercise of Original Jurisdiction Under King's Bench Power and Emergency Relief.

**Nature of Action**

1. This is an action in mandamus to compel the Speaker of the Pennsylvania House of Representatives to call special elections for six vacant seats in the House as required by the Pennsylvania Constitution and the Pennsylvania Election Code.
2. February 24, 2012 is the last day on which the Speaker can issue the writs of election for the special elections under the Election Code in time for the next ensuing primary, which is scheduled for April 24, 2012. *See* 15 P.S. § 2778 (special election cannot be scheduled less than 60 days after the issuance of a writ of election).
3. Petitioners therefore request this Court to direct the Speaker to issue the writ of election for the special elections on or before February 24, 2012.
4. Emergency relief is necessary to avoid depriving over 350,000 citizens in the six districts whose seats are vacant of their constitutional right to representation in the Pennsylvania House of Representatives (the "House").
5. Accordingly, it is imperative that the Court grant emergency relief directing that the special elections be scheduled by February 24, 2012. Without that emergency relief, the 350,000-plus citizens who live in the six districts at issue will be deprived of their constitutional

right to representation in the House until some indefinite date in the future in a manner that violates their right to representation under the Constitutions of Pennsylvania and the United States.

### **Statement of Jurisdiction**

6. The basis for the jurisdiction of this Court is Section 17(d) of Article 2 of the Pennsylvania Constitution and 42 Pa. C.S. § 725(1), which provides that the Supreme Court shall have exclusive jurisdiction of certain matters relating to constitutional and judicial agencies, including the Legislative Reapportionment Commission.

7. This matter directly relates to *Holt et al. v. 2011 Legislative Reapportionment Commission*, --- A.3d ---, 7 MM 2012 (Pa. Feb. 3, 2012), decided by this Court on January 25, 2012. By order dated February 3, 2012, this Court retained jurisdiction in redistricting matters.

8. The alternative basis for jurisdiction is the Court's King's Bench powers pursuant to Article II, Section 2(c) and 42 Pa. C.S. § 3309.

### **The Parties**

9. Petitioners are citizens of the six legislative districts that currently have a vacant seat in the House. Petitioners Susan R. Kerr and Robert S. Smith are citizens and registered voters in the 22<sup>nd</sup> Legislative District; Petitioners Michael Hoffman, Jeremy Winch, and Naomi Winch are citizens and registered voters in the 134<sup>th</sup> Legislative District; Petitioner D. Gregory Holt is a citizen and registered voter in the 153<sup>rd</sup> Legislative District; Petitioners Michael L. Fagan and Patricia Smeck are citizens and registered voters in the 169<sup>th</sup> Legislative District; Petitioners Ralanda King and Claudia S. Sherrod are citizens and registered voters in the 186<sup>th</sup> Legislative District; Petitioner Aamir Moore is a citizen and registered voter in the 197<sup>th</sup> Legislative District.

10. Respondent Samuel H. Smith is the Speaker of the Pennsylvania House of Representatives (the “Speaker”). The Pennsylvania Constitution directs the Speaker, as presiding officer of the House, to issue a writ of election to fill any vacancy that occurs in the House. *See* Pa. Const., art. II, § 2. The Pennsylvania Election Code requires the Speaker to fill the vacancy by calling a special election. *See* 25 P.S. § 2778.

11. Respondent Carol Aichele is the Secretary of the Commonwealth of Pennsylvania (the “Secretary”). The Pennsylvania Election Code vests the Secretary with various powers and duties regarding elections, including but not limited to certifying the names of candidates for elections to county boards of elections. *See* 25 P.S. §§ 2621, 2780, 2781 and 2786.

### **Background**

12. On January 25, 2012, this Court found that the reapportionment plan approved by the 2011 Legislative Reapportionment Commission (the “LRC”) was unconstitutional. *See* January 25, 2012 Order in *Holt et al. v. 2011 Legislative Reapportionment Commission*, --- A.3d ---, 7 MM 2012 (Pa. Feb. 3, 2012).

13. This Court issued a remand directing the LRC to develop a new reapportionment plan for the Commonwealth that was consistent with the Supreme Court’s opinion. *Id.*

14. In addition, the Court ordered the following:

The 2001 Legislative Reapportionment Plan . . . shall remain in effect until a revised final 2011 Legislative Reapportionment Plan having the force of law is approved.

*See* Pa. Const., art. II, § 17(e).

15. Despite the clear, unequivocal language in the Court’s order, Speaker Smith filed a declaratory judgment action in federal court in which he asked the federal court to declare, *inter alia*, that the use of the 2001 Legislative Reapportionment Plan in future elections violates

the United States Constitution and the Pennsylvania Constitution. *See* Complaint in *Smith v. Aichele*, Case 2:12-cv-00488-RBS in the United States District Court for the Eastern District of Pennsylvania (the “Verified Smith Complaint”). Speaker Smith personally verified the Verified Smith Complaint. A copy of the Verified Smith Complaint is attached hereto as Exhibit A.

16. In the Verified Smith Complaint, Speaker Smith recognized that the law obligates the Speaker to call a special election for the six districts identified above.

17. After noting the six vacant seats, the Verified Smith Complaint states that:

it appears the practical and actual effect of the Supreme Court’s January 25<sup>th</sup> Order is that legislative districts established in the 2001 Legislative Reapportionment Plan are those which will be used in special elections for the rest of the current legislative session of the Pennsylvania General Assembly and in the primary and general elections for the 2013 – 2014 legislative session.

*Id.* at ¶ 35 (Exhibit A).

18. The Verified Smith Complaint further admits that:

the timetables imposed by Pennsylvania law will require the Speaker to issue writs of election to fill vacancies in districts based on the 2001 Legislative Reapportionment Plan . . . .

*Id.* at ¶ 36 (Exhibit A).

19. The very reason why Speaker Smith purportedly filed the action in federal court was to obtain clarification as to whether the use of the 2001 reapportionment plan for the 2012 primary and general elections is unconstitutional because, as Speaker Smith acknowledged, he would have to call special elections if the use of the 2001 plan was constitutional.

20. On February 8, 2012, the federal court issued an opinion and order in Speaker Smith’s case confirming that the use of the 2001 plan for the 2012 elections is both constitutional and reasonable given the impending April 24, 2012 primary election. Secretary Aichele was named as a party in Speaker Smith’s federal case. Accordingly, Secretary Aichele is equally

aware of the ruling by the federal court in that case. A copy of the federal court opinion and order is attached hereto as Exhibit B.

21. The federal court's ruling eliminated any purported doubt that Speaker Smith might have had regarding the legal use of the 2001 plan in the 2012 elections.

22. Accordingly, by the Speaker's own admissions in his personally verified federal court complaint, Speaker Smith is obligated to call special elections.

23. On February 15, 2012, Representative Frank Dermody, the Democratic Leader of the House, sent a letter to Speaker Smith requesting that he promptly issue writs of special election to fill the six vacant seats in the House. A copy of Representative Dermody's letter is attached hereto as Exhibit C.

24. Representative Dermody further urged Speaker Smith to schedule the special elections to coincide with the April 24, 2012 primary election to minimize the time that hundreds of thousands of citizens in the six districts will be without a voice in the House and to save the taxpayers in Pennsylvania the unnecessary expense of additional elections on a different date. *See Exhibit C.*

25. Despite the federal court ruling, and his own acknowledgement, under oath, that if the federal court refused to intervene, he was Constitutionally obligated to call special elections for April 24 under the 2001 map, Speaker Smith has not given any indication that he intends to call a special election, nor has Speaker Smith responded in any way to Representative Dermody's letter.

#### **Constitutional and Statutory Requirements**

26. Article II, Section 2 of the Pennsylvania Constitution provides, in relevant part:

Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

*See Pa. Const., art. II, § 2.*

27. Section 2278 of the Pennsylvania Election Code provides, in relevant part:

Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session, the presiding officer of such house shall, within ten (10) days after the happening of the vacancy, issue a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth, for a special election to fill said vacancy, which election shall be held at the next ensuing primary, municipal or general election scheduled at least sixty (60) days after the issuance of the writ . . .

*See 25 P.S. § 2778.*

28. The clear and mandatory language of Section 2778 requires Speaker Smith to schedule special elections to be held at the next ensuing primary election, which is scheduled for April 24, 2012.

29. The express language of Section 2778 further requires Speaker Smith to issue the writ for those special elections at least sixty (60) days prior to the April 24, 2012 primary election.

30. The last date on which Speaker Smith can timely issue the writs, in compliance with the statutory sixty (60) day period, is February 24, 2012.

## COUNT I

### **Mandamus Directing the Issuance of Writ of Special Election Pursuant to 25 P.S. § 2778**

31. Petitioners incorporate Paragraphs 1 through 30 above as if fully stated herein.

32. Six districts in the Commonwealth currently have a vacant seat in the House.

Each of the vacancies has already existed for more than ten (10) days, in fact, each has existed for more than thirty (30) days.

33. Section 2778 of the Pennsylvania Election Code requires the Speaker of the House to fill those vacant seats by calling special elections to be held at the next ensuing primary, municipal or general election.

34. Section 2778 of the Pennsylvania Election Code requires the Speaker issue such writ within ten (10) days of the date the vacancy occurs.

35. Section 2778 of the Pennsylvania Election Code requires the Speaker of the House to issue a writ of election for the special election at least sixty (60) days prior to the next ensuing primary, municipal or general election.

36. The next ensuing primary election is scheduled for April 24, 2012.

37. The ten (10) day period which Speaker Smith has to issue the writ has expired for each of the six vacant seats.

38. February 24, 2012 is the last date on which the Speaker can timely issue a writ of election in compliance with the statutory sixty (60) day period.

WHEREFORE, Petitioners respectfully request the Court to issue a mandamus directing Speaker Smith to issue a writ of election on or before February 24, 2012 for special elections to fill the vacant seats in the six districts identified above; and directing Secretary Aichele to take all action required under the Election Code to conduct the special elections on April 24, 2012.



## COUNT II

### **Mandamus Directing the Issuance of Writ of Special Election Pursuant to the Pennsylvania Constitution**

39. Petitioners incorporate Paragraphs 1 through 38 above as if fully stated herein.

40. The concept of equal representation in the General Assembly has been a significant factor in the allocation of representatives since at least 1964 under the Constitutions of both the Commonwealth and the United States. *See Butcher v. Bloom*, 415 Pa. 438, 463 (1964); *see also Reynolds v. Sims*, 377 U.S. 533, 580 (1964).

41. Inherent in the concept of equal representation is the basic fact of representation. As such, every citizen of the Commonwealth is entitled to representation in the General Assembly.

42. Given the inevitability of vacancies occurring, the General Assembly adopted Section 2778 of the Pennsylvania Election Code which details the process for replacing representatives when a vacancy occurs.

43. Subsection (a) of Section 2778 of the Pennsylvania Election Code similarly provides a very limited exception to avoid unnecessary elections that will not lead to meaningful representation. It provides, in relevant part:

Whenever a vacancy shall occur in either house of the General Assembly on the same day as the filing of a preliminary reapportionment plan by the Legislative Reapportionment Commission or during the period between such filing and the date that a final plan attains the force of law, the presiding officer of the house shall have the authority, notwithstanding any other provisions of law to the contrary, to delay the issuance of a writ of election until ten days after the date the final plan attains the force of law.

*See* 25 P.S. § 2778(a).

*In the Absence of a Pending Preliminary Plan, the Speaker Has No Discretion to Withhold a Writ of Election for Current Vacancies.*

44. By order dated January 25, 2012, after determining that the 2012 reapportionment plan approved by the LRC was unconstitutional, this Court issued a remand directing the LRC to develop a new reapportionment plan for the Commonwealth that was consistent with the Supreme Court's opinion.

45. As a consequence of the Court's January 25, 2012 order, the 2011 reapportionment plan that was approved by the LRC no longer exists. The LRC has not yet filed (or even developed) a preliminary plan to replace the plan that this Court rejected as being unconstitutional.

46. The vacancies in the six districts identified above therefore do not exist "on the same day as the filing of a preliminary reapportionment plan by the Legislative Reapportionment Commission or during the period between such filing and the date that a final plan attains the force of law."

47. Furthermore, because this Court has ruled that the 2001 legislative map remains in effect and the federal court has ruled that use of the 2001 map for the 2012 primary and general elections is constitutional, any future preliminary plan would have no bearing on the April 24, 2012 primary election.

48. Accordingly, Subsection (a) of Section 2778 does not apply to the current vacancies.

Section 2778(a) Does Not Supersede the Constitutional Right to Representation.

49. The indefinite suspension of the rights of more than 350,000 citizens to participate in representative government not only is an abuse of discretion, but a clear violation of the Pennsylvania Constitution.

50. As Speaker Smith correctly points out in the Verified Smith Complaint, citizens of the Commonwealth are entitled to representation in the General Assembly under the Constitutions of both the Commonwealth and the United States. *See* U.S. Const. Am. XIV, § 1; Pa. Const. Art. I, §§ 1, 5, and 26 and Art. II, § 16; *see also* Verified Smith Complaint ¶ 49.

51. As Speaker Smith correctly stated in the Verified Smith Complaint, Section 2778(a) is designed solely for an interim delay in representation to “enable[] the Speaker to avoid having to issue a writ for a special election in a legislative district which may no longer exist or be changed, due to reapportionment, when the election was held.” *See* Verified Smith Complaint at ¶ 17.

52. Under this Court’s order of January 25, 2012, and the federal court decision of February 8, 2012, there is no possibility that the six legislative districts would no longer exist or be changed due to reapportionment before the primary election is held on April 24, 2012.

53. Despite having acknowledged the inapplicability of Section 2778(a) if the 2001 map is used for the April 24, 2012 primary election, as stated in his verified filing in federal court, Speaker Smith now apparently has adopted an interpretation of Section 2778(a) that gives him the unfettered right to deny representation to over 350,000 people for a full year in direct violation of the Constitutions of the Commonwealth and the United States.

54. Having correctly identified all of the operative law in the Smith Verified Complaint, Smith’s outright refusal to honor the Constitutional obligations is a dereliction of

duty under Article II, Section 2 of the Pennsylvania Constitution, and the federal and state Constitutional obligations of full and equal representation meriting emergency relief from this Court.

55. The Court should reject Speaker Smith's interpretation of Section 2778(a) because it runs directly contrary to provisions in the Constitution of the United States and of Pennsylvania.

56. When ascertaining the intention of the General Assembly in the enactment of a statute, the Court can presume "[t]hat the General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth." *See* 1 Pa. C.S. § 1922(3).

57. Applying that presumption in the past, this Court has declared that statutes are to be construed whenever possible to uphold their constitutionality. *See In re William L.*, 383 A.2d 1228, 1231 (Pa. 1978).

58. The right to representation in the General Assembly is protected by the Constitution of the United States and of this Commonwealth. Accordingly, the Court should reject any interpretation of Section 2778(a) that would deprive hundreds of thousands of citizens of their constitutional right to representation in the House until some unknown date in the future.

59. In addition, when interpreting a statute, the Court can presume "[t]hat the General Assembly does not intend a result that is ... unreasonable." *See* 1 Pa. C.S. § 1922(1).

60. Depriving hundreds of thousands of citizens of representation in the House not only would be unconstitutional; it would be patently unreasonable. Forcing taxpayers to pay substantial sums for separate special elections also would be unreasonable.

61. Accordingly, the rules of statutory construction support Petitioners' interpretation of Section 2778(a).

*To the Extent Section 2778(a) Does Apply, The Speaker Has Abused His Discretion By  
Failing to Issue Writs of Election to Fill the Vacant Seats.*

62. Alternatively, in the event the Court determines that Subsection (a) of Section 2778 does apply, and that the Speaker has discretion to delay the issuance of a writ of election for the special elections, Petitioners seek mandamus on grounds that the refusal to call a special election is an abuse of discretion by the Speaker.

63. As the federal court recognized, the April 24, 2012 primary election must use the 2001 legislative map.

64. As noted above, the LRC has not even developed a new preliminary plan.

65. Even after the LRC develops and approves a preliminary plan, this Court described the schedule that will apply at that time:

[O]nce the LRC approves a new preliminary plan, the Constitution affords persons aggrieved by the new plan a right to object, before the plan is finally approved by the LRC, and to a subsequent right to appeal to this Court.

*See* Slip Op. at p. 87, n. 40 in *Holt et al. v. 2011 Legislative Reapportionment Commission*, --- A.3d ---, 7 MM 2012 (Pa. Feb. 3, 2012).

66. The Pennsylvania Constitution prescribes separate thirty (30) day periods to object to the preliminary plan and to appeal from the final plan. *See* Pa. Const. art. II, § 17.

67. The two 30 day periods do not even begin to run until the LRC approves a preliminary plan, which, as noted above, has not occurred.

68. Furthermore, after the two 30 day periods have concluded, if a petition is filed, this Court still has to deliberate and decide whether to approve the plan. Only after this Court approves a new plan (which has not yet even been proposed) will the plan attain the force of law.

69. Furthermore, after this Court eventually approves a new plan, an election cannot take place under the new plan for at least 60 days, and likely 90 days under the schedule required by the Election Code. *See generally* summary of timeline in Exhibit B; 25 P.S. 2778; 25 P.S. §§ 2751, *et seq.*

70. Because the April 24, 2012 primary election will occur before any such plan can be approved and implemented, there is no justification for indefinitely denying citizens their constitutional right to have representation in the General Assembly.

71. At this time, it is impossible to predict when this Court ultimately will approve a new plan.

72. Consequently, the decision by Speaker Smith to delay the special elections until after a new plan attains the force of law would deprive the citizens in the six districts at issue of a representative voice in the House to some unknown time in the future. Such a decision would be a clear abuse of discretion.

73. Indeed, any delay by Speaker Smith in issuing a writ of elections after February 24, 2012 would require, at a minimum, a separate election to fill each of the six vacant seats in the House.

74. Separate special elections would cost the taxpayers of the Commonwealth substantial sums of money.

75. Forcing the taxpayers of the Commonwealth to pay substantial sums of money for no purpose unnecessarily constitutes an abuse of discretion.

WHEREFORE, Petitioners respectfully request the Court to issue a mandamus directing Speaker Smith to issue a writ of election on or before February 24, 2012 for special elections to fill the vacant seats in the six districts identified above; and directing Secretary Aichele to take all action required under the Election Code to conduct the special elections on April 24, 2012.

Respectfully submitted,



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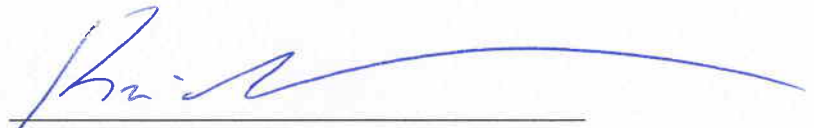
Date: February 17, 2012

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the within PETITION FOR WRIT OF MANDAMUS OR, ALTERNATIVELY, APPLICATION FOR THE EXERCISE OF ORIGINAL JURISDICTION UNDER KING'S BENCH POWER AND EMERGENCY RELIEF this 17<sup>th</sup> day of February, 2012, by hand delivery and first class mail on the following:

Hon. Samuel H. Smith  
Speaker of the House  
139 Main Capitol Building  
Harrisburg, Pennsylvania 17120-2066

Hon. Carol Aichele  
Secretary of the Commonwealth  
210 North Office Building  
Harrisburg, Pennsylvania 17120

  
\_\_\_\_\_  
Kevin Greenberg



**VERIFICATION**

The undersigned, Michael Fagan, is a duly qualified and registered voter in the 169<sup>th</sup> House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/15/12

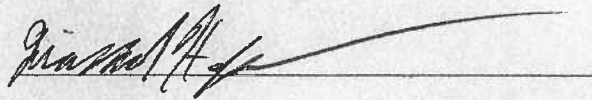
Michael Fagan

**VERIFICATION**

The undersigned, Michael Hoffman, is a duly qualified and registered voter in the 134th House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2-16-12

  
\_\_\_\_\_

VERIFICATION

The undersigned, D. GREGORY HOLT is a duly qualified and registered voter in the 153<sup>RD</sup> House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/17/2012      D. Gregory Holt

**VERIFICATION**

The undersigned, Susan R. Kern is a duly qualified and registered voter in the 22 House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/16/12



VERIFICATION

The undersigned, Ralanda King, is a duly qualified and registered voter in the 186 House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/17/12

Ralanda King

**VERIFICATION**

The undersigned, Amir Moore, is a duly qualified and registered voter in the 197 House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/17/2012

Amir Moore

**VERIFICATION**

The undersigned, CLAUDIA S. SHERROD, is a duly qualified and registered voter in the 186<sup>TH</sup> House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/17/12

Claudia S. Sherrod

**VERIFICATION**

The undersigned, Patricia Smeck, is a duly qualified and registered voter in the 169<sup>th</sup> House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/17/12

Patricia Smeck

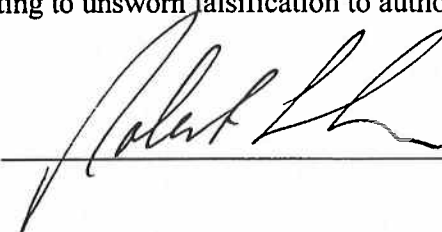


VERIFICATION

The undersigned, ROBERT S. SMITH, is a duly qualified and registered voter in the 22ND House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/16/12

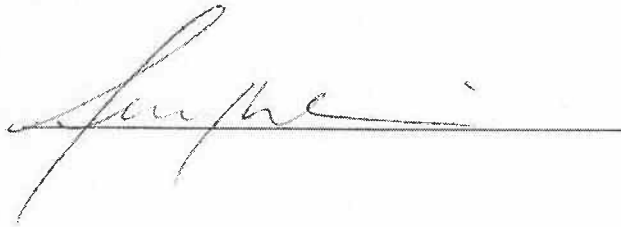
  
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**VERIFICATION**

The undersigned, Jeremy Wick, is a duly qualified and registered voter in the 134<sup>th</sup> House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2/17/2012

A handwritten signature in black ink, appearing to read "Jeremy Wick", is written over a horizontal line.

**VERIFICATION**

The undersigned, Naomi Winch, is a duly qualified and registered voter in the 134 House District in the Commonwealth of Pennsylvania, is a Petitioner in the foregoing Petition and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2-17-12

Naomi Winch