

**BEFORE THE SUPREME COURT OF PENNSYLVANIA**

**MIDDLE DISTRICT**

**TONY AMADIO AND  
JOE SPANIK**

**Petitioners,**

**v.**

**2011 LEGISLATIVE REAPPORTIONMENT  
COMMISSION,**

**Respondent.**

40 W.M. 2012

**PETITION FOR REVIEW**

**In The Nature Of An Appeal From The Final Plan Of  
The 2011 Legislative Reapportionment Commission**

Pursuant to Section 17(d) of Article 2 of the Pennsylvania Constitution and Pennsylvania Rule of Appellate Procedure 3321, the Petitioners, Tony Amadio and Joe Spanik ("Petitioners"), as individual voters in the Commonwealth of Pennsylvania, file this Petition for Review, seeking this Court's review of the June 8, 2012 final reapportionment plan ("2012 Final Plan") approved by the 2011 Legislative Reapportionment Commission ("Commission"). In support of the Petition, the Petitioners state as follows:

**Statement Of Jurisdiction**

1. 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 appeals from final orders of certain

constitutional and judicial agencies, including the Legislative Reapportionment Commission.

2. This appeal is addressed to the Court's appellate jurisdiction and is in the nature of a petition for review, pursuant to Rule of Appellate Procedure 3321.

**Identity of Parties Seeking Review**

3. Tony Amadio resides at 127 Brennburn Lane, Aliquippa, Pennsylvania, 15001 is a Beaver County Commissioner and a registered voter in Beaver County, Pennsylvania and brings this Petition in his official capacity as a Commissioner and as an individual registered voter who is aggrieved by the Final Plan.

4. Joe Spanik resides at 3339 Brodhead Rd., Apt. J. Aliquippa, Pennsylvania, 15001 and is a Beaver County Commissioner and registered voter in Beaver County, Pennsylvania and brings this Petition in his official capacity as a Commissioner and as an individual registered voter who is aggrieved by the Final Plan.

**Identity Of Respondent**

5. The Respondent is the 2011 Legislative Reapportionment Commission.

6. Pursuant to Section 17(b) of Article 2 of the Pennsylvania Constitution, the Commission is composed of Senator Dominic Pileggi, the majority leader of the Senate; Senator Costa, the minority leader of the Senate; Representative Michael Turzai, the majority leader of the House of Representatives; Representative Frank Dermody, the minority leader of the House of Representatives; and the Honorable Stephen McEwen, the fifth member selected by this Court after the other four

Commission members were unable to agree on a fifth member. Judge McEwen served as Chair of the Commission.

### **Determination To Be Reviewed**

7. The determination for which the Petitioners seek review is the 2012 Final Plan of the Commission that was approved on June 8, 2012. A copy of the Final Plan for the Pennsylvania Senate and the map reflecting the Final Plan for the Pennsylvania Senate are attached as Appendices A and B.

### **Controlling Constitutional Provision**

8. Section 16 of Article 2 of the Constitution states:

The Commonwealth shall be divided into fifty senatorial and two hundred three representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each senatorial district shall elect one Senator, and each representative district one Representative. **Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.**

Pa. Constit. Art. II, sect. 16 (emphasis supplied).

### **Relevant Procedural Background**

9. Pursuant to Section 17(a) of Article 2 of the Pennsylvania Constitution, in 2011, the year following the Federal decennial census, the 2011 Legislative Reapportionment Commission was constituted for the purpose of reapportioning the Commonwealth.

10. Pursuant to Article 17(c) of Article 2 of the Pennsylvania Constitution, the Commission approved a preliminary reapportionment plan on October 31, 2011, by a 3 to 2 vote, with Commission Members Costa and Dermody dissenting. (“2011 Preliminary Plan”).