

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

ROBERT C. JUBELIRER, Senator and President *pro*
tempore of the Senate of the Commonwealth of
Pennsylvania, and JOHN M. PERZEL, Representative and
Speaker of the House of Representatives of the
Commonwealth of Pennsylvania.

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF STATE,
PEDRO A. CORTÉZ, Secretary of the Commonwealth
and MONNA ACCURTI, Commissioner of the Bureau of
Commissions, Legislation and Elections,

Respondents.

_____ M.D. 2004

**PETITION FOR REVIEW IN THE NATURE OF AN ACTION
IN MANDAMUS AND FOR DECLARATORY JUDGMENT**

House Bill 1222, Printer's Number 3127 was presented to the Governor on December 22, 2003. The Constitution provides that (except when the General Assembly has adjourned *sine die*) a bill becomes law unless, within 10 days of presentment to the Governor, the bill, along with the Governor's objections, is returned to the chamber of the General Assembly in which it originated. The General Assembly has not adjourned *sine die* since HB 1222, PN 3127 was presented to the Governor on December 22, 2003. HB 1222, PN 3127 was not returned to the House of Representatives within 10 days of presentment and, therefore, became law on January 1, 2004. The responsibility to assign an act number to House Bill 1222, PN 3127 rests with the Department of State, which has failed to do so.

Petitioners, in their capacities as members and elected presiding officers of the General Assembly of the Commonwealth of Pennsylvania, ask this Court to direct the Respondents, in accordance with their statutory and regulatory duties, to record HB 1222, PN 3127 as a law, assign it an act number, and send a verification of the recording to the Legislative Reference Bureau. Petitioners further seek a declaration that HB 1222, PN 3127 has become law because

the purported veto of HB 1222, PN 3127 was not executed in conformity with the Constitution of the Commonwealth. In support, Petitioners state:

JURISDICTION

1. This Court has jurisdiction in this matter pursuant to 42 Pa.C.S. §761.

PARTIES

2. Petitioner Robert C. Jubelirer is the senator for the 30th senatorial district and the President *pro tempore* of the Senate. His office address is Senate of the Commonwealth of Pennsylvania, Room 292 Main Capitol, Harrisburg, PA.

3. Petitioner John M. Perzel is the representative for the 172nd legislative district and the Speaker of the House of Representatives. His office address is House of Representatives of the Commonwealth of Pennsylvania, Room 139 Main Capitol, Harrisburg, PA.

4. Upon assuming their respective positions, Senator Jubelirer and Speaker Perzel, in accordance with PA. CONST. art. VI, §3, swore that they would "support, obey and defend ... the Constitution of this Commonwealth."

5. As the elected President *pro tempore* of the Senate, Senator Jubelirer's responsibilities include presiding over the Senate and signing all bills passed by the General Assembly (or appointing another senator to do so) in the absence of the President of the Senate, and, as President *pro tempore*, he is the highest ranking, purely legislative officer in the Senate. As the ranking legislative officer of the Senate, the President *pro tempore* has the responsibility to oversee that the Senate's consideration of legislation and the enactment of legislation – insofar as the enactment relates to the Senate and its powers, duties and responsibilities – are carried out as provided by the Constitution and to guard against the abrogation of the rights, powers, and duties vested in the Senate by the Constitution. Senator Jubelirer's ability to carry out his duties as President *pro tempore* is harmed by the uncertainty as to the meaning of PA. CONST. art. IV, §15 that the Secretary's treatment of HB 1222, PN 3127 has created.

6. As the elected Speaker of House, Representative Perzel's responsibilities include presiding over the House and signing all bills passed by the General Assembly (or appointing

another representative to do so), and, as the Speaker, he is the highest ranking officer in the House. As the ranking officer of the House, the Speaker has the responsibility to oversee that the House's consideration of legislation and the enactment of legislation – insofar as the enactment relates to the House and its powers, duties and responsibilities – are carried out as provided by the Constitution and to guard against the abrogation of the rights, powers, and duties vested in the House by the Constitution. Representative Perzel's ability to carry out his duties as Speaker is harmed by the uncertainty as to the meaning of PA. CONST. art. IV, §15 that the Secretary's treatment of HB 1222, PN 3127 has created. In particular, the Secretary's treatment of House Bill 1222, PN 3127 creates immediate uncertainty for the Speaker as to whether further consideration of House Bill 1222 is in order under the Constitution or whether such further consideration is barred because the bill has, in fact, already become law.

7. As the elected Presiding Officers of the Senate and House, Senator Jubelirer and Representative Perzel have an interest in the final vote cast by their respective chambers for the passage of HB 1222, PN 3127.

8. As members of the General Assembly, Senator Jubelirer's and Speaker Perzel's interests in the possibility of having the opportunity to cast a vote as to whether or not to override a veto are harmed by the uncertainty as to the meaning of PA. CONST. art. IV, §15 that the Secretary's treatment of HB 1222, PN 3127 has created.

9. As members of the General Assembly, Senator Jubelirer's and Speaker Perzel's interests in their right to vote on HB 1222, PN 3127 are harmed by the uncertainty as to whether HB 1222, PN 3127 is law and the uncertainty as to the meaning of PA. CONST. art. IV, §15 that the Secretary's treatment of HB 1222, PN 3127 has created.

10. The Pennsylvania Department of State is an agency of the Commonwealth and is located in the North Office Building, Harrisburg, PA.

11. It is the duty of the Department "[t]o record all laws, resolutions, acts, and proceedings, of the General Assembly, and perform all other duties with reference thereto, as

required by law." Section 804(a) of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. §274(a).

12. It is the duty of the Department to record all laws following their final enactment, to assign an act number to each law and to transmit a verification of such to the Legislative Reference Bureau. *See* 4 Pa. Code §141.2(d); 101 Pa. Code §11.11.

13. Pedro A. Cortéz is the Secretary of the Commonwealth and his office address is Pennsylvania Department of State, Room 302 North Office Building, Harrisburg, PA. As Secretary, he is responsible for performing any duties placed by law on him or his office and for ensuring that the duties of the Department are carried out.

14. Monna Accurti is the Commissioner of the Bureau of Commissions, Elections and Legislation ("Bureau") within the Department of State and her office address is Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, Room 210 North Office Building, Harrisburg, PA. As Commissioner, she is responsible for ensuring that duties of the Bureau are carried out.

15. One of the purposes of the Bureau "is to record laws" of the Commonwealth. 4 Pa. Code §141.1(b).

CONSTITUTIONAL PROVISIONS

16. PA. CONST. art. IV, §15 places a legislative responsibility on the Governor. The Governor is presented with every bill that is finally passed by the General Assembly and he may approve or disapprove such a bill within 10 days after presentation. In order for the Governor to disapprove a bill, he must return the bill and his objections to the chamber of the General Assembly in which it originated within 10 days in order to provide the General Assembly with an opportunity to again approve the bill by margins of at least two-thirds, thereby permitting the bill to become law. If the Governor does not return a bill with his objections within 10 days after presentation, the bill will become law, even if the Governor does not approve it, *unless* the "General Assembly, by their adjournment, prevent its return" *and* the Governor, within 30 days of adjournment, files the bill with objections with the Secretary of the Commonwealth and gives

"notice" of the filing of the bill with objections "by public proclamation." PA. CONST. art. IV, §15.

17. Pursuant to PA. CONST. art. II, §4, as amended in 1967, the General Assembly is a continuing body during the term for which its Representatives are elected. The two-year term of a Representative begins on the first day of December following a General Election and ends on the last day of November following the next General Election. *See* PA. CONST. art. II, §§2, 3.

18. During the term of the General Assembly, each chamber has the power to and does customarily recess after each session day and for longer periods. *See* PA. CONST. art. II, §§10, 14. These recesses are commonly called "adjournments" and are also referred to herein as "recess adjournments." Neither chamber can adjourn for more than 3 days without the consent of the other. However, the offices of the Senate and the House remain open during normal business hours during such recess adjournments.

HISTORICAL PRACTICE

19. Whenever a Governor has determined to disapprove a bill, someone in the Governor's office has physically returned the bill with the Governor's objections (typically referred to as a veto message or notice) to the Parliamentarian of the House, if the bill originated in the House, or to the Secretary of the Senate, if the bill originated in the Senate, within 10 calendar days of presentation, even if the originating chamber is (or both chambers are) on a recess adjournment. *See* Tab A (Chart of Dates Of End Of Legislative Sessions And End-Of-Session Vetoes); *See* Tab B (affidavit of Clancy Myer, Parliamentarian of the House) and Tab C (affidavit of Mark Corrigan, Secretary of the Senate).

20. For at least the past twenty-five years, with the exception of an instance in the Ridge administration described below in ¶¶25 to 28, the Governor's Office has always contacted the House or the Senate to make arrangements for the return of a presented bill with the Governor's objections, when their respective offices are or may be closed, and, when contacted, such arrangements have always been made. *See* Tabs B and C.

21. Historically, the General Assembly and Governors have considered that "the General Assembly, by their adjournment, prevent [a bill's] return" only when the General Assembly adjourns *sine die*. See Tab A.

22. While it could adjourn *sine die* at an earlier time, in recent years, the General Assembly has typically adjourned *sine die* only at the end of the General Assembly's term, which is midnight on November 30 of every even-numbered year when the two-year term of all members of the House expires. See PA. CONST. art. II, §§2, 4; Tab A.

23. The last *sine die* adjournment of the General Assembly other than at midnight on November 30 of an even-numbered year occurred on November 26, 1986, pursuant to a concurrent resolution initiating in the Senate that stated:

In the Senate, November 26, 1986

RESOLVED, (the House of Representatives concurring), That this 170th Regular Session of the General Assembly adjourn *Sine Die* on the twenty-sixth day of November, one thousand nine hundred and eighty six, at 4:50 o'clock a.m., Eastern Standard Time.

See LEGISLATIVE JOURNAL – SENATE (Nov. 25, 1986) at 2999; LEGISLATIVE JOURNAL – HOUSE (Nov. 26, 1986) at 2301 (Tab D).

24. When the Senate and the House take a recess adjournment of more than three days, they, pursuant to PA. CONST. art. II, §14, use a concurrent resolution in the following form:

In the Senate, November 18, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, November 25, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further
RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, November 25, 2002, unless sooner recalled by the Speaker of the House of Representatives.

LEGISLATIVE JOURNAL – SENATE (Nov. 18, 2002) at 2325 (Tab E).

25. That the above is the historical practice of the General Assembly and the Governors of the Commonwealth of Pennsylvania is demonstrated by an incident in 1997, when a staffer from Governor Ridge's office failed to return to the Senate (the originating chamber) a capital-budget projects-itemization bill that Governor Ridge sought to disapprove in part on the

9th day after presentation (a Friday) until the 13th day (the Tuesday after the Columbus Day holiday). See LEGISLATIVE JOURNAL – SENATE (Oct. 20, 1997) at 1073-76 (Tab F).

26. When Governor Ridge learned that the delivery had not been made within the 10-day period, he withdrew his veto message. *Id.*

27. At that time, the Minority Leader, Senator Mellow, articulately described the situation and the constitutional requirement:

[T]hat bill had until the next day, which would have been October 11, which would have been 10 days from the day we passed the bill for it to have been submitted to the Senate, since it was a Senate bill, and it would have had to have been received in the office of the Secretary. Now October 11, Mr. President, was a Saturday, and the individual who had received the bill from the Governor, I believe the Governor signed it in the Mansion late on a Friday afternoon, basically should have taken the bill right back to the Senate immediately so that it would have been received by the Secretary of the Senate, or certainly no later than midnight the following evening, which would have been Saturday, October 11. The Constitution provides for that, Mr. President, and that part of the Constitution is very clear.

Id. at 1073-74. And Senator Mellow insisted on discussing the untimely return "because the next time it could take place with a bill that would be very substantive in nature and not necessarily a capital budget, but a bill that the governor may in fact want to veto and because we did not receive it in a timely fashion, that would cause a constitutional problem right here in the Senate."

Id. at 1076. Senator Mellow also offered a suggestion on how the staffer could have made a timely return, even if the Senate had not been alerted in advance and its offices were closed when the staffer arrived:

Now if [the staffer] could not [return the bill] on a Friday afternoon because the Senate may have been closed, the security people in the Capitol, I am sure, could have made the proper contacts so that the individual could have filed the veto message.

Id. at 1075.

28. On Friday, October 10, 1997, the Senate had been in recess, having adjourned on October 7, 1997, see LEGISLATIVE JOURNAL – SENATE (Oct. 7, 1997) at 1060 (Tab G), pursuant to a concurrent resolution that provided:

In the Senate, October 6, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 20, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, October 20, 1997, unless sooner recalled by the Speaker of the House of Representatives.

Legislative Journal – Senate (Oct. 6, 1997) at 1043 (Tab H).

29. Neither chamber of the General Assembly has ever presented a bill to a Governor nor consented to the return of a bill from a Governor by any means other than physical delivery of the bill to either the Parliamentarian of the House or the Secretary of the Senate or their offices. *See* Tabs B & C.

EVENTS SURROUNDING HB 1222, PN 3127

30. HB 1222, PN 3127 was signed in ink by the Speaker of the House on December 18 and by the President of the Senate on December 19, 2003, certifying final passage by each chamber (46-3 in the Senate; 134-53 in the House). *See* Tab B, LEGISLATIVE JOURNAL – HOUSE (Dec. 18, 2003) at 2529 & LEGISLATIVE JOURNAL – SENATE (Dec. 19, 2003) at 1290 (Tab I) for signatures; *see* LEGISLATIVE JOURNAL – SENATE (Dec. 17, 2003) at 1246 & LEGISLATIVE JOURNAL – HOUSE (Dec. 18, 2003) at 2518 for votes (also shown on HB 1222 History (Tab J)).

31. HB 1222, PN 3127 reached the Governor's office on December 22, 2003. *See* HB 1222 History (Tab J).

32. Pursuant to the ten-day time limit imposed by PA. CONST. art. IV, §15, the last day for action by the Governor was Thursday, January 1, 2004. *See* Pa. Atty. Gen. Op. No. 1974-50, 68 Pa. D.&C.2d 43 (1974) (the 10-day period begins the day after presentment and is not tolled by intervening weekends or legal holidays).

33. In accordance with historical practice and with PA. CONST. art. II, §14, the Senate, on Monday, December 15, 2003, adopted the following resolution:

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Tuesday, January 6, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Tuesday, January 6, 2004, unless sooner recalled by the Speaker of the House of Representatives.

See LEGISLATIVE JOURNAL – SENATE (Dec. 15, 2003) at 1229 (Tab K).

34. The House concurred in the resolution on December 16, 2003. *See* Tab B.

35. The House adjourned on December 19, 2003 to the call of the chair (i.e., the Speaker); the House, at the call of the chair, reconvened on December 22, 2003 and, when it concluded its work that day, adjourned until December 23, 2003. On December 23, 2003, the House adjourned until January 6, 2004 at noon, unless sooner recalled by the chair. The offices of the House remained open during these recess adjournments. *See* Tab B.

36. The House, after recessing on December 23rd, did not reconvene (even though, at the call of the Speaker, it could have done so) until the constitutionally-required beginning of the next regular session at noon on January 6, 2004. *See* Tab B.

37. The Senate adjourned on December 20, 2003 until January 6, 2004 at 11:45AM, unless recalled sooner by the President *pro tempore*. *See* LEGISLATIVE JOURNAL – SENATE (Dec. 20, 2003) at 1295 (Tab L). After the House adjourned on December 22, the President *pro tempore* directed the Senate be reconvened on December 23, 2003 to receive communications and for the President of the Senate to sign bills for presentment to the Governor. *See* LEGISLATIVE JOURNAL – SENATE (Dec. 23, 2003) at 1297 (Tab M). After completing its business on December 23rd, the Senate adjourned until January 6, 2004 at 11:45AM, unless recalled sooner by the President *pro tempore*. *See id.* at 1298. The offices of the Senate remained open during those recess adjournments. *See* Tab C.

38. Because the Senate recessed until 11:45AM on January 6, 2004 (and was not recalled), it was still in its 2003 session when it reconvened at 11:45AM on January 6, 2004. *See* LEGISLATIVE JOURNAL – SENATE (Jan. 6, 2004) at 1304 (Tab N).

39. Because the General Assembly is adjourned *sine die* only when both the House and the Senate have concluded a session by adoption of a concurrent *sine die* resolution or the expiration of the terms of the members of the House on November 30th of even-numbered years, the General Assembly remained in session during the recess adjournments of the two chambers.

40. Governor Rendell purported to disapprove HB 1222 on December 31, 2003. *See* 34 Pa.B. 371 (January 17, 2004).

41. While the offices of the House were open on December 31, 2003, they had, with the Speaker's permission, closed early because of the holiday. *See* Tab B.

42. No one from the Governor's office alerted the Parliamentarian's office or the Speaker's office that the Governor wanted to return a bill with a veto notice to the House on December 31, 2003, either before or on December 31, 2003. *See* Tab B.

43. No one from the Governor's office attempted to contact an officer of the House when the House offices were found to be closed on December 31st, even though the time for return of the bill and veto notice did not expire until midnight on January 1, 2004. *See* Tab B.

44. The bill and the Governor's objections were "filed" with the Department of State at 5:58PM on December 31, 2003, an hour when all government offices, including the House and the Department of State, are typically closed.

45. On January 5, 2004, the Parliamentarian, having read about the purported veto in the press, discovered that HB 1222, PN 3127 was not in the House and, through conversations with the Secretary of the Senate, learned that the bill had been taken to and left at the Department of State. The Parliamentarian then placed several calls to the Governor's office (including to the Governor's General Counsel, who did not return his call). When the Parliamentarian finally reached someone at the Governor's Office, he informed that person that the return was late. *See* Tab B.

46. HB 1222, PN 3127, with the Governor's objections, was finally returned to the House on January 5, 2004 at 4:00PM. *See* Tab B.

47. The Governor's General Counsel, in a statement issued January 6, 2004, stated:

Governor Edward G. Rendell properly vetoed House Bill 1222 on December 31, 2003. At the time the Governor vetoed this legislation, the House of Representatives was legally adjourned and the offices of the House of Representatives were closed early for the New Year's Holiday. Accordingly, the Administration's only viable alternative for docketing the vetoed bill and the Governor's objections, within the constitutionally mandated ten-day period, was to file the bill and the veto message with the Office of the Secretary of the

Commonwealth, as provided by Article IV, section 15 of the Constitution of the Commonwealth of Pennsylvania. This occurred at 5:58p.m. December 31, 2003.

See Tab O.

48. The only time PA. CONST. art. IV, §15 provides for the Governor to "file" a bill with the Secretary of the Commonwealth is when the "the General Assembly, by their adjournment, prevent [a bill's] return." In that situation, PA. CONST. art. IV, §15 requires the Governor, if he wishes to disapprove the bill, to, within 30 days following the General Assembly's adjournment, file objections with the Secretary and give notice of the objections by public proclamation.

49. The General Assembly had not adjourned *sine die* on or before December 31, 2003 when, if the Governor intended to disapprove HB 1222, PN 3127, the Governor's office should have returned the bill with the Governor's objections to the House.

50. The House did not by its recess adjournment "prevent the return" of HB 1222 within the meaning of the Constitution, since it is only the General Assembly that can adjourn *sine die* and "prevent the return" of a bill.

51. For at least the past three decades, Governors have physically returned bills with objections (i.e., vetoes) to the offices of the originating chamber within 10 days of presentation, except when the General Assembly has adjourned *sine die* at the end of a term (i.e., no later than November 30 of even-numbered years) when, if the 10 days expires after *sine die* adjournment, the Governor has up to 30 days from the date of adjournment to issue objections. *See* Tab A.

52. The date on Governor Rendell's purported veto notice of HB 1222, PN 3127 is December 31, 2003 (the 9th day after presentation) but it was not returned to the House until January 5, 2004 (the 14th day after presentation).

53. The Department assigned Veto No. 2003-2 to HB 1222, PN 3127, when it should have assigned Act No. 2003-68 to the bill.

54. The veto notice was published in the Pennsylvania Bulletin on Saturday January 17, 2004. *See* 34 Pa.B. 371.

ACTION FOR DECLARATORY JUDGMENT

55. Paragraphs 1-54 are incorporated herein as if set forth in their entirety.

56. PA. CONST. art. IV, §15 places a legislative responsibility on the Governor. The Governor is presented with every bill that is finally passed by the General Assembly and he may approve or disapprove such a bill within 10 days after presentation. In order for the Governor to disapprove a bill, he must return the bill and his objections to the chamber of the General Assembly in which it originated within 10 days in order to provide the General Assembly with an opportunity to again consider the bill (i.e., to override the veto) and for the bill to become law. If the Governor does not return a bill with his objections within 10 days after presentation, the bill will become law, even if the Governor does not approve it, *unless* the "General Assembly, by their adjournment, prevent its return" *and* the Governor, within 30 days of adjournment, files the bill with objections with the Secretary of the Commonwealth and gives "notice" of the filing of the bill with objections "by public proclamation." PA. CONST. art. IV, §15.

57. For at least the last three decades, the term "adjournment" in Article IV, §15 has been considered to refer only to the *sine die* adjournment of the General Assembly, which occurs at midnight on November 30 in even-numbered years (the end of the two-year term of House members that under PA. CONST. art. II, §4 marks the expiration of a term of General Assembly) unless both chambers agree to a concurrent resolution that sets an earlier time and date. *See* Tab A.

58. HB 1222, PN 3127 was presented to the Governor on December 22, 2003, giving the Governor until January 1, 2004 to return the bill and a veto notice to the House. *See* Tab J.

59. HB 1222, PN 3127 and the accompanying veto notice were not returned to the House until January 5, 2004. *See* Tab B.

60. PA. CONST. art. IV, §15 requires physical return of the presented bill, along with the Governor's objections, to the authorized officer of the originating chamber or that officer's

offices, unless the General Assembly prevents the bill's return in 10 days by *sine die* adjournment.

61. The General Assembly was not in adjournment during the ten-day period between the presentation of HB 1222, PN 3127 to the Governor and the last day for return to the House and, therefore the option to file the bill with objections with the Secretary of the Commonwealth within 30 days of the General Assembly's adjournment was not triggered.

62. HB 1222, PN 3127 became a law on January 1, 2004 because it was not returned to the House, the originating chamber, by midnight on January 1, 2004.

MANDAMUS

63. Paragraphs 1-62 are incorporated herein as if set forth in their entirety.

64. The Department has a mandatory, ministerial duty "[t]o record all laws," regardless of how they become law. Section 804 of the Administrative Code of 1929, 71 P.S. §274.

65. One of the purposes of the Bureau is to carry out the Department's mandatory duty to record laws. 4 Pa. Code §141.1(b).

66. The Department, through the Bureau, has a duty to assign act numbers to all laws, regardless of how they become a law, and to notify the Legislative Reference Bureau so that it can fulfill its duty to publish all laws. *See* 4 Pa. Code §141.2(d); 101 Pa. Code §9.128; 101 Pa. Code §11.11.4; 1 Pa.C.S. §1103; 101 Pa. Code §11.21.

67. Because the presented HB 1222, PN 3127, along with the Governor's objections, was in the possession of the Department when the time for return to the House expired, the Department, through the Bureau, should have known the bill became a law on January 1, 2004 and should have assigned it an act number.

68. Senator Jubelirer's duties as President *pro tempore* and Representative Perzel's duties as Speaker, particularly those concerning adjournment and the power to recall a chamber, are impacted by the uncertainty surrounding the status of HB 1222, PN 3127 and the uncertainty

regarding the historical meaning of PA. CONST. art. IV, §15 that the Secretary's treatment of the bill has created.

69. The failure of the Department, the Bureau, the Secretary and the Commissioner to properly apply the Pennsylvania Constitution and fulfill their statutory and regulatory duties can only be remedied by a court order.

NOTICE TO PLEAD

70. Respondents are hereby notified to plead to this petition for review within 30 days from service hereof or a default judgment may be entered against Respondents.

RELIEF

Wherefore, Petitioners respectfully request that this Court declare HB 1222, PN 3127 to be a law and order the Department, Bureau, Secretary and Commissioner to record HB 1222, PN 3127 as a law, assign an act number to HB 1222, PN 3127 and send verification of such to the Director of the Legislative Reference Bureau.

Respectfully submitted,

May 14, 2004

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717.231.4500
717.231.4501 (fax)
Counsel for Petitioners

VERIFICATION

I, Robert C. Jubelirer, verify that, based on knowledge or information and belief, any factual averments in the foregoing Petition For Review In The Nature Of An Action In Mandamus And For Declaratory Judgment are true. This verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

April __, 2004

Robert C. Jubelirer

VERIFICATION

I, John M. Perzel, verify that, based on knowledge or information and belief, any factual averments in the foregoing Petition For Review In The Nature Of An Action In Mandamus And For Declaratory Judgment are true. This verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

April __, 2004

John M. Perzel

CERTIFICATE OF SERVICE

I certify that, on May 14, 2004, I caused the foregoing Petition for Review to be personally served on the following by delivering it to a clerk or other responsible person in each of the offices of the following officials.

Pedro A. Cortéz
Secretary of the Commonwealth
Pennsylvania Department of State
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Monna Accurti
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