

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

DENNIS J. BAYLOR,	:	No. 9 MM 2012
Petitioner	:	
	:	
	:	
	:	PETITION FOR REVIEW OF 2011
	:	FINAL REAPPORTIONMENT PLAN
	:	
	:	
2011 LEGISLATIVE REAPPORTIONMENT:	:	
COMMISSION,	:	
Respondent	:	

**PETITIONER'S FIRST AMENDED PETITION FOR REVIEW OF THE 2011 LEGISLATIVE
REAPPORTIONMENT COMMITTEE FINAL PLAN FILED WITH THE SECRETARY OF
THE COMMONWEALTH DECEMBER 12 2011**

Petitioner Dennis Baylor, pursuant to Rule 1028 (c)(1), Pa.R.C.P. §1028(c) (1) files an amended Petition for Review to address Preliminary Objections filed by the Respondent 2011 Legislative Reapportionment Commission.

1) I have lived in Tilden Township since 1971 and every subsequent reapportionment has foist a new House incumbent on us. We went from residents of the 187th, to being residents of the 124th, to the 125th, and now back to the 124th. When someone by decree tells you who your "elected" official will be, your vote has been debased. I understand it must happen occasionally to make the process work, but to have it happen every reapportionment cheapens our votes.

2) The proposed plan reflects a lack of standards regarding compactness. The isoperimetric quotient is used in geometry to quantify the compactness of a given shape and should be used by the commission to score proposed plans.

3) The proposed plan creates non-contiguous House districts see the attached Exhibit "A" for an example of the 134th, (which is a soon-to-be declared vacant

district, Rep. Richely won a Judgeship the most recent election. A Special Election coincident to reapportionment can raise unresolved due process and unequally weighted votes under the Pa. Election Code.)

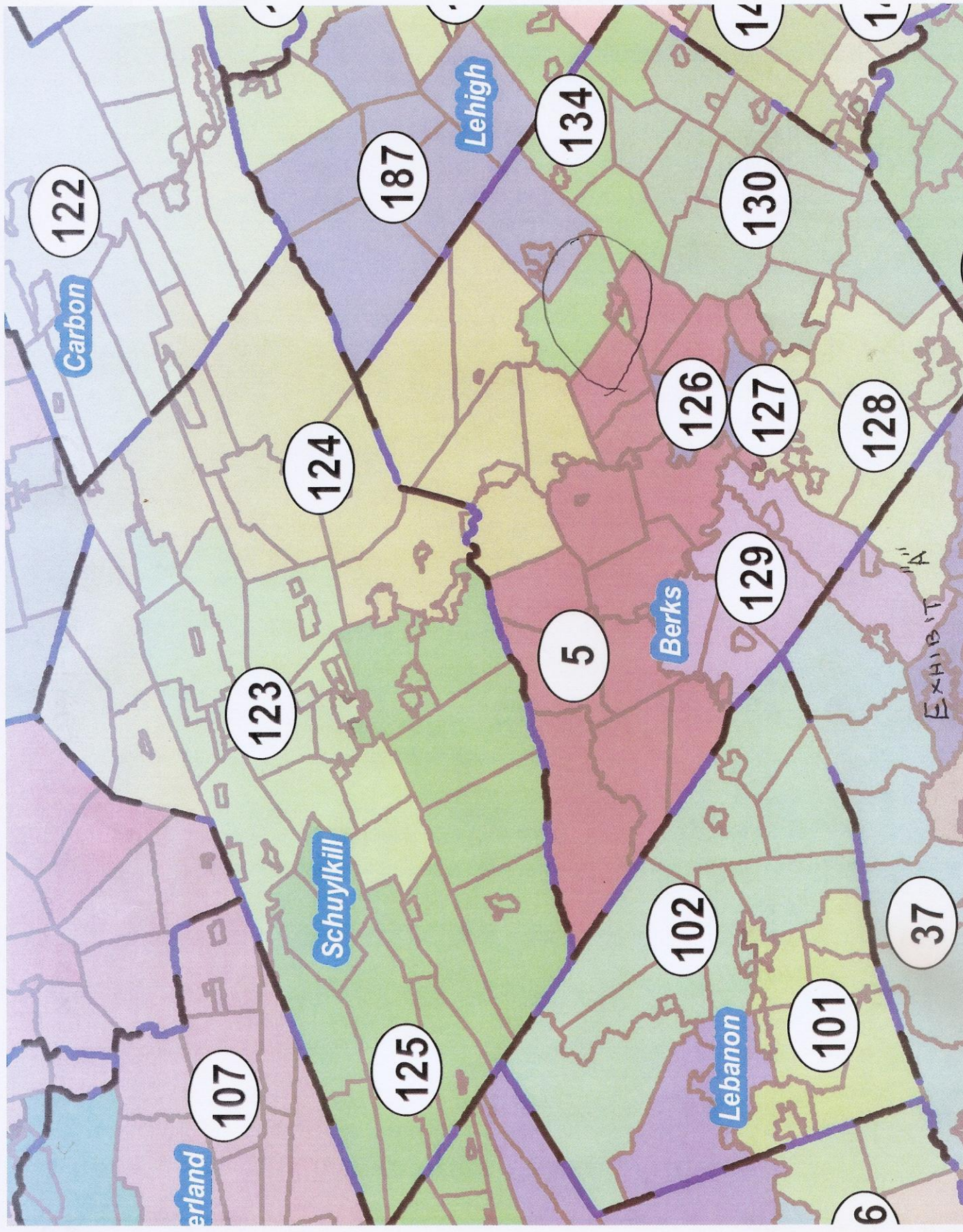
4) The proposed plan needlessly divides Counties, and Communities of Interest in pursuit of the goal of equal district population, to split Berk County with Lehigh County twice, and with Lancaster County twice are examples so clear, as to require no further explanation. School Districts are an obvious Community-of-Interest and the proposed plan fractures every School District in Berks (18) save 1.

5) The proposed plan is advanced in bad faith, see the attached Transcript of the 28th Statewide Investigating Grand Jury Presentment No. 2, part 2 pages 69 through 71, Exhibit "B" http://www.attorneygeneral.gov/uploaded/Files/Press/GJ-Presentment_No2_page64-119.pdf The findings of fact concerning Steve Dull regarding the meeting between Rep. Perzel , his staff and GCR & Associates show the 2001 plan was ready to go as soon as the U.S. Census data was officially released, probably in March or April 2001. Although there is clearly stalling on the part of the Commission (LRC), in the instance of the 2001 LRC they had their Public meeting on the Preliminary Reapportionment Plan October 25, 2001 , and Nominating Petitions circulated the end of February 2002. This reapportionment the Commission is a month behind that in 2001 and Nominating Petitions circulate January 24, 2012, we don't have ambush elections in America. Once again the proposed plan creates two open House seats in Berks.

6) The proposed plan is founded on a tainted database, which, in turn, is the

fruit of criminal activity in direct contravention of Art. II, Sec. 17 of the Commonwealth Constitution which requires that non-partisan U.S. Decennial Census data be used to apportion the commonwealth. See Exhibit "B" page 69, "Dull testified that before the meeting with GCR, Perzel, Preski and Tomaselli explained to him that they identified GCR as an entity to help them win more seats in the legislature and retain Republican majority." Since Rep. Prezel narrowly won reelection in 2000 (By about 100 votes once absentee ballots were counted) he didn't hesitate to interject partisan profiling in the 2001 plan, as evidenced by his post-2001 district . See Exhibit "D". According to Exhibit "B" Rep. Prezel's staff interacted extensively with GCR and other vendors to make partisan voter data a web based database, thereby making it perpetual. See Exhibit "C" , an attempt was made to ascertain the architects of the proposed plan; however, the Commission has not responded.

7) In closing, attached as Exhibit "E" is the CONCURRING OPINION on the 2001 Legislative Reapportionment Plan, authored by Mr. Justice Saylor, and joined by Mr. Justice Eakin and Mr. Justice Castille . Under the foregoing premises I believe the Supreme Court can be persuaded to relinquish the passive role in reviewing the instant plan.



Caucus with both legislative and campaign work. He received a second call and was told that representatives of the caucus wanted to come to New Orleans to further discuss potential work by GCR. Rigamer agreed and the first meeting occurred on February 15, 2001. In anticipation of that meeting, Rigamer prepared a memo for his staff dated February 14, 2001 in which he outlines the type of work the Caucus wanted to explore at the meeting. In pertinent part, the memo states: "On Thursday, we have the House Majority Leader from PA (John Perzel) and his staff in our office to discuss re-districting and the use of our tools to improve campaign initiatives."

The attendees at this initial meeting included Perzel, Preski, Tomaselli, Painter and Steve Dull. Steve Dull worked for over thirty years in the Republican Caucus. He held a variety of positions but had a specialty in reapportionment. At the end of every decade, following the census, the Pennsylvania legislature conducts a fairly brief period of reapportionment in which they re-draw the boundaries of the legislative districts to ensure each has the requisite number of inhabitants. Dull was considered by many to be the most knowledgeable individual in the Republican Caucus on demographic trends, voter patterns and reapportionment issues. Dull testified that before the meeting with GCR, Perzel, Preski and Tomaselli explained to him that they identified GCR as an entity to help them win more seats in the legislature and retain Republican majority. Dull was also told that GCR could help him on redistricting, but Dull was skeptical because he already had the necessary resources for redistricting and the process was well underway.

At the meeting with GCR, Dull stated that it was clear that the real focus of the discussions was what GCR could do in terms of gathering voter data and manipulating this data. Dull described how Perzel liked to go to a lot of campaign seminars to pick up ideas. He

believes that that is where Perzel got the idea for data warehouses and data mining. Dull testified that Perzel was clearly the driving force in the data mining concept of the Caucus. He stated that Perzel would just come into his office at various times and talk to him about these ideas that he had heard at campaign seminars.

Tomaselli and Painter agreed that the discussions at this initial GCR meeting were focused on the establishment of a data warehouse. Tomaselli stated that they went to GCR for the purpose of seeing what kind of work GCR was doing on using technology to evaluate voters and to drive voter turnout. Angele Romig, who was present at this first meeting, stated that the people from the Pennsylvania Caucus were impressed by some of GCR's work on behalf of political candidates and were particularly interested in GCR's field efforts at micro targeting voters in elections. Rigamer testified that "from the beginning" GCR understood that their mission for the Caucus included a campaign piece.

Rigamer testified that Perzel personally negotiated the first contract on behalf of the Caucus. Dull and Tomaselli were shocked when they learned that the primary stated purpose of the first contract was for GCR to assist the caucus in reapportionment. Tomaselli stated that reapportionment assistance was never, in his understanding, part of the work they wanted from GCR. Dull was particularly pointed on this subject. He stated that the Caucus was not lacking in any resources for the reapportionment effort, did not ask for, or require any assistance. He had no role in, or even knowledge of, contract negotiations with GCR about reapportionment issues. He further explained that by the time the contract was signed, the Caucus was already in the middle of the reapportionment approval process. He stated that the significant work was already complete. In addition, GCR did not have any Pennsylvania data that could have assisted in the reapportionment process. Dull had to actually give GCR data about Pennsylvania's legislative

districts and voter demographics. It became clear to Dull that reapportionment was not the true purpose of the contract with GCR.

Meetings continued throughout 2001 in furtherance of Perzel's directives to create technological advantages in Republican campaigns. A number of witnesses testified about these meetings and some of the meeting notes/recaps have been recovered that confirm the nature of these discussions. In a set of meeting notes entitled "GCR project - Recap of meetings with GCR, Wednesday, November 7, 2001", Brian Preski, Greg Rigamer, William Tomaselli, Steve Dull, John Hanley, Jill Seaman, Tony Painter, Don Raymond⁸ and others discussed GCR's political work on behalf of the Caucus. It is clear from the notes that Perzel's envisioned voter database was already under construction at GCR. It is also clear from these discussions that this database would be used for both legislative and campaign purposes. Campaign uses of the data being assembled by GCR are specifically discussed as is GCR assistance to the BlueCard project.

Two days later, there was a "special projects meeting" on November 9, 2001, in Philadelphia. In attendance were John Perzel, Brian Preski, Sheryl Perzel, Bill Tomaselli, Jill Seaman, Buzz Stokes and Ed McKenna.⁹ These meeting notes reflect a mix of legislative and campaign efforts discussed by the group. The largest portion of the notes involves the work by GCR. The notes discussed the fact that GCR is working on the Caucus Constituent Services program that existed at that time, called RepNet. Perzel and Preski expressed frustration that this was interfering with the work they wanted completed on the voter database. The notes state:

⁸ Raymond was, at this time, the Director of the HRCC. He was not an employee of the Caucus.

⁹ McKenna was an employee of the Caucus who specialized in web sites and mass email communications known as "blast" emails.

172nd State House District 1992



172nd State House District 2002



Exhibit "D"

WHEREFORE, all premises considered, Petitioner requests Respondent's Final Plan be remanded with an Order entered ensuring the Commission start from scratch.

Respectfully Submitted

BY:

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Petitioner pro se

VERIFICATION

I, DENNIS BAYLOR, hereby affirm under the penalty of 18 P.S. §4904 related to the unsworn falsification to authorities that the factual statements contained in the foregoing Application are, to the best of my recollection and belief, true and accurate.

CERTIFICATE OF SERVICE

I, Dennis Baylor, petitioner pro se, hereby certify that on this date a true and correct copy of the attached **PETITIONER'S FIRST AMENDED PETITION FOR REVIEW OF THE 2011 LEGILATIVE REAPPORTIONMENT COMMITTEE FINAL PLAN FILED WITH THE SECRETARY OF THE COMMONWEALTH DECEMBER 12 2011** was served on the following parties via electronic mail;

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DATE: January 13, 2012

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