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Attorneys for Petitioners

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|--------------------------------|---|-----------------------|
| LEAGUE OF WOMEN VOTERS OF | : | |
| PENNSYLVANIA and LORRAINE HAW, | : | |
| | : | COMMONWEALTH COURT |
| | : | OF PENNSYLVANIA |
| Petitioners, | : | |
| v. | : | ORIGINAL JURISDICTION |
| | : | |
| | : | No. 578 MD 2019 |
| | : | |
| KATHY BOOCKVAR, THE ACTING | : | |
| SECRETARY OF THE COMMONWEALTH, | : | |
| | : | |
| Respondent. | : | |

**PETITIONERS’ ANSWER TO RESPONDENT PARTY
INTERVENORS’ ANSWER AND NEW MATTER**

Petitioners the League of Women Voters and Lorraine Haw (together,
“Petitioners”) answer the Answer and New Matter of Respondent Party Intervenors

Shameekah Moore, Martin Vickless, Kristin June Irwin, and Kelly Williams, to Petition for Review Addressed to this Court’s Original Jurisdiction (“Respondent Party Intervenors’ Answer and New Matter”) as follows:

55. Paragraph 55 of Respondent Party Intervenors’ Answer and New Matter purports to incorporate by reference the admissions and denials to the Petition for Review in paragraphs 1-54 of their Answer and New Matter. To the extent a response is required, Petitioners incorporate by reference the averments set forth in Paragraphs 1-54 of their Petition for Review.

56. Admitted. By way of further response, during a pre-hearing conference in this matter on October 23, 2019, the parties stipulated that Lorraine Haw, Shameekah Moore, Martin Vickless, Kristin June Irwin, and Kelly Williams are qualified electors of the Commonwealth of Pennsylvania.

57. Admitted.

58. Admitted. By way of further response, during a pre-hearing conference in this matter on October 23, 2019, the parties stipulated that Lorraine Haw, Shameekah Moore, Martin Vickless, Kristin June Irwin, and Kelly Williams are qualified electors of the Commonwealth of Pennsylvania.

59. Admitted.

60. Admitted. By way of further response, during a pre-hearing conference in this matter on October 23, 2019, the parties stipulated that Lorraine

Haw, Shameekah Moore, Martin Vickless, Kristin June Irwin, and Kelly Williams are qualified electors of the Commonwealth of Pennsylvania.

61. Admitted.

62. Admitted. By way of further response, during a pre-hearing conference in this matter on October 23, 2019, the parties stipulated that Lorraine Haw, Shameekah Moore, Martin Vickless, Kristin June Irwin, and Kelly Williams are qualified electors of the Commonwealth of Pennsylvania.

63. Admitted.

64. The averments contained in Paragraph 64 constitute conclusions of law to which no response is required. To the extent a response is required, the averments are denied.

65. The averments contained in Paragraph 65 constitute conclusions of law to which no response is required. To the extent a response is required, the averments are denied. Further responding, the Respondent Party Intervenors are not entitled to vote on an unconstitutional ballot question.

66. The averments contained in Paragraph 66 constitute conclusions of law to which no response is required. To the extent a response is required, the averments are denied. Further responding, the Respondent Party Intervenors are not entitled to vote on an unconstitutional ballot question.

67. The averments contained in Paragraph 67 constitute conclusions of law to which no response is required. To the extent a response is deemed required, the averments are denied as stated. Further responding, the Pennsylvania Supreme Court has held in *Bergdoll v. Kane* that “[t]he right to vote in any election is a personal and individual right, to be exercised in a free and unimpaired manner, in accordance with our Constitution and laws,” and Respondent Party Intervenors are referred to this opinion and holding for a complete and accurate statement of the law. 731 A.2d 1261, 1269 (Pa. 1999) (quoting *Moore v. Shanahan*, 486 P.2d 506, 511 (Kan. 1971)). By way of further response, the Respondent Party Intervenors are not entitled to vote on an unconstitutional ballot question.

68. The averments contained in Paragraph 68 constitute conclusions of law to which no response is required. To the extent a response is deemed required, the averments are denied as stated. Further responding, the Pennsylvania Supreme Court has held in *Bergdoll* that voters may challenge unconstitutional ballot questions because they have a “substantial, direct, and immediate interest” in protecting the “fundamental right to vote,” and Respondent Party Intervenors are referred to this opinion and holding for a complete and accurate statement of the law. *Id.* at 1268. By way of further response, the Respondent Party Intervenors are not entitled to vote on an unconstitutional ballot question.

69. The averments contained in Paragraph 69 constitute conclusions of law to which no response is required. To the extent a response is deemed required, the averments are denied as stated. Further responding, the Pennsylvania Supreme Court has held in *Bergdoll* that the right to vote “is pervasive of other basic civil and political rights, and is the bed-rock of our free political system.” *Id.* at 1269 (quoting *Moore*, 486 P.2d at 511). The Court also held that “it is the right of every elector to vote on amendments to our Constitution in accordance with its provisions.” *Id.* Respondent Party Intervenors are referred to the Court’s opinion and holding in *Bergdoll* for a complete and accurate statement of the law. By way of further response, the Respondent Party Intervenors are not entitled to vote on an unconstitutional ballot question.

70. The averments contained in Paragraph 70 constitute conclusions of law to which no response is required. To the extent a response is required, the averments are denied.

71. The averments contained in Paragraph 71 constitute conclusions of law to which no response is required. To the extent a response is required, the averments are denied.

72. The averments contained in Paragraph 72 constitute conclusions of law to which no response is required. To the extent a response is required, the averments are denied.

73. The averments contained in Paragraph 73 constitute conclusions of law to which no response is required. To the extent a response is required, the averments are denied.

WHEREFORE, Petitioners request that the Court enter judgment in their favor and against Respondent Acting Secretary of the Commonwealth Kathy Boockvar and Respondent Party Intervenors, as requested in Petitioners' Petition for Review.

Respectfully submitted,

Date: November 18, 2019

/s/ Steven E. Bizar

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CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: November 18, 2019

/s/ Tiffany E. Engsell
Tiffany E. Engsell (Pa. 320711)

CERTIFICATE OF SERVICE

I, Tiffany E. Engsell, hereby certify that on November 18, 2019, I caused a true and correct copy of the foregoing document titled Petitioners' Answer to Respondent Party Intervenors' Answer and New Matter to be served via electronic filing to all counsel of record.

Date: November 18, 2019

/s/ Tiffany E. Engsell
Tiffany E. Engsell (Pa. 320711)