

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

LEAGUE OF WOMEN VOTERS OF	:	No. 4 MAP 2021
PENNSYLVANIA, LORRAINE HAW,	:	
AND RONALD L. GREENBLATT,	:	
ESQUIRE	:	
	:	
v.	:	
	:	
VERONICA DEGRAFFENREID, THE	:	
ACTING SECRETARY OF THE	:	
COMMONWEALTH	:	
	:	
APPEAL OF: SHAMEEKAH MOORE,	:	
MARTIN VICKLESS, KRISTIN JUNE	:	
IRWIN AND KELLY WILLIAMS	:	

**OPPOSITION OF APPELLEES LEAGUE OF WOMEN VOTERS OF
PENNSYLVANIA AND LORRAINE HAW AND INTERVENOR RONALD
GREENBLATT TO APPELLANTS’ APPLICATION FOR RELIEF
SEEKING AN EXPEDITED BRIEFING SCHEDULE
AND LISTING FOR ORAL ARGUMENT**

Pursuant to Pa. R.A.P. 123(b) and this Court’s February 19, 2021 Order, Appellees League of Women Voters of Pennsylvania and Lorraine Haw (hereinafter “Petitioners”), as well as Intervenor Ronald Greenblatt, through their undersigned counsel, hereby respectfully request that this Court deny Appellants’ Application for Relief Seeking an Expedited Briefing Schedule and Listing for Oral Argument, and in support thereof, aver as follows:

1. On January 7, 2021, the *en banc* Commonwealth Court held that the proposed amendment known as Joint Resolution 2019-1 (the “Proposed

Amendment”) is unconstitutional. The Commonwealth Court concluded that the Proposed Amendment violates Article XI, Section 1 of the Pennsylvania Constitution because it “impermissibly extends new powers to the General Assembly in violation of the Constitution and facially and substantially amends multiple existing constitutional articles and sections *pertaining to multiple subject matters that are not sufficiently interrelated* to be voted upon as a single constitutional amendment.” *League of Women Voters v. Boockvar*, No. 578 M.D. 2019, 2021 WL 62268, at *9 (Pa. Commw. Ct. Jan. 7, 2021) (plurality op.) (emphasis in original); *id.* at *17-18 (McCullough, J., concurring).

2. As a result, the Commonwealth Court declared that “all votes cast on the Proposed Amendment in the November 2019 general election are invalid,” and it ordered the Secretary of the Commonwealth “not to tabulate or certify any votes cast on the Proposed Amendment.” *See* Order Announcing the Judgment of the Court, No. 578 M.D. 2019, at 1-2 (Jan. 7, 2021) (Application’s Appendix A).

3. The Commonwealth Court’s decision is consistent with that court’s October 30, 2019 ruling that preliminarily enjoined the Secretary of the Commonwealth from tabulating and certifying the votes cast on the Proposed Amendment in the November 2019 election, as well as this Court’s earlier *per curiam* ruling affirming the Commonwealth Court’s October 30, 2019 Order. *League of Women Voters v. Boockvar*, No. 578 M.D. 2019 (Oct. 23, 2019); *League*

of Women Voters v. Boockvar, Nos. 83 MAP 2019, 84 MAP 2019, 219 A.3d 594 (Nov. 4, 2019) (mem.). Indeed, the issue has now been addressed three times by the courts, and each time the courts have enjoined the Proposed Amendment.

4. Appellants have not demonstrated any pressing need to rush this Court’s consideration of a constitutional question that they themselves call “a matter of critical public importance.” Application ¶ 14. Petitioners agree that the protection of our constitutional rights is of paramount importance—which is precisely why Petitioners filed this lawsuit, to ensure that voters are not forced to vote on an unconstitutional amendment that ties together too much in a single question. By definition, most cases heard by this Court present questions of significant consequence. Yet, most cases proceed on the normal schedule established by this Court’s rules. Appellants have provided no material basis for their effort to accelerate this Court’s consideration of these weighty constitutional issues.

5. Nor is there any looming election or external deadline that requires this Court to depart from its normal schedule. This Court expedited briefing on the eve of the November 2019 elections out of necessity, when the Proposed Amendment was on the ballot and thus the Secretary needed to know whether to tabulate and certify the results. Indeed, Petitioner the League of Women Voters of Pennsylvania is often involved in cases related to election issues with actual emergency deadlines

that require those cases to be resolved expeditiously, in advance of an upcoming election. But there are no such timing constraints here; the election has already occurred. Instead, Appellants—like the appellants in nearly every appeal—simply wish to have their case considered and resolved as soon as possible. Rather than tax this Court’s resources to rush this appeal, Petitioners respectfully suggest that the Court should conserve those resources for the cases that actually require expedited consideration.

6. In addition to reducing the time between the close of briefing and oral argument before this Court, the main thrust of Appellants’ application is to preclude Petitioners from requesting an extension of time for their briefs in the ordinary course. Aside from potentially prejudicing Petitioners, Appellants’ request could hamper the ability of potential *amici curiae* to participate in the briefing. In the proceedings below, a number of *amici* filed briefs; those parties and others are likely to file briefs before this Court as well on this important constitutional issue. Rather than impose unnecessary scheduling restrictions, the Court should adhere to its normal procedures for all appeals to allow *amici* participation.

WHEREFORE, for the foregoing reasons, Petitioners League of Women Voters of Pennsylvania and Lorraine Haw, as well as Intervenor Ronald Greenblatt, respectfully request that this honorable Court DENY Appellants' Application for Relief Seeking an Expedited Briefing Schedule and Listing for Oral Argument.

Dated: February 23, 2021

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CERTIFICATE OF SERVICE

I, Steven Bizar, hereby certify that on February 23, 2021, I caused a true and correct copy of the foregoing document titled Opposition Of Appellees League Of Women Voters Of Pennsylvania And Lorraine Haw And Intervenor Ronald Greenblatt To Appellants' Application For Relief Seeking An Expedited Briefing Schedule And Listing For Oral Argument to be served via electronic filing upon all counsel of record.

Dated: February 23, 2021

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that no confidential information is included in this filed document and the filing complies with the Public Access Policy of the Unified Judicial System of Pennsylvania.

Dated: February 23, 2021

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