

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

PENNSYLVANIA DEMOCRATIC PARTY, : No. 133 MM 2020  
NILOFER NINA AHMAD, DANILO :  
BURGOS, AUSTIN DAVIS, DWIGHT :  
EVANS, ISABELLA FITZGERALD, :  
EDWARD GAINEY, MANUEL M. GUZMAN, :  
JR., JORDAN A. HARRIS, ARTHUR :  
HAYWOOD, MALCOLM KENYATTA, :  
PATTY H. KIM, STEPHEN KINSEY, PETER :  
SCHWEYER, SHARIF STREET, AND :  
ANTHONY H. WILLIAMS :

v.

KATHY BOOCKVAR, IN HER CAPACITY :  
AS SECRETARY OF THE :  
COMMONWEALTH OF PENNSYLVANIA; :  
ADAMS COUNTY BOARD OF ELECTIONS; :  
ALLEGHENY COUNTY BOARD OF :  
ELECTIONS; ARMSTRONG COUNTY :  
BOARD OF ELECTIONS; BEAVER :  
COUNTY BOARD OF ELECTIONS; :  
BEDFORD COUNTY BOARD OF :  
ELECTIONS; BERKS COUNTY BOARD OF :  
ELECTIONS; BLAIR COUNTY BOARD OF :  
ELECTIONS; BRADFORD COUNTY :  
BOARD OF ELECTIONS; BUCKS COUNTY :  
BOARD OF ELECTIONS; BUTLER :  
COUNTY BOARD OF ELECTIONS; :  
CAMBRIA COUNTY BOARD OF :  
ELECTIONS; CAMERON COUNTY BOARD :  
OF ELECTIONS; CARBON COUNTY :  
BOARD OF ELECTIONS; CENTRE :  
COUNTY BOARD OF ELECTIONS; :  
CHESTER COUNTY BOARD OF :  
ELECTIONS; CLARION COUNTY BOARD :  
OF ELECTIONS; CLEARFIELD COUNTY :  
BOARD OF ELECTIONS; CLINTON :  
COUNTY BOARD OF ELECTIONS; :  
COLUMBIA COUNTY BOARD OF :  
ELECTIONS; CRAWFORD COUNTY :

BOARD OF ELECTIONS; CUMBERLAND :  
COUNTY BOARD OF ELECTIONS; :  
DAUPHIN COUNTY BOARD OF :  
ELECTIONS; DELAWARE COUNTY :  
BOARD OF ELECTIONS; ELK COUNTY :  
BOARD OF ELECTIONS; ERIE COUNTY :  
BOARD OF ELECTIONS; FAYETTE :  
COUNTY BOARD OF ELECTIONS; :  
FOREST COUNTY BOARD OF :  
ELECTIONS; FRANKLIN COUNTY BOARD :  
OF ELECTIONS; FULTON COUNTY :  
BOARD OF ELECTIONS; GREENE :  
COUNTY BOARD OF ELECTIONS; :  
HUNTINGDON COUNTY BOARD OF :  
ELECTIONS; INDIANA COUNTY BOARD :  
OF ELECTIONS; JEFFERSON COUNTY :  
BOARD OF ELECTIONS; JUNIATA :  
COUNTY BOARD OF ELECTIONS; :  
LACKAWANNA COUNTY BOARD OF :  
ELECTIONS; LANCASTER COUNTY :  
BOARD OF ELECTIONS; LAWRENCE :  
COUNTY BOARD OF ELECTIONS; :  
LEBANON COUNTY BOARD OF :  
ELECTIONS; LEHIGH COUNTY BOARD OF :  
ELECTIONS; LUZERNE COUNTY BOARD :  
OF ELECTIONS; LYCOMING COUNTY :  
BOARD OF ELECTIONS; MCKEAN :  
COUNTY BOARD OF ELECTIONS; :  
MERCER COUNTY BOARD OF :  
ELECTIONS; MIFFLIN COUNTY BOARD :  
OF ELECTIONS; MONROE COUNTY :  
BOARD OF ELECTIONS; MONTGOMERY :  
COUNTY BOARD OF ELECTIONS; :  
MONTOUR COUNTY BOARD OF :  
ELECTIONS; NORTHAMPTON COUNTY :  
BOARD OF ELECTIONS; :  
NORTHUMBERLAND COUNTY BOARD OF :  
ELECTIONS; PERRY COUNTY BOARD OF :  
ELECTIONS; PHILADELPHIA COUNTY :  
BOARD OF ELECTIONS; PIKE COUNTY :  
BOARD OF ELECTIONS; POTTER :  
COUNTY BOARD OF ELECTIONS; :  
SCHUYLKILL COUNTY BOARD OF :  
ELECTIONS; SNYDER COUNTY BOARD :  
OF ELECTIONS; SOMERSET COUNTY :  
BOARD OF ELECTIONS; SULLIVAN :



intervention under these circumstances. See *Hollingsworth v. Perry*, 570 U.S. 693, 707 (2013) (dismissing appeal for lack of standing where petitioners, sponsors of Proposition 8, a constitutional amendment banning same-sex marriage in California, “ha[d] no role—special or otherwise—in the enforcement of” the proposition, and “therefore ha[d] no ‘personal stake’ in defending its enforcement that [wa]s distinguishable from the general interest of every citizen of California”).

In seeking to intervene in defense of a state law, the Republican Party of Pennsylvania can claim only the *prospect* of injury to their political interests, which does not constitute a cognizable basis upon which to intervene in this case. Whether certain or, as in this case, merely conjectured, the political consequences of a decision at odds with a party’s policy preferences is not the law’s concern, only the merit of Petitioners’ constitutional challenges to the legal status quo vis-à-vis the conduct of elections.

Furthermore, even if the party satisfied the requirements of Rule 2327, it is difficult to imagine that the Senate Republican Caucus would fail to represent their interests entirely, and the state GOP offers no theories in that connection. The party enjoys no law-making prerogatives whatsoever; it lacks even an elector’s vote. Its injury is political, not legal, and is secondary to the constitutional questions presented.

In implicitly determining that the Republican Party’s interests in this case satisfy Rule 2327, this Court invites a host of other circumstances in which interest groups can claim the right to intervene based solely on their concern about the secondary effects of a given lawsuit’s outcome. Accordingly, I dissent.