

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

RICHARD A. SPRAGUE, HON. RONALD	:	No. 100 MAP 2016
D. CASTILLE, AND HON. STEPHEN	:	
ZAPPALA, SR.,	:	Appeal from the Order of the
	:	Commonwealth Court dated October 5,
Appellants	:	2016 at No. 517 MD 2016.
	:	
v.	:	
	:	
PEDRO A. CORTES, SECRETARY OF	:	
THE COMMONWEALTH OF	:	
PENNSYLVANIA, IN HIS OFFICIAL	:	
CAPACITY,	:	
	:	
Appellee	:	

OPINION IN SUPPORT OF REVERSAL

JUSTICE DOUGHERTY

DECIDED: October 25, 2016

I view the current controversy as different from the procedural question raised on motion for reconsideration and decided by this Court on September 16, 2016. At this juncture, the issue is whether *res judicata* applies, and as this Court has not answered the substantive question originally presented — whether the ballot language at issue is unconstitutionally misleading — I do not believe a decision on the merits has been rendered by the Court.

Justices Todd and Wecht join this opinion.