

**IN THE
COMMONWEALTH COURT OF PENNSYLVANIA**

LEAGUE OF WOMEN VOTERS OF : No. 578 M.D. 2019
PENNSYLVANIA and LORRAINE :
HAW, :

Petitioners

v.

KATHY BOOCKVAR, THE :
ACTING SECRETARY OF THE :
COMMONWEALTH, :

Respondent

APPLICATION FOR LEAVE TO INTERVENE

Pursuant to Pa.R.A.P. 106, 123 and 1531(b), and Pa.R.C.P. No. 2328,
Proposed Intervenors, Shameekah Moore, Martin Vickless, Kristin June Irwin and
Kelly Williams, hereby seek leave to intervene in these Original Jurisdiction
Petition for Review proceedings as party respondents, and in support thereof, aver
as follows:

1. Proposed Intervenor Shameekah Moore is a qualified elector of the Commonwealth of Pennsylvania, residing in Philadelphia County at 2106 East Cambria Street, Philadelphia, PA 19134, and is registered to vote as a member of the Democratic Party.

2. Proposed Intervenor Shameekah Moore's son was murdered.

3. Proposed Intervenor Martin Vickless is a qualified elector of the Commonwealth of Pennsylvania, residing in Allegheny County at 3930 Dalewood Street, Pittsburgh, PA 15227, and is registered to vote as a member of the Republican Party.

4. Proposed Intervenor Martin Vickless is an advocate for survivors of crime, and his current wife was the victim of domestic violence in a prior relationship.

5. Proposed Intervenor Kristin June Irwin, is a qualified elector of the Commonwealth of Pennsylvania, residing in Allegheny County at 5450 North Broad Street, South Park, PA 15129, and is registered to vote as a member of the Republican Party.

6. Proposed Intervenor Kristin June Irwin is a sexual assault survivor who was not notified of her assailant's criminal court proceedings.

7. Proposed Intervenor Kelly Williams is a qualified elector of the Commonwealth of Pennsylvania, residing in Blair County at 2702 Maple Ave, Altoona, PA 16601, and is registered to vote as a member of the Republican Party.

8. Proposed Intervenor Kelly Williams is a sexual assault survivor and an advocate for sexual assault survivors.

9. As victims of crime and advocates for survivors of crime, Proposed Intervenors have a direct, immediate and substantial interest in ensuring that crime victims are provided with the constitutionally protected rights sought to be enacted in Joint Resolution 2019-1, which would enact a new Section 9.1 to Article I of the Pennsylvania Constitution.

10. As qualified electors of the Commonwealth of Pennsylvania, Proposed Intervenors also have a direct, immediate and substantial interest in the outcome of these Original Jurisdiction Petition for Review proceedings.

11. The interest sought to be protected by Proposed Intervenors if allowed to intervene in these Original Jurisdiction Petition for Review proceedings is the fundamental right to vote.

12. Proposed Intervenors' fundamental right to vote is a personal and individual right, to be exercised in a free and unimpaired manner, in accordance with the Constitution and laws of the Commonwealth.

13. Proposed Intervenors' fundamental right to vote is pervasive of other basic civil and political rights, and is the bedrock of our free political system.

14. It is the right of Proposed Intervenors, and of every elector in the Commonwealth, to vote on proposed amendments to our Constitution in accordance with its provisions—this right is a right, not of force, but of sovereignty.

15. It is every elector's portion of sovereign power to vote on amendments to the Constitution, and since the right of suffrage is a fundamental right, it is the position of Proposed Intervenors that Petitioners' attempt to enjoin the vote on the ballot question here at issue constitutes an improper restriction and infringement of that right that strikes at the heart of orderly constitutional government.

16. Proposed Intervenors thus seek leave to intervene in this matter to protect their fundamental right to vote.

17. As this Application for Leave to Intervene has promptly been filed within a mere seven days after the filing of Petitioners' Original Jurisdiction Petition for Review, no delay of these proceedings or prejudice to any party will be caused by allowing Proposed Intervenors leave to intervene.

18. If permitted to intervene as party respondents, Proposed Intervenors will file in this action the Answer in Opposition to Petitioners' Application for

Special Relief in the Form of a Preliminary Injunction, (attached as Appendix “A” hereto), and the Memorandum of Law in Opposition to Petitioners’ Application for Special Relief in the Form of a Preliminary Injunction, (attached as Appendix “B” hereto), and within the time allowed by Pa.R.A.P. 1516(b), Proposed Intervenors will also file an Answer to Petitioners’ Original Jurisdiction Petition for Review.

19. If permitted to intervene as party respondents, Proposed Intervenors will also adopt by reference in whole Respondent’s Answer to Petitioners’ Application for Special Relief in the Form of a Preliminary Injunction, filed by Respondent in this Court on October 16, 2019.

20. Since this Application for Leave to Intervene, accompanied by the pleadings which Proposed Intervenors will file if allowed to intervene, has been timely filed within the time set by this Honorable Court in the October 15, 2019 Order directing Proposed Intervenors, Stephen A. Zappala, Jr. and Kevin F. McCarthy, to file and serve an application for leave to intervene in compliance with Pa.R.C.P. Nos. 2326-2350, proceedings on the instant Application for Leave to Intervene required by Pa.R.C.P. No. 2329 should also therefore precede the Preliminary Injunction hearing scheduled for October 23, 2019.

21. At the Preliminary Injunction hearing scheduled for October 23, 2019, Proposed Intervenors, Shameekah Moore, Martin Vickless, Kristin June Irwin and Kelly Williams, will be prepared to proceed on Petitioners’ Application for Special

Relief in the Form of a Preliminary Injunction in the event this Application for Leave to Intervene is granted.

22. A copy of this Application for Leave to Intervene is being served on all parties contemporaneous with its filing as set forth in the accompanying Proof of Service, as required by Pa.R.A.P. 1517 and 1531, and Pa.R.C.P. No. 2328.

WHEREFORE, for the foregoing reasons, Proposed Intervenors, Shameekah Moore, Martin Vickless, Kristin June Irwin and Kelly Williams, hereby respectfully request that this Honorable Court GRANT this Application for Leave to Intervene and further DIRECT the Prothonotary of the Commonwealth Court to docket in this action Intervenors' Answer in Opposition to Petitioners' Application for Special Relief in the Form of a Preliminary Injunction, (attached as Appendix "A" hereto), and Intervenors' Memorandum of Law in Opposition to Petitioners' Application for Special Relief in the Form of a Preliminary Injunction, (attached as Appendix "B" hereto).

Furthermore, since this Application for Leave to Intervene and the pleadings which Proposed Intervenors will file if allowed to intervene have been timely filed within the time set by this Honorable Court in the October 15, 2019 Order directing Proposed Intervenors, Stephen A. Zappala, Jr. and Kevin F. McCarthy, to file and serve an application for leave to intervene in compliance with Pa.R.C.P.

Nos. 2326-2350, Proposed Intervenors, Shameekah Moore, Martin Vickless, Kristin June Irwin and Kelly Williams, hereby respectfully request that proceedings on the instant Application for Leave to Intervene required by Pa.R.C.P. No. 2329 precede the Preliminary Injunction hearing scheduled for October 23, 2019. Proposed Intervenors, Shameekah Moore, Martin Vickless, Kristin June Irwin and Kelly Williams, will be prepared to proceed on Petitioners' Application for Special Relief in the Form of a Preliminary Injunction in the event this Application for Leave to Intervene is granted.

Respectfully submitted,

LAMB McERLANE PC


Dated: October 17, 2019

By: /s/ Scot R. Withers
Scot R. Withers
I.D. No. 84309
William R. Christman
I.D. No. 318827
24 E. Market Street, Box 565
West Chester, PA 19381-0565
(610) 430-8000
*Counsel for Proposed Intervenors
Shameekah Moore, Martin Vickless,
Kristin June Irwin and Kelly Williams*

VERIFICATION

I, Shameekah Moore, verify and affirm that the statements made in the foregoing Application for Relief are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: October 17, 2019


Shameekah Moore

VERIFICATION

I, Martin Vickless, verify and affirm that the statements made in the foregoing Application for Relief are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.


Date: October 17, 2019


Martin Vickless

VERIFICATION

I, Kristin June Irwin, verify and affirm that the statements made in the foregoing Application for Relief are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.


Date: October 17, 2019


Kristin June Irwin

VERIFICATION

I, Kelly Williams, verify and affirm that the statements made in the foregoing Application for Relief are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: October 17, 2019


Kelly Williams

PUBLIC ACCESS POLICY CERTIFICATE OF COMPLIANCE

It is hereby certified by the undersigned 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.

LAMB McERLANE PC

Dated: October 17, 2019

By: /s/ Scot R. Withers

Scot R. Withers

I.D. No. 84309

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